

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

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

Sub. H. B. No. 699

**Representatives Calvert, Peterson, Flowers, McGregor, J., Hartnett,
Chandler, Stewart, D., Skindell, Patton, S., Ujvagi**

—

A B I L L

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
122.17, 122.171, 126.11, 131.02, 133.021, 133.07,	3
133.08, 133.20, 151.01, 151.09, 151.10, 151.40,	4
152.09, 152.18, 152.19, 152.21, 152.24, 152.26,	5
154.02, 154.20, 164.04, 169.13, 176.05, 307.695,	6
333.02, 333.04, 340.03, 340.09, 340.12, 715.70,	7
715.81, 1520.02, 1702.01, 1702.08, 1702.11,	8
1702.17, 1702.19, 1702.20, 1702.22, 1702.27,	9
1702.38, 1702.39, 1702.42, 1702.58, 2301.02,	10
2305.26, 2329.07, 2701.06, 3317.013, 3317.022,	11
3317.029, 3317.0217, 3317.03, 3383.01, 3383.07,	12
3706.01, 3770.05, 3770.073, 3905.36, 3931.07,	13
4115.04, 4121.121, 4503.068, 4710.02, 4728.03,	14
4722.14, 4763.03, 4763.05, 4763.06, 4919.76,	15
5107.12, 5111.88, 5115.06, 5119.071, 5119.611,	16
5120.03, 5123.08, 5139.02, 5502.62, 5537.01,	17
5537.02, 5537.03, 5537.10, 5537.17, 5537.24,	18
5537.26, 5537.27, 5537.28, 5701.11, 5709.87,	19
5725.31, 5727.84, 5729.07, 5733.42, 5739.01,	20
5739.09, 5741.101, 5747.39, 5748.01, 5751.01,	21
5751.011, 5751.033, 5910.03, and 5919.31; to enact	22
sections 153.74, 184.191, 3333.34, 5709.083,	23

5713.051, 5748.021, and 5748.081 of the Revised Code; to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, and to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, for the purpose of codifying it as section 3310.41 of the Revised Code; to amend Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly; to amend Sections 203.12.06, 203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 203.27, 203.99, 209.63, and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Sections 243.10 and 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly; to amend the version of section 5502.62 of the Revised Code that is scheduled to take effect April 1, 2007; and to repeal Section 4 of Sub. H.B. 139 of the 126th General Assembly to make capital and other appropriations and to provide authorization and conditions for the operation of state programs.

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

Section 101.01. That sections 3.21, 3.23, 5.10, 9.37, 101.15, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 152.26, 154.02, 154.20, 164.04, 169.13, 176.05, 307.695, 333.02, 333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 1702.01, 1702.08,

1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 1702.27, 1702.38, 53
1702.39, 1702.42, 1702.58, 2301.02, 2305.26, 2329.07, 2701.06, 54
3317.013, 3317.022, 3317.029, 3317.0217, 3317.03, 3383.01, 55
3383.07, 3706.01, 3770.05, 3770.073, 3905.36, 3931.07, 4115.04, 56
4121.121, 4503.068, 4710.02, 4728.03, 4733.14, 4763.03, 4763.05, 57
4763.06, 4919.76, 5107.12, 5111.88, 5115.06, 5119.071, 5119.611, 58
5120.03, 5123.08, 5139.02, 5502.62, 5537.01, 5537.02, 5537.03, 59
5537.10, 5537.17, 5537.24, 5537.26, 5537.27, 5537.28, 5701.11, 60
5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 5739.01, 5739.09, 61
5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 5751.033, 5910.03, 62
and 5919.31 be amended; that Section 206.09.84 of Am. Sub. H.B. 66 63
of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of 64
the 126th General Assembly, be amended and that Section 206.09.84 65
of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by 66
Am. Sub. H.B. 530 of the 126th General Assembly, be amended for 67
the purpose of codifying it as section 3310.41 of the Revised Code 68
and sections 153.74, 184.191, 3333.34, 5709.083, 5713.051, 69
5748.021, and 5748.081 of the Revised Code be enacted to read as 70
follows: 71

Sec. 3.21. A Subject to any section of the Revised Code that 72
prescribes the form of an oath, a person may be sworn in any form 73
he the person deems binding on ~~his~~ the person's conscience. 74

Sec. 3.23. The oath of office of each judge of a court of 75
record shall be to support the constitution of the United States 76
and the constitution of this state, to administer justice without 77
respect to persons, and faithfully and impartially to discharge 78
and perform all the duties incumbent on ~~him~~ the person as such 79
judge, according to the best of ~~his~~ the person's ability and 80
understanding. The oath of office of every other officer, deputy, 81
or clerk shall be to support the constitution of the United States 82

and the constitution of this state, and faithfully to discharge 83
the duties of ~~his~~ the office. 84

Except for justices of the supreme court as provided in 85
section 2701.05 of the Revised Code, each judge of a court of 86
record shall take the oath of office on or before the first day of 87
the judge's official term. The judge shall transmit a certificate 88
of oath, signed by the person administering the oath, to the clerk 89
of the respective court and shall transmit a copy of the 90
certificate of oath to the supreme court. The certificate of oath 91
shall state the term of office for that judge, including the 92
beginning and ending dates of that term. If the certificate of 93
oath is not transmitted to the clerk of the court within twenty 94
days from the first day of the judge's official term, the judge is 95
deemed to have refused to accept the office, and that office shall 96
be considered vacant. The clerk of the court forthwith shall 97
certify that fact to the governor and the governor shall fill the 98
vacancy. 99

The oath of office of a judge under this section shall be 100
taken in a form that is substantially similar to the following: 101

"I, (name), do solemnly swear that I will support the 102
Constitution of the United States and the Constitution of Ohio, 103
will administer justice without respect to persons, and will 104
faithfully and impartially discharge and perform all of the duties 105
incumbent upon me as (name of office) according to the best of my 106
ability and understanding. [This I do as I shall answer unto 107
God.]" 108

Sec. 5.10. All official seals shall have engraved thereon the 109
coat of arms of the state, as described in section 5.04 of the 110
Revised Code. 111

The great seal of the state shall be two and one-half inches 112
in diameter and shall consist of the coat of arms of the state 113

within a circle having a diameter of one and three-fourths inches, 114
surrounded by the words "THE GREAT SEAL OF THE STATE OF OHIO" in 115
news gothic capitals. The great seal of the state shall correspond 116
substantially with the following design: 117

118
The design of the great seal shall not be reproduced, except 119
as required by any provision of the Ohio Constitution and the 120
Revised Code, unless permission to do so is first obtained from 121
the governor. The governor may authorize reproduction of the 122
design of the great seal when the purpose is to: 123

(A) Permit publication of a reproduction of the great seal of 124
the state of Ohio; 125

(B) Aid educational or historical programs; 126

(C) Promote the economic or cultural development of the state 127
in a manner deemed appropriate by the governor. 128

A permanent record shall be kept in the governor's office of 129
each permit to reproduce the design of the great seal. 130

No person shall use or permit to be used any reproduction or 131
facsimile of the great seal or a counterfeit or nonofficial 132
version of the great seal for any purpose not authorized by the 133
governor. 134

The seal of the supreme court shall consist of the coat of 135
arms of the state within a circle one and ~~three-fourths~~ one-half 136
inches in diameter and shall be surrounded by the words "THE 137
SUPREME COURT OF THE STATE OF OHIO." 138

The seal of each court of appeals, court of common pleas, and 139
probate court shall consist of the coat of arms of the state 140
within a circle one and one-fourth inches in diameter, and each 141
seal shall be surrounded by the words "COURT OF APPEALS, 142
..... County, Ohio"; "COMMON PLEAS COURT, 143

..... County, Ohio"; or "PROBATE COURT,	144
..... County, Ohio."	145
(Insert the name of the proper county.)	146
The seals of all other courts of record shall be of the same	147
size as the seal of the court of common pleas, and each shall be	148
surrounded by the proper name of the court.	149
The seal of the secretary of state shall consist of the coat	150
of arms of the state within a circle one and one-fourth inches in	151
diameter and shall be surrounded by the words "THE SEAL OF THE	152
SECRETARY OF STATE OF OHIO."	153
The seal of the auditor of state shall consist of the coat of	154
arms of the state within a circle of one and one-fourth inches in	155
diameter, and shall be surrounded by the words "THE SEAL OF THE	156
AUDITOR OF STATE OF OHIO."	157
The seal of the treasurer of state shall consist of the coat	158
of arms of the state within a circle one and one-fourth inches in	159
diameter, and shall be surrounded by the words "THE SEAL OF THE	160
TREASURER OF STATE OF OHIO."	161
The seal of the lieutenant governor shall consist of the coat	162
of arms of the state within a circle one and one-fourth inches in	163
diameter and shall be surrounded by the words "THE SEAL OF THE	164
LIEUTENANT GOVERNOR OF STATE OF OHIO."	165
The seal of the attorney general shall consist of the coat of	166
arms of the state within a circle one and one-fourth inches in	167
diameter and shall be surrounded by the words "THE SEAL OF THE	168
ATTORNEY GENERAL OF STATE OF OHIO."	169
The seal of each benevolent institution shall consist of the	170
coat of arms of the state within a circle one and one-fourth	171
inches in diameter and shall be surrounded by the proper name of	172
the institution.	173

The seals of all other state, county, and municipal agencies, 174
divisions, boards and commissions shall consist of the coat of 175
arms of the state within a circle one and one-fourth inches in 176
diameter and shall be surrounded by the proper name of the office. 177

All seals mentioned in this section shall contain the words 178
and devices mentioned in this section and no other. 179

Sec. 9.37. (A) As used in this section, "public official" 180
means any elected or appointed officer, employee, or agent of the 181
state, any state institution of higher education, any political 182
subdivision, board, commission, bureau, or other public body 183
established by law. "State institution of higher education" means 184
any state university or college as defined in division (A)(1) of 185
section 3345.12 of the Revised Code, community college, state 186
community college, university branch, or technical college. 187

(B) Except as provided in division (F) of this section, any 188
public official may make by direct deposit of funds by electronic 189
transfer, if the payee provides a written authorization 190
designating a financial institution and an account number to which 191
the payment is to be credited, any payment such public official is 192
permitted or required by law in the performance of official duties 193
to make by issuing a check or warrant. 194

(C) Such public official may contract with a financial 195
institution for the services necessary to make direct deposits and 196
draw lump-sum checks or warrants payable to that institution in 197
the amount of the payments to be transferred. 198

(D) Before making any direct deposit as authorized under this 199
section, the public official shall ascertain that the account from 200
which the payment is to be made contains sufficient funds to cover 201
the amount of the payment. 202

(E) If the issuance of checks and warrants by a public 203

official requires authorization by a governing board, commission, 204
bureau, or other public body having jurisdiction over the public 205
official, the public official may only make direct deposits and 206
contracts under this section pursuant to a resolution of 207
authorization duly adopted by such governing board, commission, 208
bureau, or other public body. 209

(F) Pursuant to sections 307.55, 319.16, and 321.15 of the 210
Revised Code, a county auditor may issue, and a county treasurer 211
may redeem, electronic warrants authorizing direct deposit for 212
payment of county obligations in accordance with rules adopted by 213
the ~~auditor~~ director of state budget and management pursuant to 214
~~section 117.20~~ Chapter 119. of the Revised Code. 215

Sec. 101.15. (A) As used in this section: 216

(1) "Caucus" means all of the members of either house of the 217
general assembly who are members of the same political party or 218
members of a committee of the house of representatives who are 219
members of the same political party. 220

(2) "Committee" means any committee of either house of the 221
general assembly, a joint committee of both houses of the general 222
assembly, including a committee of conference, or a subcommittee 223
of any committee listed in division (A)(2) of this section. 224

(3) "Meeting" means any prearranged discussion of the public 225
business of a committee by a majority of its members. 226

(B) Except as otherwise provided in division (F) of this 227
section, all meetings of any committee are declared to be public 228
meetings open to the public at all times. The secretary assigned 229
to the chairperson of the committee shall prepare, file, and 230
maintain the minutes of every regular or special meeting of a 231
committee. The committee, at its next regular or special meeting, 232
shall approve the minutes prepared, filed, and maintained by the 233

secretary, or, if the minutes prepared, filed, and maintained by 234
the secretary require correction before their approval, the 235
committee shall correct and approve the minutes at the next 236
following regular or special meeting. The committee shall make the 237
minutes available for public inspection not later than seven days 238
after the meeting the minutes reflect or not later than the 239
committee's next regular or special meeting, whichever occurs 240
first. 241

(C) Each committee shall establish a reasonable method 242
whereby any person may determine the time and place of all 243
regularly scheduled meetings and the time, place, and purpose of 244
all special meetings. No committee shall hold a regular or special 245
meeting unless it gives at least twenty-four hours' advance notice 246
to the news media that have requested notification. 247

The method established by each committee shall provide that, 248
upon request and payment of a reasonable fee, any person may 249
obtain reasonable advance notification of all meetings at which 250
any specific type of public business will be discussed. Provisions 251
for advance notification may include, but are not limited to, 252
mailing the agenda of meetings to all subscribers on a mailing 253
list or mailing notices in self-addressed stamped envelopes 254
provided by the person who desires advance notification. 255

(D) Any action of a committee relating to a bill or 256
resolution, or any other formal action of a committee, is invalid 257
unless taken in an open meeting of the committee. Any action of a 258
committee relating to a bill or resolution, or any other formal 259
action of a committee, taken in an open meeting is invalid if it 260
results from deliberations in a meeting not open to the public. 261

(E)(1) Any person may bring an action to enforce this 262
section. An action under this division shall be brought within two 263
years after the date of the alleged violation or threatened 264

violation. Upon proof of a violation or threatened violation of 265
this section in an action brought by any person, the court of 266
common pleas shall issue an injunction to compel the members of 267
the committee to comply with its provisions. 268

(2)(a) If the court of common pleas issues an injunction 269
under division (E)(1) of this section, the court shall order the 270
committee that it enjoins to pay a civil forfeiture of five 271
hundred dollars to the party that sought the injunction and shall 272
award to that party all court costs and, subject to reduction as 273
described in this division, reasonable attorney's fees. The court, 274
in its discretion, may reduce an award of attorney's fees to the 275
party that sought the injunction or not award attorney's fees to 276
that party if the court determines both of the following: 277

(i) That, based on the ordinary application of statutory law 278
and case law as it existed at the time of the violation or 279
threatened violation that was the basis of the injunction, a 280
well-informed committee reasonably would believe that the 281
committee was not violating or threatening to violate this 282
section; 283

(ii) That a well-informed committee reasonably would believe 284
that the conduct or threatened conduct that was the basis of the 285
injunction would serve the public policy that underlies the 286
authority that is asserted as permitting that conduct or 287
threatened conduct. 288

(b) If the court of common pleas does not issue an injunction 289
under division (E)(1) of this section and the court determines at 290
that time that the bringing of the action was frivolous conduct as 291
defined in division (A) of section 2323.51 of the Revised Code, 292
the court shall award to the committee all court costs and 293
reasonable attorney's fees, as determined by the court. 294

(3) Irreparable harm and prejudice to the party that sought 295

the injunction shall be conclusively and irrebuttably presumed 296
upon proof of a violation or threatened violation of this section. 297

(4) A member of a committee who knowingly violates an 298
injunction issued under division (E)(1) of this section may be 299
removed from office by an action brought in the court of common 300
pleas for that purpose by the prosecuting attorney of Franklin 301
county or by the attorney general. 302

(5) The remedies described in divisions (E)(1) to (4) of this 303
section shall be the exclusive remedies for a violation of this 304
section. 305

(F) This section does not apply to or affect either of the 306
following: 307

(1) All meetings of the joint legislative ethics committee 308
created under section 101.34 of the Revised Code other than a 309
meeting that is held for any of the following purposes: 310

(a) To consider the adoption, amendment, or ~~recission~~ 311
rescission of any rule that the joint legislative ethics committee 312
is authorized to adopt pursuant to division (B)(11) of section 313
101.34, division (E) of section 101.78, division (B) of section 314
102.02, or division (E) of section 121.68 of the Revised Code; 315

(b) To discuss and consider changes to any administrative 316
operation of the joint legislative ethics committee other than any 317
matter described in division (G) of section 121.22 of the Revised 318
Code; 319

(c) To discuss pending or proposed legislation. 320

(2) Meetings of a caucus. 321

(G) For purposes of division (F)(1)(a) of this section, an 322
advisory opinion, written opinion, or decision relative to a 323
complaint is not a rule. 324

Sec. 101.34. (A) There is hereby created a joint legislative 325
ethics committee to serve the general assembly. The committee 326
shall be composed of twelve members, six each from the two major 327
political parties, and each member shall serve on the committee 328
during the member's term as a member of that general assembly. Six 329
members of the committee shall be members of the house of 330
representatives appointed by the speaker of the house of 331
representatives, not more than three from the same political 332
party, and six members of the committee shall be members of the 333
senate appointed by the president of the senate, not more than 334
three from the same political party. A vacancy in the committee 335
shall be filled for the unexpired term in the same manner as an 336
original appointment. The members of the committee shall be 337
appointed within fifteen days after the first day of the first 338
regular session of each general assembly and the committee shall 339
meet and proceed to recommend an ethics code not later than thirty 340
days after the first day of the first regular session of each 341
general assembly. 342

In the first regular session of each general assembly, the 343
speaker of the house of representatives shall appoint the 344
chairperson of the committee from among the house members of the 345
committee, and the president of the senate shall appoint the 346
vice-chairperson of the committee from among the senate members of 347
the committee. In the second regular session of each general 348
assembly, the president of the senate shall appoint the 349
chairperson of the committee from among the senate members of the 350
committee, and the speaker of the house of representatives shall 351
appoint the vice-chairperson of the committee from among the house 352
members of the committee. The chairperson, vice-chairperson, and 353
members of the committee shall serve until their respective 354
successors are appointed or until they are no longer members of 355
the general assembly. 356

The committee shall meet at the call of the chairperson or 357
upon the written request of seven members of the committee. 358

(B) The joint legislative ethics committee: 359

(1) Shall recommend a code of ethics that is consistent with 360
law to govern all members and employees of each house of the 361
general assembly and all candidates for the office of member of 362
each house; 363

(2) May receive and hear any complaint that alleges a breach 364
of any privilege of either house, or misconduct of any member, 365
employee, or candidate, or any violation of the appropriate code 366
of ethics; 367

(3) May obtain information with respect to any complaint 368
filed pursuant to this section and to that end may enforce the 369
attendance and testimony of witnesses, and the production of books 370
and papers; 371

(4) May recommend whatever sanction is appropriate with 372
respect to a particular member, employee, or candidate as will 373
best maintain in the minds of the public a good opinion of the 374
conduct and character of members and employees of the general 375
assembly; 376

(5) May recommend legislation to the general assembly 377
relating to the conduct and ethics of members and employees of and 378
candidates for the general assembly; 379

(6) Shall employ an executive director for the committee and 380
may employ other staff as the committee determines necessary to 381
assist it in exercising its powers and duties. The executive 382
director and staff of the committee shall be known as the office 383
of legislative inspector general. At least one member of the staff 384
of the committee shall be an attorney at law licensed to practice 385
law in this state. The appointment and removal of the executive 386

director shall require the approval of at least eight members of
the committee. 387
388

(7) May employ a special counsel to assist the committee in 389
exercising its powers and duties. The appointment and removal of a 390
special counsel shall require the approval of at least eight 391
members of the committee. 392

(8) Shall act as an advisory body to the general assembly and 393
to individual members, candidates, and employees on questions 394
relating to ethics, possible conflicts of interest, and financial 395
disclosure; 396

(9) Shall provide for the proper forms on which a statement 397
required pursuant to section 102.02 or 102.021 of the Revised Code 398
shall be filed and instructions as to the filing of the statement; 399

(10) Exercise the powers and duties prescribed under sections 400
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 401
sections 121.60 to 121.69 of the Revised Code; 402

(11) Adopt, in accordance with section 111.15 of the Revised 403
Code, any rules that are necessary to implement and clarify 404
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 405

(C) There is hereby created in the state treasury the joint 406
legislative ethics committee fund. All money collected from 407
registration fees and late filing fees prescribed under sections 408
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 409
into the state treasury to the credit of the fund. Money credited 410
to the fund and any interest and earnings from the fund shall be 411
used solely for the operation of the joint legislative ethics 412
committee and the office of legislative inspector general and for 413
the purchase of data storage and computerization facilities for 414
the statements filed with the committee under sections 101.73, 415
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 416

(D) The chairperson of the joint legislative ethics committee 417
shall issue a written report, not later than the thirty-first day 418
of January of each year, to the speaker and minority leader of the 419
house of representatives and to the president and minority leader 420
of the senate that lists the number of committee meetings and 421
investigations the committee conducted during the immediately 422
preceding calendar year and the number of advisory opinions it 423
issued during the immediately preceding calendar year. 424

(E) Any investigative report that contains facts and findings 425
regarding a complaint filed with the joint legislative ethics 426
committee and that is prepared by the staff of the committee or a 427
special counsel to the committee shall become a public record upon 428
its acceptance by a vote of the majority of the members of the 429
committee, except for any names of specific individuals and 430
entities contained in the report. If the committee recommends 431
disciplinary action or reports its findings to the appropriate 432
prosecuting authority for proceedings in prosecution of the 433
violations alleged in the complaint, the investigatory report 434
regarding the complaint shall become a public record in its 435
entirety. 436

(F)(1) Any file obtained by or in the possession of the 437
former house ethics committee or former senate ethics committee 438
shall become the property of the joint legislative ethics 439
committee. Any such file is confidential if either of the 440
following applies: 441

(a) It is confidential under section 102.06 of the Revised 442
Code or the legislative code of ethics. 443

(b) If the file was obtained from the former house ethics 444
committee or from the former senate ethics committee, it was 445
confidential under any statute or any provision of a code of 446
ethics that governed the file. 447

(2) As used in this division, "file" includes, but is not 448
limited to, evidence, documentation, or any other tangible thing. 449

Sec. 101.72. (A) Each legislative agent and employer, within 450
ten days following an engagement of a legislative agent, shall 451
file with the joint legislative ethics committee an initial 452
registration statement showing all of the following: 453

(1) The name, business address, and occupation of the 454
legislative agent; 455

(2) The name and business address of the employer and the 456
real party in interest on whose behalf the legislative agent is 457
actively advocating, if it is different from the employer. For the 458
purposes of division (A) of this section, where a trade 459
association or other charitable or fraternal organization that is 460
exempt from federal income taxation under subsection 501(c) of the 461
federal Internal Revenue Code is the employer, the statement need 462
not list the names and addresses of each member of the association 463
or organization, so long as the association or organization itself 464
is listed. 465

(3) A brief description of the type of legislation to which 466
the engagement relates. 467

(B) In addition to the initial registration statement 468
required by division (A) of this section, each legislative agent 469
and employer shall file with the joint committee, not later than 470
the last day of January, May, and September of each year, an 471
updated registration statement that confirms the continuing 472
existence of each engagement described in an initial registration 473
statement and that lists the specific bills or resolutions on 474
which the agent actively advocated under that engagement during 475
the period covered by the updated statement, and with it any 476
statement of expenditures required to be filed by section 101.73 477

of the Revised Code and any details of financial transactions 478
required to be filed by section 101.74 of the Revised Code. 479

(C) If a legislative agent is engaged by more than one 480
employer, the agent shall file a separate initial and updated 481
registration statement for each engagement. If an employer engages 482
more than one legislative agent, the employer need file only one 483
updated registration statement under division (B) of this section, 484
which shall contain the information required by division (B) of 485
this section regarding all of the legislative agents engaged by 486
the employer. 487

(D)(1) A change in any information required by division 488
(A)(1), (2), or (B) of this section shall be reflected in the next 489
updated registration statement filed under division (B) of this 490
section. 491

(2) Within thirty days after the termination of an 492
engagement, the legislative agent who was employed under the 493
engagement shall send written notification of the termination to 494
the joint committee. 495

(E) Except as otherwise provided in this division, a 496
registration fee of twenty-five dollars shall be charged for 497
filing an initial registration statement. All money collected from 498
registration fees under this division and late filing fees under 499
division (G) of this section shall be deposited into the ~~general~~ 500
~~revenue fund of the state~~ treasury to the credit of the joint 501
legislative ethics committee fund created under section 101.34 of 502
the Revised Code. 503

An officer or employee of a state agency who actively 504
advocates in a fiduciary capacity as a representative of that 505
state agency need not pay the registration fee prescribed by this 506
division or file expenditure statements under section 101.73 of 507
the Revised Code. As used in this division, "state agency" does 508

not include a state institution of higher education as defined in 509
section 3345.011 of the Revised Code. 510

(F) Upon registration pursuant to division (A) of this 511
section, the legislative agent shall be issued a card by the joint 512
committee showing that the legislative agent is registered. The 513
registration card and the legislative agent's registration shall 514
be valid from the date of their issuance until the next 515
thirty-first day of December of an even-numbered year. 516

(G) The executive director of the joint committee shall be 517
responsible for reviewing each registration statement filed with 518
the joint committee under this section and for determining whether 519
the statement contains all of the information required by this 520
section. If the joint committee determines that the registration 521
statement does not contain all of the required information or that 522
a legislative agent or employer has failed to file a registration 523
statement, the joint committee shall send written notification by 524
certified mail to the person who filed the registration statement 525
regarding the deficiency in the statement or to the person who 526
failed to file the registration statement regarding the failure. 527
Any person so notified by the joint committee shall, not later 528
than fifteen days after receiving the notice, file a registration 529
statement or an amended registration statement that does contain 530
all of the information required by this section. If any person who 531
receives a notice under this division fails to file a registration 532
statement or such an amended registration statement within this 533
fifteen-day period, the joint committee shall assess a late filing 534
fee equal to twelve dollars and fifty cents per day, up to a 535
maximum of one hundred dollars, upon that person. The joint 536
committee may waive the late filing fee for good cause shown. 537

(H) On or before the fifteenth day of March of each year, the 538
joint committee shall, in the manner and form that it determines, 539
publish a report containing statistical information on the 540

registration statements filed with it under this section during 541
the preceding year. 542

Sec. 101.83. (A) An agency in existence on January 1, 2005, 543
shall expire on December 31, 2010, unless the agency is renewed in 544
accordance with division (D) of this section and, if so renewed, 545
shall expire thereafter on the thirty-first day of December of the 546
fourth year after the year in which it was most recently renewed 547
unless the agency is renewed in accordance with division (D) of 548
this section. An agency created after January 1, 2005, that is 549
created on the thirty-first day of December shall expire not later 550
than four years after its creation, unless the agency is renewed 551
in accordance with division (D) of this section. An agency created 552
after January 1, 2005, that is created on any other date shall be 553
considered for the purpose of this section to have been created on 554
the preceding thirty-first day of December, and the agency shall 555
expire not later than four years after the date it was considered 556
to have been created, unless the agency is renewed in accordance 557
with division (D) of this section. Any act creating or renewing an 558
agency shall contain a distinct section providing a specific 559
expiration date for the agency in accordance with this division. 560

(B) If the general assembly does not renew or transfer an 561
agency on or before its expiration date, it shall expire on that 562
date. 563

The ~~auditor~~ director of ~~state~~ budget and management shall not 564
authorize the expenditure of any moneys for any agency on or after 565
the date of its expiration. 566

(C) The general assembly may provide by law for the orderly, 567
efficient, and expeditious conclusion of an agency's business and 568
operation. The rules, orders, licenses, contracts, and other 569
actions made, taken, granted, or performed by the agency shall 570
continue in effect according to their terms notwithstanding the 571

agency's abolition, unless the general assembly provides otherwise 572
by law. The general assembly may provide by law for the temporary 573
or permanent transfer of some or all of a terminated or 574
transferred agency's functions and personnel to a successor agency 575
or officer. 576

The abolition, termination, or transfer of an agency shall 577
not cause the termination or dismissal of any claim pending 578
against the agency by any person, or any claim pending against any 579
person by the agency. Unless the general assembly provides 580
otherwise by law for the substitution of parties, the attorney 581
general shall succeed the agency with reference to any pending 582
claim. 583

(D) An agency may be renewed by passage of a bill that 584
continues the statutes creating and empowering the agency, that 585
amends or repeals those statutes, or that enacts new statutes, to 586
improve agency usefulness, performance, or effectiveness. 587

Sec. 101.92. (A) Each retirement system lobbyist and each 588
employer shall file with the joint legislative ethics committee, 589
within ten days following the engagement of a retirement system 590
lobbyist, an initial registration statement showing all of the 591
following: 592

(1) The name, business address, and occupation of the 593
retirement system lobbyist; 594

(2) The name and business address of the employer or of the 595
real party in interest on whose behalf the retirement system 596
lobbyist is acting, if it is different from the employer. For the 597
purposes of division (A) of this section, where a trade 598
association or other charitable or fraternal organization that is 599
exempt from federal income taxation under subsection 501(c) of the 600
federal Internal Revenue Code is the employer, the statement need 601

not list the names and addresses of every member of the 602
association or organization, so long as the association or 603
organization itself is listed. 604

(3) A brief description of the retirement system decision to 605
which the engagement relates; 606

(4) The name of the retirement system or systems to which the 607
engagement relates. 608

(B) In addition to the initial registration statement 609
required by division (A) of this section, each retirement system 610
lobbyist and employer shall file with the joint committee, not 611
later than the last day of January, May, and September of each 612
year, an updated registration statement that confirms the 613
continuing existence of each engagement described in an initial 614
registration statement and that lists the specific retirement 615
system decisions that the lobbyist sought to influence under the 616
engagement during the period covered by the updated statement, and 617
with it any statement of expenditures required to be filed by 618
section 101.93 of the Revised Code and any details of financial 619
transactions required to be filed by section 101.94 of the Revised 620
Code. 621

(C) If a retirement system lobbyist is engaged by more than 622
one employer, the lobbyist shall file a separate initial and 623
updated registration statement for each engagement. If an employer 624
engages more than one retirement system lobbyist, the employer 625
need file only one updated registration statement under division 626
(B) of this section, which shall contain the information required 627
by division (B) of this section regarding all of the retirement 628
system lobbyists engaged by the employer. 629

(D)(1) A change in any information required by division 630
(A)(1), (2), or (B) of this section shall be reflected in the next 631
updated registration statement filed under division (B) of this 632

section.

633

(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.

634

635

636

637

(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.

638

639

640

641

642

643

644

(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.

645

646

647

648

649

650

651

(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

652

653

654

655

656

657

658

659

660

661

662

663

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.

(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.

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 695
otherwise obtained by the state for the governor's residence and 696
that have been approved by the commission. In addition, the 697
commission shall provide for the maintenance of plants that have 698
been acquired, donated, loaned, or otherwise obtained by the state 699
for the governor's residence and that have been approved by the 700
commission. 701

(B) The commission shall be responsible for the care, 702
provision, repair, and placement of furnishings and other objects 703
and accessories of the grounds and public areas of the first story 704
of the governor's residence and for the care and placement of 705
plants on the grounds. In exercising this responsibility, the 706
commission shall preserve and seek to further establish ~~both~~ all 707
of the following: 708

(1) The authentic ambiance and decor of the historic era 709
during which the governor's residence was constructed; 710

(2) The grounds as a representation of Ohio's natural 711
ecosystems; 712

(3) The heritage garden for all of the following purposes: 713

(a) To preserve, sustain, and encourage the use of native 714
flora throughout the state; 715

(b) To replicate the state's physiographic regions, plant 716
communities, and natural landscapes; 717

(c) To serve as an educational garden that demonstrates the 718
artistic, industrial, political, horticultural, and geologic 719
history of the state through the use of plants; 720

(d) To serve as a reservoir of rare species of plants from 721
the physiographic regions of the state. 722

These duties shall not affect the obligation of the 723
department of administrative services to provide for the general 724

maintenance and operating expenses of the governor's residence. 725

(C) The commission shall consist of eleven members. One 726
member shall be the director of administrative services or the 727
director's designee, who shall serve during the director's term of 728
office and shall serve as chairperson. One member shall be the 729
director of the Ohio historical society or the director's 730
designee, who shall serve during the director's term of office and 731
shall serve as vice-chairperson. One member shall represent the 732
Columbus landmarks foundation. One member shall represent the 733
Bexley historical society. One member shall be the mayor of the 734
city of Bexley, who shall serve during the mayor's term of office. 735
One member shall be the chief executive officer of the Franklin 736
park conservatory joint recreation district, who shall serve 737
during the term of employment as chief executive officer. The 738
remaining five members shall be appointed by the governor with the 739
advice and consent of the senate. The five members appointed by 740
the governor shall be persons with knowledge of Ohio history, 741
architecture, decorative arts, or historic preservation, and one 742
of those members shall have knowledge of landscape architecture, 743
garden design, horticulture, and plants native to this state. 744

(D) Of the initial appointees, the representative of the 745
Columbus landmarks foundation shall serve for a term expiring 746
December 31, 1996, and the representative of the Bexley historical 747
society shall serve for a term expiring December 31, 1997. Of the 748
five members appointed by the governor, three shall serve for 749
terms ending December 31, 1998, and two shall serve for terms 750
ending December 31, 1999. Thereafter, each term shall be for four 751
years, commencing on the first day of January and ending on the 752
last day of December. The member having knowledge of landscape 753
architecture, garden design, horticulture, and plants native to 754
this state initially shall be appointed upon the first vacancy on 755
the commission occurring on or after ~~the effective date of this~~ 756

~~amendment~~ June 30, 2006.

757

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

758

759

760

761

762

763

764

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

765

766

767

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

768

769

770

771

772

773

774

775

776

(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.

777

778

779

(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.

780

781

782

783

784

(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

785

786

787

governor's residence in furtherance of its duties. Any revenue 788
received by the commission shall be deposited into the governor's 789
residence fund, which is hereby established in the state treasury, 790
for use by the commission in accordance with the performance of 791
its duties. All investment earnings of the fund shall be credited 792
to the fund. Title to all property acquired by the commission 793
shall be taken in the name of the state and shall be held for the 794
use and benefit of the commission. 795

(J) Nothing in this section limits the ability of a person or 796
other entity to purchase decorations, objects of art, chandeliers, 797
china, silver, statues, paintings, furnishings, accouterments, 798
plants, or other aesthetic materials for placement in the 799
governor's residence or on the grounds of the governor's residence 800
or donation to the commission. No such object or plant, however, 801
shall be placed on the grounds or public areas of the first story 802
of the governor's residence without the consent of the commission. 803

(K) The heritage garden established under this section shall 804
be officially known as "the heritage garden at the Ohio governor's 805
residence." 806

(L) As used in this section, "heritage garden" means the 807
botanical garden of native plants established at the governor's 808
residence. 809

Sec. 121.62. (A) Each executive agency lobbyist and each 810
employer shall file with the joint legislative ethics committee, 811
within ten days following the engagement of an executive agency 812
lobbyist, an initial registration statement showing all of the 813
following: 814

(1) The name, business address, and occupation of the 815
executive agency lobbyist; 816

(2) The name and business address of the employer or of the 817

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

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

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

(B) In addition to the initial registration statement required by division (A) of this section, each executive agency lobbyist and employer shall file with the joint committee, not later than the last day of January, May, and September of each year, an updated registration statement that confirms the continuing existence of each engagement described in an initial registration statement and that lists the specific executive agency decisions that the lobbyist sought to influence under the engagement during the period covered by the updated statement, and with it any statement of expenditures required to be filed by section 121.63 of the Revised Code and any details of financial transactions required to be filed by section 121.64 of the Revised Code.

(C) If an executive agency 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 executive agency lobbyist, the employer need file only one updated registration statement under division (B) of

this section, which shall contain the information required by 849
division (B) of this section regarding all of the executive agency 850
lobbyists engaged by the employer. 851

(D)(1) A change in any information required by division 852
(A)(1), (2), or (B) of this section shall be reflected in the next 853
updated registration statement filed under division (B) of this 854
section. 855

(2) Within thirty days following the termination of an 856
engagement, the executive agency lobbyist who was employed under 857
the engagement shall send written notification of the termination 858
to the joint committee. 859

(E) A registration fee of twenty-five dollars shall be 860
charged for filing an initial registration statement. All money 861
collected from ~~this fee~~ registration fees under this division and 862
late filing fees under division (G) of this section shall be 863
deposited into the ~~general revenue fund of the state~~ treasury to 864
the credit of the joint legislative ethics committee fund created 865
under section 101.34 of the Revised Code. 866

(F) Upon registration pursuant to this section, an executive 867
agency lobbyist shall be issued a card by the joint committee 868
showing that the lobbyist is registered. The registration card and 869
the executive agency lobbyist's registration shall be valid from 870
the date of their issuance until the thirty-first day of January 871
of the year following the year in which the initial registration 872
was filed. 873

(G) The executive director of the joint committee shall be 874
responsible for reviewing each registration statement filed with 875
the joint committee under this section and for determining whether 876
the statement contains all of the required information. If the 877
joint committee determines that the registration statement does 878
not contain all of the required information or that an executive 879

agency lobbyist or employer has failed to file a registration 880
statement, the joint committee shall send written notification by 881
certified mail to the person who filed the registration statement 882
regarding the deficiency in the statement or to the person who 883
failed to file the registration statement regarding the failure. 884
Any person so notified by the joint committee shall, not later 885
than fifteen days after receiving the notice, file a registration 886
statement or an amended registration statement that contains all 887
of the required information. If any person who receives a notice 888
under this division fails to file a registration statement or such 889
an amended registration statement within this fifteen-day period, 890
the joint committee shall assess a late filing fee equal to twelve 891
dollars and fifty cents per day, up to a maximum fee of one 892
hundred dollars, upon that person. The joint committee may waive 893
the late filing fee for good cause shown. 894

(H) On or before the fifteenth day of March of each year, the 895
joint committee shall, in the manner and form that it determines, 896
publish a report containing statistical information on the 897
registration statements filed with it under this section during 898
the preceding year. 899

(I) If an employer who engages an executive agency lobbyist 900
is the recipient of a contract, grant, lease, or other financial 901
arrangement pursuant to which funds of the state or of an 902
executive agency are distributed or allocated, the executive 903
agency or any aggrieved party may consider the failure of the 904
employer or the executive agency lobbyist to comply with this 905
section as a breach of a material condition of the contract, 906
grant, lease, or other financial arrangement. 907

(J) Executive agency officials may require certification from 908
any person seeking the award of a contract, grant, lease, or 909
financial arrangement that the person and the person's employer 910
are in compliance with this section. 911

Sec. 122.17. (A) As used in this section: 912

(1) "Full-time employee" means an individual who is employed 913
for consideration for at least an average of thirty-five hours a 914
week, or who renders any other standard of service generally 915
accepted by custom or specified by contract as full-time 916
employment, or who is employed for consideration for such time or 917
renders such service but is on active duty reserve or Ohio 918
national guard service. 919

(2) "New employee" means one of the following: 920

(a) A full-time employee first employed by a taxpayer in the 921
project that is the subject of the agreement after the taxpayer 922
enters into a tax credit agreement with the tax credit authority 923
under this section; 924

(b) A full-time employee first employed by a taxpayer in the 925
project that is the subject of the tax credit after the tax credit 926
authority approves a project for a tax credit under this section 927
in a public meeting, as long as the taxpayer enters into the tax 928
credit agreement prepared by the department of development after 929
such meeting within sixty days after receiving the agreement from 930
the department. If the taxpayer fails to enter into the agreement 931
within sixty days, "new employee" has the same meaning as under 932
division (A)(2)(a) of this section. A full-time employee may be 933
considered a "new employee" of a taxpayer, despite previously 934
having been employed by a related member of the taxpayer, if all 935
of the following apply: 936

(i) The related member is a party to the tax credit agreement 937
at the time the employee is first employed with the taxpayer; 938

(ii) The related member will remain subject to the tax 939
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 940
under Chapter 5751. of the Revised Code for the remainder of the 941

term of the tax credit, and the tax credit is taken against 942
liability for that same tax through the remainder of the term of 943
the tax credit; and 944

(iii) The employee was considered a new employee of the 945
related member prior to employment with the taxpayer. 946

Under division (A)(2)(a) or (b) of this section, if the tax 947
credit authority determines it appropriate, "new employee" also 948
may include an employee re-hired or called back from lay-off to 949
work in a new facility or on a new product or service established 950
or produced by the taxpayer after entering into the agreement 951
under this section or after the tax credit authority approves the 952
tax credit in a public meeting. Except as otherwise provided in 953
this paragraph, "new employee" does not include any employee of 954
the taxpayer who was previously employed in this state by a 955
related member of the taxpayer and whose employment was shifted to 956
the taxpayer after the taxpayer entered into the tax credit 957
agreement or after the tax credit authority approved the credit in 958
a public meeting, or any employee of the taxpayer for which the 959
taxpayer has been granted a certificate under division (B) of 960
section 5709.66 of the Revised Code. However, if the taxpayer is 961
engaged in the enrichment and commercialization of uranium or 962
uranium products or is engaged in research and development 963
activities related thereto and if the tax credit authority 964
determines it appropriate, "new employee" may include an employee 965
of the taxpayer who was previously employed in this state by a 966
related member of the taxpayer and whose employment was shifted to 967
the taxpayer after the taxpayer entered into the tax credit 968
agreement or after the tax credit authority approved the credit in 969
a public meeting. "New employee" does not include an employee of 970
the taxpayer who is employed in an employment position that was 971
relocated to a project from other operations of the taxpayer in 972
this state or from operations of a related member of the taxpayer 973

in this state. In addition, "new employee" does not include a 974
child, grandchild, parent, or spouse, other than a spouse who is 975
legally separated from the individual, of any individual who is an 976
employee of the taxpayer and who has a direct or indirect 977
ownership interest of at least five per cent in the profits, 978
capital, or value of the taxpayer. Such ownership interest shall 979
be determined in accordance with section 1563 of the Internal 980
Revenue Code and regulations prescribed thereunder. 981

(3) "New income tax revenue" means the total amount withheld 982
under section 5747.06 of the Revised Code by the taxpayer during 983
the taxable year, or during the calendar year that includes the 984
tax period, from the compensation of new employees for the tax 985
levied under Chapter 5747. of the Revised Code. 986

(4) "Related member" has the same meaning as under division 987
(A)(6) of section 5733.042 of the Revised Code without regard to 988
division (B) of that section. 989

(B) The tax credit authority may make grants under this 990
section to foster job creation in this state. Such a grant shall 991
take the form of a refundable credit allowed against the tax 992
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 993
under Chapter 5751. of the Revised Code. The credit shall be 994
claimed for the taxable years or tax periods specified in the 995
taxpayer's agreement with the tax credit authority under division 996
(D) of this section. With respect to taxes imposed under section 997
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 998
credit shall be claimed in the order required under section 999
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 1000
the credit available for a taxable year or for a calendar year 1001
that includes a tax period equals the new income tax revenue for 1002
that year multiplied by the percentage specified in the agreement 1003
with the tax credit authority. Any credit granted under this 1004
section against the tax imposed by section 5733.06 or 5747.02 of 1005

the Revised Code, to the extent not fully utilized against such 1006
tax for taxable years ending prior to 2008, shall automatically be 1007
converted without any action taken by the tax credit authority to 1008
a credit against the tax levied under Chapter 5751. of the Revised 1009
Code for tax periods beginning on or after July 1, 2008, provided 1010
that the person to whom the credit was granted is subject to such 1011
tax. The converted credit shall apply to those calendar years in 1012
which the remaining taxable years specified in the agreement end. 1013

(C) A taxpayer or potential taxpayer who proposes a project 1014
to create new jobs in this state may apply to the tax credit 1015
authority to enter into an agreement for a tax credit under this 1016
section. The director of development shall prescribe the form of 1017
the application. After receipt of an application, the authority 1018
may enter into an agreement with the taxpayer for a credit under 1019
this section if it determines all of the following: 1020

(1) The taxpayer's project will create new jobs in this 1021
state; 1022

(2) The taxpayer's project is economically sound and will 1023
benefit the people of this state by increasing opportunities for 1024
employment and strengthening the economy of this state; 1025

(3) Receiving the tax credit is a major factor in the 1026
taxpayer's decision to go forward with the project. 1027

(D) An agreement under this section shall include all of the 1028
following: 1029

(1) A detailed description of the project that is the subject 1030
of the agreement; 1031

(2) The term of the tax credit, which shall not exceed 1032
fifteen years, and the first taxable year, or first calendar year 1033
that includes a tax period, for which the credit may be claimed; 1034

(3) A requirement that the taxpayer shall maintain operations 1035

at the project location for at least twice the number of years as 1036
the term of the tax credit; 1037

(4) The percentage, as determined by the tax credit 1038
authority, of new income tax revenue that will be allowed as the 1039
amount of the credit for each taxable year or for each calendar 1040
year that includes a tax period; 1041

(5) A specific method for determining how many new employees 1042
are employed during a taxable year or during a calendar year that 1043
includes a tax period; 1044

(6) A requirement that the taxpayer annually shall report to 1045
the director of development the number of new employees, the new 1046
income tax revenue withheld in connection with the new employees, 1047
and any other information the director needs to perform the 1048
director's duties under this section; 1049

(7) A requirement that the director of development annually 1050
shall verify the amounts reported under division (D)(6) of this 1051
section, and after doing so shall issue a certificate to the 1052
taxpayer stating that the amounts have been verified; 1053

(8)(a) A provision requiring that the taxpayer, except as 1054
otherwise provided in division (D)(8)(b) of this section, shall 1055
not relocate employment positions from elsewhere in this state to 1056
the project site that is the subject of the agreement for the 1057
lesser of five years from the date the agreement is entered into 1058
or the number of years the taxpayer is entitled to claim the tax 1059
credit. 1060

(b) The taxpayer may relocate employment positions from 1061
elsewhere in this state to the project site that is the subject of 1062
the agreement if the director of development determines both of 1063
the following: 1064

(i) That the site from which the employment positions would 1065

be relocated is inadequate to meet market and industry conditions, 1066
expansion plans, consolidation plans, or other business 1067
considerations affecting the taxpayer; 1068

(ii) That the legislative authority of the county, township, 1069
or municipal corporation from which the employment positions would 1070
be relocated has been notified of the relocation. 1071

For purposes of this section, the movement of an employment 1072
position from one political subdivision to another political 1073
subdivision shall be considered a relocation of an employment 1074
position, but the transfer of an individual employee from one 1075
political subdivision to another political subdivision shall not 1076
be considered a relocation of an employment position as long as 1077
the individual's employment position in the first political 1078
subdivision is refilled. 1079

(E) If a taxpayer fails to meet or comply with any condition 1080
or requirement set forth in a tax credit agreement, the tax credit 1081
authority may amend the agreement to reduce the percentage or term 1082
of the tax credit. The reduction of the percentage or term shall 1083
take effect (1) in the taxable year immediately following the 1084
taxable year in which the authority amends the agreement or the 1085
director of development notifies the taxpayer in writing of such 1086
failure, or (2) in the first tax period beginning in the calendar 1087
year immediately following the calendar year in which the 1088
authority amends the agreement or the director notifies the 1089
taxpayer in writing of such failure. If the taxpayer fails to 1090
annually report any of the information required by division (D)(6) 1091
of this section within the time required by the director, the 1092
reduction of the percentage or term may take effect in the current 1093
taxable year. If the taxpayer relocates employment positions in 1094
violation of the provision required under division (D)(8)(a) of 1095
this section, the taxpayer shall not claim the tax credit under 1096
section 5733.0610 of the Revised Code for any tax years following 1097

the calendar year in which the relocation occurs, or shall not 1098
claim the tax credit under section 5725.32, 5729.032, or 5747.058 1099
of the Revised Code for the taxable year in which the relocation 1100
occurs and any subsequent taxable years, and shall not claim the 1101
tax credit under division (A) of section 5751.50 of the Revised 1102
Code for any tax period in the calendar year in which the 1103
relocation occurs and any subsequent tax periods. 1104

(F) Projects that consist solely of point-of-final-purchase 1105
retail facilities are not eligible for a tax credit under this 1106
section. If a project consists of both point-of-final-purchase 1107
retail facilities and nonretail facilities, only the portion of 1108
the project consisting of the nonretail facilities is eligible for 1109
a tax credit and only the new income tax revenue from new 1110
employees of the nonretail facilities shall be considered when 1111
computing the amount of the tax credit. If a warehouse facility is 1112
part of a point-of-final-purchase retail facility and supplies 1113
only that facility, the warehouse facility is not eligible for a 1114
tax credit. Catalog distribution centers are not considered 1115
point-of-final-purchase retail facilities for the purposes of this 1116
division, and are eligible for tax credits under this section. 1117

(G) Financial statements and other information submitted to 1118
the department of development or the tax credit authority by an 1119
applicant or recipient of a tax credit under this section, and any 1120
information taken for any purpose from such statements or 1121
information, are not public records subject to section 149.43 of 1122
the Revised Code. However, the chairperson of the authority may 1123
make use of the statements and other information for purposes of 1124
issuing public reports or in connection with court proceedings 1125
concerning tax credit agreements under this section. Upon the 1126
request of the tax commissioner or, if the applicant or recipient 1127
is an insurance company, upon the request of the superintendent of 1128
insurance, the chairperson of the authority shall provide to the 1129

commissioner or superintendent any statement or information 1130
submitted by an applicant or recipient of a tax credit in 1131
connection with the credit. The commissioner or superintendent 1132
shall preserve the confidentiality of the statement or 1133
information. 1134

(H) A taxpayer claiming a credit under this section shall 1135
submit to the tax commissioner or, if the taxpayer is an insurance 1136
company, to the superintendent of insurance, a copy of the 1137
director of development's certificate of verification under 1138
division (D)(7) of this section with the taxpayer's tax report or 1139
return for the taxable year or for the calendar year that includes 1140
the tax period. Failure to submit a copy of the certificate with 1141
the report or return does not invalidate a claim for a credit if 1142
the taxpayer submits a copy of the certificate to the commissioner 1143
or superintendent within sixty days after the commissioner or 1144
superintendent requests it. 1145

(I) The director of development, after consultation with the 1146
tax commissioner and the superintendent of insurance and in 1147
accordance with Chapter 119. of the Revised Code, shall adopt 1148
rules necessary to implement this section. The rules may provide 1149
for recipients of tax credits under this section to be charged 1150
fees to cover administrative costs of the tax credit program. At 1151
the time the director gives public notice under division (A) of 1152
section 119.03 of the Revised Code of the adoption of the rules, 1153
the director shall submit copies of the proposed rules to the 1154
chairpersons of the standing committees on economic development in 1155
the senate and the house of representatives. 1156

(J) For the purposes of this section, a taxpayer may include 1157
a partnership, a corporation that has made an election under 1158
subchapter S of chapter one of subtitle A of the Internal Revenue 1159
Code, or any other business entity through which income flows as a 1160
distributive share to its owners. A credit received under this 1161

section by a partnership, S-corporation, or other such business 1162
entity shall be apportioned among the persons to whom the income 1163
or profit of the partnership, S-corporation, or other entity is 1164
distributed, in the same proportions as those in which the income 1165
or profit is distributed. 1166

(K) If the director of development determines that a taxpayer 1167
who has received a credit under this section is not complying with 1168
the requirement under division (D)(3) of this section, the 1169
director shall notify the tax credit authority of the 1170
noncompliance. After receiving such a notice, and after giving the 1171
taxpayer an opportunity to explain the noncompliance, the tax 1172
credit authority may require the taxpayer to refund to this state 1173
a portion of the credit in accordance with the following: 1174

(1) If the taxpayer maintained operations at the project 1175
location for at least one and one-half times the number of years 1176
of the term of the tax credit, an amount not exceeding twenty-five 1177
per cent of the sum of any previously allowed credits under this 1178
section; 1179

(2) If the taxpayer maintained operations at the project 1180
location for at least the number of years of the term of the tax 1181
credit, an amount not exceeding fifty per cent of the sum of any 1182
previously allowed credits under this section; 1183

(3) If the taxpayer maintained operations at the project 1184
location for less than the number of years of the term of the tax 1185
credit, an amount not exceeding one hundred per cent of the sum of 1186
any previously allowed credits under this section. 1187

In determining the portion of the tax credit to be refunded 1188
to this state, the tax credit authority shall consider the effect 1189
of market conditions on the taxpayer's project and whether the 1190
taxpayer continues to maintain other operations in this state. 1191
After making the determination, the authority shall certify the 1192

amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

(L) On or before the thirty-first day of March each year, the director of development shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the number of agreements that were entered into under this section during the preceding calendar year, a description of the project that is the subject of each such agreement, and an update on the status of projects under agreements entered into before the preceding calendar year.

(M) There is hereby created the tax credit authority, which consists of the director of development and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. Of the initial appointees, the members appointed by the governor shall serve a term of two years; the members appointed by the president of the senate and the speaker of the house of representatives shall serve a term of four years. Thereafter, terms of office shall be for four years. Initial appointments to

the authority shall be made within thirty days after January 13, 1225
1993. Each member shall serve on the authority until the end of 1226
the term for which the member was appointed. Vacancies shall be 1227
filled in the same manner provided for original appointments. Any 1228
member appointed to fill a vacancy occurring prior to the 1229
expiration of the term for which the member's predecessor was 1230
appointed shall hold office for the remainder of that term. 1231
Members may be reappointed to the authority. Members of the 1232
authority shall receive their necessary and actual expenses while 1233
engaged in the business of the authority. The director of 1234
development shall serve as chairperson of the authority, and the 1235
members annually shall elect a vice-chairperson from among 1236
themselves. Three members of the authority constitute a quorum to 1237
transact and vote on the business of the authority. The majority 1238
vote of the membership of the authority is necessary to approve 1239
any such business, including the election of the vice-chairperson. 1240

The director of development may appoint a professional 1241
employee of the department of development to serve as the 1242
director's substitute at a meeting of the authority. The director 1243
shall make the appointment in writing. In the absence of the 1244
director from a meeting of the authority, the appointed substitute 1245
shall serve as chairperson. In the absence of both the director 1246
and the director's substitute from a meeting, the vice-chairperson 1247
shall serve as chairperson. 1248

(N) For purposes of the credits granted by this section 1249
against the taxes imposed under sections 5725.18 and 5729.03 of 1250
the Revised Code, "taxable year" means the period covered by the 1251
taxpayer's annual statement to the superintendent of insurance. 1252

Sec. 122.171. (A) As used in this section: 1253

(1) "Capital investment project" means a plan of investment 1254
at a project site for the acquisition, construction, renovation, 1255

or repair of buildings, machinery, or equipment, or for	1256
capitalized costs of basic research and new product development	1257
determined in accordance with generally accepted accounting	1258
principles, but does not include any of the following:	1259
(a) Payments made for the acquisition of personal property	1260
through operating leases;	1261
(b) Project costs paid before January 1, 2002;	1262
(c) Payments made to a related member as defined in section	1263
5733.042 of the Revised Code or to an elected consolidated	1264
taxpayer or a combined taxpayer as defined in section 5751.01 of	1265
the Revised Code.	1266
(2) "Eligible business" means a business with Ohio operations	1267
satisfying all of the following:	1268
(a) Employed an average of at least one thousand employees in	1269
full-time employment positions at a project site during each of	1270
the twelve months preceding the application for a tax credit under	1271
this section; and	1272
(b) On or after January 1, 2002, has made payments for the	1273
capital investment project of either of the following:	1274
(i) At least two hundred million dollars in the aggregate at	1275
the project site during a period of three consecutive calendar	1276
years including the calendar year that includes a day of the	1277
taxpayer's taxable year or tax period with respect to which the	1278
credit is granted;	1279
(ii) If the average wage of all full-time employment	1280
positions at the project site is greater than four hundred per	1281
cent of the federal minimum wage, at least one hundred million	1282
dollars in the aggregate at the project site during a period of	1283
three consecutive calendar years including the calendar year that	1284
includes a day of the taxpayer's taxable year or tax period with	1285

respect to which the credit is granted.	1286
(c) Is engaged at the project site primarily as a manufacturer or is providing significant corporate administrative functions;	1287 1288 1289
(d) Has had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.	1290 1291 1292
(3) "Full-time employment position" means a position of employment for consideration for at least <u>an average of</u> thirty-five hours a week that has been filled for at least one hundred eighty days immediately preceding the filing of an application under this section and for at least one hundred eighty days during each taxable year or each calendar year that includes a tax period with respect to which the credit is granted, <u>or is employed in such position for consideration for such time, but is on active duty reserve or Ohio national guard service.</u>	1293 1294 1295 1296 1297 1298 1299 1300 1301
(4) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.	1302 1303
(5) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.	1304 1305 1306 1307
(6) "Applicable corporation" means a corporation satisfying all of the following:	1308 1309
(a)(i) For the entire taxable year immediately preceding the tax year, the corporation develops software applications primarily to provide telecommunication billing and information services through outsourcing or licensing to domestic or international customers.	1310 1311 1312 1313 1314
(ii) Sales and licensing of software generated at least six	1315

hundred million dollars in revenue during the taxable year 1316
immediately preceding the tax year the corporation is first 1317
entitled to claim the credit provided under division (B) of this 1318
section. 1319

(b) For the entire taxable year immediately preceding the tax 1320
year, the corporation or one or more of its related members 1321
provides customer or employee care and technical support for 1322
clients through one or more contact centers within this state, and 1323
the corporation and its related members together have a daily 1324
average, based on a three-hundred-sixty-five-day year, of at least 1325
five hundred thousand successful customer contacts through one or 1326
more of their contact centers, wherever located. 1327

(c) The corporation is eligible for the credit under division 1328
(B) of this section for the tax year. 1329

(7) "Related member" has the same meaning as in section 1330
5733.042 of the Revised Code as that section existed on the 1331
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 1332
general assembly, September 29, 1997. 1333

(8) "Successful customer contact" means a contact with an end 1334
user via telephone, including interactive voice recognition or 1335
similar means, where the contact culminates in a conversation or 1336
connection other than a busy signal or equipment busy. 1337

(9) "Telecommunications" means all forms of 1338
telecommunications service as defined in section 5739.01 of the 1339
Revised Code, and includes services in wireless, wireline, cable, 1340
broadband, internet protocol, and satellite. 1341

(10)(a) "Applicable difference" means the difference between 1342
the tax for the tax year under Chapter 5733. of the Revised Code 1343
applying the law in effect for that tax year, and the tax for that 1344
tax year if section 5733.042 of the Revised Code applied as that 1345
section existed on the effective date of its amendment by Am. Sub. 1346

H.B. 215 of the 122nd general assembly, September 29, 1997, 1347
subject to division (A)(10)(b) of this section. 1348

(b) If the tax rate set forth in division (B) of section 1349
5733.06 of the Revised Code for the tax year is less than eight 1350
and one-half per cent, the tax calculated under division 1351
(A)(10)(a) of this section shall be computed by substituting a tax 1352
rate of eight and one-half per cent for the rate set forth in 1353
division (B) of section 5733.06 of the Revised Code for the tax 1354
year. 1355

(c) If the resulting difference is negative, the applicable 1356
tax difference for the tax year shall be zero. 1357

(B) The tax credit authority created under section 122.17 of 1358
the Revised Code may grant tax credits under this section for the 1359
purpose of fostering job retention in this state. Upon application 1360
by an eligible business and upon consideration of the 1361
recommendation of the director of budget and management, tax 1362
commissioner, and director of development under division (C) of 1363
this section, the tax credit authority may grant to an eligible 1364
business a nonrefundable credit against the tax imposed by section 1365
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1366
taxable years and against the tax levied by Chapter 5751. of the 1367
Revised Code for a period of up to fifteen calendar years. The 1368
credit shall be in an amount not exceeding seventy-five per cent 1369
of the Ohio income tax withheld from the employees of the eligible 1370
business occupying full-time employment positions at the project 1371
site during the calendar year that includes the last day of such 1372
business' taxable year or tax period with respect to which the 1373
credit is granted. The amount of the credit shall not be based on 1374
the Ohio income tax withheld from full-time employees for a 1375
calendar year prior to the calendar year in which the minimum 1376
investment requirement referred to in division (A)(2)(b) of this 1377
section is completed. The credit shall be claimed only for the 1378

taxable years or tax periods specified in the eligible business' 1379
agreement with the tax credit authority under division (E) of this 1380
section, but in no event shall the credit be claimed for a taxable 1381
year or tax period terminating before the date specified in the 1382
agreement. Any credit granted under this section against the tax 1383
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 1384
extent not fully utilized against such tax for taxable years 1385
ending prior to 2008, shall automatically be converted without any 1386
action taken by the tax credit authority to a credit against the 1387
tax levied under Chapter 5751. of the Revised Code for tax periods 1388
beginning on or after July 1, 2008, provided that the person to 1389
whom the credit was granted is subject to such tax. The converted 1390
credit shall apply to those calendar years in which the remaining 1391
taxable years specified in the agreement end. 1392

The credit computed under this division is in addition to any 1393
credit allowed under division (M) of this section which the tax 1394
credit authority may also include in the agreement. 1395

Any unused portion of a tax credit may be carried forward for 1396
not more than three additional years after the year for which the 1397
credit is granted. 1398

(C) A taxpayer that proposes a capital investment project to 1399
retain jobs in this state may apply to the tax credit authority to 1400
enter into an agreement for a tax credit under this section. The 1401
director of development shall prescribe the form of the 1402
application. After receipt of an application, the authority shall 1403
forward copies of the application to the director of budget and 1404
management, the tax commissioner, and the director of development, 1405
each of whom shall review the application to determine the 1406
economic impact the proposed project would have on the state and 1407
the affected political subdivisions and shall submit a summary of 1408
their determinations and recommendations to the authority. 1409

(D) Upon review of the determinations and recommendations 1410
described in division (C) of this section, the tax credit 1411
authority may enter into an agreement with the taxpayer for a 1412
credit under this section if the authority determines all of the 1413
following: 1414

(1) The taxpayer's capital investment project will result in 1415
the retention of full-time employment positions in this state. 1416

(2) The taxpayer is economically sound and has the ability to 1417
complete the proposed capital investment project. 1418

(3) The taxpayer intends to and has the ability to maintain 1419
operations at the project site for at least twice the term of the 1420
credit. 1421

(4) Receiving the credit is a major factor in the taxpayer's 1422
decision to begin, continue with, or complete the project. 1423

(5) The political subdivisions in which the project is 1424
located have agreed to provide substantial financial support to 1425
the project. 1426

(E) An agreement under this section shall include all of the 1427
following: 1428

(1) A detailed description of the project that is the subject 1429
of the agreement, including the amount of the investment, the 1430
period over which the investment has been or is being made, and 1431
the number of full-time employment positions at the project site. 1432

(2) The method of calculating the number of full-time 1433
employment positions as specified in division (A)(3) of this 1434
section. 1435

(3) The term and percentage of the tax credit, and the first 1436
year for which the credit may be claimed. 1437

(4) A requirement that the taxpayer maintain operations at 1438
the project site for at least twice the number of years as the 1439

term of the credit. 1440

(5) A requirement that the taxpayer retain a specified number 1441
of full-time employment positions at the project site and within 1442
this state for the term of the credit, including a requirement 1443
that the taxpayer continue to employ at least one thousand 1444
employees in full-time employment positions at the project site 1445
during the entire term of any agreement, subject to division 1446
(E)(7) of this section. 1447

(6) A requirement that the taxpayer annually report to the 1448
director of development the number of full-time employment 1449
positions subject to the credit, the amount of tax withheld from 1450
employees in those positions, the amount of the payments made for 1451
the capital investment project, and any other information the 1452
director needs to perform the director's duties under this 1453
section. 1454

(7) A requirement that the director of development annually 1455
review the annual reports of the taxpayer to verify the 1456
information reported under division (E)(6) of this section and 1457
compliance with the agreement. Upon verification, the director 1458
shall issue a certificate to the taxpayer stating that the 1459
information has been verified and identifying the amount of the 1460
credit for the taxable year. Unless otherwise specified by the tax 1461
credit authority in a resolution and included as part of the 1462
agreement, the director shall not issue a certificate for any year 1463
in which the total number of filled full-time employment positions 1464
for each day of the calendar year divided by three hundred 1465
sixty-five is less than ninety per cent of the full-time 1466
employment positions specified in division (E)(5) of this section. 1467
In determining the number of full-time employment positions, no 1468
position shall be counted that is filled by an employee who is 1469
included in the calculation of a tax credit under section 122.17 1470
of the Revised Code. 1471

(8)(a) A provision requiring that the taxpayer, except as 1472
otherwise provided in division (E)(8)(b) of this section, shall 1473
not relocate employment positions from elsewhere in this state to 1474
the project site that is the subject of the agreement for the 1475
lesser of five years from the date the agreement is entered into 1476
or the number of years the taxpayer is entitled to claim the 1477
credit. 1478

(b) The taxpayer may relocate employment positions from 1479
elsewhere in this state to the project site that is the subject of 1480
the agreement if the director of development determines both of 1481
the following: 1482

(i) That the site from which the employment positions would 1483
be relocated is inadequate to meet market and industry conditions, 1484
expansion plans, consolidation plans, or other business 1485
considerations affecting the taxpayer; 1486

(ii) That the legislative authority of the county, township, 1487
or municipal corporation from which the employment positions would 1488
be relocated has been notified of the relocation. 1489

For purposes of this section, the movement of an employment 1490
position from one political subdivision to another political 1491
subdivision shall be considered a relocation of an employment 1492
position unless the movement is confined to the project site. The 1493
transfer of an individual employee from one political subdivision 1494
to another political subdivision shall not be considered a 1495
relocation of an employment position as long as the individual's 1496
employment position in the first political subdivision is 1497
refilled. 1498

(9) A waiver by the taxpayer of any limitations periods 1499
relating to assessments or adjustments resulting from the 1500
taxpayer's failure to comply with the agreement. 1501

(F) If a taxpayer fails to meet or comply with any condition 1502

or requirement set forth in a tax credit agreement, the tax credit
authority may amend the agreement to reduce the percentage or term
of the credit. The reduction of the percentage or term shall take
effect in the taxable year immediately following the taxable year
in which the authority amends the agreement or the director of
development notifies the taxpayer in writing of such failure, or
in the first tax period beginning in the calendar year immediately
following the calendar year in which the authority amends the
agreement or the director notifies the taxpayer in writing of such
failure. If the taxpayer fails to annually report any of the
information required by division (E)(6) of this section within the
time required by the director, the reduction of the percentage or
term may take effect in the current taxable year. If the taxpayer
relocates employment positions in violation of the provision
required under division (D)(8)(a) of this section, the taxpayer
shall not claim the tax credit under section 5733.0610 of the
Revised Code for any tax years following the calendar year in
which the relocation occurs, shall not claim the tax credit under
section 5747.058 of the Revised Code for the taxable year in which
the relocation occurs and any subsequent taxable years, and shall
not claim the tax credit under division (A) of section 5751.50 of
the Revised Code for the tax period in which the relocation occurs
and any subsequent tax periods.

(G) Financial statements and other information submitted to
the department of development or the tax credit authority by an
applicant for or recipient of a tax credit under this section, and
any information taken for any purpose from such statements or
information, are not public records subject to section 149.43 of
the Revised Code. However, the chairperson of the authority may
make use of the statements and other information for purposes of
issuing public reports or in connection with court proceedings
concerning tax credit agreements under this section. Upon the

request of the tax commissioner, the chairperson of the authority 1535
shall provide to the commissioner any statement or other 1536
information submitted by an applicant for or recipient of a tax 1537
credit in connection with the credit. The commissioner shall 1538
preserve the confidentiality of the statement or other 1539
information. 1540

(H) A taxpayer claiming a tax credit under this section shall 1541
submit to the tax commissioner a copy of the director of 1542
development's certificate of verification under division (E)(7) of 1543
this section with the taxpayer's tax report or return for the 1544
taxable year or for the calendar year that includes the tax 1545
period. Failure to submit a copy of the certificate with the 1546
report or return does not invalidate a claim for a credit if the 1547
taxpayer submits a copy of the certificate to the commissioner 1548
within sixty days after the commissioner requests it. 1549

(I) For the purposes of this section, a taxpayer may include 1550
a partnership, a corporation that has made an election under 1551
subchapter S of chapter one of subtitle A of the Internal Revenue 1552
Code, or any other business entity through which income flows as a 1553
distributive share to its owners. A tax credit received under this 1554
section by a partnership, S-corporation, or other such business 1555
entity shall be apportioned among the persons to whom the income 1556
or profit of the partnership, S-corporation, or other entity is 1557
distributed, in the same proportions as those in which the income 1558
or profit is distributed. 1559

(J) If the director of development determines that a taxpayer 1560
that received a tax credit under this section is not complying 1561
with the requirement under division (E)(4) of this section, the 1562
director shall notify the tax credit authority of the 1563
noncompliance. After receiving such a notice, and after giving the 1564
taxpayer an opportunity to explain the noncompliance, the 1565
authority may terminate the agreement and require the taxpayer to 1566

refund to the state all or a portion of the credit claimed in 1567
previous years, as follows: 1568

(1) If the taxpayer maintained operations at the project site 1569
for less than the term of the credit, the amount required to be 1570
refunded shall not exceed the amount of any tax credits previously 1571
allowed and received under this section. 1572

(2) If the taxpayer maintained operations at the project site 1573
longer than the term of the credit but less than one and one-half 1574
times the term of the credit, the amount required to be refunded 1575
shall not exceed fifty per cent of the sum of any tax credits 1576
previously allowed and received under this section. 1577

(3) If the taxpayer maintained operations at the project site 1578
for at least one and one-half times the term of the credit but 1579
less than twice the term of the credit, the amount required to be 1580
refunded shall not exceed twenty-five per cent of the sum of any 1581
tax credits previously allowed and received under this section. 1582

In determining the portion of the credit to be refunded to 1583
this state, the authority shall consider the effect of market 1584
conditions on the taxpayer's project and whether the taxpayer 1585
continues to maintain other operations in this state. After making 1586
the determination, the authority shall certify the amount to be 1587
refunded to the tax commissioner. The commissioner shall make an 1588
assessment for that amount against the taxpayer under Chapter 1589
5733., 5747., or 5751. of the Revised Code. The time limitations 1590
on assessments under those chapters do not apply to an assessment 1591
under this division, but the commissioner shall make the 1592
assessment within one year after the date the authority certifies 1593
to the commissioner the amount to be refunded. 1594

If the director of development determines that a taxpayer 1595
that received a tax credit under this section has reduced the 1596
number of employees agreed to under division (E)(5) of this 1597

section by more than ten per cent, the director shall notify the
tax credit authority of the noncompliance. After receiving such
notice, and after providing the taxpayer an opportunity to explain
the noncompliance, the authority may amend the agreement to reduce
the percentage or term of the tax credit. The reduction in the
percentage or term shall take effect in the taxable year, or in
the calendar year that includes the tax period, in which the
authority amends the agreement.

(K) The director of development, after consultation with the
tax commissioner and in accordance with Chapter 119. of the
Revised Code, shall adopt rules necessary to implement this
section. The rules may provide for recipients of tax credits under
this section to be charged fees to cover administrative costs of
the tax credit program. At the time the director gives public
notice under division (A) of section 119.03 of the Revised Code of
the adoption of the rules, the director shall submit copies of the
proposed rules to the chairpersons of the standing committees on
economic development in the senate and the house of
representatives.

(L) On or before the thirty-first day of March of each year,
the director of development shall submit a report to the governor,
the president of the senate, and the speaker of the house of
representatives on the tax credit program under this section. The
report shall include information on the number of agreements that
were entered into under this section during the preceding calendar
year, a description of the project that is the subject of each
such agreement, and an update on the status of projects under
agreements entered into before the preceding calendar year.

(M)(1) A nonrefundable credit shall be allowed to an
applicable corporation and its related members in an amount equal
to the applicable difference. The credit is in addition to the
credit granted to the corporation or related members under

division (B) of this section. The credit is subject to divisions 1630
(B) to (E) and division (J) of this section. 1631

(2) A person qualifying as an applicable corporation under 1632
this section for a tax year does not necessarily qualify as an 1633
applicable corporation for any other tax year. No person is 1634
entitled to the credit allowed under division (M) of this section 1635
for the tax year immediately following the taxable year during 1636
which the person fails to meet the requirements in divisions 1637
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 1638
to the credit allowed under division (M) of this section for any 1639
tax year for which the person is not eligible for the credit 1640
provided under division (B) of this section. 1641

Sec. 126.11. (A)(1) The director of budget and management 1642
shall, upon consultation with the treasurer of state, coordinate 1643
and approve the scheduling of initial sales of publicly offered 1644
securities of the state and of publicly offered fractionalized 1645
interests in or securitized issues of public obligations of the 1646
state. The director shall from time to time develop and distribute 1647
to state issuers an approved sale schedule for each of the 1648
obligations covered by division (A) or (B) of this section. 1649
Division (A) of this section applies only to those obligations on 1650
which the state or a state agency is the direct obligor or obligor 1651
on any backup security or related credit enhancement facility or 1652
source of money subject to state appropriations that is intended 1653
for payment of those obligations. 1654

(2) The issuers of obligations pursuant to section 151.03, 1655
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 152. or 5537. 1656
of the Revised Code shall submit to the director: 1657

(a) For review and approval: the projected sale date, amount, 1658
and type of obligations proposed to be sold; their purpose, 1659
security, and source of payment; the proposed structure and 1660

maturity schedule; the trust agreement and any supplemental 1661
agreements; and any credit enhancement facilities or interest rate 1662
hedges for the obligations; 1663

(b) For review and comment: the authorizing order or 1664
resolution; preliminary and final offering documents; method of 1665
sale; preliminary and final pricing information; and any written 1666
reports or recommendations of financial advisors or consultants 1667
relating to those obligations; 1668

(c) Promptly after each sale of those obligations: final 1669
terms, including sale price, maturity schedule and yields, and 1670
sources and uses; names of the original purchasers or 1671
underwriters; a copy of the final offering document and of the 1672
transcript of proceedings; and any other pertinent information 1673
requested by the director. 1674

(3) The issuer of obligations pursuant to section 151.06 or 1675
151.40 or Chapter 154. of the Revised Code shall submit to the 1676
director: 1677

(a) For review and mutual agreement: the projected sale date, 1678
amount, and type of obligations proposed to be sold; their 1679
purpose, security, and source of payment; the proposed structure 1680
and maturity schedule; the trust agreement and any supplemental 1681
agreements; and any credit enhancement facilities or interest rate 1682
hedges for the obligations; 1683

(b) For review and comment: the authorizing order or 1684
resolution; preliminary and final offering documents; method of 1685
sale; preliminary and final pricing information; and any written 1686
reports or recommendations of financial advisors or consultants 1687
relating to those obligations; 1688

(c) Promptly after each sale of those obligations: final 1689
terms, including sale price, maturity schedule and yields, and 1690
sources and uses; names of the original purchasers or 1691

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

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

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

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

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

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

(C) Not later than the first day of January of each year, every state agency obligated to make payments on outstanding public obligations with respect to which fractionalized interests

have been publicly issued, such as certificates of participation, 1723
shall submit a report to the director of the amounts payable from 1724
state appropriations under those public obligations during the 1725
then current and next two fiscal years, identifying the 1726
appropriation or intended appropriation from which payment is 1727
expected to be made. 1728

(D)(1) Information relating generally to the historic, 1729
current, or future demographics or economy or financial condition 1730
or funds or general operations of the state, and descriptions of 1731
any state contractual obligations relating to public obligations, 1732
to be contained in any offering document, continuing disclosure 1733
document, or written presentation prepared, approved, or provided, 1734
or committed to be provided, by an issuer in connection with the 1735
original issuance and sale of, or rating, remarketing, or credit 1736
enhancement facilities relating to, public obligations referred to 1737
in division (A) of this section shall be approved as to format and 1738
accuracy by the director before being presented, published, or 1739
disseminated in preliminary, draft, or final form, or publicly 1740
filed in paper, electronic, or other format. 1741

(2) Except for information described in division (D)(1) of 1742
this section that is to be contained in an offering document, 1743
continuing disclosure document, or written presentation, division 1744
(D)(1) of this section does not inhibit direct communication 1745
between an issuer and a rating agency, remarketing agent, or 1746
credit enhancement provider concerning an issuance of public 1747
obligations referred to in division (A) of this section or matters 1748
associated with that issuance. 1749

(3) The materials approved and provided pursuant to division 1750
(D) of this section are the information relating to the particular 1751
subjects provided by the state or state agencies that are required 1752
or contemplated by any applicable state or federal securities laws 1753
and any commitments by the state or state agencies made under 1754

those laws. Reliance for the purpose should not be placed on any
other information publicly provided, in any format including
electronic, by any state agency for other purposes, including
general information provided to the public or to portions of the
public. A statement to that effect shall be included in those
materials so approved or provided.

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

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

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

(2) Except as otherwise expressly authorized for the purpose 1787
by law, agree or commit to provide, from money from any source to 1788
be appropriated in the future by the general assembly, financial 1789
assistance to or participation in the costs of capital facilities, 1790
or the payment of debt charges, directly or by way of a credit 1791
enhancement facility, a reserve, rental payments, or otherwise, on 1792
obligations issued to pay costs of capital facilities. 1793

(G) As used in this section, "interest rate hedge" has the 1794
same meaning as in section 9.98 of the Revised Code; "credit 1795
enhancement facilities," "debt charges," "fractionalized interests 1796
in public obligations," "obligor," "public issuer," and 1797
"securities" have the same meanings as in section 133.01 of the 1798
Revised Code; "public obligation" has the same meaning as in 1799
division (GG)(2) of section 133.01 of the Revised Code; 1800
"obligations" means securities or public obligations or 1801
fractionalized interests in them; "issuers" means issuers of 1802
securities or state obligors on public obligations; "offering 1803
document" means an official statement, offering circular, private 1804
placement memorandum, or prospectus, or similar document; and 1805
"director" means the director of budget and management or the 1806
employee of the office of budget and management designated by the 1807
director for the purpose. 1808

Sec. 131.02. (A) Except as otherwise provided in section 1809
4123.37 and division (J) of section 4123.511 of the Revised Code, 1810
whenever any amount is payable to the state, the officer, 1811
employee, or agent responsible for administering the law under 1812
which the amount is payable shall immediately proceed to collect 1813
the amount or cause the amount to be collected and shall pay the 1814
amount into the state treasury or into the appropriate custodial 1815
fund in the manner set forth pursuant to section 113.08 of the 1816
Revised Code. Except as otherwise provided in this division, if 1817

the amount is not paid within forty-five days after payment is 1818
due, the officer, employee, or agent shall certify the amount due 1819
to the attorney general, in the form and manner prescribed by the 1820
attorney general, and notify the director of budget and management 1821
thereof. In the case of an amount payable by a student enrolled in 1822
a state institution of higher education, the amount shall be 1823
certified within the later of forty-five days after the amount is 1824
due or the tenth day after the beginning of the next academic 1825
semester, quarter, or other session following the session for 1826
which the payment is payable. The attorney general may assess the 1827
collection cost to the amount certified in such manner and amount 1828
as prescribed by the attorney general. 1829

For the purposes of this section, the attorney general and 1830
the officer, employee, or agent responsible for administering the 1831
law under which the amount is payable shall agree on the time a 1832
payment is due, and that agreed upon time shall be one of the 1833
following times: 1834

(1) If a law, including an administrative rule, of this state 1835
prescribes the time a payment is required to be made or reported, 1836
when the payment is required by that law to be paid or reported. 1837

(2) If the payment is for services rendered, when the 1838
rendering of the services is completed. 1839

(3) If the payment is reimbursement for a loss, when the loss 1840
is incurred. 1841

(4) In the case of a fine or penalty for which a law or 1842
administrative rule does not prescribe a time for payment, when 1843
the fine or penalty is first assessed. 1844

(5) If the payment arises from a legal finding, judgment, or 1845
adjudication order, when the finding, judgment, or order is 1846
rendered or issued. 1847

(6) If the payment arises from an overpayment of money by the 1848

state to another person, when the overpayment is discovered.	1849
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	1850 1851 1852
(8) Upon proof of claim being filed in a bankruptcy case.	1853
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.	1854 1855 1856 1857 1858
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	1859 1860 1861
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	1862 1863 1864
(a) The assessment or case number;	1865
(b) The tax pursuant to which the assessment is made;	1866
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	1867 1868
(d) An explanation of how and when interest will be added to the amount assessed;	1869 1870
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	1871 1872 1873 1874
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	1875 1876
(D) Each claim shall bear interest, from the day on which the	1877

claim became due, at the rate per annum required by section 1878
5703.47 of the Revised Code. 1879

(E) The attorney general and the chief officer of the agency 1880
reporting a claim, acting together, may do any of the following if 1881
such action is in the best interests of the state: 1882

(1) Compromise the claim; 1883

(2) Extend for a reasonable period the time for payment of 1884
the claim by agreeing to accept monthly or other periodic 1885
payments. The agreement may require security for payment of the 1886
claim. 1887

(3) Add fees to recover the cost of processing checks or 1888
other draft instruments returned for insufficient funds and the 1889
cost of providing electronic payment options. 1890

(F)(1) Except as provided in division (F)(2) of this section, 1891
if the attorney general finds, after investigation, that any claim 1892
due and owing to the state is uncollectible, the attorney general, 1893
with the consent of the chief officer of the agency reporting the 1894
claim, may do the following: 1895

(a) Sell, convey, or otherwise transfer the claim to one or 1896
more private entities for collection; 1897

(b) Cancel the claim or cause it to be canceled. 1898

(2) The attorney general shall cancel or cause to be canceled 1899
an unsatisfied claim on the date that is forty years after the 1900
date the claim is certified. 1901

(3) No initial action shall be commenced to collect any tax 1902
payable to the state that is administered by the tax commissioner, 1903
whether or not such tax is subject to division (B) of this 1904
section, or any penalty, interest, or additional charge on such 1905
tax, after the expiration of the period ending on the later of the 1906
dates specified in divisions (F)(3)(a) and (b) of this section, 1907

provided that such period shall be extended by the period of any 1908
stay to such collection or by any other period to which the 1909
parties mutually agree~~+~~. If the initial action in aid of execution 1910
is commenced before the later of the dates specified in divisions 1911
(F)(3)(a) and (b) of this section, any and all subsequent actions 1912
may be pursued in aid of execution of judgment for as long as the 1913
debt exists. 1914

(a) Seven years after the assessment of the tax, penalty, 1915
interest, or additional charge is issued. 1916

(b) Four years after the assessment of the tax, penalty, 1917
interest, or additional charge becomes final. For the purposes of 1918
division (F)(3)(b) of this section, the assessment becomes final 1919
at the latest of the following: upon expiration of the period to 1920
petition for reassessment, or if applicable, to appeal a final 1921
determination of the commissioner or decision of the board of tax 1922
appeals or a court, or, if applicable, upon decision of the United 1923
States supreme court. 1924

For the purposes of division (F)(3) of this section, an 1925
initial action to collect a tax debt is commenced at the time when 1926
any action, including any action in aid of execution on a 1927
judgment, commences after a certified copy of the tax 1928
commissioner's entry making an assessment final has been filed in 1929
the office of the clerk of court of common pleas in the county in 1930
which the taxpayer resides or has its principal place of business 1931
in this state, or in the office of the clerk of court of common 1932
pleas of Franklin county, as provided in section 5739.13, 5741.14, 1933
5747.13, or 5751.09 of the Revised Code or in any other applicable 1934
law requiring such a filing. If an assessment has not been issued 1935
and there is no time limitation on the issuance of an assessment 1936
under applicable law, an action to collect a tax debt commences 1937
when the action is filed in the courts of this state to collect 1938
the liability. 1939

(4) If information contained in a claim that is sold, 1940
conveyed, or transferred to a private entity pursuant to this 1941
section is confidential pursuant to federal law or a section of 1942
the Revised Code that implements a federal law governing 1943
confidentiality, such information remains subject to that law 1944
during and following the sale, conveyance, or transfer. 1945

Sec. 133.021. The general assembly hereby finds and declares 1946
that the "Tax Reform Act of 1986" (the "Act") establishes a 1947
unified volume ceiling on the aggregate amount of private activity 1948
bonds that can be issued in each state. The amount of the unified 1949
volume ceiling shall be the amount determined as set forth in 1950
section 146(d) of the Internal Revenue Code. 1951

The general assembly further finds and declares that the Act 1952
requires the state to allocate its volume ceiling according to a 1953
specified formula unless a different procedure is established by 1954
the governor or general assembly. 1955

The general assembly further finds and declares that pursuant 1956
to authorization of state legislation the general assembly has, by 1957
division (D)(3) of section 133.02 of the Revised Code, effective 1958
October 30, 1989, provided for delegating such function to the 1959
governor and for further delegation as therein provided, subject 1960
to such prospectively effective actions as may subsequently be 1961
taken by the general assembly. 1962

The general assembly further finds and declares that it 1963
desires to by legislation provide for an efficient, effective, and 1964
equitable procedure under which the state will allocate the 1965
unified volume ceiling. 1966

The general assembly therefore finds and declares that it is 1967
necessary to create the joint select committee on volume cap to 1968
create a process for the allocation of the unified volume ceiling. 1969

(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. 133.07. (A) A county shall not incur, without a vote of
the electors, either of the following:

(1) Net indebtedness for all purposes that exceeds an amount
equal to one per cent of its tax valuation;

(2) Net indebtedness for the purpose of paying the county's
share of the cost of the construction, improvement, maintenance,
or repair of state highways that exceeds an amount equal to

one-half of one per cent of its tax valuation.	2030
(B) A county shall not incur total net indebtedness that exceeds an amount equal to one of the following limitations that applies to the county:	2031 2032 2033
(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;	2034 2035
(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;	2036 2037 2038 2039
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	2040 2041 2042 2043
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	2044 2045
(1) Securities described in section 307.201 of the Revised Code;	2046 2047
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	2048 2049 2050
(a) Water systems or facilities;	2051
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	2052 2053 2054
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	2055 2056 2057
(d) Off-street parking lots, facilities, or buildings, or	2058

on-street parking facilities, or any combination of off-street and	2059
on-street parking facilities;	2060
(e) Facilities for the care or treatment of the sick or	2061
infirm, and for housing the persons providing that care or	2062
treatment and their families;	2063
(f) Recreational, sports, convention, auditorium, museum,	2064
trade show, and other public attraction facilities;	2065
(g) Facilities for natural resources exploration,	2066
development, recovery, use, and sale;	2067
(h) Correctional and detention facilities and related	2068
rehabilitation facilities.	2069
(3) Securities issued for the purpose of purchasing,	2070
constructing, improving, or extending water or sanitary or surface	2071
and storm water sewerage systems or facilities, or a combination	2072
of those systems or facilities, to the extent that an agreement	2073
entered into with another subdivision requires the other	2074
subdivision to pay to the county amounts equivalent to debt	2075
charges on the securities;	2076
(4) Voted general obligation securities issued for the	2077
purpose of permanent improvements for sanitary sewerage or water	2078
systems or facilities to the extent that the total principal	2079
amount of voted securities outstanding for the purpose does not	2080
exceed an amount equal to two per cent of the county's tax	2081
valuation;	2082
(5) Securities issued for permanent improvements to house	2083
agencies, departments, boards, or commissions of the county or of	2084
any municipal corporation located, in whole or in part, in the	2085
county, to the extent that the revenues, other than revenues from	2086
unvoted county property taxes, derived from leases or other	2087
agreements between the county and those agencies, departments,	2088

boards, commissions, or municipal corporations relating to the use 2089
of the permanent improvements are sufficient to cover the cost of 2090
all operating expenses of the permanent improvements paid by the 2091
county and debt charges on the securities; 2092

(6) Securities issued pursuant to section 133.08 of the 2093
Revised Code; 2094

(7) Securities issued for the purpose of acquiring or 2095
constructing roads, highways, bridges, or viaducts, for the 2096
purpose of acquiring or making other highway permanent 2097
improvements, or for the purpose of procuring and maintaining 2098
computer systems for the office of the clerk of any 2099
county-operated municipal court, for the office of the clerk of 2100
the court of common pleas, or for the office of the clerk of the 2101
probate, juvenile, or domestic relations division of the court of 2102
common pleas to the extent that the legislation authorizing the 2103
issuance of the securities includes a covenant to appropriate from 2104
moneys distributed to the county pursuant to division (B) of 2105
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 2106
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 2107
sufficient amount to cover debt charges on and financing costs 2108
relating to the securities as they become due; 2109

(8) Securities issued for the purpose of acquiring, 2110
constructing, improving, and equipping a county, multicounty, or 2111
multicounty-municipal jail, workhouse, juvenile detention 2112
facility, or correctional facility; 2113

(9) Securities issued for the acquisition, construction, 2114
equipping, or repair of any permanent improvement or any class or 2115
group of permanent improvements enumerated in a resolution adopted 2116
pursuant to division (D) of section 5739.026 of the Revised Code 2117
to the extent that the legislation authorizing the issuance of the 2118
securities includes a covenant to appropriate from moneys received 2119

from the taxes authorized under section 5739.023 and division	2120
(A)(5) of section 5739.026 of the Revised Code an amount	2121
sufficient to pay debt charges on the securities and those moneys	2122
shall be pledged for that purpose;	2123
(10) Securities issued for county or joint county solid waste	2124
or hazardous waste collection, transfer, or disposal facilities,	2125
or resource recovery and solid or hazardous waste recycling	2126
facilities, or any combination of those facilities;	2127
(11) Securities issued for the acquisition, construction, and	2128
equipping of a port authority educational and cultural facility	2129
under section 307.671 of the Revised Code;	2130
(12) Securities issued for the acquisition, construction,	2131
equipping, and improving of a municipal educational and cultural	2132
facility under division (B)(1) of section 307.672 of the Revised	2133
Code;	2134
(13) Securities issued for energy conservation measures under	2135
section 307.041 of the Revised Code;	2136
(14) Securities issued for the acquisition, construction,	2137
equipping, improving, or repair of a sports facility, including	2138
obligations issued to pay costs of a sports facility under section	2139
307.673 of the Revised Code;	2140
(15) Securities issued under section 755.17 of the Revised	2141
Code if the legislation authorizing issuance of the securities	2142
includes a covenant to appropriate from revenue received from a	2143
tax authorized under division (A)(5) of section 5739.026 and	2144
section 5741.023 of the Revised Code an amount sufficient to pay	2145
debt charges on the securities, and the board of county	2146
commissioners pledges that revenue for that purpose, pursuant to	2147
section 755.171 of the Revised Code;	2148
(16) Sales tax supported bonds issued pursuant to section	2149

133.081 of the Revised Code for the purpose of acquiring,	2150
constructing, improving, or equipping any permanent improvement to	2151
the extent that the legislation authorizing the issuance of the	2152
sales tax supported bonds pledges county sales taxes to the	2153
payment of debt charges on the sales tax supported bonds and	2154
contains a covenant to appropriate from county sales taxes a	2155
sufficient amount to cover debt charges or the financing costs	2156
related to the sales tax supported bonds as they become due;	2157
(17) Bonds or notes issued under section 133.60 of the	2158
Revised Code if the legislation authorizing issuance of the bonds	2159
or notes includes a covenant to appropriate from revenue received	2160
from a tax authorized under division (A)(9) of section 5739.026	2161
and section 5741.023 of the Revised Code an amount sufficient to	2162
pay the debt charges on the bonds or notes, and the board of	2163
county commissioners pledges that revenue for that purpose;	2164
(18) Securities issued under section 3707.55 of the Revised	2165
Code for the acquisition of real property by a general health	2166
district;	2167
(19) Securities issued under division (A)(3) of section	2168
3313.37 of the Revised Code for the acquisition of real and	2169
personal property by an educational service center;	2170
<u>(20) Securities issued for the purpose of paying the costs of</u>	2171
<u>acquiring, constructing, reconstructing, renovating,</u>	2172
<u>rehabilitating, expanding, adding to, equipping, furnishing, or</u>	2173
<u>otherwise improving an arena, convention center, or a combination</u>	2174
<u>of an arena and convention center under section 307.695 of the</u>	2175
<u>Revised Code.</u>	2176
(D) In calculating the net indebtedness of a county, no	2177
obligation incurred under division (D) of section 339.06 of the	2178
Revised Code shall be considered.	2179

Sec. 133.08. (A) In addition to any power to issue securities	2180
under other provisions of the Revised Code for the purposes, a	2181
county may issue revenue securities as authorized in this section.	2182
	2183
(B) A county may issue revenue securities to fund or refund	2184
revenue securities previously issued, or for any purposes for	2185
which it could issue self-supporting securities and, without	2186
limitation, any of the following general purposes:	2187
(1) For one or more established sewer districts, any of the	2188
purposes provided in divisions (C)(2)(a) and (b) of section 133.07	2189
of the Revised Code;	2190
(2) Hospital facilities as defined in division (E) of section	2191
140.01 of the Revised Code;	2192
(3) Facilities described in division (C)(10) of section	2193
133.07 of the Revised Code;	2194
(4) Off-street parking facilities pursuant to section 307.02	2195
of the Revised Code;	2196
<u>(5) An arena, a convention center, or a combination of an</u>	2197
<u>arena and convention center under section 307.695 of the Revised</u>	2198
<u>Code.</u>	2199
(C) The county shall establish rates or charges for the use,	2200
availability, or rental of the facilities to which the financing	2201
relates, being the improvement, enterprise, system, project, or	2202
categories of improvements or the operation or function that the	2203
facilities serve, which rates or charges shall be designed to	2204
provide revenues to the county sufficient to pay the costs of all	2205
current expenses of the facilities payable by the county and to	2206
pay the debt charges on the securities and to establish and	2207
maintain any contractually required special funds relating to the	2208
securities or the facilities.	2209

(D) Revenue securities issued under this section shall not be 2210
general obligations of the county. Revenue securities issued under 2211
this section shall be secured only by a pledge of and lien upon 2212
the revenues of the county, derived from its ownership or 2213
operation of the facilities, including those rates or charges or 2214
rents and any interest subsidies or debt charges, grants, or other 2215
payments by federal or state agencies available therefor, and the 2216
covenants of the county to maintain sufficient rentals, rates, and 2217
charges to produce revenues sufficient to pay all current expenses 2218
of the facilities payable by the county and to pay the debt 2219
charges on the securities and to establish and maintain any 2220
contractually required special funds relating to the securities or 2221
the facilities, and, if the securities are anticipatory 2222
securities, to issue the revenue securities in anticipation of the 2223
issuance of which the revenue securities are issued. Revenue 2224
securities may also be secured by a pledge of and lien on the 2225
proceeds of any securities issued to fund or refund those revenue 2226
securities. 2227

(E) The county officers authorized by the county taxing 2228
authority shall execute the necessary documents, including but not 2229
limited to trust agreements and leases, to provide for the pledge, 2230
protection, and disposition of the pledged revenues from which 2231
debt charges and any special fund deposits are to be paid. 2232

(F) As long as any of these revenue securities, in either 2233
original or refunded form, remain outstanding, except as otherwise 2234
provided in those documents, all parts of the facilities the 2235
revenues from which are pledged, shall remain under the control of 2236
the county taxing authority, whether any parts of the facilities 2237
are leased to or operated by others or are in or thereafter come 2238
within the boundaries of any municipal corporation, and the 2239
facilities shall remain subject to the power and duty of the 2240
taxing authority to fix and collect rates or charges or rents for 2241

the use of facilities.	2242
(G) The authority to issue securities of the county under this section for permanent improvements described in division (B)(2) of this section or division (C)(2)(d) of section 133.07 of the Revised Code may separately and independently be exercised by a board of county hospital trustees established under section 339.02 of the Revised Code for those permanent improvements and related operations under the control of that board.	2243 2244 2245 2246 2247 2248 2249
(H) Sections 9.98 to 9.983 of the Revised Code apply to securities issued under this section, notwithstanding any other provision in this chapter.	2250 2251 2252
Sec. 133.20. (A) This section applies to bonds that are general obligation Chapter 133. securities. If the bonds are payable as to principal by provision for annual installments, the period of limitations on their last maturity, referred to as their maximum maturity, shall be measured from a date twelve months prior to the first date on which provision for payment of principal is made. If the bonds are payable as to principal by provision for semiannual installments, the period of limitations on their last maturity shall be measured from a date six months prior to the first date on which provision for payment of principal is made.	2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263
(B) Bonds issued for the following permanent improvements or for permanent improvements for the following purposes shall have maximum maturities not exceeding the number of years stated:	2264 2265 2266
(1) Fifty years:	2267
(a) The clearance and preparation of real property for redevelopment as an urban redevelopment project;	2268 2269
(b) Acquiring, constructing, widening, relocating, enlarging, extending, and improving a publicly owned railroad or line of	2270 2271

railway or a light or heavy rail rapid transit system, including	2272
related bridges, overpasses, underpasses, and tunnels, but not	2273
including rolling stock or equipment;	2274
(c) Pursuant to section 307.675 of the Revised Code,	2275
constructing or repairing a bridge using long life expectancy	2276
material for the bridge deck, and purchasing, installing, and	2277
maintaining any performance equipment to monitor the physical	2278
condition of a bridge so constructed or repaired. Additionally,	2279
the average maturity of the bonds shall not exceed the expected	2280
useful life of the bridge deck as determined by the county	2281
engineer under that section.	2282
(2) Forty years:	2283
(a) General waterworks or water system permanent	2284
improvements, including buildings, water mains, or other	2285
structures and facilities in connection therewith;	2286
(b) Sewers or sewage treatment or disposal works or	2287
facilities, including fireproof buildings or other structures in	2288
connection therewith;	2289
(c) Storm water drainage, surface water, and flood prevention	2290
facilities.	2291
(3) Thirty-five years: sports	2292
<u>(a) An arena, a convention center, or a combination of an</u>	2293
<u>arena and convention center under section 307.695 of the Revised</u>	2294
<u>Code;</u>	2295
<u>(b) Sports</u> facilities.	2296
(4) Thirty years:	2297
(a) Municipal recreation, excluding recreational equipment;	2298
(b) Urban redevelopment projects;	2299
(c) Acquisition of real property;	2300

(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.	2301 2302
(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.	2303 2304 2305 2306 2307 2308
(6) Fifteen years:	2309
(a) Resurfacing roads, highways, streets, or alleys;	2310
(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;	2311 2312
(c) Passenger buses used for mass transportation;	2313
(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.	2314 2315
(7) Ten years:	2316
(a) Water meters;	2317
(b) Fire department apparatus and equipment;	2318
(c) Road rollers and other road construction and servicing vehicles;	2319 2320
(d) Furniture, equipment, and furnishings;	2321
(e) Landscape planting and other site improvements;	2322
(f) Playground, athletic, and recreational equipment and apparatus;	2323 2324
(g) Energy conservation measures as authorized by section 307.041, 505.264, or 717.02 of the Revised Code.	2325 2326
(8) Five years: New motor vehicles other than those described in any other division of this section and those for which	2327 2328

provision is made in other provisions of the Revised Code. 2329

(C) Bonds issued for any permanent improvements not within 2330
the categories set forth in division (B) of this section shall 2331
have maximum maturities of from five to thirty years as the fiscal 2332
officer estimates is the estimated life or period of usefulness of 2333
those permanent improvements. Bonds issued under section 133.51 of 2334
the Revised Code for purposes other than permanent improvements 2335
shall have the maturities, not to exceed forty years, that the 2336
taxing authority shall specify. 2337

(D) Securities issued under section 505.265 or 717.07 of the 2338
Revised Code shall mature not later than December 31, 2035. 2339

(E) A securities issue for one purpose may include permanent 2340
improvements within two or more categories under divisions (B) and 2341
(C) of this section. The maximum maturity of such a bond issue 2342
shall not exceed the average number of years of life or period of 2343
usefulness of the permanent improvements as measured by the 2344
weighted average of the amounts expended or proposed to be 2345
expended for the categories of permanent improvements. 2346

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2347
151.40 of the Revised Code and in the applicable bond proceedings 2348
unless otherwise provided: 2349

(1) "Bond proceedings" means the resolutions, orders, 2350
agreements, and credit enhancement facilities, and amendments and 2351
supplements to them, or any one or more or combination of them, 2352
authorizing, awarding, or providing for the terms and conditions 2353
applicable to or providing for the security or liquidity of, the 2354
particular obligations, and the provisions contained in those 2355
obligations. 2356

(2) "Bond service fund" means the respective bond service 2357
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 2358

151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 2359
any accounts in that fund, including all moneys and investments, 2360
and earnings from investments, credited and to be credited to that 2361
fund and accounts as and to the extent provided in the applicable 2362
bond proceedings. 2363

(3) "Capital facilities" means capital facilities or projects 2364
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 2365
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 2366

(4) "Costs of capital facilities" means the costs of 2367
acquiring, constructing, reconstructing, rehabilitating, 2368
remodeling, renovating, enlarging, improving, equipping, or 2369
furnishing capital facilities, and of the financing of those 2370
costs. "Costs of capital facilities" includes, without limitation, 2371
and in addition to costs referred to in section 151.03, 151.04, 2372
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 2373
of the Revised Code, the cost of clearance and preparation of the 2374
site and of any land to be used in connection with capital 2375
facilities, the cost of any indemnity and surety bonds and 2376
premiums on insurance, all related direct administrative expenses 2377
and allocable portions of direct costs of the issuing authority, 2378
costs of engineering and architectural services, designs, plans, 2379
specifications, surveys, and estimates of cost, financing costs, 2380
interest on obligations from their date to the time when interest 2381
is to be paid from sources other than proceeds of obligations, 2382
amounts necessary to establish any reserves as required by the 2383
bond proceedings, the reimbursement of all moneys advanced or 2384
applied by or borrowed from any person or governmental agency or 2385
entity for the payment of any item of costs of capital facilities, 2386
and all other expenses necessary or incident to planning or 2387
determining feasibility or practicability with respect to capital 2388
facilities, and such other expenses as may be necessary or 2389
incident to the acquisition, construction, reconstruction, 2390

rehabilitation, remodeling, renovation, enlargement, improvement, 2391
equipment, and furnishing of capital facilities, the financing of 2392
those costs, and the placing of the capital facilities in use and 2393
operation, including any one, part of, or combination of those 2394
classes of costs and expenses. For purposes of sections 122.085 to 2395
122.0820 of the Revised Code, "costs of capital facilities" 2396
includes "allowable costs" as defined in section 122.085 of the 2397
Revised Code. 2398

(5) "Credit enhancement facilities," "financing costs," and 2399
"interest" or "interest equivalent" have the same meanings as in 2400
section 133.01 of the Revised Code. 2401

(6) "Debt service" means principal, including any mandatory 2402
sinking fund or redemption requirements for retirement of 2403
obligations, interest and other accreted amounts, interest 2404
equivalent, and any redemption premium, payable on obligations. If 2405
not prohibited by the applicable bond proceedings, debt service 2406
may include costs relating to credit enhancement facilities that 2407
are related to and represent, or are intended to provide a source 2408
of payment of or limitation on, other debt service. 2409

(7) "Issuing authority" means the Ohio public facilities 2410
commission created in section 151.02 of the Revised Code for 2411
obligations issued under section 151.03, 151.04, 151.05, 151.07, 2412
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 2413
treasurer of state, or the officer who by law performs the 2414
functions of that office, for obligations issued under section 2415
151.06 or 151.40 of the Revised Code. 2416

(8) "Net proceeds" means amounts received from the sale of 2417
obligations, excluding amounts used to refund or retire 2418
outstanding obligations, amounts required to be deposited into 2419
special funds pursuant to the applicable bond proceedings, and 2420
amounts to be used to pay financing costs. 2421

(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 2454
section 164.27 of the Revised Code, the clean Ohio revitalization 2455
fund created by section 122.658 of the Revised Code, the job ready 2456
site development fund created by section 122.0820 of the Revised 2457
Code, the third frontier research and development fund created by 2458
section 184.19 of the Revised Code, the third frontier research 2459
and development taxable bond fund created by section 184.191 of 2460
the Revised Code, or other funds created by the bond proceedings 2461
that are not stated by those proceedings to be special funds. 2462

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, or 15, and Section 2463
17, of Article VIII, Ohio Constitution, the state, by the issuing 2464
authority, is authorized to issue and sell, as provided in 2465
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 2466
respective aggregate principal amounts as from time to time 2467
provided or authorized by the general assembly, general 2468
obligations of this state for the purpose of paying costs of 2469
capital facilities or projects identified by or pursuant to 2470
general assembly action. 2471

(C) Each issue of obligations shall be authorized by 2472
resolution or order of the issuing authority. The bond proceedings 2473
shall provide for or authorize the manner for determining the 2474
principal amount or maximum principal amount of obligations of an 2475
issue, the principal maturity or maturities, the interest rate or 2476
rates, the date of and the dates of payment of interest on the 2477
obligations, their denominations, and the place or places of 2478
payment of debt service which may be within or outside the state. 2479
Unless otherwise provided by law, the latest principal maturity 2480
may not be later than the earlier of the thirty-first day of 2481
December of the twenty-fifth calendar year after the year of 2482
issuance of the particular obligations or of the twenty-fifth 2483
calendar year after the year in which the original obligation to 2484
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 2485

and 9.983 of the Revised Code apply to obligations. The purpose of 2486
the obligations may be stated in the bond proceedings in general 2487
terms, such as, as applicable, "financing or assisting in the 2488
financing of projects as provided in Section 2l of Article VIII, 2489
Ohio Constitution," "financing or assisting in the financing of 2490
highway capital improvement projects as provided in Section 2m of 2491
Article VIII, Ohio Constitution," "paying costs of capital 2492
facilities for a system of common schools throughout the state as 2493
authorized by Section 2n of Article VIII, Ohio Constitution," 2494
"paying costs of capital facilities for state-supported and 2495
state-assisted institutions of higher education as authorized by 2496
Section 2n of Article VIII, Ohio Constitution," "paying costs of 2497
coal research and development as authorized by Section 15 of 2498
Article VIII, Ohio Constitution," "financing or assisting in the 2499
financing of local subdivision capital improvement projects as 2500
authorized by Section 2m of Article VIII, Ohio Constitution," 2501
"paying costs of conservation projects as authorized by Section 2o 2502
of Article VIII, Ohio Constitution," "paying costs of 2503
revitalization projects as authorized by Section 2o of Article 2504
VIII, Ohio Constitution," "paying costs of preparing sites for 2505
industry, commerce, distribution, or research and development as 2506
authorized by Section 2p of Article VIII, Ohio Constitution," or 2507
"paying costs of research and development as authorized by Section 2508
2p of Article VIII, Ohio Constitution." 2509

(D) The issuing authority may appoint or provide for the 2510
appointment of paying agents, bond registrars, securities 2511
depositories, clearing corporations, and transfer agents, and may 2512
without need for any other approval retain or contract for the 2513
services of underwriters, investment bankers, financial advisers, 2514
accounting experts, marketing, remarketing, indexing, and 2515
administrative agents, other consultants, and independent 2516
contractors, including printing services, as are necessary in the 2517

judgment of the issuing authority to carry out the issuing 2518
authority's functions under this chapter. When the issuing 2519
authority is the Ohio public facilities commission, the issuing 2520
authority also may without need for any other approval retain or 2521
contract for the services of attorneys and other professionals for 2522
that purpose. Financing costs are payable, as may be provided in 2523
the bond proceedings, from the proceeds of the obligations, from 2524
special funds, or from other moneys available for the purpose. 2525

(E) The bond proceedings may contain additional provisions 2526
customary or appropriate to the financing or to the obligations or 2527
to particular obligations including, but not limited to, 2528
provisions for: 2529

(1) The redemption of obligations prior to maturity at the 2530
option of the state or of the holder or upon the occurrence of 2531
certain conditions, and at particular price or prices and under 2532
particular terms and conditions; 2533

(2) The form of and other terms of the obligations; 2534

(3) The establishment, deposit, investment, and application 2535
of special funds, and the safeguarding of moneys on hand or on 2536
deposit, in lieu of the applicability of provisions of Chapter 2537
131. or 135. of the Revised Code, but subject to any special 2538
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 2539
Code with respect to the application of particular funds or 2540
moneys. Any financial institution that acts as a depository of any 2541
moneys in special funds or other funds under the bond proceedings 2542
may furnish indemnifying bonds or pledge securities as required by 2543
the issuing authority. 2544

(4) Any or every provision of the bond proceedings being 2545
binding upon the issuing authority and upon such governmental 2546
agency or entity, officer, board, commission, authority, agency, 2547
department, institution, district, or other person or body as may 2548

from time to time be authorized to take actions as may be	2549
necessary to perform all or any part of the duty required by the	2550
provision;	2551
(5) The maintenance of each pledge or instrument comprising	2552
part of the bond proceedings until the state has fully paid or	2553
provided for the payment of the debt service on the obligations or	2554
met other stated conditions;	2555
(6) In the event of default in any payments required to be	2556
made by the bond proceedings, or by any other agreement of the	2557
issuing authority made as part of a contract under which the	2558
obligations were issued or secured, including a credit enhancement	2559
facility, the enforcement of those payments by mandamus, a suit in	2560
equity, an action at law, or any combination of those remedial	2561
actions;	2562
(7) The rights and remedies of the holders or owners of	2563
obligations or of book-entry interests in them, and of third	2564
parties under any credit enhancement facility, and provisions for	2565
protecting and enforcing those rights and remedies, including	2566
limitations on rights of individual holders or owners;	2567
(8) The replacement of mutilated, destroyed, lost, or stolen	2568
obligations;	2569
(9) The funding, refunding, or advance refunding, or other	2570
provision for payment, of obligations that will then no longer be	2571
outstanding for purposes of this section or of the applicable bond	2572
proceedings;	2573
(10) Amendment of the bond proceedings;	2574
(11) Any other or additional agreements with the owners of	2575
obligations, and such other provisions as the issuing authority	2576
determines, including limitations, conditions, or qualifications,	2577
relating to any of the foregoing.	2578

(F) The great seal of the state or a facsimile of it may be 2579
affixed to or printed on the obligations. The obligations 2580
requiring execution by or for the issuing authority shall be 2581
signed as provided in the bond proceedings. Any obligations may be 2582
signed by the individual who on the date of execution is the 2583
authorized signer although on the date of these obligations that 2584
individual is not an authorized signer. In case the individual 2585
whose signature or facsimile signature appears on any obligation 2586
ceases to be an authorized signer before delivery of the 2587
obligation, that signature or facsimile is nevertheless valid and 2588
sufficient for all purposes as if that individual had remained the 2589
authorized signer until delivery. 2590

(G) Obligations are investment securities under Chapter 1308. 2591
of the Revised Code. Obligations may be issued in bearer or in 2592
registered form, registrable as to principal alone or as to both 2593
principal and interest, or both, or in certificated or 2594
uncertificated form, as the issuing authority determines. 2595
Provision may be made for the exchange, conversion, or transfer of 2596
obligations and for reasonable charges for registration, exchange, 2597
conversion, and transfer. Pending preparation of final 2598
obligations, the issuing authority may provide for the issuance of 2599
interim instruments to be exchanged for the final obligations. 2600

(H) Obligations may be sold at public sale or at private 2601
sale, in such manner, and at such price at, above or below par, 2602
all as determined by and provided by the issuing authority in the 2603
bond proceedings. 2604

(I) Except to the extent that rights are restricted by the 2605
bond proceedings, any owner of obligations or provider of a credit 2606
enhancement facility may by any suitable form of legal proceedings 2607
protect and enforce any rights relating to obligations or that 2608
facility under the laws of this state or granted by the bond 2609
proceedings. Those rights include the right to compel the 2610

performance of all applicable duties of the issuing authority and
the state. Each duty of the issuing authority and that authority's
officers, staff, and employees, and of each state entity or
agency, or using district or using institution, and its officers,
members, staff, or employees, undertaken pursuant to the bond
proceedings, is hereby established as a duty of the entity or
individual having authority to perform that duty, specifically
enjoined by law and resulting from an office, trust, or station
within the meaning of section 2731.01 of the Revised Code. The
individuals who are from time to time the issuing authority,
members or officers of the issuing authority, or those members'
designees acting pursuant to section 151.02 of the Revised Code,
or the issuing authority's officers, staff, or employees, are not
liable in their personal capacities on any obligations or
otherwise under the bond proceedings.

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

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

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

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

shall be considered to be issued for those purposes for which the
prior obligations were issued.

(2) Except as otherwise provided in sections 151.01 to 151.11
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
exemptions from taxation in Ohio as provided for in particular
sections of the Ohio Constitution and section 5709.76 of the
Revised Code apply to the obligations.

(L)(1) Unless otherwise provided or provided for in any

applicable bond proceedings, moneys to the credit of or in a 2706
special fund shall be disbursed on the order of the issuing 2707
authority. No such order is required for the payment, from the 2708
bond service fund or other special fund, when due of debt service 2709
or required payments under credit enhancement facilities. 2710

(2) Payments received by the state under interest rate hedges 2711
entered into as credit enhancement facilities under this chapter 2712
shall be deposited to the credit of the bond service fund for the 2713
obligations to which those credit enhancement facilities relate. 2714

(M) The full faith and credit, revenue, and taxing power of 2715
the state are and shall be pledged to the timely payment of debt 2716
service on outstanding obligations as it comes due, all in 2717
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of Article 2718
VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 2719
151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the Revised 2720
Code. Moneys referred to in Section 5a of Article XII, Ohio 2721
Constitution, may not be pledged or used for the payment of debt 2722
service except on obligations referred to in section 151.06 of the 2723
Revised Code. Net state lottery proceeds, as provided for and 2724
referred to in section 3770.06 of the Revised Code, may not be 2725
pledged or used for the payment of debt service except on 2726
obligations referred to in section 151.03 of the Revised Code. The 2727
state covenants, and that covenant shall be controlling 2728
notwithstanding any other provision of law, that the state and the 2729
applicable officers and agencies of the state, including the 2730
general assembly, shall, so long as any obligations are 2731
outstanding in accordance with their terms, maintain statutory 2732
authority for and cause to be levied, collected and applied 2733
sufficient pledged excises, taxes, and revenues of the state so 2734
that the revenues shall be sufficient in amounts to pay debt 2735
service when due, to establish and maintain any reserves and other 2736
requirements, and to pay financing costs, including costs of or 2737

relating to credit enhancement facilities, all as provided for in 2738
the bond proceedings. Those excises, taxes, and revenues are and 2739
shall be deemed to be levied and collected, in addition to the 2740
purposes otherwise provided for by law, to provide for the payment 2741
of debt service and financing costs in accordance with sections 2742
151.01 to 151.11 of the Revised Code and the bond proceedings. 2743

(N) The general assembly may from time to time repeal or 2744
reduce any excise, tax, or other source of revenue pledged to the 2745
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 2746
2o, 2p, or 15 of Article VIII, Ohio Constitution, and sections 2747
151.01 to 151.11 or 151.40 of the Revised Code, and may levy, 2748
collect and apply any new or increased excise, tax, or revenue to 2749
meet the pledge, to the payment of debt service on outstanding 2750
obligations, of the state's full faith and credit, revenue and 2751
taxing power, or of designated revenues and receipts, except fees, 2752
excises or taxes referred to in Section 5a of Article XII, Ohio 2753
Constitution, for other than obligations referred to in section 2754
151.06 of the Revised Code and except net state lottery proceeds 2755
for other than obligations referred to in section 151.03 of the 2756
Revised Code. Nothing in division (N) of this section authorizes 2757
any impairment of the obligation of this state to levy and collect 2758
sufficient excises, taxes, and revenues to pay debt service on 2759
obligations outstanding in accordance with their terms. 2760

(O) Each bond service fund is a trust fund and is hereby 2761
pledged to the payment of debt service on the applicable 2762
obligations. Payment of that debt service shall be made or 2763
provided for by the issuing authority in accordance with the bond 2764
proceedings without necessity for any act of appropriation. The 2765
bond proceedings may provide for the establishment of separate 2766
accounts in the bond service fund and for the application of those 2767
accounts only to debt service on specific obligations, and for 2768
other accounts in the bond service fund within the general 2769

purposes of that fund.

2770

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

2771
2772
2773
2774
2775
2776
2777

(Q) The issuing authority shall by the fifteenth day of July of each fiscal year, certify or cause to be certified to the office of budget and management the total amount of moneys required during the current fiscal year to meet in full all debt service on the respective obligations and any related financing costs payable from the applicable bond service fund and not from the proceeds of refunding or renewal obligations. The issuing authority shall make or cause to be made supplemental certifications to the office of budget and management for each debt service payment date and at such other times during each fiscal year as may be provided in the bond proceedings or requested by that office. Debt service, costs of credit enhancement facilities, and other financing costs shall be set forth separately in each certification. If and so long as the moneys to the credit of the bond service fund, together with any other moneys available for the purpose, are insufficient to meet in full all payments when due of the amount required as stated in the certificate or otherwise, the office of budget and management shall at the times as provided in the bond proceedings, and consistent with any particular provisions in sections 151.03 to 151.11 and 151.40 of the Revised Code, transfer a sufficient amount to the bond service fund from the pledged revenues in the case of obligations issued pursuant to section 151.40 of the Revised Code, and in the case of other obligations from the

2778
2779
2780
2781
2782
2783
2784
2785
2786
2787
2788
2789
2790
2791
2792
2793
2794
2795
2796
2797
2798
2799
2800
2801

revenues derived from excises, taxes, and other revenues, 2802
including net state lottery proceeds in the case of obligations 2803
referred to in section 151.03 of the Revised Code. 2804

(R) Unless otherwise provided in any applicable bond 2805
proceedings, moneys to the credit of special funds may be invested 2806
by or on behalf of the state only in one or more of the following: 2807

(1) Notes, bonds, or other direct obligations of the United 2808
States or of any agency or instrumentality of the United States, 2809
or in no-front-end-load money market mutual funds consisting 2810
exclusively of those obligations, or in repurchase agreements, 2811
including those issued by any fiduciary, secured by those 2812
obligations, or in collective investment funds consisting 2813
exclusively of those obligations; 2814

(2) Obligations of this state or any political subdivision of 2815
this state; 2816

(3) Certificates of deposit of any national bank located in 2817
this state and any bank, as defined in section 1101.01 of the 2818
Revised Code, subject to inspection by the superintendent of 2819
financial institutions; 2820

(4) The treasurer of state's pooled investment program under 2821
section 135.45 of the Revised Code. 2822

The income from investments referred to in division (R) of 2823
this section shall, unless otherwise provided in sections 151.01 2824
to 151.11 or 151.40 of the Revised Code, be credited to special 2825
funds or otherwise as the issuing authority determines in the bond 2826
proceedings. Those investments may be sold or exchanged at times 2827
as the issuing authority determines, provides for, or authorizes. 2828

(S) The treasurer of state shall have responsibility for 2829
keeping records, making reports, and making payments, relating to 2830
any arbitrage rebate requirements under the applicable bond 2831

proceedings.	2832
Sec. 151.09. (A) As used in this section:	2833
(1) "Costs of conservation projects" includes related direct	2834
administrative expenses and allocable portions of the direct costs	2835
of those projects of the department of agriculture, the department	2836
of natural resources, or the Ohio public works commission.	2837
(2) "Obligations" means obligations as defined in section	2838
151.01 of the Revised Code issued to pay costs of projects for	2839
conservation purposes as referred to in division (A)(1) of Section	2840
2o of Article VIII, Ohio Constitution.	2841
(B)(1) The issuing authority shall issue general obligations	2842
of the state to pay costs of conservation projects pursuant to	2843
division (B)(1) of Section 2o of Article VIII, Ohio Constitution,	2844
section 151.01 of the Revised Code, and this section. The issuing	2845
authority, upon the certification to it by the Ohio public works	2846
commission of amounts needed in and for the purposes of the clean	2847
Ohio conservation fund created by section 164.27 of the Revised	2848
Code, the clean Ohio agricultural easement fund created by section	2849
901.21 of the Revised Code, and the clean Ohio trail fund created	2850
by section 1519.05 of the Revised Code, shall issue obligations in	2851
the amount determined by the issuing authority to be required for	2852
those purposes. <u>The total Not more than two hundred million</u>	2853
<u>dollars</u> principal amount of obligations issued under this section	2854
<u>shall not exceed two hundred million dollars for conservation</u>	2855
<u>purposes may be outstanding at any one time. Not more than fifty</u>	2856
<u>million dollars principal amount of obligations, plus the</u>	2857
<u>principal amount of obligations that in any prior fiscal year</u>	2858
<u>could have been, but were not issued within the</u>	2859
<u>fifty-million-dollar fiscal year limit, may be issued in any</u>	2860
<u>fiscal year.</u>	2861

(2) In making the certification required under division 2862
(B)(1) of this section, the Ohio public works commission shall 2863
consult with the department of agriculture and the department of 2864
natural resources. The commission shall certify amounts that 2865
correspond to the distribution of the net proceeds of obligations 2866
provided in division (C) of this section. 2867

(C) Net proceeds of obligations shall be deposited as 2868
follows: 2869

(1) Seventy-five per cent into the clean Ohio conservation 2870
fund created by section 164.27 of the Revised Code; 2871

(2) Twelve and one-half per cent into the clean Ohio 2872
agricultural easement fund created by section 901.21 of the 2873
Revised Code; 2874

(3) Twelve and one-half per cent into the clean Ohio trail 2875
fund created by section 1519.05 of the Revised Code. 2876

(D) There is hereby created in the state treasury the 2877
conservation projects bond service fund. All moneys received by 2878
the state and required by the bond proceedings, consistent with 2879
section 151.01 of the Revised Code and this section, to be 2880
deposited, transferred, or credited to the bond service fund, and 2881
all other moneys transferred or allocated to or received for the 2882
purposes of that fund, shall be deposited and credited to the bond 2883
service fund, subject to any applicable provisions of the bond 2884
proceedings, but without necessity for any act of appropriation. 2885
During the period beginning with the date of the first issuance of 2886
obligations and continuing during the time that any obligations 2887
are outstanding in accordance with their terms, so long as moneys 2888
in the bond service fund are insufficient to pay debt service when 2889
due on those obligations payable from that fund, except the 2890
principal amounts of bond anticipation notes payable from the 2891
proceeds of renewal notes or bonds anticipated, and due in the 2892

particular fiscal year, a sufficient amount of revenues of the 2893
state is committed and, without necessity for further act of 2894
appropriation, shall be paid to the bond service fund for the 2895
purpose of paying that debt service when due. 2896

Sec. 151.10. (A) As used in this section: 2897

(1) "Costs of research and development projects" includes 2898
related direct administrative expenses and allocable portions of 2899
the direct costs of those projects, costs of capital facilities, 2900
and working capital, all for the following: 2901

(a) Attracting researchers and research teams by endowing 2902
research chairs or otherwise; 2903

(b) Activities to develop and commercialize products and 2904
processes; 2905

(c) Intellectual property matters such as copyrights and 2906
patents; 2907

(d) Property interests including timesharing arrangements, 2908
capital formation, direct operating costs, and costs of research 2909
and facilities including interests in real property therefore; and 2910

(e) Support for public and private institutions of higher 2911
education, research organizations or institutions, and private 2912
sector entities. 2913

(2) "Obligations" means obligations as defined in section 2914
151.01 of the Revised Code issued to pay costs of projects for 2915
research and development purposes as referred to in division 2916
(A)(2) of Section 2p of Article VIII, Ohio Constitution. 2917

(3) "Project" means any research and development project, as 2918
defined in section 184.10 of the Revised Code, or facility, 2919
including undivided or other interests, acquired or to be 2920
acquired, constructed or to be constructed, or operating or to be 2921

operated by a person doing business in this state or by an 2922
educational or scientific institution located in this state with 2923
all or part of the cost of the project being paid from a grant or 2924
loan from the third frontier research and development fund or the 2925
third frontier research and development taxable bond fund or a 2926
loan guaranteed under Chapter 184. of the Revised Code, including 2927
all buildings and facilities determined necessary for the 2928
operation of the project, together with all property, rights, 2929
easements, and interests that may be required for the operation of 2930
the project. 2931

(B) The issuing authority shall issue general obligations of 2932
the state to pay costs of research and development projects 2933
pursuant to division (B)(2) of Section 2p of Article VIII, Ohio 2934
Constitution, section 151.01 of the Revised Code, and this 2935
section. The issuing authority shall issue obligations in the 2936
amount determined by the issuing authority to be required for 2937
those purposes. The total principal amount of obligations issued 2938
under this section shall not exceed five hundred million dollars. 2939

(C) Net proceeds of obligations shall be deposited into the 2940
third frontier research and development fund created by section 2941
184.19 of the Revised Code or into the third frontier research and 2942
development taxable bond fund created by section 184.191 of the 2943
Revised Code if the obligations are federally taxable. 2944

(D) There is hereby created in the state treasury the third 2945
frontier research and development projects bond service fund. All 2946
moneys received by the state and required by the bond proceedings, 2947
consistent with section 151.01 of the Revised Code and this 2948
section, to be deposited, transferred, or credited to the bond 2949
service fund, and all other moneys transferred or allocated to or 2950
received for the purposes of that fund, shall be deposited and 2951
credited to the bond service fund, subject to any applicable 2952
provisions of the bond proceedings, but without necessity for any 2953

act of appropriation. During the period beginning with the date of 2954
the first issuance of obligations and continuing during the time 2955
that any obligations are outstanding in accordance with their 2956
terms, so long as moneys in the bond service fund are insufficient 2957
to pay debt service when due on those obligations payable from 2958
that fund, except the principal amounts of bond anticipation notes 2959
payable from the proceeds of renewal notes or bonds anticipated, 2960
and due in the particular fiscal year, a sufficient amount of 2961
revenues of the state is committed and, without necessity for 2962
further act of appropriation, shall be paid to the bond service 2963
fund for the purpose of paying that debt service when due. 2964

Sec. 151.40. (A) As used in this section: 2965

(1) "Bond proceedings" includes any trust agreements, and any 2966
amendments or supplements to them, as authorized by this section. 2967

(2) "Costs of revitalization projects" includes related 2968
direct administrative expenses and allocable portions of the 2969
direct costs of those projects of the department of development or 2970
the environmental protection agency. 2971

(3) "Issuing authority" means the treasurer of state. 2972

(4) "Obligations" means obligations as defined in section 2973
151.01 of the Revised Code issued to pay the costs of projects for 2974
revitalization purposes as referred to in division (A)(2) of 2975
Section 2o of Article VIII, Ohio Constitution. 2976

(5) "Pledged liquor profits" means all receipts of the state 2977
representing the gross profit on the sale of spirituous liquor, as 2978
referred to in division (B)(4) of section 4301.10 of the Revised 2979
Code, after paying all costs and expenses of the division of 2980
liquor control and providing an adequate working capital reserve 2981
for the division of liquor control as provided in that division, 2982
but excluding the sum required by the second paragraph of section 2983

4301.12 of the Revised Code, as it was in effect on May 2, 1980,	2984
to be paid into the state treasury.	2985
(6) "Pledged receipts" means, as and to the extent provided	2986
in bond proceedings:	2987
(a) Pledged liquor profits. The pledge of pledged liquor	2988
profits to obligations is subject to the priority of the pledge of	2989
those profits to obligations issued and to be issued pursuant to	2990
Chapter 166. of the Revised Code.	2991
(b) Moneys accruing to the state from the lease, sale, or	2992
other disposition or use of revitalization projects or from the	2993
repayment, including any interest, of loans or advances made from	2994
net proceeds;	2995
(c) Accrued interest received from the sale of obligations;	2996
(d) Income from the investment of the special funds;	2997
(e) Any gifts, grants, donations, or pledges, and receipts	2998
therefrom, available for the payment of debt service;	2999
(f) Additional or any other specific revenues or receipts	3000
lawfully available to be pledged, and pledged, pursuant to further	3001
authorization by the general assembly, to the payment of debt	3002
service.	3003
(B)(1) The issuing authority shall issue obligations of the	3004
state to pay costs of revitalization projects pursuant to division	3005
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section	3006
151.01 of the Revised Code as applicable to this section, and this	3007
section. The issuing authority, upon the certification to it by	3008
the clean Ohio council of the amount of moneys needed in and for	3009
the purposes of the clean Ohio revitalization fund created by	3010
section 122.658 of the Revised Code, shall issue obligations in	3011
the amount determined by the issuing authority to be required for	3012
those purposes. The total <u>Not more than two hundred million</u>	3013

dollars principal amount of obligations issued under this section 3014
shall not exceed two hundred million dollars for revitalization 3015
purposes may be outstanding at any one time. Not more than fifty 3016
million dollars principal amount of obligations, plus the 3017
principal amount of obligations that in any prior fiscal year 3018
could have been, but were not issued within the 3019
fifty-million-dollar fiscal year limit, may be issued in any 3020
fiscal year. The 3021

(2) The provisions and authorizations in section 151.01 of 3022
the Revised Code apply to the obligations and the bond proceedings 3023
except as otherwise provided or provided for in those obligations 3024
and bond proceedings. 3025

(C) Net proceeds of obligations shall be deposited in the 3026
clean Ohio revitalization fund created in section 122.658 of the 3027
Revised Code. 3028

(D) There is hereby created the revitalization projects bond 3029
service fund, which shall be in the custody of the treasurer of 3030
state, but shall be separate and apart from and not a part of the 3031
state treasury. All money received by the state and required by 3032
the bond proceedings, consistent with section 151.01 of the 3033
Revised Code and this section, to be deposited, transferred, or 3034
credited to the bond service fund, and all other money transferred 3035
or allocated to or received for the purposes of that fund, shall 3036
be deposited and credited to the bond service fund, subject to any 3037
applicable provisions of the bond proceedings, but without 3038
necessity for any act of appropriation. During the period 3039
beginning with the date of the first issuance of obligations and 3040
continuing during the time that any obligations are outstanding in 3041
accordance with their terms, so long as moneys in the bond service 3042
fund are insufficient to pay debt service when due on those 3043
obligations payable from that fund, except the principal amounts 3044
of bond anticipation notes payable from the proceeds of renewal 3045

notes or bonds anticipated, and due in the particular fiscal year, 3046
a sufficient amount of pledged receipts is committed and, without 3047
necessity for further act of appropriation, shall be paid to the 3048
bond service fund for the purpose of paying that debt service when 3049
due. 3050

(E) The issuing authority may pledge all, or such portion as 3051
the issuing authority determines, of the pledged receipts to the 3052
payment of the debt service charges on obligations issued under 3053
this section, and for the establishment and maintenance of any 3054
reserves, as provided in the bond proceedings, and make other 3055
provisions in the bond proceedings with respect to pledged 3056
receipts as authorized by this section, which provisions are 3057
controlling notwithstanding any other provisions of law pertaining 3058
to them. 3059

(F) The issuing authority may covenant in the bond 3060
proceedings, and such covenants shall be controlling 3061
notwithstanding any other provision of law, that the state and 3062
applicable officers and state agencies, including the general 3063
assembly, so long as any obligations issued under this section are 3064
outstanding, shall maintain statutory authority for and cause to 3065
be charged and collected wholesale or retail prices for spirituous 3066
liquor sold by the state or its agents so that the available 3067
pledged receipts are sufficient in time and amount to meet debt 3068
service payable from pledged liquor profits and for the 3069
establishment and maintenance of any reserves and other 3070
requirements provided for in the bond proceedings. 3071

(G) Obligations may be further secured, as determined by the 3072
issuing authority, by a trust agreement between the state and a 3073
corporate trustee, which may be any trust company or bank having 3074
its principal place of business within the state. Any trust 3075
agreement may contain the resolution or order authorizing the 3076
issuance of the obligations, any provisions that may be contained 3077

in any bond proceedings, and other provisions that are customary 3078
or appropriate in an agreement of that type, including, but not 3079
limited to: 3080

(1) Maintenance of each pledge, trust agreement, or other 3081
instrument comprising part of the bond proceedings until the state 3082
has fully paid or provided for the payment of debt service on the 3083
obligations secured by it; 3084

(2) In the event of default in any payments required to be 3085
made by the bond proceedings, enforcement of those payments or 3086
agreements by mandamus, the appointment of a receiver, suit in 3087
equity, action at law, or any combination of them; 3088

(3) The rights and remedies of the holders or owners of 3089
obligations and of the trustee and provisions for protecting and 3090
enforcing them, including limitations on rights of individual 3091
holders and owners. 3092

(H) The obligations shall not be general obligations of the 3093
state and the full faith and credit, revenue, and taxing power of 3094
the state shall not be pledged to the payment of debt service on 3095
them. The holders or owners of the obligations shall have no right 3096
to have any moneys obligated or pledged for the payment of debt 3097
service except as provided in this section and in the applicable 3098
bond proceedings. The rights of the holders and owners to payment 3099
of debt service are limited to all or that portion of the pledged 3100
receipts, and those special funds, pledged to the payment of debt 3101
service pursuant to the bond proceedings in accordance with this 3102
section, and each obligation shall bear on its face a statement to 3103
that effect. 3104

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 3105
152.33 of the Revised Code: 3106

(1) "Obligations" means bonds, notes, or other evidences of 3107

obligation, including interest coupons pertaining thereto, issued 3108
pursuant to sections 152.09 to 152.33 of the Revised Code. 3109

(2) "State agencies" means the state of Ohio and branches, 3110
officers, boards, commissions, authorities, departments, 3111
divisions, courts, general assembly, or other units or agencies of 3112
the state. "State agency" also includes counties, municipal 3113
corporations, and governmental entities of this state that enter 3114
into leases with the Ohio building authority pursuant to section 3115
152.31 of the Revised Code or that are designated by law as state 3116
agencies for the purpose of performing a state function that is to 3117
be housed by a capital facility for which the Ohio building 3118
authority is authorized to issue revenue obligations pursuant to 3119
sections 152.09 to 152.33 of the Revised Code. 3120

(3) "Bond service charges" means principal, including 3121
mandatory sinking fund requirements for retirement of obligations, 3122
and interest, and redemption premium, if any, required to be paid 3123
by the Ohio building authority on obligations. 3124

(4) "Capital facilities" means buildings, structures, and 3125
other improvements, and equipment, real estate, and interests in 3126
real estate therefor, within the state, and any one, part of, or 3127
combination of the foregoing, for housing of branches and agencies 3128
of state government, including capital facilities for the purpose 3129
of housing personnel, equipment, or functions, or any combination 3130
thereof that the state agencies are responsible for housing, ~~for~~ 3131
~~which the Ohio building authority is authorized to issue~~ 3132
~~obligations pursuant to Chapter 152. of the Revised Code, and~~ 3133
~~includes~~ storage and parking facilities related to such capital 3134
facilities. "Capital facilities" does not include capital 3135
facilities for institutions of higher education. 3136

(5) "Cost of capital facilities" means the costs of 3137
assessing, planning, acquiring, constructing, reconstructing, 3138

rehabilitating, remodeling, renovating, enlarging, improving, 3139
altering, maintaining, equipping, furnishing, repairing, painting, 3140
decorating, managing, or operating capital facilities, and the 3141
financing thereof, including the cost of clearance and preparation 3142
of the site and of any land to be used in connection with capital 3143
facilities, the cost of participating in capital facilities 3144
pursuant to section 152.33 of the Revised Code, the cost of any 3145
indemnity and surety bonds and premiums on insurance, all related 3146
direct administrative expenses and allocable portions of direct 3147
costs of the authority and lessee state agencies, cost of 3148
engineering and architectural services, designs, plans, 3149
specifications, surveys, and estimates of cost, legal fees, fees 3150
and expenses of trustees, depositories, and paying agents for the 3151
obligations, cost of issuance of the obligations and financing 3152
charges and fees and expenses of financial advisers and 3153
consultants in connection therewith, interest on obligations from 3154
the date thereof to the time when interest is to be covered from 3155
sources other than proceeds of obligations, amounts that represent 3156
the portion of investment earnings to be rebated or to be paid to 3157
the federal government in order to maintain the exclusion from 3158
gross income for federal income tax purposes of interest on those 3159
obligations pursuant to section 148(f) of the Internal Revenue 3160
Code, amounts necessary to establish reserves as required by the 3161
resolutions or the obligations, trust agreements, or indentures, 3162
costs of audits, the reimbursement of all moneys advanced or 3163
applied by or borrowed from any governmental entity, whether to or 3164
by the authority or others, from whatever source provided, for the 3165
payment of any item or items of cost of the capital facilities, 3166
any share of the cost undertaken by the authority pursuant to 3167
arrangements made with governmental entities under division (J) of 3168
section 152.21 of the Revised Code, and all other expenses 3169
necessary or incident to assessing, planning, or determining the 3170
feasibility or practicability with respect to capital facilities, 3171

and such other expenses as may be necessary or incident to the 3172
assessment, planning, acquisition, construction, reconstruction, 3173
rehabilitation, remodeling, renovation, enlargement, improvement, 3174
alteration, maintenance, equipment, furnishing, repair, painting, 3175
decoration, management, or operation of capital facilities, the 3176
financing thereof and the placing of the same in use and 3177
operation, including any one, part of, or combination of such 3178
classes of costs and expenses. 3179

(6) "Governmental entity" means any state agency, municipal 3180
corporation, county, township, school district, and any other 3181
political subdivision or special district in this state 3182
established pursuant to law, and, except where otherwise 3183
indicated, also means the United States or any of the states or 3184
any department, division, or agency thereof, and any agency, 3185
commission, or authority established pursuant to an interstate 3186
compact or agreement. 3187

(7) "Governing body" means: 3188

(a) In the case of a county, the board of county 3189
commissioners or other legislative authority; in the case of a 3190
municipal corporation, the legislative authority; in the case of a 3191
township, the board of township trustees; in the case of a school 3192
district, the board of education; 3193

(b) In the case of any other governmental entity, the 3194
officer, board, commission, authority, or other body having the 3195
general management of the entity or having jurisdiction or 3196
authority in the particular circumstances. 3197

(8) "Available receipts" means fees, charges, revenues, 3198
grants, subsidies, income from the investment of moneys, proceeds 3199
from the sale of goods or services, and all other revenues or 3200
receipts received by or on behalf of any state agency for which 3201
capital facilities are financed with obligations issued under 3202

Chapter 152. of the Revised Code, any state agency participating 3203
in capital facilities pursuant to section 152.33 of the Revised 3204
Code, or any state agency by which the capital facilities are 3205
constructed or financed; revenues or receipts derived by the 3206
authority from the operation, leasing, or other disposition of 3207
capital facilities, and the proceeds of obligations issued under 3208
Chapter 152. of the Revised Code; and also any moneys appropriated 3209
by a governmental entity, gifts, grants, donations, and pledges, 3210
and receipts therefrom, available for the payment of bond service 3211
charges on such obligations. 3212

(B) Pursuant to the powers granted to the general assembly 3213
under Section 2i of Article VIII, Ohio Constitution, to authorize 3214
the issuance of revenue obligations and other obligations, the 3215
owners or holders of which are not given the right to have excises 3216
or taxes levied by the general assembly for the payment of 3217
principal thereof or interest thereon, the Ohio building authority 3218
may issue obligations, in accordance with Chapter 152. of the 3219
Revised Code, and shall cause the net proceeds thereof, after any 3220
deposits of accrued interest for the payment of bond service 3221
charges and after any deposit of all or such lesser portion as the 3222
authority may direct of the premium received upon the sale of 3223
those obligations for the payment of the bond service charges, to 3224
be applied to the costs of capital facilities designated by or 3225
pursuant to act of the general assembly for housing state agencies 3226
as authorized by Chapter 152. of the Revised Code. The authority 3227
shall provide by resolution for the issuance of such obligations. 3228
The bond service charges and all other payments required to be 3229
made by the trust agreement or indenture securing such obligations 3230
shall be payable solely from available receipts of the authority 3231
pledged thereto as provided in such resolution. The available 3232
receipts pledged and thereafter received by the authority are 3233
immediately subject to the lien of such pledge without any 3234

physical delivery thereof or further act, and the lien of any such
pledge is valid and binding against all parties having claims of
any kind against the authority, irrespective of whether those
parties have notice thereof, and creates a perfected security
interest for all purposes of Chapter 1309. of the Revised Code and
a perfected lien for purposes of any real property interest, all
without the necessity for separation or delivery of funds or for
the filing or recording of the resolution, trust agreement,
indenture, or other agreement by which such pledge is created or
any certificate, statement, or other document with respect
thereto; and the pledge of such available receipts is effective
and the money therefrom and thereof may be applied to the purposes
for which pledged. Every pledge, and every covenant and agreement
made with respect to the pledge, made in the resolution may
therein be extended to the benefit of the owners and holders of
obligations authorized by Chapter 152. of the Revised Code, and to
any trustee therefor, for the further securing of the payment of
the bond service charges, and all or any rights under any
agreement or lease made under this section may be assigned for
such purpose. Obligations may be issued at one time or from time
to time, and each issue shall be dated, shall mature at such time
or times as determined by the authority not exceeding forty years
from the date of issue, and may be redeemable before maturity at
the option of the authority at such price or prices and under such
terms and conditions as are fixed by the authority prior to the
issuance of the obligations. The authority shall determine the
form of the obligations, fix their denominations, establish their
interest rate or rates, which may be a variable rate or rates, or
the maximum interest rate, and establish within or without this
state a place or places of payment of bond service charges.

(C) The obligations shall be signed by the authority
chairperson, vice-chairperson, and secretary-treasurer, and the

authority seal shall be affixed. The signatures may be facsimile
signatures and the seal affixed may be a facsimile seal, as
provided by resolution of the authority. Any coupons attached may
bear the facsimile signature of the chairperson. In case any
officer who has signed any obligations, or caused the officer's
facsimile signature to be affixed thereto, ceases to be such
officer before such obligations have been delivered, such
obligations may, nevertheless, be issued and delivered as though
the person who had signed the obligations or caused the person's
facsimile signature to be affixed thereto had not ceased to be
such officer.

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

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

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

(F) The authority is authorized to issue revenue obligations 3299
and other obligations under Section 2i of Article VIII, Ohio 3300
Constitution, for the purpose of paying the cost of capital 3301
facilities for housing of branches and agencies of state 3302
government, including capital facilities for the purpose of 3303
housing personnel, equipment, or functions, or any combination 3304
thereof that the state agencies are responsible for housing, as 3305
are authorized by Chapter 152. of the Revised Code, and that are 3306
authorized by the general assembly by the appropriation of lease 3307
payments or other moneys for such capital facilities or by any 3308
other act of the general assembly, but not including the 3309
appropriation of moneys for feasibility studies for such capital 3310
facilities. This division does not authorize the authority to 3311
issue obligations pursuant to Section 2i of Article VIII, Ohio 3312
Constitution, to pay the cost of capital facilities for mental 3313
hygiene and retardation, parks and recreation, or state-supported 3314
or state-assisted institutions of higher education. 3315

Sec. 152.18. Whenever the Ohio building authority constructs, 3316
reconstructs, rehabilitates, remodels, renovates, enlarges, 3317
improves, alters, maintains, equips, furnishes, repairs, paints, 3318
or decorates capital facilities pursuant to section 152.19, 3319
152.21, or 152.31 of the Revised Code or buildings, facilities, 3320
and other properties for use and occupancy of persons pursuant to 3321
section 152.04 of the Revised Code, the authority shall make the 3322
necessary plans and specifications, and shall advertise for bids 3323
for all work to be placed under contract once a week for two 3324
consecutive weeks in a newspaper of general circulation in the 3325
county within which the work is to be done, and shall award the 3326
contract to the lowest responsive and responsible bidder in 3327
accordance with section 9.312 of the Revised Code. When the 3328
authority determines, subject to approval by the controlling 3329
board, that a real and present emergency exists or if the cost of 3330

such a contract does not exceed fifty thousand dollars, such a 3331
contract may be awarded without advertising and receipt of bids. A 3332
bid guaranty pursuant to sections 153.54 to 153.571 of the Revised 3333
Code shall be required for any contract under this section. 3334

In all other cases of capital facilities financed by the 3335
authority, the construction, reconstruction, rehabilitation, 3336
remodeling, renovation, enlargement, improvement, alteration, 3337
maintenance, ~~equipment~~ equipping, furnishing, repair, painting, or 3338
decoration of capital facilities by or for the state or any 3339
governmental entity shall be the responsibility of the department 3340
of administrative services, ~~division of public works~~, or, with the 3341
consent of the department of administrative services, shall be the 3342
responsibility of the state agency using the capital facility, or 3343
the governmental entity with which a state agency is participating 3344
pursuant to section 152.33 of the Revised Code, and shall be 3345
undertaken by the department in compliance with Chapter 153. of 3346
the Revised Code, or by such state agency or governmental entity 3347
in accordance with otherwise applicable law. 3348

Sec. 152.19. (A) The Ohio building authority may assess, 3349
plan, acquire, purchase, construct, reconstruct, rehabilitate, 3350
remodel, renovate, enlarge, improve, alter, maintain, equip, 3351
furnish, repair, paint, decorate, manage, and operate capital 3352
facilities for the use of state agencies on one or more sites 3353
within the state. 3354

(B) In the exercise of any of the authority granted by 3355
division (A) of this section, the Ohio building authority may 3356
follow the procedures of section 125.81 of the Revised Code. 3357

Sec. 152.21. With respect to capital facilities described in 3358
sections 152.19 and 152.31 of the Revised Code, the Ohio building 3359
authority may: 3360

(A) Acquire, by appropriation subject to Chapter 163. of the Revised Code, or by gift, grant, lease, or purchase; hold; lease; mortgage in the case of capital facilities the real property or interest therein of which was not acquired by the authority pursuant to sections 152.05 and 152.06 of the Revised Code; convey; and dispose of real estate and interests in real estate and personal property suitable for its purposes, <u>including options and rights of first refusal to acquire;</u>	3361 3362 3363 3364 3365 3366 3367 3368
(B) <u>Acquire Assess, plan, acquire,</u> purchase, construct, reconstruct, rehabilitate, remodel, renovate, enlarge, improve, alter, maintain, equip, furnish, repair, paint, decorate, and operate capital facilities as provided in sections 152.18, 152.19, and 152.31 of the Revised Code;	3369 3370 3371 3372 3373
(C) Issue obligations to secure funds to accomplish its purposes as more fully set forth in sections 152.09 to 152.33 of the Revised Code;	3374 3375 3376
(D) Enter into contracts and execute all instruments necessary in the conduct of its business;	3377 3378
(E) Fix, alter, and charge rentals for the use and occupancy of its capital facilities and enter into leases for such use and occupancy as provided in section 152.24 of the Revised Code;	3379 3380 3381
(F) Employ financial consultants, appraisers, consulting engineers, architects, superintendents, managers, construction and accounting experts, attorneys at law, and other employees and agents as are necessary, in its judgment, and fix their compensation;	3382 3383 3384 3385 3386
(G)(1) <u>Manage, allocate space in,</u> and have general custodial care and supervision of its capital facilities or enter into contracts with the department of administrative services or the using state agency or governmental entity for such purposes + .	3387 3388 3389 3390

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

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

(I) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from, and enter into contracts or agreements with, any federal agency or other governmental or private source, and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, or devises of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any federal or other governmental or private source may be repaid in accordance with the terms of such advance or loan.

(J) Enter into lawful arrangements with the appropriate

governmental entity for the planning and installation of streets 3423
and sidewalks, public utility facilities, and other necessary 3424
appurtenances to ~~its~~ capital facilities, and grant necessary 3425
easements for such purposes; 3426

(K) Purchase property insurance, including all risk or 3427
extended coverage, and boiler, rents, and public liability 3428
insurance for or relating to ~~its property~~ capital facilities; 3429

(L) Establish rules for the use and operation of ~~its~~ 3430
~~buildings and~~ capital facilities; 3431

(M) Do all other acts necessary to the fulfillment of its 3432
purposes. 3433

Any instrument by which real property is acquired pursuant to 3434
this section shall identify the agency of the state that has the 3435
use and benefit of the real property as specified in section 3436
5301.012 of the Revised Code. 3437

Sec. 152.24. (A) Except as otherwise provided with respect to 3438
leasing of capital facilities in sections 152.241, 152.242, 3439
152.31, and 152.33 of the Revised Code, the department of 3440
administrative services or, with the consent of the department of 3441
administrative services, the state agency using an office facility 3442
and related storage and parking facilities, or participating in 3443
such facilities pursuant to section 152.33 of the Revised Code, 3444
shall lease any office facility and related storage and ~~parking~~ 3445
parking facility acquired, purchased, constructed, reconstructed, 3446
rehabilitated, remodeled, renovated, enlarged, improved, altered, 3447
operated, maintained, equipped, furnished, repaired, painted, 3448
decorated, or financed by the Ohio building authority for housing 3449
any state agencies. An agreement between the authority and the 3450
department of administrative services or such using or 3451
participating agency may provide for the transfer of the property 3452

to the state after bonds and notes issued by the authority for the 3453
purpose of the acquisition, purchase, construction, 3454
reconstruction, rehabilitation, remodeling, renovation, 3455
enlargement, improvement, alteration, equipping, furnishing, 3456
repair, painting, decorating, or financing of such building or 3457
facility have been repaid. A lease between the authority and the 3458
department of administrative services or a using or participating 3459
agency shall be for a period not exceeding the then current 3460
two-year period for which appropriations have been made by the 3461
general assembly to the department of administrative services and 3462
the state agencies which will occupy or participate in the office 3463
facility and related storage and parking facility being leased, 3464
and such lease may contain such other terms as the department of 3465
administrative services, or a using or participating agency, and 3466
the authority agree notwithstanding any other provision of law, 3467
including provision that rental payments in amounts at least 3468
sufficient to pay bond service charges payable during the current 3469
two-year lease term shall be an absolute and unconditional 3470
obligation of the department of administrative services, or the 3471
using or participating agency, independent of all other duties 3472
under the lease without setoff or deduction or any other similar 3473
rights or defenses. Such an agreement may provide for renewal of a 3474
lease at the end of each term for another term, not exceeding two 3475
years, provided that no renewal shall be effective until the 3476
effective date of an appropriation enacted by the general assembly 3477
from which the department of administrative services, or the using 3478
or participating agency, may lawfully pay rentals under such 3479
lease. For purposes of this section, the term "lease" may include, 3480
without limitation, any agreement between the department of 3481
administrative services, or the using or participating agency, and 3482
the authority with respect to any costs of capital facilities to 3483
be incurred prior to land acquisition. 3484

(B) If the director of administrative services or the 3485

director of a state agency using or participating in an office 3486
facility and related storage and parking facility certifies that 3487
space in such facility acquired, purchased, constructed, 3488
reconstructed, rehabilitated, remodeled, renovated, enlarged, 3489
improved, altered, operated, maintained, equipped, furnished, 3490
repaired, painted, decorated, or financed by the authority has 3491
become unnecessary for state use, the authority may lease any 3492
excess space in such facility and related storage and parking 3493
facility to any governmental entity. 3494

(C) If space in any office facility leased by the authority 3495
to the department of administrative services is not immediately 3496
necessary for state use, the department of administrative services 3497
may exercise its authority under division (A)(9) of section 123.01 3498
of the Revised Code with respect to such space. 3499

(D) Capital facilities acquired, purchased, constructed, 3500
reconstructed, rehabilitated, remodeled, renovated, enlarged, 3501
improved, altered, operated, maintained, equipped, furnished, 3502
repaired, painted, decorated, or financed by the Ohio building 3503
authority, other than any office facility and related storage and 3504
parking facility required to be leased pursuant to division (A) of 3505
this section, shall be leased to the department of administrative 3506
services ~~or to~~, the state agency using the capital facilities, or 3507
the state agency participating in the capital facilities pursuant 3508
to section 152.33 of the Revised Code. The department of 3509
administrative services or the using or participating state agency 3510
may sublease such capital facilities to other state agencies or 3511
other governmental entities. Such parties, including other state 3512
agencies or state-supported or state-assisted institutions of 3513
higher education, may make other agreements for the use, 3514
construction, or operation of such capital facilities in any 3515
manner permitted by the lease or agreement with the authority and 3516
for the charging, collection, and deposit of such revenues and 3517

receipts of the using or participating state agency constituting 3518
available receipts, all upon such terms and conditions as the 3519
parties may agree upon and pursuant to this chapter 3520
notwithstanding other provisions of law affecting the leasing, 3521
acquisition, operation, or disposition of capital facilities by 3522
such parties. Any such lease between the authority and the 3523
department of administrative services or a using or participating 3524
state agency shall be for a period not to exceed the then current 3525
two-year period for which appropriations have been made by the 3526
general assembly to the department of administrative services or 3527
such using or participating state agency. The lease between the 3528
authority and the department of administrative services or the 3529
using or participating state agency may provide for renewal of the 3530
lease at the end of each term for another term, not exceeding two 3531
years, but no renewal shall be effective until the effective date 3532
of an appropriation enacted by the general assembly from which the 3533
department of administrative services or the using or 3534
participating state agency may lawfully pay rentals under such 3535
lease. Any such leases, subleases, or agreements may set forth the 3536
responsibilities of the authority, state agencies, 3537
state-supported, or state-assisted institutions of higher 3538
education, or other governmental entities as to the financing, 3539
assessment, planning, acquisition, purchase, construction, 3540
reconstruction, rehabilitation, remodeling, renovation, 3541
enlargement, improvement, alteration, subleasing, management, 3542
operation, maintenance, equipping, furnishing, repair, painting, 3543
decorating, and insuring of such capital facilities and other 3544
terms and conditions applicable thereto, and any other provisions 3545
mutually agreed upon for the purposes of this chapter. Promptly 3546
upon execution thereof, a signed or conformed copy of each such 3547
lease or sublease or agreement, and any supplement thereto, 3548
between the authority and a governmental entity shall be filed by 3549
the authority with the department of administrative services and 3550

the director of budget and management, and, promptly upon 3551
execution thereof, a signed or conformed copy of each such 3552
sublease or agreement between two governmental entities, not 3553
including the authority, shall be filed with the authority and the 3554
director of budget and management. For purposes of this section, 3555
the term "lease" may include, without limitation, any agreement 3556
between the department of administrative services or the state 3557
agency using or participating in such capital facilities and the 3558
authority with respect to any costs of capital facilities to be 3559
incurred prior to land acquisition. 3560

(E) The transfer of tangible personal property by lease under 3561
authority of this chapter is not a sale as used in Chapter 5739. 3562
of the Revised Code. Any agreement of a governmental entity to 3563
make rental, use, or other payments or payment of purchase price, 3564
in installments or otherwise, or repayments to or on account of 3565
the authority and the obligations issued by the authority, shall 3566
not be deemed to constitute indebtedness, bonded or otherwise, or 3567
bonds, notes, or other evidence of indebtedness of such 3568
governmental entity for the purpose of Chapter 133. of the Revised 3569
Code or any other purpose; such leases and agreements requiring 3570
payments beyond the current fiscal year are continuing contracts 3571
for the purposes of sections 5705.41 and 5705.44 of the Revised 3572
Code. 3573

(F) Any agreement between the department of administrative 3574
services or the state agency using or participating in such 3575
capital facilities and the authority ~~which~~ that includes provision 3576
for the use of space by such using or participating state agency 3577
or the department of administrative services, even if executed 3578
prior to land acquisition or completion of construction, 3579
improvements, or financing, shall be a lease for purposes of this 3580
chapter and for all other purposes. No such lease need be recorded 3581
or recordable for purposes of determining its validity or legal 3582

sufficiency. 3583

Sec. 152.26. In the exercise of its powers under section 3584
152.19, 152.21, or 152.31 of the Revised Code, the Ohio building 3585
authority shall cause bids to be let and awarded for the 3586
construction, reconstruction, rehabilitation, remodeling, 3587
renovation, enlargement, improvement, alteration, furnishing, ~~and~~ 3588
equipping, repair, painting, and decorating of the buildings and 3589
facilities and pay the costs and supervise the accomplishment 3590
thereof, or the authority may enter into a contract with the 3591
administrator of workers' compensation for the construction of one 3592
or more buildings on one or more sites in the state. If such a 3593
building is constructed by the administrator, it shall be leased 3594
to the authority for leasing, operation, and maintenance by the 3595
authority or subsequent leasing by the authority to the department 3596
of administrative services. Rentals shall be fixed by the 3597
authority in such case so that the costs of construction are 3598
repaid to the state insurance fund with the same average rate of 3599
interest as though state insurance fund moneys were invested in 3600
obligations of the authority. 3601

In the process of inviting bids and awarding contracts, the 3602
authority shall be guided by the procedures set forth in sections 3603
153.01 to 153.20 of the Revised Code. 3604

The department of administrative services and all agencies of 3605
the state government shall cooperate with the authority ~~and the~~ 3606
~~legislative office building committee~~ in supplying any services or 3607
information and in relocating offices to carry out this chapter. 3608

Sec. 153.74. No bid for a state public improvement contract 3609
that is greater than one hundred thousand dollars shall be 3610
accepted unless the submitting contractor has a drug-free 3611
workplace policy in place that meets the standards which the 3612

director of administrative services shall establish by rule. 3613

Sec. 154.02. (A) Pursuant to the provisions of Chapter 154. 3614
of the Revised Code, the issuing authority may issue obligations 3615
as from time to time authorized by or pursuant to act or 3616
resolution of the general assembly, consistent with such 3617
limitations thereon, subject to section 154.12 of the Revised 3618
Code, as the general assembly may thereby prescribe as to 3619
principal amount, bond service charges, or otherwise, and shall 3620
cause the proceeds thereof to be applied to those capital 3621
facilities designated by or pursuant to act of the general 3622
assembly for ~~mental hygiene and retardation, state supported and~~ 3623
~~assisted institutions of higher education, including technical~~ 3624
~~education, parks and recreation, Ohio cultural facilities, and~~ 3625
~~Ohio sports facilities~~ any of the following: 3626

(1) Mental hygiene and retardation, including housing for 3627
mental hygiene and retardation patients under Section 16 of 3628
Article VIII, Ohio Constitution; 3629

(2) State supported and assisted institutions of higher 3630
education, including technical education; 3631

(3) Parks and recreation; 3632

(4) Ohio cultural facilities; 3633

(5) Ohio sports facilities. 3634

(B) The authority provided by Chapter 154. of the Revised 3635
Code is in addition to any other authority provided by law for the 3636
same or similar purposes, except as may otherwise specifically be 3637
provided in Chapter 154. of the Revised Code. In case any section 3638
or provision of Chapter 154. of the Revised Code or in case any 3639
covenant, stipulation, obligation, resolution, trust agreement, 3640
indenture, lease agreement, act, or action, or part thereof, made, 3641
assumed, entered into, or taken under Chapter 154. of the Revised 3642

Code, or any application thereof, is for any reason held to be 3643
illegal or invalid, such illegality or invalidity shall not affect 3644
the remainder thereof or any other section or provision of Chapter 3645
154. of the Revised Code or any other covenant, stipulation, 3646
obligation, resolution, trust agreement, indenture, lease, 3647
agreement, act, or action, or part thereof, made, assumed, entered 3648
into, or taken under such chapter, which shall be construed and 3649
enforced as if such illegal or invalid portion were not contained 3650
therein, nor shall such illegality or invalidity or any 3651
application thereof affect any legal and valid application 3652
thereof, and each such section, provision, covenant, stipulation, 3653
obligation, resolution, trust agreement, indenture, lease, 3654
agreement, act, or action, or part thereof, shall be deemed to be 3655
effective, operative, made, entered into or taken in the manner 3656
and to the full extent permitted by law. 3657

Sec. 154.20. (A) Subject to authorization by the general 3658
assembly under section 154.02 of the Revised Code, the issuing 3659
authority may issue obligations pursuant to this chapter to pay 3660
costs of capital facilities for mental hygiene and retardation, 3661
including housing for mental hygiene and retardation patients. 3662

(B) Any capital facilities for mental hygiene or retardation, 3663
including housing for mental hygiene and retardation patients, may 3664
be leased by the commission to the department of mental health, 3665
the department of mental retardation and developmental 3666
disabilities, or the department of alcohol and drug addiction 3667
services, and other agreements may be made by the commission and 3668
any one or more of these departments with respect to the use or 3669
purchase of such capital facilities or, subject to the approval of 3670
the director of the department, the commission may lease such 3671
capital facilities to, and make or provide for other agreements 3672
with respect to the use or purchase thereof with, any governmental 3673

agency having authority under law to operate such capital 3674
facilities, and the director of the department may sublease such 3675
capital facilities to, and make other agreements with respect to 3676
the use or purchase thereof with, any such governmental agency, 3677
which may include provisions for transmittal to the mental health 3678
bond service trust fund created under division (E) of this 3679
section, by such governmental agency or by a nonprofit corporation 3680
providing mental hygiene and retardation services for or under 3681
contract with or the supervision of that governmental agency, of 3682
receipts of that agency or nonprofit corporation from charges for 3683
the treatment or care of mental hygiene and retardation patients, 3684
all upon such terms and conditions as the parties may agree upon 3685
and pursuant to this chapter, notwithstanding any other provision 3686
of law affecting the leasing, acquisition, or disposition of 3687
capital facilities by the parties. 3688

(C) For purposes of this section, "available receipts" means 3689
all receipts of the state from charges for the treatment or care 3690
of mental hygiene and retardation patients, including support 3691
payments received under Chapter 5121. of the Revised Code and 3692
moneys required to be transmitted to the mental health bond 3693
service trust fund pursuant to subleases and other agreements 3694
between any of the departments and another governmental agency 3695
pursuant to division (B) of this section as the subleases and 3696
other agreements may be further implemented for internal planning, 3697
budgeting, and accounting purposes pursuant to rules adopted by 3698
the director of mental health, director of mental retardation and 3699
developmental disabilities, or director of alcohol and drug 3700
addiction services, any revenues or receipts derived by the 3701
commission from the operation, leasing, or other disposition of 3702
capital facilities financed under this section, the proceeds of 3703
obligations issued under this section and sections 154.11 and 3704
154.12 of the Revised Code, and also means any gifts, grants, 3705
donations, and pledges, and receipts therefrom, available for the 3706

payment of bond service charges on such obligations. The issuing
authority may pledge all, or such portion as that authority
determines, of the available receipts to the payment of bond
service charges on obligations issued under this section and under
sections 154.11 and 154.12 of the Revised Code and for the
establishment and maintenance of any reserves, as provided in the
bond proceedings, and make other provisions therein with respect
to such available receipts as authorized by this chapter, which
provisions shall be controlling notwithstanding any other
provision of law pertaining thereto.

(D) The issuing authority may covenant in the bond
proceedings that the state and state agencies shall, so long as
any obligations issued under this section are outstanding, cause
to be charged and collected charges for the treatment or care of
mental hygiene and retardation patients sufficient in amount to
provide for the payment of bond service charges on such
obligations and for the establishment and maintenance of any
reserves, as provided in the bond proceedings, and such covenants
shall be controlling notwithstanding any other provision of law
pertaining to such charges.

(E) There is hereby created the mental health bond service
trust fund, which shall be in the custody of the treasurer of
state but shall be separate and apart from and not a part of the
state treasury. All moneys received by or on account of the
commission or issuing authority or state agencies and required by
the applicable bond proceedings to be deposited, transferred, or
credited to the fund, and all other moneys transferred or
allocated to or received for the purposes of the fund, shall be
deposited with the treasurer of state and credited to such fund,
subject to applicable provisions of the bond proceedings, but
without necessity for any act of appropriation. The mental health
bond service trust fund is a trust fund and is hereby pledged to

the payment of bond service charges on the obligations issued 3739
pursuant to this section and sections 154.11 and 154.12 of the 3740
Revised Code to the extent provided in the applicable bond 3741
proceedings, and payment thereof from such fund shall be made or 3742
provided for by the treasurer of state in accordance with such 3743
bond proceedings without necessity for any act of appropriation. 3744

(F) There is hereby created in the state treasury the mental 3745
health facilities improvement fund. Subject to the bond 3746
proceedings therefor, all of the proceeds of the sale of 3747
obligations pursuant to this section shall be credited to the 3748
fund, except that any accrued interest shall be credited to the 3749
mental health bond service fund. The mental health facilities 3750
improvement fund may also be comprised of gifts, grants, 3751
appropriated moneys, and other sums and securities received to the 3752
credit of such fund. The fund shall be applied only to the ~~purpose~~ 3753
~~of paying~~ following purposes: 3754

(1) Paying costs of capital facilities for mental hygiene and 3755
retardation, including housing for mental hygiene and retardation 3756
patients, under the jurisdiction of the department of mental 3757
health, department of mental retardation and developmental 3758
disabilities, or department of alcohol and drug addiction services 3759
~~or for participation;~~ 3760

(2) Participating in capital facilities for mental hygiene 3761
and retardation, including housing for mental hygiene and 3762
retardation patients, with the federal government, municipal 3763
corporations, counties, or other governmental agencies, or ~~to~~ a 3764
nonprofit corporation specifically chartered to provide a mental 3765
health or mental retardation service when such service fulfills a 3766
public purpose, which participation may be by grants or 3767
contributions to them for such capital facilities. Except as 3768
provided in division (G) of this section, the nonprofit 3769
corporation may act in concert with a limited partnership or a 3770

limited liability company eligible to participate in the nonprofit 3771
set-aside described in section 42(h)(5) of the "Internal Revenue 3772
Code of 1986," 100 Stat. 2198, 26 U.S.C. 42, and the Ohio housing 3773
finance agency's housing tax credit program for the purpose of 3774
making use of low-income housing tax credits in support of housing 3775
for mental hygiene and retardation patients. 3776

(G) A nonprofit corporation providing a mental retardation 3777
service must obtain written approval from the director of mental 3778
retardation and developmental disabilities before acting in 3779
concert with a limited partnership or limited liability company as 3780
described in division (F)(2) of this section. However, the 3781
director may issue one blanket approval for all such nonprofit 3782
corporations. 3783

(H) This section is to be applied with other applicable 3784
provisions of this chapter. 3785

Sec. 164.04. (A) In each of the districts created in section 3786
164.03 of the Revised Code, a district public works integrating 3787
committee shall be established as follows: 3788

(1) In district one, the district committee shall consist of 3789
seven members appointed as follows: two members shall be appointed 3790
by the board of county commissioners; two members shall be 3791
appointed by the chief executive officer of the most populous 3792
municipal corporation in the district; two members shall be 3793
appointed by a majority of the chief executive officers of the 3794
other municipal corporations located within the district; and one 3795
member, who shall have experience in local infrastructure planning 3796
and economic development and who shall represent the interests of 3797
private industry within the district, shall be appointed by a 3798
majority of the members of the district committee or their 3799
alternates. Except with respect to the selection of the private 3800
sector member of the committee, the affirmative vote of at least 3801

five committee members or their alternates is required for any 3802
action taken by a vote of the committee. 3803

(2) In district two, the district committee shall consist of 3804
nine members appointed as follows: ~~two members~~ one member, who 3805
shall have experience in local infrastructure planning and 3806
economic development, shall be appointed by the board of county 3807
commissioners; three members shall be appointed by the chief 3808
executive officer of the most populous municipal corporation in 3809
the district; two members shall be appointed by a majority of the 3810
other chief executive officers of municipal corporations in the 3811
district; ~~and~~ two members shall be appointed by a majority of the 3812
boards of township trustees in the district. ~~Of the members~~ 3813
~~appointed by the board of county commissioners, one member shall~~ 3814
~~have experience in local infrastructure planning and economic~~ 3815
~~development,~~ and one member shall be either a county commissioner 3816
~~or a~~ the county engineer of the district. The affirmative vote of 3817
at least ~~seven~~ six members of the committee or their alternates is 3818
required for any action taken by a vote of the committee. 3819

(3) In districts three, four, eight, twelve, and nineteen, 3820
the district committee shall consist of nine members appointed as 3821
follows: two members shall be appointed by the board of county 3822
commissioners or by the chief executive officer of the county; two 3823
members shall be appointed by the chief executive officer of the 3824
most populous municipal corporation located within the district; 3825
two members shall be appointed by a majority of the other chief 3826
executive officers of the municipal corporations located in the 3827
district; two members shall be appointed by a majority of the 3828
boards of township trustees located in the district; and one 3829
member, who shall have experience in local infrastructure planning 3830
and economic development and who shall represent the interests of 3831
private industry within the district, shall be appointed by a 3832
majority of the members of the committee or their alternates. 3833

Except with respect to the selection of the private sector member 3834
of the committee, the affirmative vote of at least seven committee 3835
members or their alternates is required for any action taken by a 3836
vote of the committee. 3837

(4) In district six, the district committee shall consist of 3838
nine members appointed as follows: one member shall be appointed 3839
by the board of county commissioners of each county in the 3840
district; one member shall be appointed by the chief executive 3841
officer of the most populous municipal corporation in each county 3842
in the district; one member shall be appointed alternately by a 3843
majority of the chief executives of the municipal corporations, 3844
other than the largest municipal corporation, within one of the 3845
counties of the district; and one member shall be appointed 3846
alternately by a majority of the boards of township trustees 3847
within one of the counties in the district. The two persons who 3848
are the county engineers of the counties in the district also 3849
shall be members of the committee. At least six of these members 3850
or their alternates shall agree upon the appointment to the 3851
committee of a private sector person who shall have experience in 3852
local infrastructure planning and economic development. The 3853
affirmative vote of seven committee members or their alternates is 3854
required for any action taken by a vote of the committee. 3855

The first appointment to the committee made by the majority 3856
of the boards of township trustees of a county shall be made by 3857
the boards of township trustees located in the least populous 3858
county of the district, and the first appointment made by the 3859
majority of the chief executives of municipal corporations, other 3860
than the largest municipal corporation, of a county shall be made 3861
by the chief executives of municipal corporations, other than the 3862
largest municipal corporation, from the most populous county in 3863
the district. 3864

Notwithstanding division (C) of this section, the members of 3865

the district committee appointed alternately by a majority of the
chief executive officers of municipal corporations, other than the
largest municipal corporation, of a county and a majority of
boards of township trustees of a county shall serve five-year
terms.

(5) In districts seven, nine, and ten, the district committee
shall consist of two members appointed by the board of county
commissioners of each county in the district, two members
appointed by a majority of the chief executive officers of all
cities within each county in the district, three members appointed
by a majority of the boards of township trustees of all townships
in the district, three members appointed by a majority of chief
executive officers of all villages in the district, one member who
is appointed by a majority of the county engineers in the district
and who shall be a county engineer, and one member, who shall have
experience in local infrastructure planning and economic
development, shall be appointed by a majority of all other
committee members or their alternates. If there is a county in the
district in which there are no cities, the member that is to be
appointed by the chief executive officers of the cities within
that county shall be appointed by the chief executive officer of
the village with the largest population in that county.

(6) In districts five, eleven, and thirteen through eighteen,
the members of each district committee shall be appointed as
follows: one member shall be appointed by each board of county
commissioners; one member shall be appointed by the majority of
the chief executive officers of the cities located in each county;
three members shall be appointed by a majority of the chief
executive officers of villages located within the district; three
members shall be appointed by a majority of the boards of township
trustees located within the district; one member shall be
appointed by a majority of the county engineers of the district

and shall be a county engineer; and one member, who shall have
experience in local infrastructure planning and economic
development and who shall represent the interests of private
industry within the district, shall be appointed by a majority of
the members of the committee or their alternates. If there is a
county in the district in which there are no cities, the member
that is to be appointed by the chief executive officers of the
cities within that county shall be appointed by the chief
executive officer of the village with the largest population in
that county.

(7) In districts five, seven, nine, ten, eleven, thirteen,
fourteen, sixteen, and seventeen organized in accordance with
divisions (A)(5) and (6) of this section, a nine-member executive
committee shall be established that shall include at least one of
the persons appointed to the district committee by the chief
executive officers of the villages within the district, at least
one of the persons appointed to the district committee by the
boards of township trustees within the district, the person
appointed to the district committee to represent the interests of
private industry, and six additional district committee members
selected to serve on the executive committee by a majority of the
members of the district committee or their alternates, except that
not more than three persons who were appointed to the district
committee by a board of county commissioners and not more than
three persons who were appointed to the district committee by the
chief executives of the cities located in the district shall serve
on the executive committee.

(8) In districts fifteen and eighteen organized in accordance
with division (A)(6) of this section, an eleven-member executive
committee shall be established that shall include at least one of
the persons appointed to the district committee by the chief
executive officers of the villages within the district, at least

one of the persons appointed to the district committee by the boards of township trustees within the district, the person appointed to the district committee to represent the interests of private industry, and eight additional district committee members selected to serve on the executive committee by a majority of the members of the district committee or their alternates, except that not more than four persons who were appointed to the district committee by a board of county commissioners and not more than four persons who were appointed to the district committee by the chief executives of the cities located in the district shall serve on the executive committee. No more than two persons from each county shall be on the executive committee.

All decisions of a district committee required to be organized in accordance with divisions (A)(5) and (6) of this section shall be approved by its executive committee. The affirmative vote of at least seven executive committee members or their alternates for executive committees formed under division (A)(7) of this section and at least nine members or their alternates for executive committees formed under division (A)(8) of this section is required for any action taken by vote of the executive committee, except that any decision of the executive committee may be rejected by a vote of at least two-thirds of the full membership of the district committee within thirty days of the executive committee action. Only projects approved by the executive committee may be submitted to the director of the Ohio public works commission pursuant to section 164.05 of the Revised Code.

(B) Appointing authorities that appoint district committee members also may appoint an alternate for each committee member appointed under divisions (A)(1) to (6) of this section. If a district committee member is absent from a district or executive committee or subcommittee meeting, the alternate has the right to

vote and participate in all proceedings and actions at that meeting. 3962
3963

(C) Terms of office for appointed members of district committees and their alternates shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member and that member's alternate shall hold office from the date of appointment until the end of the term for which the member is appointed, except that, with respect to any member who was an elected or appointed official of a township, county, or municipal corporation or that member's alternate, the term of office for that person under this section shall not extend beyond the member's term as an elected or appointed official unless the member was appointed by a group of officials of more than one political subdivision or the members of the district committee, in which case the member's alternate shall continue to serve for the full term. Members and their alternates may be reappointed. Vacancies shall be filled in the same manner provided for original appointments. Any member or that member's alternate appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's or alternate's predecessor was appointed shall hold office for the remainder of that term. A member or that member's alternate shall continue in office subsequent to the expiration date of the member's or alternate's term until the member's or alternate's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Each district public works integrating committee shall elect a chairperson, vice-chairperson, and other officers it considers advisable. 3964
3965
3966
3967
3968
3969
3970
3971
3972
3973
3974
3975
3976
3977
3978
3979
3980
3981
3982
3983
3984
3985
3986
3987
3988
3989

(D) For purposes of this chapter, if a subdivision is located in more than one county or in more than one district, the subdivision shall be deemed to be a part of the county or district in which the largest number of its population is located. However, 3990
3991
3992
3993

if after a decennial census the change in a subdivision's 3994
population would result in the subdivision becoming part of a 3995
different county or district, the legislative authority of the 3996
subdivision may, by resolution, choose to remain a part of the 3997
county or district of which the subdivision was originally deemed 3998
to be a part. Such a decision is not revocable unless similar 3999
conditions arise following the next decennial census. 4000

(E) Notwithstanding any provision of law to the contrary, a 4001
county, municipal, or township public official may serve as a 4002
member of a district public works integrating committee. 4003

(F) A member of a district committee or that member's 4004
alternate does not have an unlawful interest in a public contract 4005
under section 2921.42 of the Revised Code solely by virtue of the 4006
receipt of financial assistance under this chapter by the local 4007
subdivision of which the member or that member's alternate is also 4008
a public official or appointee. 4009

Sec. 169.13. (A) All agreements to pay a fee, compensation, 4010
commission, or other remuneration to locate, deliver, recover, or 4011
assist in the recovery of unclaimed funds reported under section 4012
169.03 of the Revised Code, entered into within two years 4013
immediately after the date a report is filed under division (C) of 4014
section 169.03 of the Revised Code, are invalid. 4015

(B) An agreement entered into any time after such two-year 4016
period is valid only if both of the following conditions are met: 4017

(1) The aggregate fee, compensation, commission, or other 4018
remuneration agreed upon, paid directly or indirectly, is not in 4019
excess of ten per cent of the amount recovered and paid to the 4020
owner by the ~~auditor~~ director of ~~state~~ budget and management; 4021

(2) The agreement is in writing, signed by the owner, and 4022
discloses all of the following items: 4023

(a) The nature and value of the property;	4024
(b) The amount the owner will receive after the fee or compensation has been subtracted;	4025 4026
(c) The name and address of the person or entity in possession of the property.	4027 4028
(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 section.	4029 4030 4031 4032 4033
(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the first degree for a first offense and of a felony of the fifth degree for each subsequent offense.	4034 4035 4036
Sec. 176.05. (A)(1) Notwithstanding any provision of law to the contrary, the rate of wages payable for the various occupations covered by sections 4115.03 to 4115.16 of the Revised Code to persons employed on a project who are not any of the following shall be determined according to this section:	4037 4038 4039 4040 4041
(a) Qualified volunteers;	4042
(b) Persons required to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code except those engaged in paid employment or subsidized employment pursuant to the activity;	4043 4044 4045 4046 4047
(c) Food stamp benefit recipients required to participate in employment and training activities established by rules adopted under section 5101.54 of the Revised Code.	4048 4049 4050
An association representing the general contractors or subcontractors that engage in the business of residential	4051 4052

construction in a certain locality shall negotiate with the 4053
applicable building and construction trades council in that 4054
locality an agreement or understanding that sets forth the 4055
residential prevailing rate of wages, payable on projects in that 4056
locality, for each of the occupations employed on those projects. 4057

(2) Notwithstanding any residential prevailing rate of wages 4058
established prior to July 1, 1995, if, by October 1, 1995, the 4059
parties are unable to agree under division (A)(1) of this section 4060
as to the rate of wages payable for each occupation covered by 4061
sections 4115.03 to 4115.16 of the Revised Code, the director of 4062
commerce shall establish the rate of wages payable for each 4063
occupation. 4064

(3) The residential prevailing rate of wages established 4065
under division (A)(1) or (2) of this section shall not be equal to 4066
or greater than the prevailing rate of wages determined by the 4067
director pursuant to sections 4115.03 to 4115.16 of the Revised 4068
Code for any of the occupations covered by those sections. 4069

(B) Except for the prevailing rate of wages determined by the 4070
director pursuant to sections 4115.03 to 4115.16 of the Revised 4071
Code, those sections and section 4115.99 of the Revised Code apply 4072
to projects. 4073

(C) The residential prevailing rate of wages established 4074
under division (A) of this section is not payable to any 4075
individual or member of that individual's family who provides 4076
labor in exchange for acquisition of the property for 4077
homeownership or who provides labor in place of or as a supplement 4078
to any rental payments for the property. 4079

(D) For the purposes of this section: 4080

(1) "Project" means any construction, rehabilitation, 4081
remodeling, or improvement of residential housing, whether on a 4082
single or multiple site for which a person, as defined in section 4083

1.59 of the Revised Code, or municipal corporation, county, or 4084
township receives financing, that is financed in whole or in part 4085
from state moneys or pursuant to this chapter, section 133.51 or 4086
307.698 of the Revised Code, or Chapter 174. or 175. of the 4087
Revised Code, except for any of the following: 4088

(a) The single-family mortgage revenue bonds homeownership 4089
program under Chapter 175. of the Revised Code, including 4090
owner-occupied dwellings of one to four units; 4091

(b) Projects consisting of fewer than six units developed by 4092
any entity that is not a nonprofit organization exempt from 4093
federal income tax under section 501(c)(3) of the Internal Revenue 4094
Code; 4095

(c) Projects of fewer than twenty-five units developed by any 4096
nonprofit organization that is exempt from federal income tax 4097
under section 501(c)(3) of the Internal Revenue Code; 4098

(d) Programs undertaken by any municipal corporation, county, 4099
or township, including lease-purchase programs, using mortgage 4100
revenue bond financing; 4101

(e) Any individual project, that is sponsored or developed by 4102
a nonprofit organization that is exempt from federal income tax 4103
under section 501(c)(3) of the Internal Revenue Code, for which 4104
the federal government or any of its agencies furnishes by loan, 4105
grant, low-income housing tax credit, or insurance more than 4106
twelve per cent of the costs of the project. For purposes of 4107
division (D)(2)(e) of this section, the value of the low-income 4108
housing tax credits shall be calculated as the proceeds from the 4109
sale of the tax credits, less the costs of the sale. 4110

As used in division (D)(1)(e) of this section, "sponsored" 4111
means that ~~the~~ a general partner of a limited partnership owning 4112
the project or a managing member of a limited liability company 4113
owning the project is either a nonprofit organization that is 4114

exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or a person, as defined in section 1.59 of the Revised Code, or a limited liability company in which such a nonprofit organization maintains controlling interest. For purposes of this division, a general partner of a limited partnership that is a nonprofit organization described under this division is not required to be the sole general partner in the limited partnership, and a managing member of a limited liability company that is a nonprofit organization described under this division is not required to be the sole managing member in the limited liability company.

Nothing in division (D)(1)(e) of this section shall be construed as permitting unrelated projects to be combined for the sole purpose of determining the total percentage of project costs furnished by the federal government or any of its agencies.

(2) A "project" is a "public improvement" and the state or a political subdivision that undertakes or participates in the financing of a project is a "public authority," as both of the last two terms are defined in section 4115.03 of the Revised Code.

(3) "Qualified volunteers" are volunteers who are working without compensation for a nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and that is providing housing or housing assistance only to families and individuals in a county whose incomes are not greater than one hundred forty per cent of the median income of that county as determined under section 174.04 of the Revised Code.

Sec. 184.191. The third frontier research and development taxable bond fund is hereby created in the state treasury. The fund shall consist of the net proceeds of federally taxable obligations issued and sold by the issuing authority pursuant to

sections 151.01 and 151.10 of the Revised Code. Investment 4146
earnings of the fund shall be credited to the fund. Moneys in the 4147
fund shall be used in accordance with sections 184.10 to 184.18 4148
and 184.20 of the Revised Code and for associated administrative 4149
expenses. 4150

Sec. 307.695. (A) As used in this section, ~~"convention:~~ 4151

(1) "Arena" means any structure designed and constructed for 4152
the purpose of providing a venue for public entertainment and 4153
recreation by the presentation of concerts, sporting and athletic 4154
events, and other events and exhibitions, including facilities 4155
intended to house or provide a site for one or more athletic or 4156
sports teams or activities, spectator facilities, parking 4157
facilities, walkways, and auxiliary facilities, real and personal 4158
property, property rights, easements, leasehold estates, and 4159
interests that may be appropriate for, or used in connection with, 4160
the operation of the arena. 4161

(2) "Convention center" means any structure expressly 4162
designed and constructed for the purposes of presenting 4163
conventions, public meetings, and exhibitions and includes parking 4164
facilities that serve the center and any personal property used in 4165
connection with any such structure or facilities. 4166

(3) "Eligible county" means a county having a population of 4167
at least four hundred thousand but not more than eight hundred 4168
thousand according to the 2000 federal decennial census and that 4169
directly borders the geographic boundaries of another state. 4170

(4) "Entity" means a nonprofit corporation, a municipal 4171
corporation, a port authority created under Chapter 4582. of the 4172
Revised Code, or a convention facilities authority created under 4173
Chapter 351. of the Revised Code. 4174

(5) "Lodging taxes" means excise taxes levied under division 4175

(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 4176
the revenues arising therefrom. 4177

(6) "Nonprofit corporation" means a nonprofit corporation 4178
that is organized under the laws of this state and that includes 4179
within the purposes for which it is incorporated the authorization 4180
to lease and operate facilities such as a convention center or an 4181
arena or a combination of an arena and convention center. 4182

(7) "Project" means acquiring, constructing, reconstructing, 4183
renovating, rehabilitating, expanding, adding to, equipping, 4184
furnishing or otherwise improving an arena, a convention center, 4185
or a combination of an arena and convention center. For purposes 4186
of this section, a project is a permanent improvement for one 4187
purpose under Chapter 133. of the Revised Code. 4188

(8) "Project revenues" means money received by an eligible 4189
county, other than money from taxes or from the proceeds of 4190
securities secured by taxes, in connection with, derived from, 4191
related to, or resulting from a project, including, but not 4192
limited to, rentals and other payments received under a lease or 4193
agreement with respect to the project, ticket charges or 4194
surcharges for admission to events at a project, charges or 4195
surcharges for parking for events at a project, charges for the 4196
use of a project or any portion of a project, including suites and 4197
seating rights, the sale of naming rights for the project or a 4198
portion of the project, unexpended proceeds of any county revenue 4199
bonds issued for the project, and any income and profit from the 4200
investment of the proceeds of any such revenue bonds or any 4201
project revenues. 4202

(9) "Chapter 133. securities," "debt charges," "general 4203
obligation," "legislation," "one purpose," "outstanding," 4204
"permanent improvement," "person," and "securities" have the 4205
meanings given to those terms in section 133.01 of the Revised 4206

Code. 4207

(B) A board of county commissioners may enter into an 4208
agreement with a convention and visitors' bureau operating in the 4209
county under which: 4210

(1) The bureau agrees to construct and equip a convention 4211
center in the county and to pledge and contribute from the tax 4212
revenues received by it under division (A) of section 5739.09 of 4213
the Revised Code, not more than such portion thereof that it is 4214
authorized to pledge and contribute for the purpose described in 4215
division (C) of this section; and 4216

(2) The board agrees to levy a tax under division (C) of 4217
section 5739.09 of the Revised Code and pledge and contribute the 4218
revenues therefrom for the purpose described in division (C) of 4219
this section. 4220

(C) The purpose of the pledges and contributions described in 4221
divisions (B)(1) and (2) of this section is payment of principal, 4222
interest, and premium, if any, on bonds and notes issued by or for 4223
the benefit of the bureau to finance the construction and 4224
equipping of a convention center. The pledges and contributions 4225
provided for in the agreement shall be for the period stated in 4226
the agreement, ~~but not to exceed thirty years~~. Revenues determined 4227
from time to time by the board to be needed to cover the real and 4228
actual costs of administering the tax imposed by division (C) of 4229
section 5739.09 of the Revised Code may not be pledged or 4230
contributed. The agreement shall provide that any such bonds and 4231
notes shall be secured by a trust agreement between the bureau or 4232
other issuer acting for the benefit of the bureau and a corporate 4233
trustee that is a trust company or bank having the powers of a 4234
trust company within or without the state, and the trust agreement 4235
shall pledge or assign to the retirement of the bonds or notes, 4236
all moneys paid by the county under this section. A tax the 4237

revenues from which are pledged under an agreement entered into by 4238
a board of county commissioners under this section shall not be 4239
subject to diminution by initiative or referendum, or diminution 4240
by statute, unless provision is made therein for an adequate 4241
substitute therefor reasonably satisfactory to the trustee under 4242
the trust agreement that secures the bonds and notes. 4243

(D) A pledge of money by a county under division (B) of this 4244
section shall not be indebtedness of the county for purposes of 4245
Chapter 133. of the Revised Code. 4246

(E) If the terms of the agreement so provide, the board of 4247
county commissioners may acquire and lease real property to the 4248
convention bureau as the site of the convention center. The lease 4249
~~shall be for a term not to exceed thirty years and shall be on~~ 4250
such terms as are set forth in the agreement. The purchase and 4251
lease are not subject to the limitations of sections 307.02 and 4252
307.09 of the Revised Code. 4253

(F) In addition to the authority granted to a board of county 4254
commissioners under divisions (B) to (E) of this section, a board 4255
of county commissioners in a county with a population of one 4256
million two hundred thousand or more may establish and provide 4257
local funding options for constructing and equipping a convention 4258
center. 4259

(G) The board of county commissioners of an eligible county 4260
may undertake, finance, operate, and maintain a project. The board 4261
may lease a project to an entity on terms that the board 4262
determines to be in the best interest of the county and in 4263
furtherance of the public purpose of the project; the lease may be 4264
for a term of thirty-five years or less and may provide for an 4265
option of the entity to renew the lease for a term of thirty-five 4266
years or less. The board may enter into an agreement with an 4267
entity with respect to a project on terms that the board 4268
determines to be in the best interest of the county and in 4269

furtherance of the public purpose of the project. To the extent 4270
provided for in an agreement or a lease with an entity, the board 4271
may authorize the entity to administer on behalf of the board any 4272
contracts for the project. The board may enter into an agreement 4273
providing for the sale to a person of naming rights to a project 4274
or portion of a project, for a period, for consideration, and on 4275
other terms and conditions that the board determines to be in the 4276
best interest of the county and in furtherance of the public 4277
purpose of the project. The board may enter into an agreement with 4278
a person owning or operating a professional athletic or sports 4279
team providing for the use by that person of a project or portion 4280
of a project for that team's offices, training, practices, and 4281
home games for a period, for consideration, and on other terms and 4282
conditions that the board determines to be in the best interest of 4283
the county and in furtherance of the public purpose of the 4284
project. The board may establish ticket charges or surcharges for 4285
admission to events at a project, charges or surcharges for 4286
parking for events at a project, and charges for the use of a 4287
project or any portion of a project, including suites and seating 4288
rights, and may, as necessary, enter into agreements related 4289
thereto with persons for a period, for consideration, and on other 4290
terms and conditions that the board determines to be in the best 4291
interest of the county and in furtherance of the public purpose of 4292
the project. A lease or agreement authorized by this division is 4293
not subject to sections 307.02, 307.09, and 307.12 of the Revised 4294
Code. 4295

(H) Notwithstanding any contrary provision in Chapter 5739. 4296
of the Revised Code, after adopting a resolution declaring it to 4297
be in the best interest of the county to undertake a project as 4298
described in division (G) of this section, the board of county 4299
commissioners of an eligible county may adopt a resolution 4300
enacting or increasing any lodging taxes within the limits 4301

specified in Chapter 5739. of the Revised Code with respect to 4302
those lodging taxes and amending any prior resolution under which 4303
any of its lodging taxes have been imposed in order to provide 4304
that those taxes, after deducting the real and actual costs of 4305
administering the taxes and any portion of the taxes returned to 4306
any municipal corporation or township as provided in division 4307
(A)(1) of section 5739.09 of the Revised Code, shall be used by 4308
the board for the purposes of undertaking, financing, operating, 4309
and maintaining the project, including paying debt charges on any 4310
securities issued by the board under division (I) of this section, 4311
or to make contributions to the convention and visitors' bureau 4312
operating within the county, or to promote, advertise, and market 4313
the region in which the county is located, all as the board may 4314
determine and make appropriations for from time to time, subject 4315
to the terms of any pledge to the payment of debt charges on 4316
outstanding general obligation securities or special obligation 4317
securities authorized under division (I) of this section. A 4318
resolution adopted under division (H) of this section shall be 4319
adopted not earlier than January 15, 2007, and not later than 4320
January 15, 2008. 4321

A resolution adopted under division (H) of this section may 4322
direct the board of elections to submit the question of enacting 4323
or increasing lodging taxes, as the case may be, to the electors 4324
of the county at a special election held on the date specified by 4325
the board in the resolution, provided that the election occurs not 4326
less than seventy-five days after a certified copy of the 4327
resolution is transmitted to the board of elections and no later 4328
than January 15, 2008. A resolution submitted to the electors 4329
under this division shall not go into effect unless it is approved 4330
by a majority of those voting upon it. A resolution adopted under 4331
division (H) of this section that is not submitted to the electors 4332
of the county for their approval or disapproval is subject to a 4333

referendum as provided in sections 305.31 to 305.41 of the Revised Code. 4334
4335

A resolution adopted under division (H) of this section takes effect upon its adoption, unless the resolution is submitted to the electors of the county for their approval or disapproval, in which case the resolution takes effect on the date the board of county commissioners receives notification from the board of elections of the affirmative vote. Lodging taxes received after the effective date of the resolution may be used for the purposes described in division (H) of this section, except that lodging taxes that have been pledged to the payment of debt charges on any bonds or notes issued by or for the benefit of a convention and visitors' bureau under division (C) of this section shall be used exclusively for that purpose until such time as the bonds or notes are no longer outstanding under the trust agreement securing those bonds or notes. 4336
4337
4338
4339
4340
4341
4342
4343
4344
4345
4346
4347
4348
4349

(I)(1) The board of county commissioners of an eligible county may issue the following securities of the county for the purpose of paying costs of the project, refunding any outstanding county securities issued for that purpose, refunding any outstanding bonds or notes issued by or for the benefit of the bureau under division (C) of this section, or for any combination of those purposes: 4350
4351
4352
4353
4354
4355
4356

(a) General obligation securities issued under Chapter 133. of the Revised Code. The resolution authorizing these securities may include covenants to appropriate annually from lawfully available lodging taxes, and to continue to levy and collect those lodging taxes in, amounts necessary to meet the debt charges on those securities. 4357
4358
4359
4360
4361
4362

(b) Special obligation securities issued under Chapter 133. of the Revised Code that are secured only by lawfully available 4363
4364

lodging taxes and any other taxes and revenues pledged to pay the 4365
debt charges on those securities, except ad valorem property 4366
taxes. The resolution authorizing those securities shall include a 4367
pledge of and covenants to appropriate annually from lawfully 4368
available lodging taxes and any other taxes and revenues pledged 4369
for such purpose, and to continue to collect any of those revenues 4370
pledged for such purpose and to levy and collect those lodging 4371
taxes and any other taxes pledged for such purpose, in amounts 4372
necessary to meet the debt charges on those securities. The pledge 4373
is valid and binding from the time the pledge is made, and the 4374
lodging taxes so pledged and thereafter received by the county are 4375
immediately subject to the lien of the pledge without any physical 4376
delivery of the lodging taxes or further act. The lien of any 4377
pledge is valid and binding as against all parties having claims 4378
of any kind in tort, contract, or otherwise against the county, 4379
regardless of whether such parties have notice of the lien. 4380
Neither the resolution nor any trust agreement by which a pledge 4381
is created or further evidenced is required to be filed or 4382
recorded except in the records of the board. The special 4383
obligation securities shall contain a statement on their face to 4384
the effect that they are not general obligation securities, and, 4385
unless paid from other sources, are payable from the pledged 4386
lodging taxes. 4387

(c) Revenue securities authorized under section 133.08 of the 4388
Revised Code and issued under Chapter 133. of the Revised Code 4389
that are secured only by lawfully available project revenues 4390
pledged to pay the debt charges on those securities. 4391

(2) The securities described in division (I)(1) of this 4392
section are subject to Chapter 133. of the Revised Code. 4393

(3) Section 133.34 of the Revised Code, except for division 4394
(A) of that section, applies to the issuance of any refunding 4395
securities authorized under this division. In lieu of division (A) 4396

of section 133.34 of the Revised Code, the board of county 4397
commissioners shall establish the maturity date or dates, the 4398
interest payable on, and other terms of refunding securities as it 4399
considers necessary or appropriate for their issuance, provided 4400
that the final maturity of refunding securities shall not exceed 4401
by more than ten years the final maturity of any bonds refunded by 4402
refunding securities. 4403

(4) The board may not repeal, rescind, or reduce all or any 4404
portion of any lodging taxes pledged to the payment of debt 4405
charges on any outstanding special obligation securities 4406
authorized under this division, and no portion of any lodging 4407
taxes that is pledged, or that the board has covenanted to levy, 4408
collect, and appropriate annually to pay debt charges on any 4409
outstanding securities authorized under this division is subject 4410
to repeal, rescission, or reduction by the electorate of the 4411
county. 4412

Sec. 333.02. Before ~~December 1, 2006~~ June 1, 2007, a board of 4413
county commissioners of a county that levies a county sales and 4414
use tax may enter into an agreement with any person that proposes 4415
to construct an impact facility in the county to provide payments 4416
to that person of up to seventy-five per cent of the county sales 4417
and use tax collected on each retail sale made by that person at 4418
the facility, for a term of up to ten years, or until the person's 4419
qualifying investment in the impact facility has been realized 4420
through the payments, whichever occurs first. 4421

Sec. 333.04. (A) After review of the items submitted under 4422
division (A) of section 333.03 of the Revised Code, and after 4423
receipt of the certification from the director of development 4424
under division (B) of that section, a board of county 4425
commissioners, before ~~December 1, 2006~~ June 1, 2007, may enter 4426

into an agreement under section 333.02 of the Revised Code, 4427
provided that the board has determined all of the following: 4428

(1) The proposed impact facility is economically sound; 4429

(2) Construction of the proposed impact facility has not 4430
begun prior to the day the agreement is entered into; 4431

(3) The impact facility will benefit the county by increasing 4432
employment opportunities and strengthening the local and regional 4433
economy; and 4434

(4) Receiving payments from the board of county commissioners 4435
is a major factor in the person's decision to go forward with 4436
construction of the impact facility. 4437

(B) An agreement entered into under this section shall 4438
include all of the following: 4439

(1) A description of the impact facility that is the subject 4440
of the agreement, including the existing investment level, if any, 4441
the proposed amount of investments, the scheduled starting and 4442
completion dates for the facility, and the number and type of 4443
full-time equivalent positions to be created at the facility; 4444

(2) The percentage of the county sales and use tax collected 4445
at the impact facility that will be used to make payments to the 4446
person entering into the agreement; 4447

(3) The term of the payments and the first calendar quarter 4448
in which the person may apply for a payment under section 333.06 4449
of the Revised Code; 4450

(4) A requirement that the amount of payments made to the 4451
person during the term established under division (B)(3) of this 4452
section shall not exceed the person's qualifying investment, and 4453
that all payments cease when that amount is reached; 4454

(5) A requirement that the person maintain operations at the 4455

impact facility for at least the term established under division 4456
(B)(3) of this section; 4457

(6) A requirement that the person annually certify to the 4458
board of county commissioners, on or before a date established by 4459
the board in the agreement, the level of investment in, the number 4460
of employees and type of full-time equivalent positions at, and 4461
the amount of county sales and use tax collected and remitted to 4462
the tax commissioner or treasurer of state from sales made at, the 4463
facility; 4464

(7) A provision stating that the creation of the proposed 4465
impact facility does not involve the relocation of more than ten 4466
full-time equivalent positions and two million dollars in taxable 4467
assets to the impact facility from another facility owned by the 4468
person, or a related member of the person, that is located in 4469
another political subdivision of this state, other than the 4470
political subdivision in which the impact facility is or will be 4471
located; 4472

(8) A provision stating that the person will not relocate 4473
more than ten full-time equivalent positions and two million 4474
dollars in taxable assets to the impact facility from another 4475
facility in another political subdivision of this state during the 4476
term of the payments without the written approval of the director 4477
of development; 4478

(9) A detailed explanation of how the person determined that 4479
more than fifty per cent of the visitors to the facility live at 4480
least one hundred miles from the facility. 4481

(C) For purposes of this section, the transfer of a full-time 4482
equivalent position or taxable asset from another political 4483
subdivision in this state to the political subdivision in which 4484
the impact facility is or will be located shall be considered a 4485
relocation, unless the person refills the full-time equivalent 4486

position, or replaces the taxable asset with an asset of equal or 4487
greater taxable value, within six months after the transfer. The 4488
person may not receive a payment under this chapter for any year 4489
in which more than ten relocations occurred without the written 4490
consent of the board of county commissioners. 4491

Sec. 340.03. (A) Subject to rules issued by the director of 4492
mental health after consultation with relevant constituencies as 4493
required by division (A)(11) of section 5119.06 of the Revised 4494
Code, with regard to mental health services, the board of alcohol, 4495
drug addiction, and mental health services shall: 4496

(1) Serve as the community mental health planning agency for 4497
the county or counties under its jurisdiction, and in so doing it 4498
shall: 4499

(a) Evaluate the need for facilities and community mental 4500
health services; 4501

(b) In cooperation with other local and regional planning and 4502
funding bodies and with relevant ethnic organizations, assess the 4503
community mental health needs, set priorities, and develop plans 4504
for the operation of facilities and community mental health 4505
services; 4506

(c) In accordance with guidelines issued by the director of 4507
mental health after consultation with board representatives, 4508
develop and submit to the department of mental health, no later 4509
than six months prior to the conclusion of the fiscal year in 4510
which the board's current plan is scheduled to expire, a community 4511
mental health plan listing community mental health needs, 4512
including the needs of all residents of the district now residing 4513
in state mental institutions and severely mentally disabled 4514
adults, children, and adolescents; all children subject to a 4515
determination made pursuant to section 121.38 of the Revised Code; 4516

and all the facilities and community mental health services that 4517
are or will be in operation or provided during the period for 4518
which the plan will be in operation in the service district to 4519
meet such needs. 4520

The plan shall include, but not be limited to, a statement of 4521
which of the services listed in section 340.09 of the Revised Code 4522
the board intends to ~~provide or purchase,~~ make available. The 4523
board must include crisis intervention services for individuals in 4524
an emergency situation in the plan and explain how the board 4525
intends to make such services available. The plan must also 4526
include an explanation of how the board intends to make any 4527
payments that it may be required to pay under section 5119.62 of 4528
the Revised Code, a statement of the inpatient and community-based 4529
services the board proposes that the department operate, an 4530
assessment of the number and types of residential facilities 4531
needed, ~~and~~ such other information as the department requests, and 4532
a budget for moneys the board expects to receive. The board shall 4533
also submit an allocation request for state and federal funds. 4534
Within sixty days after the department's determination that the 4535
plan and allocation request are complete, the department shall 4536
approve or disapprove the plan and request, in whole or in part, 4537
according to the criteria developed pursuant to section 5119.61 of 4538
the Revised Code. The department's statement of approval or 4539
disapproval shall specify the inpatient and the community-based 4540
services that the department will operate for the board. 4541

Eligibility 4542

Eligibility for ~~financial support~~ state and federal funding 4543
shall be contingent upon an approved plan or relevant part of a 4544
plan. The department may provide state and federal funding for 4545
services included in a plan only if the services are for 4546
individuals whose focus of treatment or prevention is a mental 4547
disorder according to the edition of the American psychiatric 4548

association's diagnostic and statistical manual of mental 4549
disorders that is current at the time the funding is provided. 4550
This may include such services for individuals who have a mental 4551
disorder and a co-occurring substance use disorder, 4552
substance-induced disorder, chronic dementing organic mental 4553
disorder, mental retardation, or developmental disability. The 4554
department may not provide state or federal funding under a plan 4555
for a service for individuals whose focus of treatment or 4556
prevention is solely a substance use disorder, substance-induced 4557
disorder, chronic dementing organic mental disorder, mental 4558
retardation, or developmental disability. 4559

If the director disapproves all or part of any plan, the 4560
director shall inform the board of the reasons for the disapproval 4561
and of the criteria that must be met before the plan may be 4562
approved. The director shall provide the board an opportunity to 4563
present its case on behalf of the plan. The director shall give 4564
the board a reasonable time in which to meet the criteria, and 4565
shall offer the board technical assistance to help it meet the 4566
criteria. 4567

If the approval of a plan remains in dispute thirty days 4568
prior to the conclusion of the fiscal year in which the board's 4569
current plan is scheduled to expire, the board or the director may 4570
request that the dispute be submitted to a mutually agreed upon 4571
third-party mediator with the cost to be shared by the board and 4572
the department. The mediator shall issue to the board and the 4573
department recommendations for resolution of the dispute. Prior to 4574
the conclusion of the fiscal year in which the current plan is 4575
scheduled to expire, the director, taking into consideration the 4576
recommendations of the mediator, shall make a final determination 4577
and approve or disapprove the plan, in whole or in part. 4578

If a board determines that it is necessary to amend a plan or 4579
an allocation request that has been approved under division 4580

(A)(1)(c) of this section, the board shall submit a proposed 4581
amendment to the director. The director may approve or disapprove 4582
all or part of the amendment. If the director does not approve all 4583
or part of the amendment within thirty days after it is submitted, 4584
the amendment or part of it shall be considered to have been 4585
approved. The director shall inform the board of the reasons for 4586
disapproval of all or part of an amendment and of the criteria 4587
that must be met before the amendment may be approved. The 4588
director shall provide the board an opportunity to present its 4589
case on behalf of the amendment. The director shall give the board 4590
a reasonable time in which to meet the criteria, and shall offer 4591
the board technical assistance to help it meet the criteria. 4592

The board shall implement the plan approved by the 4593
department. 4594

(d) Receive, compile, and transmit to the department of 4595
mental health applications for state reimbursement; 4596

(e) Promote, arrange, and implement working agreements with 4597
social agencies, both public and private, and with judicial 4598
agencies. 4599

(2) Investigate, or request another agency to investigate, 4600
any complaint alleging abuse or neglect of any person receiving 4601
services from a community mental health agency as defined in 4602
section 5122.01 of the Revised Code, or from a residential 4603
facility licensed under section 5119.22 of the Revised Code. If 4604
the investigation substantiates the charge of abuse or neglect, 4605
the board shall take whatever action it determines is necessary to 4606
correct the situation, including notification of the appropriate 4607
authorities. Upon request, the board shall provide information 4608
about such investigations to the department. 4609

(3) For the purpose of section 5119.611 of the Revised Code, 4610
cooperate with the director of mental health in visiting and 4611

evaluating whether the services of a community mental health 4612
agency satisfy the certification standards established by rules 4613
adopted under that section; 4614

(4) In accordance with criteria established under division 4615
(G) of section 5119.61 of the Revised Code, review and evaluate 4616
the quality, effectiveness, and efficiency of services provided 4617
through its community mental health plan and submit its findings 4618
and recommendations to the department of mental health; 4619

(5) In accordance with section 5119.22 of the Revised Code, 4620
review applications for residential facility licenses and 4621
recommend to the department of mental health approval or 4622
disapproval of applications; 4623

(6) Audit, in accordance with rules adopted by the auditor of 4624
state pursuant to section 117.20 of the Revised Code, at least 4625
annually all programs and services provided under contract with 4626
the board. In so doing, the board may contract for or employ the 4627
services of private auditors. A copy of the fiscal audit report 4628
shall be provided to the director of mental health, the auditor of 4629
state, and the county auditor of each county in the board's 4630
district. 4631

(7) Recruit and promote local financial support for mental 4632
health programs from private and public sources; 4633

(8)(a) Enter into contracts with public and private 4634
facilities for the operation of facility services included in the 4635
board's community mental health plan and enter into contracts with 4636
public and private community mental health agencies for the 4637
provision of community mental health services that are listed in 4638
section 340.09 of the Revised Code and included in the board's 4639
community mental health plan. ~~Contracts~~ The board may not contract 4640
with a community mental health ~~agencies are subject~~ agency to 4641
provide community mental health services included in the board's 4642

community mental health plan unless the services are certified by 4643
the director of mental health under section 5119.611 of the 4644
Revised Code. Section 307.86 of the Revised Code does not apply to 4645
contracts entered into under this division. In contracting with a 4646
community mental health agency, a board shall consider the cost 4647
effectiveness of services provided by that agency and the quality 4648
and continuity of care, and may review cost elements, including 4649
salary costs, of the services to be provided. A utilization review 4650
process shall be established as part of the contract for services 4651
entered into between a board and a community mental health agency. 4652
The board may establish this process in a way that is most 4653
effective and efficient in meeting local needs. In the case of a 4654
contract with a community mental health facility, as defined in 4655
section 5111.023 of the Revised Code, to provide services listed 4656
in division (B) of that section, the contract shall provide for 4657
the facility to be paid in accordance with the contract entered 4658
into between the departments of job and family services and mental 4659
health under section 5111.91 of the Revised Code and any rules 4660
adopted under division (A) of section 5119.61 of the Revised Code. 4661

If either the board or a facility or community mental health 4662
agency with which the board contracts under division (A)(8)(a) of 4663
this section proposes not to renew the contract or proposes 4664
substantial changes in contract terms, the other party shall be 4665
given written notice at least one hundred twenty days before the 4666
expiration date of the contract. During the first sixty days of 4667
this one hundred twenty-day period, both parties shall attempt to 4668
resolve any dispute through good faith collaboration and 4669
negotiation in order to continue to provide services to persons in 4670
need. If the dispute has not been resolved sixty days before the 4671
expiration date of the contract, either party may notify the 4672
department of mental health of the unresolved dispute. The 4673
director may require both parties to submit the dispute to a third 4674
party with the cost to be shared by the board and the facility or 4675

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. 4707

The director shall not give a board approval to operate a 4708
facility or provide a community mental health service under 4709
division (A)(8)(b)(iii) of this section unless the director 4710
determines that the board will provide greater administrative 4711
efficiency and more or better services than would be available if 4712
the board contracted with a private or public facility or 4713
community mental health agency. 4714

The director shall not give a board approval to operate a 4715
facility previously operated by a person or other government 4716
entity unless the board has established to the director's 4717
satisfaction that the person or other government entity cannot 4718
effectively operate the facility or that the person or other 4719
government entity has requested the board to take over operation 4720
of the facility. The director shall not give a board approval to 4721
provide a community mental health service previously provided by a 4722
community mental health agency unless the board has established to 4723
the director's satisfaction that the agency cannot effectively 4724
provide the service or that the agency has requested the board 4725
take over providing the service. 4726

The director shall review and evaluate a board's operation of 4727
a facility and provision of community mental health service under 4728
division (A)(8)(b) of this section. 4729

Nothing in division (A)(8)(b) of this section authorizes a 4730
board to administer or direct the daily operation of any facility 4731
or community mental health agency, but a facility or agency may 4732
contract with a board to receive administrative services or staff 4733
direction from the board under the direction of the governing body 4734
of the facility or agency. 4735

(9) Approve fee schedules and related charges or adopt a unit 4736
cost schedule or other methods of payment for contract services 4737

provided by community mental health agencies in accordance with 4738
guidelines issued by the department as necessary to comply with 4739
state and federal laws pertaining to financial assistance; 4740

(10) Submit to the director and the county commissioners of 4741
the county or counties served by the board, and make available to 4742
the public, an annual report of the programs under the 4743
jurisdiction of the board, including a fiscal accounting; 4744

(11) Establish, to the extent resources are available, a 4745
community support system, which provides for treatment, support, 4746
and rehabilitation services and opportunities. The essential 4747
elements of the system include, but are not limited to, the 4748
following components in accordance with section 5119.06 of the 4749
Revised Code: 4750

(a) To locate persons in need of mental health services to 4751
inform them of available services and benefits mechanisms; 4752

(b) Assistance for clients to obtain services necessary to 4753
meet basic human needs for food, clothing, shelter, medical care, 4754
personal safety, and income; 4755

(c) Mental health care, including, but not limited to, 4756
outpatient, partial hospitalization, and, where appropriate, 4757
inpatient care; 4758

(d) Emergency services and crisis intervention; 4759

(e) Assistance for clients to obtain vocational services and 4760
opportunities for jobs; 4761

(f) The provision of services designed to develop social, 4762
community, and personal living skills; 4763

(g) Access to a wide range of housing and the provision of 4764
residential treatment and support; 4765

(h) Support, assistance, consultation, and education for 4766
families, friends, consumers of mental health services, and 4767

others; 4768

(i) Recognition and encouragement of families, friends, 4769
neighborhood networks, especially networks that include racial and 4770
ethnic minorities, churches, community organizations, and 4771
meaningful employment as natural supports for consumers of mental 4772
health services; 4773

(j) Grievance procedures and protection of the rights of 4774
consumers of mental health services; 4775

(k) Case management, which includes continual individualized 4776
assistance and advocacy to ensure that needed services are offered 4777
and procured. 4778

(12) Designate the treatment program, agency, or facility for 4779
each person involuntarily committed to the board pursuant to 4780
Chapter 5122. of the Revised Code and authorize payment for such 4781
treatment. The board shall provide the least restrictive and most 4782
appropriate alternative that is available for any person 4783
involuntarily committed to it and shall assure that the services 4784
listed in section 340.09 of the Revised Code are available to 4785
severely mentally disabled persons residing within its service 4786
district. The board shall establish the procedure for authorizing 4787
payment for services, which may include prior authorization in 4788
appropriate circumstances. The board may provide for services 4789
directly to a severely mentally disabled person when life or 4790
safety is endangered and when no community mental health agency is 4791
available to provide the service. 4792

(13) Establish a method for evaluating referrals for 4793
involuntary commitment and affidavits filed pursuant to section 4794
5122.11 of the Revised Code in order to assist the probate 4795
division of the court of common pleas in determining whether there 4796
is probable cause that a respondent is subject to involuntary 4797
hospitalization and what alternative treatment is available and 4798

appropriate, if any;	4799
(14) Ensure that apartments or rooms built, subsidized,	4800
renovated, rented, owned, or leased by the board or a community	4801
mental health agency have been approved as meeting minimum fire	4802
safety standards and that persons residing in the rooms or	4803
apartments are receiving appropriate and necessary services,	4804
including culturally relevant services, from a community mental	4805
health agency. This division does not apply to residential	4806
facilities licensed pursuant to section 5119.22 of the Revised	4807
Code.	4808
(15) Establish a mechanism for involvement of consumer	4809
recommendation and advice on matters pertaining to mental health	4810
services in the alcohol, drug addiction, and mental health service	4811
district;	4812
(16) Perform the duties under section 3722.18 of the Revised	4813
Code required by rules adopted under section 5119.61 of the	4814
Revised Code regarding referrals by the board or mental health	4815
agencies under contract with the board of individuals with mental	4816
illness or severe mental disability to adult care facilities and	4817
effective arrangements for ongoing mental health services for the	4818
individuals. The board is accountable in the manner specified in	4819
the rules for ensuring that the ongoing mental health services are	4820
effectively arranged for the individuals.	4821
(B) The board shall establish such rules, operating	4822
procedures, standards, and bylaws, and perform such other duties	4823
as may be necessary or proper to carry out the purposes of this	4824
chapter.	4825
(C) A board of alcohol, drug addiction, and mental health	4826
services may receive by gift, grant, devise, or bequest any	4827
moneys, lands, or property for the benefit of the purposes for	4828
which the board is established, and may hold and apply it	4829

according to the terms of the gift, grant, or bequest. All money 4830
received, including accrued interest, by gift, grant, or bequest 4831
shall be deposited in the treasury of the county, the treasurer of 4832
which is custodian of the alcohol, drug addiction, and mental 4833
health services funds to the credit of the board and shall be 4834
available for use by the board for purposes stated by the donor or 4835
grantor. 4836

(D) No board member or employee of a board of alcohol, drug 4837
addiction, and mental health services shall be liable for injury 4838
or damages caused by any action or inaction taken within the scope 4839
of the board member's official duties or the employee's 4840
employment, whether or not such action or inaction is expressly 4841
authorized by this section, section 340.033, or any other section 4842
of the Revised Code, unless such action or inaction constitutes 4843
willful or wanton misconduct. Chapter 2744. of the Revised Code 4844
applies to any action or inaction by a board member or employee of 4845
a board taken within the scope of the board member's official 4846
duties or employee's employment. For the purposes of this 4847
division, the conduct of a board member or employee shall not be 4848
considered willful or wanton misconduct if the board member or 4849
employee acted in good faith and in a manner that the board member 4850
or employee reasonably believed was in or was not opposed to the 4851
best interests of the board and, with respect to any criminal 4852
action or proceeding, had no reasonable cause to believe the 4853
conduct was unlawful. 4854

(E) The meetings held by any committee established by a board 4855
of alcohol, drug addiction, and mental health services shall be 4856
considered to be meetings of a public body subject to section 4857
121.22 of the Revised Code. 4858

Sec. 340.09. The department of mental health shall provide 4859
assistance to any county for the operation of boards of alcohol, 4860

drug addiction, and mental health services and the provision of	4861
the following services from funds appropriated for that purpose by	4862
the general assembly:	4863
(A) Outpatient;	4864
(B) Inpatient;	4865
(C) Partial hospitalization;	4866
(D) Rehabilitation;	4867
(E) Consultation;	4868
(F) Mental health education and other preventive services;	4869
(G) Emergency;	4870
(H) <u>Crisis intervention</u> ;	4871
(I) Research;	4872
(I) (J) Administrative;	4873
(J) (K) Referral and information;	4874
(K) (L) Residential;	4875
(L) (M) Training;	4876
(M) (N) Substance abuse;	4877
(N) (O) Service and program evaluation;	4878
(O) (P) Community support system;	4879
(P) (Q) Case management;	4880
(Q) (R) Residential housing;	4881
(R) (S) Other services approved by the board and the director of mental health.	4882 4883
Sec. 340.12. No board of alcohol, drug addiction, and mental	4884
health services or any agency, corporation, or association under	4885
contract with such a board shall discriminate in the provision of	4886

services under its authority, in employment, or contract on the 4887
basis of race, color, sex, creed, disability, or national origin, 4888
~~or the inability to pay.~~ 4889

Each board, each community mental health agency, and each 4890
alcohol and drug addiction program shall have a written 4891
affirmative action program. The affirmative action program shall 4892
include goals for the employment and effective utilization of, 4893
including contracts with, members of economically disadvantaged 4894
groups as defined in division (E)(1) of section 122.71 of the 4895
Revised Code in percentages reflecting as nearly as possible the 4896
composition of the alcohol, drug addiction, and mental health 4897
service district served by the board. Each board, agency, and 4898
program shall file a description of the affirmative action program 4899
and a progress report on its implementation with the department of 4900
mental health or the department of alcohol and drug addiction 4901
services. 4902

Sec. 715.70. (A) This section and section 715.71 of the 4903
Revised Code apply only to: 4904

(1) Municipal corporations and townships within a county that 4905
has adopted a charter under Sections 3 and 4 of Article X, Ohio 4906
Constitution; 4907

(2) Municipal corporations and townships that have created a 4908
joint economic development district comprised entirely of real 4909
property owned by a municipal corporation at the time the district 4910
was created under this section. The real property owned by the 4911
municipal corporation shall include an airport owned by the 4912
municipal corporation and located entirely beyond the municipal 4913
corporation's corporate boundary. 4914

(3) Municipal corporations or townships that are part of or 4915
contiguous to a transportation improvement district created under 4916
Chapter 5540. of the Revised Code and that have created a joint 4917

economic development district under this section or section 715.71 4918
of the Revised Code prior to November 15, 1995; 4919

(4) Municipal corporations that have previously entered into 4920
a contract creating a joint economic development district pursuant 4921
to division (A)(2) of this section, even if the territory to be 4922
included in the district does not meet the requirements of that 4923
division. 4924

(B)(1) One or more municipal corporations and one or more 4925
townships may enter into a contract approved by the legislative 4926
authority of each contracting party pursuant to which they create 4927
as a joint economic development district an area or areas for the 4928
purpose of facilitating economic development to create or preserve 4929
jobs and employment opportunities and to improve the economic 4930
welfare of the people in the state and in the area of the 4931
contracting parties. A municipal corporation described in division 4932
(A)(4) of this section may enter into a contract with other 4933
municipal corporations and townships to create a new joint 4934
economic development district. In a district that includes a 4935
municipal corporation described in division (A)(4) of this 4936
section, the territory of each of the contracting parties shall be 4937
contiguous to the territory of at least one other contracting 4938
party, or contiguous to the territory of a township or municipal 4939
corporation that is contiguous to another contracting party, even 4940
if the intervening township or municipal corporation is not a 4941
contracting party. The area or areas of land to be included in the 4942
district shall not include any parcel of land owned in fee by a 4943
municipal corporation or a township or parcel of land that is 4944
leased to a municipal corporation or a township, unless the 4945
municipal corporation or township is a party to the contract or 4946
unless the municipal corporation or township has given its consent 4947
to have its parcel of land included in the district by the 4948
adoption of a resolution. As used in this division, "parcel of 4949

land" means any parcel of land owned by a municipal corporation or 4950
a township for at least a six-month period within a five-year 4951
period prior to the creation of a district, but "parcel of land" 4952
does not include streets or public ways and sewer, water, and 4953
other utility lines whether owned in fee or otherwise. 4954

The district created shall be located within the territory of 4955
one or more of the participating parties and may consist of all or 4956
a portion of such territory. The boundaries of the district shall 4957
be described in the contract or in an addendum to the contract. 4958

(2) Prior to the public hearing to be held pursuant to 4959
division (D)(2) of this section, the participating parties shall 4960
give a copy of the proposed contract to each municipal corporation 4961
located within one-quarter mile of the proposed joint economic 4962
development district and not otherwise a party to the contract, 4963
and afford the municipal corporation the reasonable opportunity, 4964
for a period of thirty days following receipt of the proposed 4965
contract, to make comments and suggestions to the participating 4966
parties regarding elements contained in the proposed contract. 4967

(3) The district shall not exceed two thousand acres in area. 4968
The territory of the district shall not completely surround 4969
territory that is not included within the boundaries of the 4970
district. 4971

(4) Sections 503.07 to 503.12 of the Revised Code do not 4972
apply to territory included within a district created pursuant to 4973
this section as long as the contract creating the district is in 4974
effect, unless the legislative authority of each municipal 4975
corporation and the board of township trustees of each township 4976
included in the district consent, by ordinance or resolution, to 4977
the application of those sections of the Revised Code. 4978

(5) Upon the execution of the contract creating the district 4979
by the parties to the contract, a participating municipal 4980

corporation or township included within the district shall file a 4981
copy of the fully executed contract with the county recorder of 4982
each county within which a party to the contract is located, in 4983
the miscellaneous records of the county. No annexation proceeding 4984
pursuant to Chapter 709. of the Revised Code that proposes the 4985
annexation to, merger, or consolidation with a municipal 4986
corporation of any unincorporated territory within the district 4987
shall be commenced for a period of three years after the contract 4988
is filed with the county recorder of each county within which a 4989
party to the contract is located unless each board of township 4990
trustees whose territory is included, in whole or part, within the 4991
district and the territory proposed to be annexed, merged, or 4992
consolidated adopts a resolution consenting to the commencement of 4993
the proceeding and a copy of the resolution is filed with the 4994
legislative authority of each county within which a party to the 4995
contract is located or unless the contract is terminated during 4996
this period. 4997

The contract entered into between the municipal corporations 4998
and townships pursuant to this section may provide for the 4999
prohibition of any annexation by the participating municipal 5000
corporations of any unincorporated territory within the district 5001
beyond the three-year mandatory prohibition of any annexation 5002
provided for in division (B)(5) of this section. 5003

(C)(1) After the legislative authority of a municipal 5004
corporation and the board of township trustees have adopted an 5005
ordinance and resolution approving a contract to create a joint 5006
economic development district pursuant to this section, and after 5007
a contract has been signed, the municipal corporations and 5008
townships shall jointly file a petition with the legislative 5009
authority of each county within which a party to the contract is 5010
located. 5011

(a) The petition shall contain all of the following: 5012

(i) A statement that the area or areas of the district is not greater than two thousand acres and is located within the territory of one or more of the contracting parties;	5013 5014 5015
(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services;	5016 5017 5018
(iii) A description of the area or areas to be designated as the district;	5019 5020
(iv) The signature of a representative of each of the contracting parties.	5021 5022
(b) The following documents shall be filed with the petition:	5023
(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;	5024 5025
(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;	5026 5027
(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings;	5028 5029 5030 5031
(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that the property be included within the district, provided that those statements shall represent a majority of the persons owning property located in whole or in part within the district and persons owning a majority of the acreage located within the district. A signature may be withdrawn by the signer up to but not after the time of the public hearing required by division (D)(2) of this section.	5032 5033 5034 5035 5036 5037 5038 5039 5040
(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution	5041 5042

5043 approving the petition for the creation of the district if the
5044 petition and other documents have been filed in accordance with
5045 the requirements of division (C)(1) of this section. If the
5046 petition and other documents do not substantially meet the
5047 requirements of that division, the legislative authority of any
5048 county within which a party to the contract is located may adopt a
5049 resolution disapproving the petition for the creation of the
5050 district. The legislative authority of each county within which a
5051 party to the contract is located shall adopt a resolution
5052 approving or disapproving the petition within thirty days after
5053 the petition was filed. If the legislative authority of each such
5054 county does not adopt the resolution within the thirty-day period,
5055 the petition shall be deemed approved and the contract shall go
5056 into effect immediately after that approval or at such other time
5057 as the contract specifies.

5058 (D)(1) The contract creating the district shall set forth or
5059 provide for the amount or nature of the contribution of each
5060 municipal corporation and township to the development and
5061 operation of the district and may provide for the sharing of the
5062 costs of the operation of and improvements for the district. The
5063 contributions may be in any form to which the contracting
5064 municipal corporations and townships agree and may include but are
5065 not limited to the provision of services, money, real or personal
5066 property, facilities, or equipment. The contract may provide for
5067 the contracting parties to share revenue from taxes levied on
5068 property by one or more of the contracting parties if those
5069 revenues may lawfully be applied to that purpose under the
5070 legislation by which those taxes are levied. The contract shall
5071 provide for new, expanded, or additional services, facilities, or
5072 improvements, including expanded or additional capacity for or
5073 other enhancement of existing services, facilities, or
5074 improvements, provided that those services, facilities, or

improvements, or expanded or additional capacity for or 5075
enhancement of existing services, facilities, or improvements, 5076
required herein have been provided within the two-year period 5077
prior to the execution of the contract. 5078

(2) Before the legislative authority of a municipal 5079
corporation or a board of township trustees passes any ordinance 5080
or resolution approving a contract to create a joint economic 5081
development district pursuant to this section, the legislative 5082
authority of the municipal corporation and the board of township 5083
trustees shall each hold a public hearing concerning the joint 5084
economic development district contract and shall provide thirty 5085
days' public notice of the time and place of the public hearing in 5086
a newspaper of general circulation in the municipal corporation 5087
and the township. The board of township trustees may provide 5088
additional notice to township residents in accordance with section 5089
9.03 of the Revised Code, and any additional notice shall include 5090
the public hearing announcement; a summary of the terms of the 5091
contract; a statement that the entire text of the contract and 5092
district maps and plans are on file for public examination in the 5093
office of the township fiscal officer; and information pertaining 5094
to any tax changes that will or may occur as a result of the 5095
contract. 5096

During the thirty-day period prior to the public hearing, a 5097
copy of the text of the contract together with copies of district 5098
maps and plans related to or part of the contract shall be on 5099
file, for public examination, in the offices of the clerk of the 5100
legislative authority of the municipal corporation and of the 5101
township fiscal officer. The public hearing provided for in 5102
division (D)(2) of this section shall allow for public comment and 5103
recommendations from the public on the proposed contract. The 5104
contracting parties may include in the contract any of those 5105
recommendations prior to the approval of the contract. 5106

(3) Any resolution of the board of township trustees that 5107
approves a contract that creates a joint economic development 5108
district pursuant to this section shall be subject to a referendum 5109
of the electors of the township. When a referendum petition, 5110
signed by ten per cent of the number of electors in the township 5111
who voted for the office of governor at the most recent general 5112
election for the office of governor, is presented to the board of 5113
township trustees within thirty days after the board of township 5114
trustees adopted the resolution, ordering that the resolution be 5115
submitted to the electors of the township for their approval or 5116
rejection, the board of township trustees shall, after ten days 5117
and not later than four p.m. of the seventy-fifth day before the 5118
election, certify the text of the resolution to the board of 5119
elections. The board of elections shall submit the resolution to 5120
the electors of the township for their approval or rejection at 5121
the next general, primary, or special election occurring 5122
subsequent to seventy-five days after the certifying of the 5123
petition to the board of elections. 5124

(4) Upon the creation of a district under this section or 5125
section 715.71 of the Revised Code, one of the contracting parties 5126
shall file a copy of the following with the director of 5127
development: 5128

(a) The petition and other documents described in division 5129
(C)(1) of this section, if the district is created under this 5130
section; 5131

(b) The documents described in division (D) of section 715.71 5132
of the Revised Code, if the district is created under this 5133
section. 5134

(E) The district created by the contract shall be governed by 5135
a board of directors that shall be established by or pursuant to 5136
the contract. The board is a public body for the purposes of 5137

section 121.22 of the Revised Code. The provisions of Chapter 5138
2744. of the Revised Code apply to the board and the district. The 5139
members of the board shall be appointed as provided in the 5140
contract from among the elected members of the legislative 5141
authorities and the elected chief executive officers of the 5142
contracting parties, provided that there shall be at least two 5143
members appointed from each of the contracting parties. 5144

(F) The contract shall enumerate the specific powers, duties, 5145
and functions of the board of directors of a district, and the 5146
contract shall provide for the determination of procedures that 5147
are to govern the board of directors. The contract may grant to 5148
the board the power to adopt a resolution to levy an income tax 5149
within the district. The income tax shall be used for the purposes 5150
of the district and for the purposes of the contracting municipal 5151
corporations and townships pursuant to the contract. The income 5152
tax may be levied in the district based on income earned by 5153
persons working or residing within the district and based on the 5154
net profits of businesses located in the district. The income tax 5155
shall follow the provisions of Chapter 718. of the Revised Code, 5156
except that a vote shall be required by the electors residing in 5157
the district to approve the rate of income tax. If no electors 5158
reside within the district, then division (F)(4) of this section 5159
applies. The rate of the income tax shall be no higher than the 5160
highest rate being levied by a municipal corporation that is a 5161
party to the contract. 5162

(1) Within one hundred eighty days after the first meeting of 5163
the board of directors, the board may levy an income tax, provided 5164
that the rate of the income tax is first submitted to and approved 5165
by the electors of the district at the succeeding regular or 5166
primary election, or a special election called by the board, 5167
occurring subsequent to seventy-five days after a certified copy 5168
of the resolution levying the income tax and calling for the 5169

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
filed with the county auditor of each county within which a party
to the contract is located within thirty days after the resolution
is adopted by the board or when an initiative 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 filed with the county auditor of each
such county ordering that a resolution to amend or repeal a prior
resolution levying an income tax be submitted to the electors
within the district for their approval or rejection, the county
auditor of each such county, after ten days and not later than
four p.m. of the seventy-fifth day before the election, shall

certify the text of the resolution to the board of elections of
that county. The county auditor of each such county shall retain
the petition. The board of elections shall submit the resolution
to such electors, for their approval or rejection, at the next
general, primary, or special election occurring subsequent to
seventy-five days after the certifying of such petition to the
board of elections.

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

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

(5) The board of directors of a district levying an income
tax shall enter into an agreement with one of the municipal
corporations that is a party to the contract to administer,
collect, and enforce the income tax on behalf of the district. The
resolution levying the income tax shall provide the same credits,
if any, to residents of the district for income taxes paid to
other such districts or municipal corporations where the residents
work, as credits provided to residents of the municipal
corporation administering the income tax.

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

(b) Except as otherwise specified by this division, any 5233
referendum or initiative proceeding within a district shall be 5234
conducted in the same manner as is required for such proceedings 5235
within a municipal corporation pursuant to sections 731.28 to 5236
731.40 of the Revised Code. 5237

(G) Membership on the board of directors does not constitute 5238
the holding of a public office or employment within the meaning of 5239
any section of the Revised Code or any charter provision 5240
prohibiting the holding of other public office or employment, and 5241
shall not constitute an interest, either direct or indirect, in a 5242
contract or expenditure of money by any municipal corporation, 5243
township, county, or other political subdivision with which the 5244
member may be connected. No member of a board of directors shall 5245
be disqualified from holding any public office or employment, nor 5246
shall such member forfeit or be disqualified from holding any such 5247
office or employment, by reason of the member's membership on the 5248
board of directors, notwithstanding any law or charter provision 5249
to the contrary. 5250

(H) The powers and authorizations granted pursuant to this 5251
section or section 715.71 of the Revised Code are in addition to 5252
and not in derogation of all other powers granted to municipal 5253
corporations and townships pursuant to law. When exercising a 5254
power or performing a function or duty under a contract authorized 5255
pursuant to this section or section 715.71 of the Revised Code, a 5256
municipal corporation may exercise all of the powers of a 5257
municipal corporation, and may perform all the functions and 5258
duties of a municipal corporation, within the district, pursuant 5259
to and to the extent consistent with the contract. When exercising 5260
a power or performing a function or duty under a contract 5261
authorized pursuant to this section or section 715.71 of the 5262
Revised Code, a township may exercise all of the powers of a 5263
township, and may perform all the functions and duties of a 5264

township, within the district, pursuant to and to the extent 5265
consistent with the contract. The district board of directors has 5266
no powers except those specifically set forth in the contract as 5267
agreed to by the participating parties. No political subdivision 5268
shall authorize or grant any tax exemption pursuant to Chapter 5269
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 5270
Revised Code on any property located within the district, ~~except~~ 5271
~~that a political subdivision that is a contracting party may grant~~ 5272
~~a tax exemption under section 5709.62, 5709.63, or 5709.632 of the~~ 5273
~~Revised Code on property located within the district, with~~ without 5274
the consent of the ~~other~~ contracting parties. The prohibition for 5275
any tax exemption pursuant to this division shall not apply to any 5276
exemption filed, pending, or approved, or for which an agreement 5277
has been entered into, before the effective date of the contract 5278
entered into by the parties. 5279

(I) Municipal corporations and townships may enter into 5280
binding agreements pursuant to a contract authorized under this 5281
section or section 715.71 of the Revised Code with respect to the 5282
substance and administration of zoning and other land use 5283
regulations, building codes, public permanent improvements, and 5284
other regulatory and proprietary matters that are determined, 5285
pursuant to the contract, to be for a public purpose and to be 5286
desirable with respect to the operation of the district or to 5287
facilitate new or expanded economic development in the state or 5288
the district, provided that no contract shall exempt the territory 5289
within the district from the procedures and processes of land use 5290
regulation applicable pursuant to municipal corporation, township, 5291
and county regulations, including but not limited to procedures 5292
and processes concerning zoning. 5293

(J) A contract entered into pursuant to this section or 5294
section 715.71 of the Revised Code may be amended and it may be 5295
renewed, canceled, or terminated as provided in or pursuant to the 5296

contract. The contract may be amended to add property owned by one 5297
of the contracting parties to the district, or may be amended to 5298
delete property from the district whether or not one of the 5299
contracting parties owns the deleted property. The contract shall 5300
continue in existence throughout its term and shall be binding on 5301
the contracting parties and on any entities succeeding to such 5302
parties, whether by annexation, merger, or otherwise. The income 5303
tax levied by the board pursuant to this section or section 715.71 5304
of the Revised Code shall apply in the entire district throughout 5305
the term of the contract, notwithstanding that all or a portion of 5306
the district becomes subject to annexation, merger, or 5307
incorporation. No township or municipal corporation is divested of 5308
its rights or obligations under the contract because of 5309
annexation, merger, or succession of interests. 5310

(K) After the creation of a joint economic development 5311
district described in division (A)(2) of this section, a municipal 5312
corporation that is a contracting party may cease to own property 5313
included in the district, but such property shall continue to be 5314
included in the district and subject to the terms of the contract. 5315

Sec. 715.81. The powers granted under sections 715.72 to 5316
715.81 of the Revised Code are in addition to and not in the 5317
derogation of all other powers granted to municipal corporations 5318
and townships pursuant to law. When exercising a power or 5319
performing a function or duty under a contract entered into under 5320
section 715.72 of the Revised Code, a municipal corporation may 5321
exercise all of the powers of a municipal corporation, and may 5322
perform all the functions and duties of a municipal corporation, 5323
within the joint economic development district, pursuant to and to 5324
the extent consistent with the contract. When exercising a power 5325
or performing a function or duty under a contract entered into 5326
under either section 715.72 or section 715.691 of the Revised 5327

Code, a township may exercise all of the powers of a township, and 5328
may perform all the functions and duties of a township, within the 5329
joint economic development district, or joint economic development 5330
zone that is subject to division (I)(2) of section 715.691 of the 5331
Revised Code, pursuant to and to the extent consistent with the 5332
contract. No political subdivision shall grant any tax exemption 5333
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5334
5709.632 of the Revised Code on any property located within the 5335
district, or zone that is subject to division (I)(2) of section 5336
715.691 of the Revised Code, ~~except that a political subdivision~~ 5337
~~that is a contracting party may grant a tax exemption under~~ 5338
~~section 5709.62, 5709.63, or 5709.632 of the Revised Code on~~ 5339
~~property located within the district, or zone that is subject to~~ 5340
~~division (I)(2) of section 715.691 of the Revised Code, with~~ 5341
without the consent of the ~~other~~ contracting parties. The 5342
prohibition against granting a tax exemption under this section 5343
does not apply to any exemption filed, pending, or approved before 5344
the effective date of the contract entered into under either 5345
section 715.72 or section 715.691 of the Revised Code. 5346

Sec. 1520.02. (A) The director of natural resources has 5347
exclusive authority to administer, manage, and establish policies 5348
governing canal lands. 5349

(B)(1) Except as provided in division (C) of this section, 5350
the director may sell, lease, exchange, give, or grant all or part 5351
of the state's interest in any canal lands in accordance with 5352
section 1501.01 of the Revised Code. The director may stipulate 5353
that an appraisal or survey need not be conducted for, and may 5354
establish any terms or conditions that the director determines 5355
appropriate for, any such conveyance. 5356

Prior to proposing the conveyance of any canal lands, the 5357
director shall consider the local government needs and economic 5358

development potential with respect to the canal lands and the 5359
recreational, ecological, and historical value of the canal lands. 5360
In addition, the conveyance of canal lands shall be conducted in 5361
accordance with the director's policies governing the protection 5362
and conservation of canal lands established under this section. 5363

(2) With regard to canal lands, the chief of the division of 5364
water, with the approval of the director, may sell, lease, or 5365
transfer minerals or mineral rights when the chief and the 5366
director determine that the sale, lease, or transfer is in the 5367
best interest of the state. Consideration for minerals and mineral 5368
rights shall be by rental or on a royalty basis as prescribed by 5369
the chief and payable as prescribed by contract. Moneys collected 5370
under division (B)(2) of this section shall be paid into the state 5371
treasury to the credit of the canal lands fund created in section 5372
1520.05 of the Revised Code. 5373

(C)(1) Not later than one year after July 1, 1989, the 5374
director of transportation and the director of the Ohio historical 5375
society shall identify all canal lands that are or may be of use 5376
to any program operated by the department of transportation or the 5377
Ohio historical society, respectively, and shall notify the 5378
director of natural resources of those lands. The director of 5379
natural resources may transfer any canal lands so identified to 5380
the exclusive care, custody, and control of the department of 5381
transportation or the Ohio historical society, as applicable, by 5382
means of a departmental transfer not later than six months after 5383
receiving notification under division (C)(1) of this section. 5384

(2) The director of natural resources may transfer to the 5385
Ohio historical society any equipment, maps, and records used on 5386
or related to canal lands that are of historical interest and that 5387
are not needed by the director to administer this chapter. 5388

(D) If the director of natural resources determines that any 5389

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

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

Sec. 1702.01. As used in this chapter, unless the context otherwise requires:

(A) "Corporation" or "domestic corporation" means a nonprofit corporation formed under the laws of this state, or a business corporation formed under the laws of this state that, by amendment to its articles as provided by law, becomes a nonprofit corporation.

(B) "Foreign corporation" means a nonprofit corporation formed under the laws of another state.

(C) "Nonprofit corporation" means a domestic or foreign corporation that is formed otherwise than for the pecuniary gain or profit of, and whose net earnings or any part of them is not distributable to, its members, directors, officers, or other private persons, except that the payment of reasonable compensation for services rendered and the distribution of assets on dissolution as permitted by section 1702.49 of the Revised Code is not pecuniary gain or profit or distribution of net earnings. In a corporation all of whose members are nonprofit corporations,

distribution to members does not deprive it of the status of a
nonprofit corporation.

(D) "State" means the United States; any state, territory,
insular possession, or other political subdivision of the United
States, including the District of Columbia; any foreign country or
nation; and any province, territory, or other political
subdivision of a foreign country or nation.

(E) "Articles" includes original articles of incorporation,
agreements of merger or consolidation if and only to the extent
that articles of incorporation are adopted or amended in the
agreements, amended articles, and amendments to any of these, and,
in the case of a corporation created before September 1, 1851, the
special charter and any amendments to it made by special act of
the ~~General Assembly~~ general assembly or pursuant to general law.

(F) "Incorporator" means a person who signed the original
articles of incorporation.

(G) "Member" means one having membership rights and
privileges in a corporation in accordance with its articles or
regulations.

(H) "Voting member" means a member possessing voting rights,
either generally or in respect of the particular question
involved, as the case may be.

(I) "Person" includes, but is not limited to, a nonprofit
corporation, a business corporation, a partnership, an
unincorporated society or association, and two or more persons
having a joint or common interest.

(J) The location of the "principal office" of a corporation
is the place named as such in its articles.

(K) "Directors" means the persons vested with the authority
to conduct the affairs of the corporation irrespective of the

name, such as trustees, by which they are designated. 5450

(L) "Insolvent" means that the corporation is unable to pay 5451
its obligations as they become due in the usual course of its 5452
affairs. 5453

(M)(1) Subject to division (M)(2) of this section, 5454
"volunteer" means a director, officer, or agent of a corporation, 5455
or another person associated with a corporation, who satisfies 5456
both of the following: 5457

(a) Performs services for or on behalf of, and under the 5458
authority or auspices of, that corporation; 5459

(b) Does not receive compensation, either directly or 5460
indirectly, for performing those services. 5461

(2) For purposes of division (M)(1) of this section, 5462
"compensation" does not include any of the following: 5463

(a) Actual and necessary expenses that are incurred by a 5464
volunteer in connection with the services performed for a 5465
corporation, and that are reimbursed to the volunteer or otherwise 5466
paid; 5467

(b) Insurance premiums paid on behalf of a volunteer, and 5468
amounts paid or reimbursed, pursuant to division (E) of section 5469
1702.12 of the Revised Code; 5470

(c) Modest perquisites. 5471

(N) "Business corporation" means any entity, as defined in 5472
section 1701.01 of the Revised Code, other than a public benefit 5473
corporation or a mutual benefit corporation, that is organized 5474
pursuant to Chapter 1701. of the Revised Code. 5475

(O) "Mutual benefit corporation" means any corporation 5476
organized under this chapter other than a public benefit 5477
corporation. 5478

(P) "Public benefit corporation" means a corporation that is 5479
recognized as exempt from federal income taxation under section 5480
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 5481
26 U.S.C. 1, as amended, or is organized for a public or 5482
charitable purpose and that upon dissolution must distribute its 5483
assets to a public benefit corporation, the United States, a state 5484
or any political subdivision of a state, or a person that is 5485
recognized as exempt from federal income taxation under section 5486
501(c)(3) of the "Internal Revenue Code of 1986," as amended. 5487
"Public benefit corporation" does not include a nonprofit 5488
corporation that is organized by one or more municipal 5489
corporations to further a public purpose that is not a charitable 5490
purpose. 5491

(Q) "Authorized communications equipment" means any 5492
communications equipment ~~to which both of the following apply:~~ 5493

~~(1) The articles, regulations, or bylaws, or the regulations, 5494
constitution, or other fundamental agreement if section 1702.08 of 5495
the Revised Code applies, permit the use of the communications 5496
equipment for the purpose of giving notice of meetings or any 5497
notice required by this chapter, attending and participating in 5498
meetings, giving a copy of any document or transmitting any 5499
writing required or permitted under this chapter, or voting. 5500~~

~~(2) The communications equipment that provides a 5501
transmission, including, but not limited to, by telephone, 5502
telecopy, or any electronic means, from which it can be determined 5503
that the transmission was authorized by, and accurately reflects 5504
the intention of, the member or director involved and, with 5505
respect to meetings, allows all persons participating in the 5506
meeting to contemporaneously communicate with each other. 5507~~

Sec. 1702.08. (A) When an unincorporated society or 5508
association, organized for any of the purposes for which a 5509

corporation could be formed under this chapter, authorizes the 5510
incorporation of that society or association, by the same 5511
procedure and affirmative vote of its voting members that the 5512
regulations, constitution, or other fundamental agreement of the 5513
society or association requires for an amendment to that 5514
fundamental agreement or, if no such vote is specified, by a 5515
majority vote of the voting members present in person ~~or, if~~ 5516
~~permitted, by mail, by proxy, or~~ by the use of authorized 5517
communications equipment, by mail, or, if permitted, by proxy, at 5518
a duly convened meeting the purpose of which is stated in the 5519
notice of the meeting, then upon the filing of the articles under 5520
section 1702.04 of the Revised Code setting forth those facts and 5521
that the required vote has been obtained, that society or 5522
association shall become a corporation, and the members of the 5523
society or association shall become members of that corporation in 5524
accordance with provisions in the articles to that effect. 5525

(B) All the rights, privileges, immunities, powers, 5526
franchises, and authority, and all the property and obligations of 5527
that unincorporated society or association, shall thereupon pass 5528
to, vest in, and (in the case of liabilities and obligations) be 5529
obligations of the corporation so formed. 5530

Sec. 1702.11. (A) Without limiting the generality of such 5531
authority, the regulations, whether designated a constitution or 5532
rules, or by some other term, may include provisions with respect 5533
to the following: 5534

(1) The place, if any, and time for holding, the manner of 5535
and authority for calling, giving notice of, and conducting, and 5536
the requirements of a quorum for, meetings of members, or their 5537
elected representatives or delegates; 5538

(2) The qualifications, admission, voluntary withdrawal, 5539

censure, and suspension of members, and the termination of membership;	5540 5541
(3) The fees and dues of members;	5542
(4) The rights of members or classes of members, or of their elected representatives or delegates, to vote; the manner of conducting votes of members on matters, including any right to vote <u>voting</u> by mail, by the use of authorized communications equipment, if permitted by this chapter , or by proxy; the specification of the relative rights and privileges among members and in the property of the corporation; and limitations upon or regulations governing the right of members to examine the books and records of the corporation;	5543 5544 5545 5546 5547 5548 5549 5550 5551
(5) The election of representatives or delegates of members and their authority, rights, and privileges;	5552 5553
(6) The number, classification, manner of fixing or changing the number, qualifications, term of office, voting rights, compensation or manner of fixing compensation, and the removal of directors;	5554 5555 5556 5557
(7) The place, if any, and time for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;	5558 5559 5560
(8) The appointment of an executive and other committees of the directors or of members, their authority, and the method by which they take action;	5561 5562 5563
(9) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and the removal, of officers;	5564 5565 5566
(10) Defining, limiting, or regulating the exercise of the authority of the corporation, the directors, the officers, the members, or any class of members;	5567 5568 5569

(11) The method by which voting members may change the regulations;	5570 5571
(12) Providing for the use of authorized communications equipment.	5572 5573
(B)(1) In the absence of provisions in the articles or the regulations with respect to the method of changing the regulations, the regulations may be amended, or new regulations may be adopted, by the voting members at a meeting held for such purpose, if a quorum is present, by the affirmative vote of a majority of the voting members present in person or, if permitted, by mail , by the use of authorized communications equipment, <u>by mail, or, if permitted</u> , by proxy.	5574 5575 5576 5577 5578 5579 5580 5581
(2) For purposes of division (B)(1) of this section, participation by a member in a meeting through the use of any of the means of communication described in that division constitutes presence in person of that member at the meeting for purposes of determining a quorum.	5582 5583 5584 5585 5586
(C) The members of a nonprofit corporation may adopt or authorize the directors to adopt, either before or during an emergency, as defined in division (U) of section 1701.01 of the Revised Code, emergency regulations operative only during an emergency. The emergency regulations may include those provisions that are authorized to be included in regulations by divisions (A) and (B) of this section. In addition, unless expressly prohibited by the articles or regulations, and notwithstanding any different provisions in this chapter and any different provision in the articles or regulations that are not expressly stated to be operative during an emergency, the emergency regulations may make any provision that may be practical or necessary with respect to meetings, committees, vacancies, and temporary appointments of the directors, and the rank and succession of officers, the same as	5587 5588 5589 5590 5591 5592 5593 5594 5595 5596 5597 5598 5599 5600

may be done by corporations for profit under division (C) of 5601
section 1701.11 of the Revised Code. 5602

(D) Any change in the regulations made in accordance with 5603
their provisions or pursuant to division (B) of this section shall 5604
be binding on all members. 5605

(E) If the regulations are amended or new regulations adopted 5606
without a meeting of the voting members, the secretary of the 5607
corporation shall send by mail, overnight delivery service, or 5608
authorized communications equipment a copy of the amendment or the 5609
new regulations to each voting member who would have been entitled 5610
to vote on the amendment or new regulations and did not 5611
participate in the adoption of the amendment or new regulations. 5612
If the secretary of the corporation mails the copy or sends it by 5613
overnight delivery service, the secretary shall send the copy of 5614
the amendment or the new regulations to the voting member at the 5615
voting member's address as it appears on the records of the 5616
corporation. If the secretary sends the copy by means of 5617
authorized communications equipment, the secretary shall send the 5618
copy of the amendment or the new regulations to the address 5619
provided by the voting member for transmissions by authorized 5620
communications equipment. 5621

(F) No person dealing with the corporation shall be charged 5622
with constructive notice of the regulations. 5623

(G) Unless expressly prohibited by the articles or 5624
regulations, or unless otherwise provided by the emergency 5625
regulations, and notwithstanding any different provision in this 5626
chapter, the special rules provided for corporations for profit 5627
under division (F) of section 1701.11 of the Revised Code are 5628
applicable to a nonprofit corporation during an emergency, as 5629
defined in division (U) of section 1701.01 of the Revised Code. 5630

Sec. 1702.17. (A) Meetings of voting members may be called by 5631
any of the following: 5632

(1) The chairperson of the board, the president, or, in case 5633
of the president's absence, death, or disability, the 5634
vice-president authorized to exercise the authority of the 5635
president; 5636

(2) The directors by action at a meeting, or a majority of 5637
the directors acting without a meeting; 5638

(3) The lesser of (a) ten per cent of the voting members or 5639
(b) twenty-five of the voting members, unless the articles or the 5640
regulations specify for such purpose a smaller or larger 5641
proportion or number, but not in excess of fifty per cent of the 5642
voting members; 5643

(4) Any other officers or persons that the articles or the 5644
regulations authorize to call such meetings. 5645

(B) If so provided in the articles or the regulations, 5646
meetings of voting members may be held either within or without 5647
this state or solely by means of authorized communications 5648
equipment. 5649

(C) ~~If authorized by~~ Unless the directors articles or 5650
regulations provide otherwise, the voting members and proxyholders 5651
who are not physically present at a meeting of voting members may 5652
attend the meeting by the use of authorized communications 5653
equipment that enables the voting members and proxyholders an 5654
opportunity to participate in the meeting and to vote on matters 5655
submitted to the voting members, including an opportunity to read 5656
or hear the proceedings of the meeting, participate in the 5657
proceedings, and contemporaneously communicate with the persons 5658
who are physically present at the meeting. Any voting member who 5659
uses authorized communications equipment under this division is 5660

deemed to be present in person at the meeting whether the meeting 5661
is held at a designated place or solely by means of authorized 5662
communications equipment. The directors may adopt procedures and 5663
guidelines for the use of authorized communications equipment in 5664
connection with a meeting of voting members to permit the 5665
corporation to verify that a person is a voting member or 5666
proxyholder and to maintain a record of any vote or other action 5667
taken at the meeting. 5668

Sec. 1702.19. (A) Notice of the place, if any, the time, and 5669
the purposes of any meeting of voting members or directors, as the 5670
case may be, whether required by law, the articles, the 5671
regulations, or (in the case of directors) the bylaws, may be 5672
waived in writing, either before or after the holding of such 5673
meeting, by any member, or by any director, which writing shall be 5674
filed with or entered upon the records of the meeting. A 5675
transmission by authorized communications equipment that contains 5676
a waiver is a writing for purposes of this division. 5677

(B) If a member or director attends a meeting described in 5678
division (A) of this section without protesting prior to or at the 5679
commencement of the meeting, then the lack of proper notice shall 5680
be deemed to be a waiver by the member or director of notice of 5681
the meeting. 5682

(C) ~~A~~ Unless the articles or regulations provide otherwise, a 5683
~~member or director~~ shall be considered in attendance at a meeting 5684
described in division (A) of this section, ~~if the member or~~ 5685
~~director is present in person or, if permitted by the regulations,~~ 5686
~~is present~~ by the use of authorized communications equipment, by 5687
mail, or, if permitted, by proxy. Unless the articles or 5688
regulations provide otherwise, a director shall be considered in 5689
attendance at a meeting described in division (A) of this section 5690
if the director is present in person or by the use of authorized 5691

communications equipment. 5692

Sec. 1702.20. (A) Except as otherwise provided in the 5693
articles or the regulations, each member, regardless of class, 5694
shall be entitled to one vote on each matter properly submitted to 5695
the members for their vote, consent, waiver, release, or other 5696
action. 5697

(B) ~~The~~ Unless the articles or the regulations ~~may~~ provide 5698
~~that otherwise,~~ voting at elections and votes on other matters may 5699
be conducted by mail or by the use of authorized communications 5700
equipment. 5701

(C) Participation by a member in a meeting through the use of 5702
any of the means of communication described in division (B) of 5703
this section constitutes presence in person of that member at the 5704
meeting. The directors may adopt procedures and guidelines for the 5705
use of authorized communications equipment to permit the 5706
corporation to verify that a person is a voting member and to 5707
maintain a record of any vote. 5708

(D) Unless the articles or the regulations otherwise provide, 5709
no member who is a natural person shall vote or act by proxy. 5710

Sec. 1702.22. Unless the articles or the regulations 5711
otherwise provide: 5712

(A)(1) The voting members present in person ~~or, if permitted,~~ 5713
~~by mail, by proxy, or~~ by the use of authorized communications 5714
equipment, by mail, or, if permitted, by proxy at any meeting of 5715
voting members shall constitute a quorum for the meeting. 5716

(2) The affirmative vote of a majority of the voting members 5717
present at a meeting at which a quorum is present as provided in 5718
division (A)(1) of this section shall be necessary for the 5719
authorization or taking of any action voted upon by the members, 5720
except that no action required by law, the articles, or the 5721

regulations to be authorized or taken by a specified proportion or
number of the voting members or of any class of voting members may
be authorized or taken by a lesser proportion or number.

(B) A majority of the voting members present at a meeting,
whether or not a quorum is present, may adjourn the meeting from
time to time.

Sec. 1702.27. (A) Except as provided in division (B) of this
section and section 1702.521 of the Revised Code:

(1) The number of directors as fixed by the articles or the
regulations shall be not less than three or, if not so fixed, the
number shall be three, except that if there are only one or two
members of the corporation, the number of directors may be less
than three but not less than the number of members.

(2)(a) Subject to division (A)(2)(c) of this section, unless
the articles or the regulations fix the number of directors or
provide the manner in which that number may be fixed or changed by
the voting members, the number may be fixed or changed at a
meeting of the voting members called for the purpose of electing
directors, if a quorum is present, by the affirmative vote of a
majority of the voting members present in person ~~or, if permitted,~~
~~by mail~~, by the use of authorized communications equipment, by
mail, or, if permitted, by proxy.

(b) For purposes of division (A)(2)(a) of this section,
participation by a voting member in a meeting through the use of
any of the means of communication described in that division
constitutes presence in person of that voting member at the
meeting for purposes of determining a quorum.

(c) No reduction in the number of directors shall of itself
have the effect of shortening the term of any incumbent director.

(3) The director shall have the qualifications, if any, that

are stated in the articles or the regulations. 5752

(4) The articles or the regulations may provide that persons 5753
occupying certain positions within or without the corporation 5754
shall be ex officio directors, but, unless otherwise provided in 5755
the articles or the regulations, such ex officio directors shall 5756
not be considered for quorum purposes and shall have no vote. 5757

(B) The court of common pleas of the county in which the 5758
corporation maintains its principal office may, pursuant to 5759
division (A) of section 1702.521 of the Revised Code, order the 5760
appointment of a provisional director for the corporation without 5761
regard to the number or qualifications of directors stated in the 5762
articles or regulations of the corporation. 5763

Sec. 1702.38. (A) The articles may be amended from time to 5764
time in any respect if the articles as amended set forth all the 5765
provisions that are required in, and only those provisions that 5766
may properly be in, original articles filed at the time of 5767
adopting the amendment, other than with respect to the initial 5768
directors, except that a public benefit corporation shall not 5769
amend its articles in such manner that it will cease to be a 5770
public benefit corporation. 5771

(B) Without limiting the generality of the authority 5772
described in division (A) of this section, the articles may be 5773
amended to: 5774

(1) Change the name of the corporation; 5775

(2) Change the place in this state where its principal office 5776
is to be located; 5777

(3) Change, enlarge, or diminish its purpose or purposes; 5778

(4) Change any provision of the articles or add any provision 5779
that may properly be included in the articles. 5780

(C)(1) The voting members present in person ~~or, if permitted,~~ 5781
~~by mail, by proxy, or~~ by use of authorized communications 5782
equipment, by mail, or, if permitted, by proxy at a meeting held 5783
for that purpose, may adopt an amendment by the affirmative vote 5784
of a majority of the voting members present if a quorum is present 5785
or, if the articles or the regulations provide or permit, by the 5786
affirmative vote of a greater or lesser proportion or number of 5787
the voting members, and by the affirmative vote of the voting 5788
members of any particular class that is required by the articles 5789
or the regulations. 5790

(2) For purposes of division (C)(1) of this section, 5791
participation by a voting member at a meeting through the use of 5792
any of the means of communication described in that division 5793
constitutes presence in person of that voting member at the 5794
meeting for purposes of determining a quorum. 5795

(D) In addition to or in lieu of adopting an amendment to the 5796
articles, the voting members may adopt amended articles by the 5797
same action or vote as that required to adopt the amendment. 5798

(E) The directors may adopt amended articles to consolidate 5799
the original articles and all previously adopted amendments to the 5800
articles that are in force at the time, or the voting members at a 5801
meeting held for that purpose may adopt the amended articles by 5802
the same vote as that required to adopt an amendment. 5803

(F) Amended articles shall set forth all the provisions that 5804
are required in, and only the provisions that may properly be in, 5805
original articles filed at the time of adopting the amended 5806
articles, other than with respect to the initial directors, and 5807
shall contain a statement that they supersede the existing 5808
articles. 5809

(G) Upon the adoption of any amendment or amended articles, a 5810
certificate containing a copy of the resolution adopting the 5811

amendment or amended articles, a statement of the manner of its
adoption, and, in the case of adoption of the resolution by the
directors, a statement of the basis for such adoption, shall be
filed with the secretary of state, and upon that filing the
articles shall be amended accordingly, and the amended articles
shall supersede the existing articles. The certificate shall be
signed by any authorized officer of the corporation.

(H) A copy of an amendment or amended articles changing the
name of a corporation or its principal office in this state,
certified by the secretary of state, may be filed for record in
the office of the county recorder of any county in this state, and
for that recording the county recorder shall charge and collect
the same fee as provided for in division (A) of section 317.32 of
the Revised Code. That copy shall be recorded in the records of
deeds.

Sec. 1702.39. (A)(1) Unless the articles or the regulations,
or the terms of any trust on which the corporation holds any
particular property, otherwise provide, a lease, sale, exchange,
transfer, or other disposition of any assets of a mutual benefit
corporation may be made without the necessity of procuring
authorization from the court under section 1715.39 of the Revised
Code, upon the terms and for the consideration, which may consist,
in whole or in part, of money or other property, including shares
or other securities or promissory obligations of any business
corporation, domestic or foreign, that may be authorized by the
directors, except that a lease, sale, exchange, transfer, or other
disposition of all, or substantially all, the assets may be made
only when that transaction is also authorized (either before or
after authorization by the directors) by the voting members
present in person ~~or, if permitted, by mail, by proxy, or~~ by the
use of authorized communications equipment, by mail, or, if

permitted, by proxy at a meeting held for that purpose, by the 5843
affirmative vote of a majority of the voting members present as 5844
described in this division, if a quorum is present, or, if the 5845
articles or the regulations provide or permit, by the affirmative 5846
vote of a greater or lesser proportion or number of the voting 5847
members, and by the affirmative vote of the voting members of any 5848
particular class that is required by the articles or the 5849
regulations. Notice of the meeting of the members shall be given 5850
to all members entitled to vote at the meeting. Such notice shall 5851
be accompanied by a copy or summary of the terms of that 5852
transaction. 5853

(2) For purposes of division (A)(1) of this section, 5854
participation by a voting member at a meeting through the use of 5855
any of the means of communication described in that division 5856
constitutes presence in person of that voting member at the 5857
meeting for purposes of determining a quorum. 5858

(B)(1) A public benefit corporation may not dispose of its 5859
assets with value equal to more than fifty per cent of the fair 5860
market value of the net tangible and intangible assets, including 5861
goodwill, of the corporation over a period of thirty-six 5862
consecutive months in a transaction or series of transactions, 5863
including the lease, sale, exchange, transfer, or other 5864
disposition of those assets, that are outside the ordinary course 5865
of its business or that are not in accordance with the purpose or 5866
purposes for which the corporation was organized, as set forth in 5867
its articles or the terms of any trust on which the corporation 5868
holds such assets, unless one or more of the following apply: 5869

(a) The transaction has received the prior approval of the 5870
court of common pleas of the county in this state in which the 5871
principal office of the corporation is located, in a proceeding of 5872
which the attorney general's charitable law section has been given 5873

written notice by certified mail within three days of the 5874
initiation of the proceeding, and in which proceeding the attorney 5875
general may intervene as of right. 5876

(b)(i) The corporation has provided written notice of the 5877
proposed transaction, including a copy or summary of the terms of 5878
such transaction, at least twenty days before consummation of the 5879
lease, sale, exchange, transfer, or other disposition of the 5880
assets, to the attorney general's charitable law section and to 5881
the members of the corporation, and the proposed transaction has 5882
been approved by the voting members present in person ~~or, if~~ 5883
~~permitted, by mail, by proxy, or~~ by the use of authorized 5884
communications equipment, by mail, or, if permitted, by proxy at a 5885
meeting held for that purpose, by the affirmative vote of a 5886
majority of the voting members present as described in this 5887
division, if a quorum is present, or, if the articles or 5888
regulations provide or permit, by the affirmative vote of a 5889
greater or lesser proportion or number of the voting members, and 5890
if the articles or regulations require, by the affirmative vote of 5891
the voting members of any particular class. 5892

(ii) For purposes of division (B)(1)(b)(i) of this section, 5893
participation by a voting member at a meeting through the use of 5894
any of the means of communication described in that division 5895
constitutes presence in person of that voting member at the 5896
meeting for purposes of determining a quorum. 5897

(c) The transaction is in accordance with the purpose or 5898
purposes for which the corporation was organized, as set forth in 5899
its articles or the terms of any trust on which the corporation 5900
holds the assets, and the lessee, purchaser, or transferee of the 5901
assets is also a public benefit corporation or a foreign 5902
corporation that would qualify under the Revised Code as a public 5903
benefit corporation. 5904

(2) The attorney general may require, pursuant to section 5905
109.24 of the Revised Code, the production of the documents 5906
necessary for review of a proposed transaction under division 5907
(B)(1) of this section. The attorney general may retain, at the 5908
expense of the public benefit corporation, one or more experts, 5909
including an investment banker, actuary, appraiser, certified 5910
public accountant, or other expert, that the attorney general 5911
considers reasonably necessary to provide assistance in reviewing 5912
a proposed transaction under division (B)(1) of this section. 5913

(C) The attorney general may institute a civil action to 5914
enforce the requirements of division (B)(1) of this section in the 5915
court of common pleas of the county in this state in which the 5916
principal office of the corporation is located or in the Franklin 5917
county court of common pleas. In addition to any civil remedies 5918
that may exist under common law or the Revised Code, a court may 5919
rescind the transaction or grant injunctive relief or impose any 5920
combination of these remedies. 5921

(D) The corporation by its directors may abandon the proposed 5922
lease, sale, exchange, transfer, or other disposition of the 5923
assets of the corporation pursuant to division (A) or (B) of this 5924
section, subject to the contract rights of other persons, if that 5925
power of abandonment is conferred upon the directors either by the 5926
terms of the transaction or by the same vote of voting members and 5927
at the same meeting of members as that referred to in division (A) 5928
or (B) of this section, as applicable, or at any subsequent 5929
meeting. 5930

(E) An action to set aside a conveyance by a corporation, on 5931
the ground that any section of the Revised Code applicable to the 5932
lease, sale, exchange, transfer, or other disposition of the 5933
assets of such corporation has not been complied with, shall be 5934
brought within one year after that transaction, or the action 5935
shall be forever barred. 5936

Sec. 1702.42. (A) The directors of each constituent 5937
corporation, upon approving an agreement of merger or 5938
consolidation, shall direct that the agreement be submitted to the 5939
voting members entitled to vote on it at a meeting of voting 5940
members of such corporation held for that purpose, and notice of 5941
the meeting shall be given to all members of the constituent 5942
corporation entitled to vote at the meeting. The notice shall be 5943
accompanied by a copy or summary of the agreement. 5944

(B)(1) At each meeting described in division (A) of this 5945
section, a vote of the members shall be taken on the proposed 5946
agreement. In order to be adopted, the agreement (including any 5947
amendments or additions to the agreement proposed at each such 5948
meeting) must receive the affirmative vote of a majority of the 5949
voting members of each constituent corporation present at that 5950
meeting in person ~~or, if permitted, by mail, by proxy, or~~ by the 5951
use of authorized communications equipment, by mail, or, if 5952
permitted, by proxy if a quorum is present, or, if the articles or 5953
the regulations of that corporation provide or permit, the 5954
affirmative vote of a greater or lesser proportion or number of 5955
the voting members, and the affirmative vote of the voting members 5956
of any particular class that is required by the articles or the 5957
regulations of such corporation. If the agreement would authorize 5958
any particular corporate action that, under any applicable 5959
provision of law or under the existing articles of one or more of 5960
the constituent corporations, could be authorized only by or 5961
pursuant to a specified vote of voting members, the agreement 5962
(including any amendments or additions to the agreement proposed 5963
at each such meeting) in order to be adopted must receive the 5964
affirmative vote so specified. 5965

(2) For purposes of division (B)(1) of this section, 5966
participation by a voting member at a meeting through the use of 5967

any of the means of communication described in that division 5968
constitutes presence in person of that voting member at the 5969
meeting for purposes of determining a quorum. 5970

(C) At any time prior to the filing of the agreement, the 5971
merger or consolidation may be abandoned by the directors of one 5972
or more of the constituent corporations, if the power of 5973
abandonment is conferred upon those directors either by the 5974
agreement or by the same vote of voting members of each of the 5975
constituent corporations and at the same meetings as those 5976
referred to in division (B) of this section or at subsequent 5977
meetings. 5978

Sec. 1702.58. (A) Except as provided in sections 1702.01 to 5979
1702.58 of the Revised Code, the provisions of those sections 5980
shall apply only to domestic corporations, and except as otherwise 5981
provided in this section, the provisions of those sections shall 5982
apply to all domestic corporations, whether formed under those 5983
sections or under previous laws of this state. 5984

(B) Special provisions in the Revised Code for the 5985
organization, conduct, or government of designated classes of 5986
corporations shall govern to the exclusion of the provisions of 5987
sections 1702.01 to 1702.58 of the Revised Code on the same 5988
subject, except where it clearly appears that a special provision 5989
is cumulative, in which case, that provision and the provisions of 5990
those sections on the same subject shall apply. 5991

(C) A corporation incorporated prior to June 9, 1927, with 5992
authority to issue shares may continue to issue and reissue shares 5993
in accordance with its articles, but shall be without authority to 5994
amend its articles in order to increase the authorized number of 5995
shares. 5996

(D) A corporation created before September 1, 1851, that (1) 5997

has expressly elected to be governed by the laws passed since that
date; (2) subsequent to that date has taken such action under laws
then in effect as to make it subject, as a matter of law, to the
Constitution of 1851 and laws passed under the Constitution of
1851; or (3) subsequent to October 1, 1955, takes any action under
sections 1702.01 to 1702.58 of the Revised Code that but for those
sections it would not be authorized to take, shall be deemed to be
a corporation exercising its corporate privileges under the
Constitution of this state and the laws passed in pursuance of the
Constitution of this state, and not otherwise.

(E)(1) A corporation created before September 1, 1851, and
actually carrying on its activities in this state, and which prior
to October 11, 1955, has not taken action described in division
(D) of this section, may accept the provisions of sections 1702.01
to 1702.58 of the Revised Code at a meeting of voting members held
for that purpose, by a resolution to that effect adopted by the
affirmative vote of a majority of the voting members present in
person ~~or, if permitted, by mail, by proxy, or~~ by the use of
authorized communications equipment, by mail, or, if permitted, by
proxy if a quorum is present, and by filing in the office of the
secretary of state a copy of the resolution certified by any
authorized officer of the corporation, for which filing the
secretary of state shall charge and collect a fee of five dollars.
Thereafter the corporation shall be deemed to exercise its
corporate privileges under the Constitution of this state and the
laws passed in pursuance of the Constitution of this state, and
not otherwise.

(2) For purposes of division (E)(1) of this section,
participation by a voting member at a meeting through the use of
any of the means of communication described in that division
constitutes presence in person of that voting member at the
meeting for purposes of determining a quorum.

(F) Except as provided in divisions (D) and (E) of this section, a corporation created before September 1, 1851, shall be governed by the laws in force on that date as modified since that date.

(G) A domestic business corporation, upon compliance with the provision of the Revised Code that is in effect from time to time relating to that business corporation's becoming a nonprofit corporation upon amendment to its articles or upon adoption of amended articles, as provided by law, shall, upon filing the prescribed certificate in the office of the secretary of state, become a corporation subject to the provisions of, and entitled to all the rights, privileges, immunities, powers, franchises, and authority granted by, this chapter.

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

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

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, Ottawa, and Union counties, one judge, to be elected in 1954, term to begin February 9, 1955;

In Auglaize county, one judge, to be elected in 1956, term to begin January 9, 1957;

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and Wyandot counties, one judge, to be elected in 1956, term to begin January 1, 1957;

In Morrow county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2006, term to

begin January 1, 2007; 6060

In Logan county, two judges, one to be elected in 1956, term 6061
to begin January 1, 1957, and one to be elected in 2004, term to 6062
begin January 2, 2005; 6063

In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, 6064
Preble, Shelby, Van Wert, and Williams counties, one judge, to be 6065
elected in 1952, term to begin January 1, 1953; 6066

In Harrison and Noble counties, one judge, to be elected in 6067
1954, term to begin April 18, 1955; 6068

In Henry county, two judges, one to be elected in 1956, term 6069
to begin May 9, 1957, and one to be elected in 2004, term to begin 6070
January 1, 2005; 6071

In Putnam county, one judge, to be elected in 1956, term to 6072
begin May 9, 1957; 6073

In Huron county, one judge, to be elected in 1952, term to 6074
begin May 14, 1953; 6075

In Perry county, one judge, to be elected in 1954, term to 6076
begin July 6, 1956; 6077

In Sandusky county, ~~two~~ two judges, one to be elected in 6078
1954, term to begin February 10, 1955, and one to be elected in 6079
1978, term to begin January 1, 1979; 6080

(B) In Allen county, three judges, one to be elected in 1956, 6081
term to begin February 9, 1957, the second to be elected in 1958, 6082
term to begin January 1, 1959, and the third to be elected in 6083
1992, term to begin January 1, 1993; 6084

In Ashtabula county, three judges, one to be elected in 1954, 6085
term to begin February 9, 1955, one to be elected in 1960, term to 6086
begin January 1, 1961, and one to be elected in 1978, term to 6087
begin January 2, 1979; 6088

In Athens county, two judges, one to be elected in 1954, term 6089
to begin February 9, 1955, and one to be elected in 1990, term to 6090
begin July 1, 1991; 6091

In Erie county, four judges, one to be elected in 1956, term 6092
to begin January 1, 1957, the second to be elected in 1970, term 6093
to begin January 2, 1971, the third to be elected in 2004, term to 6094
begin January 2, 2005, and the fourth to be elected in 2008, term 6095
to begin February 9, 2009; 6096

In Fairfield county, three judges, one to be elected in 1954, 6097
term to begin February 9, 1955, the second to be elected in 1970, 6098
term to begin January 1, 1971, and the third to be elected in 6099
1994, term to begin January 2, 1995; 6100

In Geauga county, two judges, one to be elected in 1956, term 6101
to begin January 1, 1957, and the second to be elected in 1976, 6102
term to begin January 6, 1977; 6103

In Greene county, four judges, one to be elected in 1956, 6104
term to begin February 9, 1957, the second to be elected in 1960, 6105
term to begin January 1, 1961, the third to be elected in 1978, 6106
term to begin January 2, 1979, and the fourth to be elected in 6107
1994, term to begin January 1, 1995; 6108

In Hancock county, two judges, one to be elected in 1952, 6109
term to begin January 1, 1953, and the second to be elected in 6110
1978, term to begin January 1, 1979; 6111

In Lawrence county, two judges, one to be elected in 1954, 6112
term to begin February 9, 1955, and the second to be elected in 6113
1976, term to begin January 1, 1977; 6114

In Marion county, three judges, one to be elected in 1952, 6115
term to begin January 1, 1953, the second to be elected in 1976, 6116
term to begin January 2, 1977, and the third to be elected in 6117
1998, term to begin February 9, 1999; 6118

In Medina county, three judges, one to be elected in 1956, 6119
term to begin January 1, 1957, the second to be elected in 1966, 6120
term to begin January 1, 1967, and the third to be elected in 6121
1994, term to begin January 1, 1995; 6122

In Miami county, two judges, one to be elected in 1954, term 6123
to begin February 9, 1955, and one to be elected in 1970, term to 6124
begin on January 1, 1971; 6125

In Muskingum county, three judges, one to be elected in 1968, 6126
term to begin August 9, 1969, one to be elected in 1978, term to 6127
begin January 1, 1979, and one to be elected in 2002, term to 6128
begin January 2, 2003; 6129

In Portage county, three judges, one to be elected in 1956, 6130
term to begin January 1, 1957, the second to be elected in 1960, 6131
term to begin January 1, 1961, and the third to be elected in 6132
1986, term to begin January 2, 1987; 6133

In Ross county, two judges, one to be elected in 1956, term 6134
to begin February 9, 1957, and the second to be elected in 1976, 6135
term to begin January 1, 1977; 6136

In Scioto county, three judges, one to be elected in 1954, 6137
term to begin February 10, 1955, the second to be elected in 1960, 6138
term to begin January 1, 1961, and the third to be elected in 6139
1994, term to begin January 2, 1995; 6140

In Seneca county, two judges, one to be elected in 1956, term 6141
to begin January 1, 1957, and the second to be elected in 1986, 6142
term to begin January 2, 1987; 6143

In Warren county, four judges, one to be elected in 1954, 6144
term to begin February 9, 1955, the second to be elected in 1970, 6145
term to begin January 1, 1971, the third to be elected in 1986, 6146
term to begin January 1, 1987, and the fourth to be elected in 6147
2004, term to begin January 2, 2005; 6148

In Washington county, two judges, one to be elected in 1952, 6149
term to begin January 1, 1953, and one to be elected in 1986, term 6150
to begin January 1, 1987; 6151

In Wood county, three judges, one to be elected in 1968, term 6152
beginning January 1, 1969, the second to be elected in 1970, term 6153
to begin January 2, 1971, and the third to be elected in 1990, 6154
term to begin January 1, 1991; 6155

In Belmont and Jefferson counties, two judges, to be elected 6156
in 1954, terms to begin January 1, 1955, and February 9, 1955, 6157
respectively; 6158

In Clark county, four judges, one to be elected in 1952, term 6159
to begin January 1, 1953, the second to be elected in 1956, term 6160
to begin January 2, 1957, the third to be elected in 1986, term to 6161
begin January 3, 1987, and the fourth to be elected in 1994, term 6162
to begin January 2, 1995. 6163

In Clermont county, five judges, one to be elected in 1956, 6164
term to begin January 1, 1957, the second to be elected in 1964, 6165
term to begin January 1, 1965, the third to be elected in 1982, 6166
term to begin January 2, 1983, the fourth to be elected in 1986, 6167
term to begin January 2, 1987; and the fifth to be elected in 6168
2006, term to begin January 3, 2007; 6169

In Columbiana county, two judges, one to be elected in 1952, 6170
term to begin January 1, 1953, and the second to be elected in 6171
1956, term to begin January 1, 1957; 6172

In Delaware county, two judges, one to be elected in 1990, 6173
term to begin February 9, 1991, the second to be elected in 1994, 6174
term to begin January 1, 1995; 6175

In Lake county, six judges, one to be elected in 1958, term 6176
to begin January 1, 1959, the second to be elected in 1960, term 6177
to begin January 2, 1961, the third to be elected in 1964, term to 6178

begin January 3, 1965, the fourth and fifth to be elected in 1978, 6179
terms to begin January 4, 1979, and January 5, 1979, respectively, 6180
and the sixth to be elected in 2000, term to begin January 6, 6181
2001; 6182

In Licking county, four judges, one to be elected in 1954, 6183
term to begin February 9, 1955, one to be elected in 1964, term to 6184
begin January 1, 1965, one to be elected in 1990, term to begin 6185
January 1, 1991, and one to be elected in 2004, term to begin 6186
January 1, 2005; 6187

In Lorain county, ten judges, two to be elected in 1952, 6188
terms to begin January 1, 1953, and January 2, 1953, respectively, 6189
one to be elected in 1958, term to begin January 3, 1959, one to 6190
be elected in 1968, term to begin January 1, 1969, two to be 6191
elected in 1988, terms to begin January 4, 1989, and January 5, 6192
1989, respectively, two to be elected in 1998, terms to begin 6193
January 2, 1999, and January 3, 1999, respectively; one to be 6194
elected in 2006, term to begin January 6, 2007; and one to be 6195
elected in 2008, term to begin February 9, 2009, as described in 6196
division (C)(1)(c) of section 2301.03 of the Revised Code; 6197

In Butler county, eleven judges, one to be elected in 1956, 6198
term to begin January 1, 1957; two to be elected in 1954, terms to 6199
begin January 1, 1955, and February 9, 1955, respectively; one to 6200
be elected in 1968, term to begin January 2, 1969; one to be 6201
elected in 1986, term to begin January 3, 1987; two to be elected 6202
in 1988, terms to begin January 1, 1989, and January 2, 1989, 6203
respectively; one to be elected in 1992, term to begin January 4, 6204
1993; two to be elected in 2002, terms to begin January 2, 2003, 6205
and January 3, 2003, respectively; and one to be elected in 2006, 6206
term to begin January 3, 2007; 6207

In Richland county, four judges, one to be elected in 1956, 6208
term to begin January 1, 1957, the second to be elected in 1960, 6209

term to begin February 9, 1961, the third to be elected in 1968, 6210
term to begin January 2, 1969, and the fourth to be elected in 6211
2004, term to begin January 3, 2005; 6212

In Tuscarawas county, two judges, one to be elected in 1956, 6213
term to begin January 1, 1957, and the second to be elected in 6214
1960, term to begin January 2, 1961; 6215

In Wayne county, two judges, one to be elected in 1956, term 6216
beginning January 1, 1957, and one to be elected in 1968, term to 6217
begin January 2, 1969; 6218

In Trumbull county, six judges, one to be elected in 1952, 6219
term to begin January 1, 1953, the second to be elected in 1954, 6220
term to begin January 1, 1955, the third to be elected in 1956, 6221
term to begin January 1, 1957, the fourth to be elected in 1964, 6222
term to begin January 1, 1965, the fifth to be elected in 1976, 6223
term to begin January 2, 1977, and the sixth to be elected in 6224
1994, term to begin January 3, 1995; 6225

(C) In Cuyahoga county, thirty-nine judges; eight to be 6226
elected in 1954, terms to begin on successive days beginning from 6227
January 1, 1955, to January 7, 1955, and February 9, 1955, 6228
respectively; eight to be elected in 1956, terms to begin on 6229
successive days beginning from January 1, 1957, to January 8, 6230
1957; three to be elected in 1952, terms to begin from January 1, 6231
1953, to January 3, 1953; two to be elected in 1960, terms to 6232
begin on January 8, 1961, and January 9, 1961, respectively; two 6233
to be elected in 1964, terms to begin January 4, 1965, and January 6234
5, 1965, respectively; one to be elected in 1966, term to begin on 6235
January 10, 1967; four to be elected in 1968, terms to begin on 6236
successive days beginning from January 9, 1969, to January 12, 6237
1969; two to be elected in 1974, terms to begin on January 18, 6238
1975, and January 19, 1975, respectively; five to be elected in 6239
1976, terms to begin on successive days beginning January 6, 1977, 6240

to January 10, 1977; two to be elected in 1982, terms to begin 6241
January 11, 1983, and January 12, 1983, respectively; and two to 6242
be elected in 1986, terms to begin January 13, 1987, and January 6243
14, 1987, respectively; 6244

In Franklin county, twenty-two judges; two to be elected in 6245
1954, terms to begin January 1, 1955, and February 9, 1955, 6246
respectively; four to be elected in 1956, terms to begin January 6247
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 6248
begin January 1, 1959, to January 4, 1959; three to be elected in 6249
1968, terms to begin January 5, 1969, to January 7, 1969; three to 6250
be elected in 1976, terms to begin on successive days beginning 6251
January 5, 1977, to January 7, 1977; one to be elected in 1982, 6252
term to begin January 8, 1983; one to be elected in 1986, term to 6253
begin January 9, 1987; two to be elected in 1990, terms to begin 6254
July 1, 1991, and July 2, 1991, respectively; one to be elected in 6255
1996, term to begin January 2, 1997; and one to be elected in 6256
2004, term to begin July 1, 2005; 6257

In Hamilton county, twenty-one judges; eight to be elected in 6258
1966, terms to begin January 1, 1967, January 2, 1967, and from 6259
February 9, 1967, to February 14, 1967, respectively; five to be 6260
elected in 1956, terms to begin from January 1, 1957, to January 6261
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 6262
one to be elected in 1974, term to begin January 15, 1975; one to 6263
be elected in 1980, term to begin January 16, 1981; two to be 6264
elected at large in the general election in 1982, terms to begin 6265
April 1, 1983; one to be elected in 1990, term to begin July 1, 6266
1991; and two to be elected in 1996, terms to begin January 3, 6267
1997, and January 4, 1997, respectively; 6268

In Lucas county, fourteen judges; two to be elected in 1954, 6269
terms to begin January 1, 1955, and February 9, 1955, 6270
respectively; two to be elected in 1956, terms to begin January 1, 6271
1957, and October 29, 1957, respectively; two to be elected in 6272

1952, terms to begin January 1, 1953, and January 2, 1953, 6273
respectively; one to be elected in 1964, term to begin January 3, 6274
1965; one to be elected in 1968, term to begin January 4, 1969; 6275
two to be elected in 1976, terms to begin January 4, 1977, and 6276
January 5, 1977, respectively; one to be elected in 1982, term to 6277
begin January 6, 1983; one to be elected in 1988, term to begin 6278
January 7, 1989; one to be elected in 1990, term to begin January 6279
2, 1991; and one to be elected in 1992, term to begin January 2, 6280
1993; 6281

In Mahoning county, seven judges; three to be elected in 6282
1954, terms to begin January 1, 1955, January 2, 1955, and 6283
February 9, 1955, respectively; one to be elected in 1956, term to 6284
begin January 1, 1957; one to be elected in 1952, term to begin 6285
January 1, 1953; one to be elected in 1968, term to begin January 6286
2, 1969; and one to be elected in 1990, term to begin July 1, 6287
1991; 6288

In Montgomery county, fifteen judges; three to be elected in 6289
1954, terms to begin January 1, 1955, January 2, 1955, and January 6290
3, 1955, respectively; four to be elected in 1952, terms to begin 6291
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 6292
respectively; one to be elected in 1964, term to begin January 3, 6293
1965; one to be elected in 1968, term to begin January 3, 1969; 6294
three to be elected in 1976, terms to begin on successive days 6295
beginning January 4, 1977, to January 6, 1977; two to be elected 6296
in 1990, terms to begin July 1, 1991, and July 2, 1991, 6297
respectively; and one to be elected in 1992, term to begin January 6298
1, 1993. 6299

In Stark county, eight judges; one to be elected in 1958, 6300
term to begin on January 2, 1959; two to be elected in 1954, terms 6301
to begin on January 1, 1955, and February 9, 1955, respectively; 6302
two to be elected in 1952, terms to begin January 1, 1953, and 6303
April 16, 1953, respectively; one to be elected in 1966, term to 6304

begin on January 4, 1967; and two to be elected in 1992, terms to
begin January 1, 1993, and January 2, 1993, respectively;

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

Notwithstanding the foregoing provisions, in any county
having two or more judges of the court of common pleas, in which
more than one-third of the judges plus one were previously elected
at the same election, if the office of one of those judges so
elected becomes vacant more than forty days prior to the second
general election preceding the expiration of that judge's term,
the office that that judge had filled shall be abolished as of the
date of the next general election, and a new office of judge of
the court of common pleas shall be created. The judge who is to
fill that new office shall be elected for a six-year term at the
next general election, and the term of that judge shall commence
on the first day of the year following that general election, on
which day no other judge's term begins, so that the number of
judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas
are judges of the court of common pleas but shall be elected
pursuant to sections 2101.02 and 2101.021 of the Revised Code,
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot
counties in which the judge of the court of common pleas elected
pursuant to this section also shall serve as judge of the probate

division, except in Lorain county in which the judges of the 6337
domestic relations division of the Lorain county court of common 6338
pleas elected pursuant to this section also shall perform the 6339
duties and functions of the judge of the probate division, and 6340
except in Morrow county in which the ~~successors to the judge~~ 6341
judges of the court of common pleas elected ~~in 1956~~ pursuant to 6342
this section also shall ~~serve as~~ perform the duties and functions 6343
of the judge of the probate division. 6344

Sec. 2305.26. (A) An action by the state or an agency or 6345
political subdivision of the state to enforce a lien upon real or 6346
personal property created under and by virtue of section 1901.21, 6347
2505.13, 2937.25, 4123.76, 4123.78, 4141.23, 4509.60, or 5719.04 6348
of the Revised Code shall be brought within ~~twelve~~ fifteen years 6349
from the date when the lien or notice of continuation of the lien 6350
has been filed in the office of the county recorder. The 6351
fifteen-year limitation period applies to liens and notices of 6352
continuation of liens filed before, on, or after the effective 6353
date of the amendment of this section by of the 126th 6354
general assembly. 6355

(B)(1) Except as otherwise provided in division (B)(2) of 6356
this section, beginning February 1, 2007, a notice of continuation 6357
of lien may be filed in the office of the county recorder within 6358
six months prior to the expiration of the ~~twelve-year~~ fifteen-year 6359
period following the original filing of the lien or the filing of 6360
the notice of continuation of the lien as specified in division 6361
(A) of this section. The notice must identify the original notice 6362
of lien and state that the original lien is still effective. Upon 6363
timely filing of a notice of continuation of lien, the 6364
effectiveness of the original lien is continued for ~~twelve~~ fifteen 6365
years after the last date on which the lien was effective, 6366
whereupon it lapses, unless another notice of continuation of lien 6367

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
lien with a consecutive file number and with the date of filing
and shall hold the notice open for public inspection. In addition,
the recorder shall index the notices according to the names of the
person against whom they are effective, and shall note in the
index the file numbers of the notices. Except in cases of liens
arising under section 5719.04 of the Revised Code, the recorder
shall mark the record of the original lien "continued" and note
thereon the date on which the notice of continuation of lien was
filed. The recorder may remove a lapsed lien or lapsed notice of
continuation of lien from the file and destroy it. ~~For any~~

~~services performed under this section, the county recorder shall 6400
charge and collect the fees set forth in section 317.32 of the 6401
Revised Code. 6402~~

(D) A notice of continuation of lien must be signed and filed 6403
by the clerk of the court or the magistrate in cases of liens 6404
arising under sections 1901.21, 2505.13, and 2937.25 of the 6405
Revised Code, by the industrial commission in cases of liens 6406
arising under sections 4123.76 and 4123.78 of the Revised Code, by 6407
the director of job and family services in cases of liens arising 6408
under section 4141.23 of the Revised Code, by the registrar of 6409
motor vehicles in cases of liens arising under section 4509.60 of 6410
the Revised Code, and by the county auditor in cases of liens 6411
arising under section 5719.04 of the Revised Code. 6412

Sec. 2329.07. (A)(1) If neither execution on a judgment 6413
rendered in a court of record or certified to the clerk of the 6414
court of common pleas in the county in which the judgment was 6415
rendered is issued, nor a certificate of judgment for obtaining a 6416
lien upon lands and tenements is issued and filed, as provided in 6417
sections 2329.02 and 2329.04 of the Revised Code, within five 6418
years from the date of the judgment or within five years from the 6419
date of the issuance of the last execution thereon or the issuance 6420
and filing of the last such certificate, whichever is later, then, 6421
unless the judgment is in favor of the state, the judgment shall 6422
be dormant and shall not operate as a lien upon the estate of the 6423
judgment debtor. 6424

(2) If the judgment is in favor of the state, the judgment 6425
shall not become dormant and shall not cease to operate as a lien 6426
against the estate of the judgment debtor provided that either 6427
execution on the judgment is issued or a certificate of judgment 6428
is issued and filed, as provided in sections 2329.02 and 2329.04 6429
of the Revised Code, within ten years from the date of the 6430

judgment or within ~~twelve~~ fifteen years from the date of the 6431
issuance of the last execution thereon or the issuance and filing 6432
of the last such certificate, whichever is later, except as 6433
otherwise provided in division (C) of this section. The 6434
fifteen-year limitation period applies to executions issued and 6435
certificates of judgments issued and filed before, on, or after 6436
the effective date of the amendment of this section by 6437
of the 126th general assembly. 6438

(B) If, in any county other than that in which a judgment was 6439
rendered, the judgment has become a lien by reason of the filing, 6440
in the office of the clerk of the court of common pleas of that 6441
county, of a certificate of the judgment as provided in sections 6442
2329.02 and 2329.04 of the Revised Code, and if no execution is 6443
issued for the enforcement of the judgment within that county, or 6444
no further certificate of the judgment is filed in that county, 6445
within five years or, if the judgment is in favor of the state, 6446
within ~~twelve~~ fifteen years from the date of issuance of the last 6447
execution for the enforcement of the judgment within that county 6448
or the date of filing of the last certificate in that county, 6449
whichever is the later, then the judgment shall cease to operate 6450
as a lien upon lands and tenements of the judgment debtor within 6451
that county, except as otherwise provided in division (C) of this 6452
section. The fifteen-year limitation period applies to executions 6453
issued and certificates of judgments issued and filed before, on, 6454
or after the effective date of the amendment of this section by 6455
H.B. 699 of the 126th general assembly. 6456

(C)(1) As used in division (C) of this section, "interim 6457
period" means the period beginning September 26, 2003, and ending 6458
~~the day before the effective date of Sub. H.B. 390 of the 126th~~ 6459
~~general assembly~~ September 27, 2006. 6460

(2) Division (C) of this section applies only to judgments in 6461
favor of the state that are subject to this section and to which 6462

both of the following apply:

6463

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

6464

6465

6466

6467

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

6468

6469

6470

6471

6472

6473

6474

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

6475

6476

6477

6478

6479

6480

6481

6482

6483

Sec. 2701.06. ~~Each~~ The secretary of state shall transmit each commission issued by the governor to a judge of the court of appeals or a judge of the court of common pleas ~~shall be transmitted by the secretary of state,~~ to the clerk of the court of common pleas of the county in which ~~such~~ that judge resides. ~~Such~~ The clerk shall receive the commission and forthwith transmit it to the person entitled ~~thereto~~ to it. ~~Within twenty days after he has received such commission,~~ ~~such~~ The person shall take the oath ~~required by~~ as provided in Section 7 of Article XV, Ohio Constitution and sections 3.22 and 3.23 of the Revised Code, ~~and~~

6484

6485

6486

6487

6488

6489

6490

6491

6492

6493

~~transmit a certificate thereof to such clerk, signed by the~~ 6494
~~officer administering such oath.~~ 6495

~~If such certificate is not transmitted to the clerk within~~ 6496
~~twenty days, the person entitled to receive such commission is~~ 6497
~~deemed to have refused to accept the office, and such office shall~~ 6498
~~be considered vacant. The clerk shall forthwith certify the fact~~ 6499
~~to the governor who shall fill the vacancy.~~ 6500

Sec. ~~206.09.84~~ 3310.41. (A) As used in this section: 6501

(1) "Alternative public provider" means either of the 6502
following providers that agrees to enroll a child in the 6503
provider's special education program to implement the child's 6504
individualized education program and to which the child's parent 6505
owes fees for the services provided to the child: 6506

(a) A school district that is not the school district in 6507
which the child is entitled to attend school; 6508

(b) A public entity other than a school district. 6509

(2) "Entitled to attend school" means entitled to attend 6510
school in a school district under section 3313.64 or 3313.65 of 6511
the Revised Code. 6512

~~(2)~~(3) "Formula ADM" and "category six special education ADM" 6513
have the same meanings as in section 3317.02 of the Revised Code. 6514

~~(3)~~ ~~"Individualized~~ (4) "Handicapped preschool child" and 6515
"individualized education program" has have the same meaning 6516
meanings as in section 3323.01 of the Revised Code. 6517

~~(4)~~(5) "Parent" has the same meaning as in section 3313.64 of 6518
the Revised Code, except that "parent" does not mean a parent 6519
whose custodial rights have been terminated. 6520

~~(5)~~(6) "Preschool scholarship ADM" means the number of 6521
handicapped preschool children reported under division (B)(3)(h) 6522

of section 3317.03 of the Revised Code. 6523

(7) "Qualified special education child" is a child for whom 6524
all of the following conditions apply: 6525

(a) The school district in which the child is entitled to 6526
attend school has identified the child as autistic. A child who 6527
has been identified as having a "pervasive developmental disorder 6528
- not otherwise specified (PPD-NOS)" shall be considered to be an 6529
autistic child for purposes of this section. 6530

(b) The school district in which the child is entitled to 6531
attend school has developed an individualized education program 6532
under Chapter 3323. of the Revised Code for the child. 6533

(c) The child either: 6534

(i) Was enrolled in the school district in which the child is 6535
entitled to attend school in any grade from preschool through 6536
twelve in the school year prior to the year in which a scholarship 6537
under this section is first sought for the child; or 6538

(ii) Is eligible to enter school in any grade preschool 6539
through twelve in the school district in which the child is 6540
entitled to attend school in the school year in which a 6541
scholarship under this section is first sought for the child. 6542

~~(6)~~(8) "Registered private provider" means a nonpublic school 6543
or other nonpublic entity that has been approved by the Department 6544
of Education to participate in the program established under this 6545
section. 6546

(B) There is hereby established the ~~Pilot Project Special~~ 6547
~~Education Scholarship Program~~ autism scholarship program. Under 6548
the program, ~~in fiscal years 2006 and 2007,~~ the Department 6549
department of ~~Education~~ education shall pay a scholarship to the 6550
parent of each qualified special education child upon application 6551
of that parent pursuant to procedures and deadlines established by 6552

rule of the ~~State Board~~ state board of ~~Education~~ education. Each 6553
scholarship shall be used only to pay tuition for the child on 6554
whose behalf the scholarship is awarded to attend a special 6555
education program that implements the child's individualized 6556
education program and that is operated by ~~a school district other~~ 6557
~~than the school district in which the child is entitled to attend~~ 6558
~~school, by another public entity, an alternative public provider~~ 6559
or by a registered private provider. Each scholarship shall be in 6560
an amount not to exceed the lesser of the tuition charged for the 6561
child by the special education program or twenty thousand dollars. 6562
The purpose of the scholarship is to permit the parent of a 6563
qualified special education child the choice to send the child to 6564
a special education program, instead of the one operated by or for 6565
the school district in which the child is entitled to attend 6566
school, to receive the services prescribed in the child's 6567
individualized education program once the individualized education 6568
program is finalized. A scholarship under this section shall not 6569
be awarded to the parent of a child while the child's 6570
individualized education program is being developed by the school 6571
district in which the child is entitled to attend school, or while 6572
any administrative or judicial mediation or proceedings with 6573
respect to the content of the child's individualized education 6574
program are pending. A scholarship under this section shall not be 6575
used for a child to attend a public special education program that 6576
operates under a contract, compact, or other bilateral agreement 6577
between the school district in which the child is entitled to 6578
attend school and another school district or other public 6579
provider, or for a child to attend a community school established 6580
under Chapter 3314. of the Revised Code. However, nothing in this 6581
section or in any rule adopted by the ~~State Board of Education~~ 6582
state board shall prohibit a parent whose child attends a public 6583
special education program under a contract, compact, or other 6584
bilateral agreement, or a parent whose child attends a community 6585

school, from applying for and accepting a scholarship under this 6586
section so that the parent may withdraw the child from that 6587
program or community school and use the scholarship for the child 6588
to attend a special education program for which the parent is 6589
required to pay for services for the child. A child attending a 6590
special education program with a scholarship under this section 6591
shall continue to be entitled to transportation to and from that 6592
program in the manner prescribed by law. 6593

(C)(1) ~~Notwithstanding anything to the contrary in As~~ 6594
prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(10) of 6595
section 3317.03 of the Revised Code, a child who is not a 6596
handicapped preschool child for whom a scholarship is awarded 6597
under this section shall be counted in the formula ADM and the 6598
category six special education ADM of the district in which the 6599
child is entitled to attend school and not in the formula ADM and 6600
the category six special education ADM of any other school 6601
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 6602
section 3317.03 of the Revised Code, a child who is a handicapped 6603
preschool child for whom a scholarship is awarded under this 6604
section shall be counted in the preschool scholarship ADM and 6605
category six special education ADM of the school district in which 6606
the child is entitled to attend school and not in the preschool 6607
scholarship ADM or category six special education ADM of any other 6608
school district. 6609

(2) In each fiscal year, the ~~Department~~ department shall 6610
deduct from the amounts paid to each school district under Chapter 6611
3317. of the Revised Code, and, if necessary, sections 321.24 and 6612
323.156 of the Revised Code, the aggregate amount of scholarships 6613
awarded under this section for qualified special education 6614
children included in the formula ADM, or preschool scholarship 6615
ADM, and in the category six special education ADM of that school 6616
district as provided in division (C)(1) of this section. The 6617

scholarships deducted shall be considered as an approved special 6618
education and related services expense for the purpose of the 6619
school district's compliance with division (C)(5) of section 6620
3317.022 of the Revised Code. 6621

(3) From time to time, the ~~Department~~ department shall make a 6622
payment to the parent of each qualified special education child 6623
for whom a scholarship has been awarded under this section. The 6624
scholarship amount shall be proportionately reduced in the case of 6625
any such child who is not enrolled in the special education 6626
program for which a scholarship was awarded under this section for 6627
the entire school year. The ~~Department~~ department shall make no 6628
payments to the parent of a child while any administrative or 6629
judicial mediation or proceedings with respect to the content of 6630
the child's individualized education program are pending. 6631

(D) A scholarship shall not be paid to a parent for payment 6632
of tuition owed to a nonpublic entity unless that entity is a 6633
registered private provider. The ~~Department~~ department shall 6634
approve entities that meet the standards established by rule of 6635
the ~~State Board~~ state board for the program established under this 6636
section. 6637

(E) The ~~State Board~~ state board shall adopt rules under 6638
Chapter 119. of the Revised Code prescribing procedures necessary 6639
to implement this section, including, but not limited to, 6640
procedures and deadlines for parents to apply for scholarships, 6641
standards for registered private providers, and procedures for 6642
approval of entities as registered private providers. ~~The Board~~ 6643
~~shall adopt the rules so that the program established under this~~ 6644
~~section is operational by January 1, 2004.~~ 6645

Sec. 3317.013. ~~This~~ Except for a handicapped preschool child 6646
for whom a scholarship has been awarded under section 3310.41 of 6647
the Revised Code, this section does not apply to handicapped 6648

preschool students. 6649

Analysis of special education cost data has resulted in a 6650
finding that the average special education additional cost per 6651
pupil, including the costs of related services, can be expressed 6652
as a multiple of the base cost per pupil calculated under section 6653
3317.012 of the Revised Code. The multiples for the following 6654
categories of special education programs, as these programs are 6655
defined for purposes of Chapter 3323. of the Revised Code, and 6656
adjusted as provided in this section, are as follows: 6657

(A) A multiple of 0.2892 for students whose primary or only 6658
identified handicap is a speech and language handicap, as this 6659
term is defined pursuant to Chapter 3323. of the Revised Code; 6660

(B) A multiple of 0.3691 for students identified as specific 6661
learning disabled or developmentally handicapped, as these terms 6662
are defined pursuant to Chapter 3323. of the Revised Code, or 6663
other health handicapped-minor; 6664

(C) A multiple of 1.7695 for students identified as hearing 6665
handicapped, vision impaired, or severe behavior handicapped, as 6666
these terms are defined pursuant to Chapter 3323. of the Revised 6667
Code; 6668

(D) A multiple of 2.3646 for students identified as 6669
orthopedically handicapped, as this term is defined pursuant to 6670
Chapter 3323. of the Revised Code or other health handicapped - 6671
major; 6672

(E) A multiple of 3.1129 for students identified as 6673
multihandicapped, as this term is defined pursuant to Chapter 6674
3323. of the Revised Code; 6675

(F) A multiple of 4.7342 for students identified as autistic, 6676
having traumatic brain injuries, or as both visually and hearing 6677
disabled, as these terms are defined pursuant to Chapter 3323. of 6678
the Revised Code. 6679

In fiscal year 2004, the multiples specified in divisions (A) 6680
to (F) of this section shall be adjusted by multiplying them by 6681
0.88. In fiscal years 2005, 2006, and 2007, the multiples 6682
specified in those divisions shall be adjusted by multiplying them 6683
by 0.90. 6684

Not later than the thirtieth day of May in 2004, 2005, 2006, 6685
and 2007, the department shall submit to the office of budget and 6686
management a report that specifies for each city, local, exempted 6687
village, and joint vocational school district the fiscal year 6688
allocation of the state and local shares of special education and 6689
related services additional weighted funding and federal special 6690
education funds passed through to the district. 6691

Sec. 3317.022. (A) The department of education shall compute 6692
and distribute state base cost funding to each school district for 6693
the fiscal year using the information obtained under section 6694
3317.021 of the Revised Code in the calendar year in which the 6695
fiscal year begins. 6696

(1) Compute the following for each eligible district: 6697

$$\{[\text{cost-of-doing-business factor X} \quad 6698$$

the formula amount X (formula ADM + preschool scholarship ADM)] + 6699
the sum of the base funding supplements 6700
prescribed in divisions (C)(1) to (4) 6701
of section 3317.012 of the Revised Code~~}] - 6702~~
[.023 x (the sum of recognized valuation 6703
and property exemption value)] 6704

If the difference obtained is a negative number, the 6705
district's computation shall be zero. 6706

(2) Compute both of the following for each school district: 6707

(a) The difference of (i) the district's fiscal year 2005 6708
base cost payment under the version of division (A)(1) of this 6709

section in effect in fiscal year 2005, minus (ii) the amount
computed for the district for the current fiscal year under
current division (A)(1) of this section;

(b) The following amount:

[(fiscal year 2005 base cost payment/fiscal
year 2005 formula ADM) X

(current year formula ADM + preschool scholarship ADM)] minus
the amount computed for the district
under current division (A)(1) of this section

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

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

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

(B) As used in this section:

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

(a) The district's category one special education ADM

multiplied by the multiple specified in division (A) of section	6740
3317.013 of the Revised Code;	6741
(b) The district's category two special education ADM	6742
multiplied by the multiple specified in division (B) of section	6743
3317.013 of the Revised Code;	6744
(c) The district's category three special education ADM	6745
multiplied by the multiple specified in division (C) of section	6746
3317.013 of the Revised Code;	6747
(d) The district's category four special education ADM	6748
multiplied by the multiple specified in division (D) of section	6749
3317.013 of the Revised Code;	6750
(e) The district's category five special education ADM	6751
multiplied by the multiple specified in division (E) of section	6752
3317.013 of the Revised Code;	6753
(f) The district's category six special education ADM	6754
multiplied by the multiple specified in division (F) of section	6755
3317.013 of the Revised Code.	6756
(2) "State share percentage" means the percentage calculated	6757
for a district as follows:	6758
(a) Calculate the state base cost funding amount for the	6759
district for the fiscal year under division (A) of this section.	6760
If the district would not receive any state base cost funding for	6761
that year under that division, the district's state share	6762
percentage is zero.	6763
(b) If the district would receive state base cost funding	6764
under that division, divide that amount by an amount equal to the	6765
following:	6766
(Cost-of-doing-business factor X	6767
the formula amount X formula ADM) +	6768
the sum of the base funding supplements	6769

prescribed in divisions (C)(1) to (4)	6770
of section 3317.012 of the Revised Code	6771
The resultant number is the district's state share percentage.	6772 6773
(3) "Related services" includes:	6774
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	6775 6776 6777 6778 6779 6780 6781 6782
(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;	6783 6784 6785
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	6786 6787 6788
(d) Any service included in units funded under former division (O)(1) of section 3317.023 of the Revised Code;	6789 6790
(e) Any other related service needed by handicapped children in accordance with their individualized education plans.	6791 6792
(4) The "total vocational education weight" for a district means the sum of the following amounts:	6793 6794
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	6795 6796 6797
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section	6798 6799

3317.014 of the Revised Code. 6800

(5) "Preschool scholarship ADM" means the number of 6801
handicapped preschool children reported under division (B)(3)(h) 6802
of section 3317.03 of the Revised Code. 6803

(C)(1) The department shall compute and distribute state 6804
special education and related services additional weighted costs 6805
funds to each school district in accordance with the following 6806
formula: 6807

The district's state share percentage 6808
X the formula amount for the year 6809
for which the aid is calculated 6810
X the district's total special education weight 6811

(2) The attributed local share of special education and 6812
related services additional weighted costs equals: 6813

(1 - the district's state share percentage) X 6814
the district's total special education weight X 6815
the formula amount 6816

(3)(a) The department shall compute and pay in accordance 6817
with this division additional state aid to school districts for 6818
students in categories two through six special education ADM. If a 6819
district's costs for the fiscal year for a student in its 6820
categories two through six special education ADM exceed the 6821
threshold catastrophic cost for serving the student, the district 6822
may submit to the superintendent of public instruction 6823
documentation, as prescribed by the superintendent, of all its 6824
costs for that student. Upon submission of documentation for a 6825
student of the type and in the manner prescribed, the department 6826
shall pay to the district an amount equal to the sum of the 6827
following: 6828

(i) One-half of the district's costs for the student in 6829
excess of the threshold catastrophic cost; 6830

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

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

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

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

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

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

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

(formula ADM divided by 2000) X 6862
the personnel allowance X 6863
the state share percentage 6864

(5) In any fiscal year, a school district shall spend for 6865
purposes that the department designates as approved for special 6866
education and related services expenses at least the amount 6867
calculated as follows: 6868

(cost-of-doing-business factor X 6869
formula amount X the sum of categories 6870
one through six special education ADM) + 6871
(total special education weight X formula amount) 6872

The purposes approved by the department for special education 6873
expenses shall include, but shall not be limited to, 6874
identification of handicapped children, compliance with state 6875
rules governing the education of handicapped children and 6876
prescribing the continuum of program options for handicapped 6877
children, provision of speech language pathology services, and the 6878
portion of the school district's overall administrative and 6879
overhead costs that are attributable to the district's special 6880
education student population. 6881

The scholarships deducted from the school district's account 6882
under section 3310.41 of the Revised Code shall be considered to 6883
be an approved special education and related services expense for 6884
the purpose of the school district's compliance with division 6885
(C)(5) of this section. 6886

The department shall require school districts to report data 6887
annually to allow for monitoring compliance with division (C)(5) 6888
of this section. The department shall annually report to the 6889
governor and the general assembly the amount of money spent by 6890
each school district for special education and related services. 6891

(6) In any fiscal year, a school district shall spend for the 6892

provision of speech language pathology services not less than the 6893
sum of the amount calculated under division (C)(1) of this section 6894
for the students in the district's category one special education 6895
ADM and the amount calculated under division (C)(4) of this 6896
section. 6897

(D)(1) As used in this division: 6898

(a) "Daily bus miles per student" equals the number of bus 6899
miles traveled per day, divided by transportation base. 6900

(b) "Transportation base" equals total student count as 6901
defined in section 3301.011 of the Revised Code, minus the number 6902
of students enrolled in preschool handicapped units, plus the 6903
number of nonpublic school students included in transportation 6904
ADM. 6905

(c) "Transported student percentage" equals transportation 6906
ADM divided by transportation base. 6907

(d) "Transportation cost per student" equals total operating 6908
costs for board-owned or contractor-operated school buses divided 6909
by transportation base. 6910

(2) Analysis of student transportation cost data has resulted 6911
in a finding that an average efficient transportation use cost per 6912
student can be calculated by means of a regression formula that 6913
has as its two independent variables the number of daily bus miles 6914
per student and the transported student percentage. For fiscal 6915
year 1998 transportation cost data, the average efficient 6916
transportation use cost per student is expressed as follows: 6917

51.79027 + (139.62626 X daily bus miles per student) + 6918

(116.25573 X transported student percentage) 6919

The department of education shall annually determine the 6920
average efficient transportation use cost per student in 6921
accordance with the principles stated in division (D)(2) of this 6922

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
2000	52.5%
2001	55%
2002	57.5%
2003 and thereafter	The greater of 60% or the district's state share percentage

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 6953
subsidy if both of the following apply: 6954

(a) Its county rough road percentage is higher than the 6955
statewide rough road percentage, as those terms are defined in 6956
division (D)(5) of this section; 6957

(b) Its district student density is lower than the statewide 6958
student density, as those terms are defined in that division. 6959

(5) The rough road subsidy paid to each district meeting the 6960
qualifications of division (D)(4) of this section shall be 6961
calculated in accordance with the following formula: 6962

(per rough mile subsidy X total rough road miles) X 6963
density multiplier 6964

where: 6965

(a) "Per rough mile subsidy" equals the amount calculated in 6966
accordance with the following formula: 6967

0.75 - {0.75 X [(maximum rough road percentage - 6968
county rough road percentage)/(maximum rough road percentage - 6969
statewide rough road percentage)]} 6970

(i) "Maximum rough road percentage" means the highest county 6971
rough road percentage in the state. 6972

(ii) "County rough road percentage" equals the percentage of 6973
the mileage of state, municipal, county, and township roads that 6974
is rated by the department of transportation as type A, B, C, E2, 6975
or F in the county in which the school district is located or, if 6976
the district is located in more than one county, the county to 6977
which it is assigned for purposes of determining its 6978
cost-of-doing-business factor. 6979

(iii) "Statewide rough road percentage" means the percentage 6980
of the statewide total mileage of state, municipal, county, and 6981
township roads that is rated as type A, B, C, E2, or F by the 6982

department of transportation. 6983

(b) "Total rough road miles" means a school district's total 6984
bus miles traveled in one year times its county rough road 6985
percentage. 6986

(c) "Density multiplier" means a figure calculated in 6987
accordance with the following formula: 6988

1 - [(minimum student density - district student 6989
density)/(minimum student density - 6990
statewide student density)] 6991

(i) "Minimum student density" means the lowest district 6992
student density in the state. 6993

(ii) "District student density" means a school district's 6994
transportation base divided by the number of square miles in the 6995
district. 6996

(iii) "Statewide student density" means the sum of the 6997
transportation bases for all school districts divided by the sum 6998
of the square miles in all school districts. 6999

(6) In addition to funds paid under divisions (D)(2) to (5) 7000
of this section, each district shall receive in accordance with 7001
rules adopted by the state board of education a payment for 7002
students transported by means other than board-owned or 7003
contractor-operated buses and whose transportation is not funded 7004
under division (G) of section 3317.024 of the Revised Code. The 7005
rules shall include provisions for school district reporting of 7006
such students. 7007

(E)(1) The department shall compute and distribute state 7008
vocational education additional weighted costs funds to each 7009
school district in accordance with the following formula: 7010

state share percentage X 7011
the formula amount X 7012

total vocational education weight 7013

In any fiscal year, a school district receiving funds under 7014
division (E)(1) of this section shall spend those funds only for 7015
the purposes that the department designates as approved for 7016
vocational education expenses. Vocational educational expenses 7017
approved by the department shall include only expenses connected 7018
to the delivery of career-technical programming to 7019
career-technical students. The department shall require the school 7020
district to report data annually so that the department may 7021
monitor the district's compliance with the requirements regarding 7022
the manner in which funding received under division (E)(1) of this 7023
section may be spent. 7024

(2) The department shall compute for each school district 7025
state funds for vocational education associated services in 7026
accordance with the following formula: 7027

state share percentage X .05 X 7028

the formula amount X the sum of categories one and two 7029

vocational education ADM 7030

In any fiscal year, a school district receiving funds under 7031
division (E)(2) of this section, or through a transfer of funds 7032
pursuant to division (L) of section 3317.023 of the Revised Code, 7033
shall spend those funds only for the purposes that the department 7034
designates as approved for vocational education associated 7035
services expenses, which may include such purposes as 7036
apprenticeship coordinators, coordinators for other vocational 7037
education services, vocational evaluation, and other purposes 7038
designated by the department. The department may deny payment 7039
under division (E)(2) of this section to any district that the 7040
department determines is not operating those services or is using 7041
funds paid under division (E)(2) of this section, or through a 7042
transfer of funds pursuant to division (L) of section 3317.023 of 7043
the Revised Code, for other purposes. 7044

(F) The actual local share in any fiscal year for the 7045
combination of special education and related services additional 7046
weighted costs funding calculated under division (C)(1) of this 7047
section, transportation funding calculated under divisions (D)(2) 7048
and (3) of this section, and vocational education and associated 7049
services additional weighted costs funding calculated under 7050
divisions (E)(1) and (2) of this section shall not exceed for any 7051
school district the product of three and three-tenths mills times 7052
the district's recognized valuation. The department annually shall 7053
pay each school district as an excess cost supplement any amount 7054
by which the sum of the district's attributed local shares for 7055
that funding exceeds that product. For purposes of calculating the 7056
excess cost supplement: 7057

(1) The attributed local share for special education and 7058
related services additional weighted costs funding is the amount 7059
specified in division (C)(2) of this section. 7060

(2) The attributed local share of transportation funding 7061
equals the difference of the total amount calculated for the 7062
district using the formula developed under division (D)(2) of this 7063
section minus the actual amount paid to the district after 7064
applying the percentage specified in division (D)(3) of this 7065
section. 7066

(3) The attributed local share of vocational education and 7067
associated services additional weighted costs funding is the 7068
amount determined as follows: 7069

(1 - state share percentage) X 7070
[(total vocational education weight X 7071
the formula amount) + the payment under 7072
division (E)(2) of this section] 7073

Sec. 3317.029. (A) As used in this section: 7074

(1) "Poverty percentage" means the quotient obtained by 7075
dividing the five-year average number of children ages five to 7076
seventeen residing in the school district and living in a family 7077
receiving assistance under the Ohio works first program or an 7078
antecedent program known as TANF or ADC, as certified or adjusted 7079
under section 3317.10 of the Revised Code, by the district's 7080
three-year average formula ADM. 7081

(2) "Statewide poverty percentage" means the five-year 7082
average of the total number of children ages five to seventeen 7083
years residing in the state and receiving assistance under the 7084
Ohio works first program or an antecedent program known as TANF or 7085
ADC, divided by the sum of the three-year average formula ADMs for 7086
all school districts in the state. 7087

(3) "Poverty index" means the quotient obtained by dividing 7088
the school district's poverty percentage by the statewide poverty 7089
percentage. 7090

(4) "Poverty student count" means the five-year average 7091
number of children ages five to seventeen residing in the school 7092
district and living in a family receiving assistance under the 7093
Ohio works first program or an antecedent program known as TANF or 7094
ADC, as certified under section 3317.10 of the Revised Code. 7095

(5) "Kindergarten ADM" means the number of students reported 7096
under section 3317.03 of the Revised Code as enrolled in 7097
kindergarten, excluding any kindergarten students reported under 7098
division (B)(3)(e) ~~or~~, (f), or (g) of section 3317.03 of the 7099
Revised Code. 7100

(6) "Kindergarten through third grade ADM" means the amount 7101
calculated as follows: 7102

(a) Multiply the kindergarten ADM by the sum of one plus the 7103
all-day kindergarten percentage; 7104

(b) Add the number of students in grades one through three; 7105

(c) Subtract from the sum calculated under division (A)(6)(b) 7106
of this section the number of special education students in grades 7107
kindergarten through three. 7108

"Kindergarten through third grade ADM" shall not include any 7109
students reported under division (B)(3)(e) ~~or~~, (f), or (g) of 7110
section 3317.03 of the Revised Code. 7111

(7) "All-day kindergarten" means a kindergarten class that is 7112
in session five days per week for not less than the same number of 7113
clock hours each day as for pupils in grades one through six. 7114

(8) "All-day kindergarten percentage" means the percentage of 7115
a district's actual total number of students enrolled in 7116
kindergarten who are enrolled in all-day kindergarten. 7117

(9) "Buildings with the highest concentration of need" means 7118
the school buildings in a district with percentages of students in 7119
grades kindergarten through three receiving assistance under Ohio 7120
works first at least as high as the district-wide percentage of 7121
students receiving such assistance. 7122

If, in any fiscal year, the information provided by the 7123
department of job and family services under section 3317.10 of the 7124
Revised Code is insufficient to determine the Ohio works first 7125
percentage in each building, "buildings with the highest 7126
concentration of need" has the meaning given in rules that the 7127
department of education shall adopt. The rules shall base the 7128
definition of "buildings with the highest concentration of need" 7129
on family income of students in grades kindergarten through three 7130
in a manner that, to the extent possible with available data, 7131
approximates the intent of this division and division (K) of this 7132
section to designate buildings where the Ohio works first 7133
percentage in those grades equals or exceeds the district-wide 7134
Ohio works first percentage. 7135

(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:

large-group intervention units X hourly rate X
level one hours X [(poverty index - 0.25)/0.5]
X phase-in percentage

Where:

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

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

(iii) "Level one hours" equals 25 hours;	7166
(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.	7167 7168
(b) If the district's poverty index is greater than or equal to 0.75:	7169 7170
large-group intervention units X hourly rate X	7171
level one hours X phase-in percentage	7172
Where "large-group intervention units," "hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.	7173 7174 7175
(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows:	7176 7177 7178
(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:	7179 7180
medium-group intervention units X hourly rate	7181
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}	7182
X phase-in percentage	7183
Where:	7184
(i) "Medium group intervention units" equals the district's formula ADM divided by 15;	7185 7186
(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.	7187 7188 7189
(b) If the district's poverty index is greater than or equal to 1.50:	7190 7191
medium-group intervention units X hourly rate X	7192
level two hours X phase-in percentage	7193
Where:	7194

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section;	7195 7196
(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	7197 7198
(iii) "Level two hours" equals 50 hours.	7199
(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:	7200 7201 7202 7203
(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:	7204 7205
small group intervention units X hourly rate X	7206
{level one hours + [level three hours X	7207
(poverty index - 1.50)]} X phase-in percentage	7208
Where:	7209
(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;	7210 7211
(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	7212 7213 7214
(iii) "Level three hours" equals 135 hours.	7215
(b) If the district's poverty index is greater than or equal to 2.50:	7216 7217
small group intervention units X hourly rate	7218
X level three hours X phase-in percentage	7219
Where:	7220
(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;	7221 7222
(ii) "Hourly rate" and "phase-in percentage" have the same	7223

meanings as in division (C)(1)(a) of this section; 7224

(iii) "Level three hours" equals 160 hours. 7225

Any district that receives funds under division (C)(2) or (3) 7226
of this section annually shall submit to the department of 7227
education by a date established by the department a plan 7228
describing how the district will deploy those funds. The 7229
deployment measures described in that plan shall comply with any 7230
applicable spending requirements prescribed in division (J)(6) of 7231
this section or with any order issued by the superintendent of 7232
public instruction under section 3317.017 of the Revised Code. 7233

(D) A payment for all-day kindergarten if the poverty index 7234
of the school district is greater than or equal to 1.0 or if the 7235
district's three-year average formula ADM exceeded seventeen 7236
thousand five hundred. In addition, the department shall make a 7237
payment under this division to any school district that, in a 7238
prior fiscal year, qualified for this payment and provided all-day 7239
kindergarten, regardless of changes to the district's poverty 7240
index. The department shall calculate the payment under this 7241
division by multiplying the all-day kindergarten percentage by the 7242
kindergarten ADM and multiplying that product by the formula 7243
amount. 7244

(E) A class-size reduction payment based on calculating the 7245
number of new teachers necessary to achieve a lower 7246
student-teacher ratio, as follows: 7247

(1) Determine or calculate a formula number of teachers per 7248
one thousand students based on the poverty index of the school 7249
district as follows: 7250

(a) If the poverty index of the school district is less than 7251
1.0, the formula number of teachers is 50.0, which is the number 7252
of teachers per one thousand students at a student-teacher ratio 7253
of twenty to one; 7254

(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 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one, and divide that product by one thousand;

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

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers compensation. For this purpose, the "statewide average teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941

in fiscal year 2007, which includes an amount for the value of 7285
fringe benefits. 7286

(F) A payment for services to limited English proficient 7287
students, if the district's poverty index is greater than or equal 7288
to 1.0 and the proportion of its students who are limited English 7289
proficient, as reported in 2003 on its school district report 7290
issued under section 3302.03 of the Revised Code for the 2002-2003 7291
school year, is greater than or equal to 2.0%, calculated as 7292
follows: 7293

(1) If the district's poverty index is greater than or equal 7294
to 1.0, but less than 1.75, determine the amount per limited 7295
English proficient student as follows: 7296

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0) / 0.75)]\} \quad 7297$$

X formula amount 7298

(2) If the district's poverty index is greater than or equal 7299
to 1.75, the amount per limited English proficient student equals: 7300
0.25 X formula amount 7301

(3) Multiply the per student amount determined for the 7302
district under division (F)(1) or (2) of this section by the 7303
number of the district's limited English proficient students, 7304
times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 7305
in fiscal year 2007. For purposes of this calculation, the number 7306
of limited English proficient students for each district shall be 7307
the number determined by the department when it calculated the 7308
district's percentage of limited English proficient students for 7309
its school district report card issued in 2003 for the 2002-2003 7310
school year. 7311

Not later than December 31, 2006, the department of education 7312
shall recommend to the general assembly and the director of budget 7313
and management a method of identifying the number of limited 7314
English proficient students for purposes of calculating payments 7315

under this division after fiscal year 2007. 7316

(G) A payment for professional development of teachers, if 7317
the district's poverty index is greater than or equal to 1.0, 7318
calculated as follows: 7319

(1) If the district's poverty index is greater than or equal 7320
to 1.0, but less than 1.75, determine the amount per teacher as 7321
follows: 7322

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$ 7323

(2) If the district's poverty index is greater than or equal 7324
to 1.75, the amount per teacher equals: 7325

$0.045 \times \text{formula amount}$ 7326

(3) Determine the number of teachers, as follows: 7327

 (formula ADM/17) 7328

(4) Multiply the per teacher amount determined for the 7329
district under division (G)(1) or (2) of this section by the 7330
number of teachers determined under division (G)(3) of this 7331
section, times a phase-in percentage of 0.40 in fiscal year 2006 7332
and 0.70 in fiscal year 2007. 7333

(H) A payment for dropout prevention, if the district is a 7334
big eight school district as defined in section 3314.02 of the 7335
Revised Code, calculated as follows: 7336

$0.005 \times \text{formula amount} \times \text{poverty index}$ 7337
 $\times \text{formula ADM} \times \text{phase-in percentage}$ 7338

Where "phase-in percentage" equals 0.40 in fiscal year 2006 7339
and 0.70 in fiscal year 2007. 7340

(I) An amount for community outreach, if the district is an 7341
urban school district as defined in section 3314.02 of the Revised 7342
Code, calculated as follows: 7343

$0.005 \times \text{formula amount} \times \text{poverty index} \times$ 7344
 $\text{formula ADM} \times \text{phase-in percentage}$ 7345

Where "phase-in percentage" equals 0.40 in fiscal year 2006 7346
and 0.70 in fiscal year 2007. 7347

(J) This division applies only to school districts whose 7348
poverty index is 1.0 or greater. 7349

(1) Each school district subject to this division shall first 7350
utilize funds received under this section so that, when combined 7351
with other funds of the district, sufficient funds exist to 7352
provide all-day kindergarten to at least the number of children in 7353
the district's all-day kindergarten percentage. To satisfy this 7354
requirement, a district may use funds paid under division (C), 7355
(F), (G), (H), or (I) of this section to provide all-day 7356
kindergarten in addition to the all-day kindergarten payment under 7357
division (D) of this section. 7358

(2) Except as permitted under division (J)(1) of this 7359
section, each school district shall use its payment under division 7360
(F) of this section for one or more of the following purposes: 7361

(a) To hire teachers for limited English proficient students 7362
or other personnel to provide intervention services for those 7363
students; 7364

(b) To contract for intervention services for those students; 7365

(c) To provide other services to assist those students in 7366
passing the third-grade reading achievement test, and to provide 7367
for those students the intervention services required by section 7368
3313.608 of the Revised Code. 7369

(3) Except as permitted under division (J)(1) of this 7370
section, each school district shall use its payment under division 7371
(G) of this section for professional development of teachers or 7372
other licensed personnel providing educational services to 7373
students only in one or more of the following areas: 7374

(a) Data-based decision making; 7375

(b) Standards-based curriculum models; 7376

(c) Job-embedded professional development activities that are 7377
research-based, as defined in federal law. 7378

In addition, each district shall use the payment only to 7379
implement programs identified on a list of eligible professional 7380
development programs provided by the department of education. The 7381
department annually shall provide the list to each district 7382
receiving a payment under division (G) of this section. However, a 7383
district may apply to the department for a waiver to implement an 7384
alternative professional development program in one or more of the 7385
areas specified in divisions (J)(3)(a) to (c) of this section. If 7386
the department grants the waiver, the district may use its payment 7387
under division (G) of this section to implement the alternative 7388
program. 7389

(4) Except as permitted under division (J)(1) of this 7390
section, each big eight school district shall use its payment 7391
under division (H) of this section either for preventing at-risk 7392
students from dropping out of school, for safety and security 7393
measures described in division (J)(5)(b) of this section, for 7394
academic intervention services described in division (J)(6) of 7395
this section, or for a combination of those purposes. Not later 7396
than September 1, 2005, the department of education shall provide 7397
each big eight school district with a list of dropout prevention 7398
programs that it has determined are successful. The department 7399
subsequently may update the list. Each district that elects to use 7400
its payment under division (H) of this section for dropout 7401
prevention shall use the payment only to implement a dropout 7402
prevention program specified on the department's list. However, a 7403
district may apply to the department for a waiver to implement an 7404
alternative dropout prevention program. If the department grants 7405
the waiver, the district may use its payment under division (H) of 7406
this section to implement the alternative program. 7407

(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 (J)(1) of this section, no district shall spend any portion of its payment under division (C) of this section for any other purpose. Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, no collective bargaining agreement entered into after June 30, 2005, shall require use of the payment for any other purpose.

(7) Except as otherwise required by division (K) or permitted under division (O) of this section, all remaining funds distributed under this section to districts with a poverty index greater than or equal to 1.0 shall be utilized for the purpose of

the third grade guarantee. The third grade guarantee consists of 7439
increasing the amount of instructional attention received per 7440
pupil in kindergarten through third grade, either by reducing the 7441
ratio of students to instructional personnel or by increasing the 7442
amount of instruction and curriculum-related activities by 7443
extending the length of the school day or the school year. 7444

School districts may implement a reduction of the ratio of 7445
students to instructional personnel through any or all of the 7446
following methods: 7447

(a) Reducing the number of students in a classroom taught by 7448
a single teacher; 7449

(b) Employing full-time educational aides or educational 7450
paraprofessionals issued a permit or license under section 7451
3319.088 of the Revised Code; 7452

(c) Instituting a team-teaching method that will result in a 7453
lower student-teacher ratio in a classroom. 7454

Districts may extend the school day either by increasing the 7455
amount of time allocated for each class, increasing the number of 7456
classes provided per day, offering optional academic-related 7457
after-school programs, providing curriculum-related extra 7458
curricular activities, or establishing tutoring or remedial 7459
services for students who have demonstrated an educational need. 7460
In accordance with section 3319.089 of the Revised Code, a 7461
district extending the school day pursuant to this division may 7462
utilize a participant of the work experience program who has a 7463
child enrolled in a public school in that district and who is 7464
fulfilling the work requirements of that program by volunteering 7465
or working in that public school. If the work experience program 7466
participant is compensated, the school district may use the funds 7467
distributed under this section for all or part of the 7468
compensation. 7469

Districts may extend the school year either through adding 7470
regular days of instruction to the school calendar or by providing 7471
summer programs. 7472

(K) Each district shall not expend any funds received under 7473
division (E) of this section in any school buildings that are not 7474
buildings with the highest concentration of need, unless there is 7475
a ratio of instructional personnel to students of no more than 7476
fifteen to one in each kindergarten and first grade class in all 7477
buildings with the highest concentration of need. This division 7478
does not require that the funds used in buildings with the highest 7479
concentration of need be spent solely to reduce the ratio of 7480
instructional personnel to students in kindergarten and first 7481
grade. A school district may spend the funds in those buildings in 7482
any manner permitted by division (J)(7) of this section, but may 7483
not spend the money in other buildings unless the fifteen-to-one 7484
ratio required by this division is attained. 7485

(L)(1) By the first day of August of each fiscal year, each 7486
school district wishing to receive any funds under division (D) of 7487
this section shall submit to the department of education an 7488
estimate of its all-day kindergarten percentage. Each district 7489
shall update its estimate throughout the fiscal year in the form 7490
and manner required by the department, and the department shall 7491
adjust payments under this section to reflect the updates. 7492

(2) Annually by the end of December, the department of 7493
education, utilizing data from the information system established 7494
under section 3301.0714 of the Revised Code, shall determine for 7495
each school district subject to division (J) of this section 7496
whether in the preceding fiscal year the district's ratio of 7497
instructional personnel to students and its number of kindergarten 7498
students receiving all-day kindergarten appear reasonable, given 7499
the amounts of money the district received for that fiscal year 7500
pursuant to divisions (D) and (E) of this section. If the 7501

department is unable to verify from the data available that 7502
students are receiving reasonable amounts of instructional 7503
attention and all-day kindergarten, given the funds the district 7504
has received under this section and that class-size reduction 7505
funds are being used in school buildings with the highest 7506
concentration of need as required by division (K) of this section, 7507
the department shall conduct a more intensive investigation to 7508
ensure that funds have been expended as required by this section. 7509
The department shall file an annual report of its findings under 7510
this division with the chairpersons of the committees in each 7511
house of the general assembly dealing with finance and education. 7512

(M)(1) Each school district with a poverty index less than 7513
1.0 that receives a payment under division (D) of this section 7514
shall first utilize funds received under this section so that, 7515
when combined with other funds of the district, sufficient funds 7516
exist to provide all-day kindergarten to at least the number of 7517
children in the district's all-day kindergarten percentage. To 7518
satisfy this requirement, a district may use funds paid under 7519
division (C) or (I) of this section to provide all-day 7520
kindergarten in addition to the all-day kindergarten payment under 7521
division (D) of this section. 7522

(2) Except as permitted under division (M)(1) of this 7523
section, each school district with a poverty index less than 1.0 7524
that receives a payment under division (C) of this section shall 7525
use its payment under that division in accordance with all 7526
requirements of division (J)(6) of this section. 7527

(3) Except as permitted under division (M)(1) of this 7528
section, each school district with a poverty index less than 1.0 7529
that receives a payment under division (I) of this section shall 7530
use its payment under that division for one or a combination of 7531
the following purposes: 7532

(a) To hire or contract for community liaison officers,	7533
attendance or truant officers, or safety and security personnel;	7534
(b) To implement programs designed to ensure that schools are	7535
free of drugs and violence and have a disciplined environment	7536
conducive to learning;	7537
(c) To implement academic intervention services described in	7538
division (J)(6) of this section.	7539
(4) Each school district to which division (M)(1), (2), or	7540
(3) of this section applies shall expend the remaining funds	7541
received under this section, and any other district with a poverty	7542
index less than 1.0 shall expend all funds received under this	7543
section, for any of the following purposes:	7544
(a) The purchase of technology for instructional purposes for	7545
remediation;	7546
(b) All-day kindergarten;	7547
(c) Reduction of class sizes in grades kindergarten through	7548
three, as described in division (J)(7) of this section;	7549
(d) Summer school remediation;	7550
(e) Dropout prevention programs approved by the department of	7551
education under division (J)(4) of this section;	7552
(f) Guaranteeing that all third graders are ready to progress	7553
to more advanced work;	7554
(g) Summer education and work programs;	7555
(h) Adolescent pregnancy programs;	7556
(i) Head start, preschool, early childhood education, or	7557
early learning programs;	7558
(j) Reading improvement and remediation programs described by	7559
the department of education;	7560

(k) Programs designed to ensure that schools are free of 7561
drugs and violence and have a disciplined environment conducive to 7562
learning; 7563

(l) Furnishing, free of charge, materials used in courses of 7564
instruction, except for the necessary textbooks or electronic 7565
textbooks required to be furnished without charge pursuant to 7566
section 3329.06 of the Revised Code, to pupils living in families 7567
participating in Ohio works first in accordance with section 7568
3313.642 of the Revised Code; 7569

(m) School breakfasts provided pursuant to section 3313.813 7570
of the Revised Code. 7571

(N) If at any time the superintendent of public instruction 7572
determines that a school district receiving funds under division 7573
(D) of this section has enrolled less than the all-day 7574
kindergarten percentage reported for that fiscal year, the 7575
superintendent shall withhold from the funds otherwise due the 7576
district under this section a proportional amount as determined by 7577
the difference in the certified all-day kindergarten percentage 7578
and the percentage actually enrolled in all-day kindergarten. 7579

The superintendent shall also withhold an appropriate amount 7580
of funds otherwise due a district for any other misuse of funds 7581
not in accordance with this section. 7582

(O)(1) A district may use a portion of the funds calculated 7583
for it under division (D) of this section to modify or purchase 7584
classroom space to provide all-day kindergarten, if both of the 7585
following conditions are met: 7586

(a) The district certifies to the department, in a manner 7587
acceptable to the department, that it has a shortage of space for 7588
providing all-day kindergarten. 7589

(b) The district provides all-day kindergarten to the number 7590

of children in the all-day kindergarten percentage it certified 7591
under this section. 7592

(2) A district may use a portion of the funds described in 7593
division (J)(7) of this section to modify or purchase classroom 7594
space to enable it to further reduce class size in grades 7595
kindergarten through two with a goal of attaining class sizes of 7596
fifteen students per licensed teacher. To do so, the district must 7597
certify its need for additional space to the department, in a 7598
manner satisfactory to the department. 7599

Sec. 3317.0217. The department of education shall annually 7600
compute and pay state parity aid to school districts, as follows: 7601

(A) Calculate the local wealth per pupil of each school 7602
district, which equals the following sum: 7603

(1) Two-thirds times the quotient of (a) the district's 7604
recognized valuation divided by (b) its formula ADM; plus 7605

(2) One-third times the quotient of (a) the average of the 7606
total federal adjusted gross income of the school district's 7607
residents for the three years most recently reported under section 7608
3317.021 of the Revised Code divided by (b) its formula ADM. 7609

(B) Rank all school districts in order of local wealth per 7610
pupil, from the district with the lowest local wealth per pupil to 7611
the district with the highest local wealth per pupil. 7612

(C) Compute the per pupil state parity aid funding for each 7613
school district in accordance with the following formula: 7614

(threshold local wealth 7615
per pupil - the district's local 7616
wealth per pupil) X 0.0075 7617

Where: 7618

(1) Seven and one-half mills (0.0075) is an adjustment to the 7619

original parity aid standard of nine and one-half mills, to 7620
account for the general assembly's policy decision to phase-out 7621
use of the cost-of-doing-business factor in the base cost formula. 7622

(2) The "threshold local wealth per pupil" is the local 7623
wealth per pupil of the school district with the 7624
four-hundred-ninetieth lowest local wealth per pupil. 7625

If the result of the calculation for a school district under 7626
division (C) of this section is less than zero, the district's per 7627
pupil parity aid shall be zero. 7628

(D) Compute the per pupil alternative parity aid for each 7629
school district that has a combination of an income factor of 1.0 7630
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 7631
cost-of-doing-business factor of 1.0375 or greater, in accordance 7632
with the following formula: 7633

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 7634 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 7635 \end{aligned}$$

Where: 7636

(1) "Poverty index" has the same meaning as in section 7637
3317.029 of the Revised Code. 7638

(2) "Payment percentage," for purposes of division (D) of 7639
this section, equals 50% in fiscal year 2002 and 100% after fiscal 7640
year 2002. 7641

(E) Pay each district that has a combination of an income 7642
factor of 1.0 or less, a poverty index of 1.0 or greater, and a 7643
fiscal year 2005 cost-of-doing-business factor of 1.0375 or 7644
greater, the greater of the following: 7645

(1) The product of the district's per pupil parity aid 7646
calculated under division (C) of this section times its net 7647
formula ADM; 7648

(2) The product of its per pupil alternative parity aid 7649

calculated under division (D) of this section times its net 7650
formula ADM. 7651

(F) Pay every other district the product of its per pupil 7652
parity aid calculated under division (C) of this section times its 7653
net formula ADM. 7654

(G) As used in divisions (E) and (F) of this section, "net 7655
formula ADM" means formula ADM minus the number of internet- and 7656
computer-based community school students and scholarship students 7657
reported under divisions (B)(3)(e) ~~and~~, (f), and (g) of section 7658
3317.03 of the Revised Code. 7659

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 7660
(C) of this section, except as provided in division (A)(2)(h) of 7661
this section, any student enrolled in kindergarten more than half 7662
time shall be reported as one-half student under this section. 7663

(A) The superintendent of each city and exempted village 7664
school district and of each educational service center shall, for 7665
the schools under the superintendent's supervision, certify to the 7666
state board of education on or before the fifteenth day of October 7667
in each year for the first full school week in October the formula 7668
ADM. Beginning in fiscal year 2007, each superintendent also shall 7669
certify to the state board, for the schools under the 7670
superintendent's supervision, the formula ADM for the first full 7671
week in February. If a school under the superintendent's 7672
supervision is closed for one or more days during that week due to 7673
hazardous weather conditions or other circumstances described in 7674
the first paragraph of division (B) of section 3317.01 of the 7675
Revised Code, the superintendent may apply to the superintendent 7676
of public instruction for a waiver, under which the superintendent 7677
of public instruction may exempt the district superintendent from 7678
certifying the formula ADM for that school for that week and 7679
specify an alternate week for certifying the formula ADM of that 7680

school.	7681
The formula ADM shall consist of the average daily membership	7682
during such week of the sum of the following:	7683
(1) On an FTE basis, the number of students in grades	7684
kindergarten through twelve receiving any educational services	7685
from the district, except that the following categories of	7686
students shall not be included in the determination:	7687
(a) Students enrolled in adult education classes;	7688
(b) Adjacent or other district students enrolled in the	7689
district under an open enrollment policy pursuant to section	7690
3313.98 of the Revised Code;	7691
(c) Students receiving services in the district pursuant to a	7692
compact, cooperative education agreement, or a contract, but who	7693
are entitled to attend school in another district pursuant to	7694
section 3313.64 or 3313.65 of the Revised Code;	7695
(d) Students for whom tuition is payable pursuant to sections	7696
3317.081 and 3323.141 of the Revised Code;	7697
<u>(e) Students receiving services in the district through a</u>	7698
<u>scholarship awarded under section 3310.41 of the Revised Code.</u>	7699
(2) On an FTE basis, <u>except as provided in division (A)(2)(h)</u>	7700
<u>of this section</u> , the number of students entitled to attend school	7701
in the district pursuant to section 3313.64 or 3313.65 of the	7702
Revised Code, but receiving educational services in grades	7703
kindergarten through twelve from one or more of the following	7704
entities:	7705
(a) A community school pursuant to Chapter 3314. of the	7706
Revised Code, including any participation in a college pursuant to	7707
Chapter 3365. of the Revised Code while enrolled in such community	7708
school;	7709
(b) An alternative school pursuant to sections 3313.974 to	7710

3313.979 of the Revised Code as described in division (I)(2)(a) or	7711
(b) of this section;	7712
(c) A college pursuant to Chapter 3365. of the Revised Code,	7713
except when the student is enrolled in the college while also	7714
enrolled in a community school pursuant to Chapter 3314. of the	7715
Revised Code;	7716
(d) An adjacent or other school district under an open	7717
enrollment policy adopted pursuant to section 3313.98 of the	7718
Revised Code;	7719
(e) An educational service center or cooperative education	7720
district;	7721
(f) Another school district under a cooperative education	7722
agreement, compact, or contract;	7723
(g) A chartered nonpublic school with a scholarship paid	7724
under section 3310.08 of the Revised Code;	7725
<u>(h) An alternative public provider or a registered private</u>	7726
<u>provider with a scholarship awarded under section 3310.41 of the</u>	7727
<u>Revised Code. Each such scholarship student who is enrolled in</u>	7728
<u>kindergarten shall be counted as one full-time-equivalent student.</u>	7729
<u>As used in this section, "alternative public provider" and</u>	7730
<u>"registered private provider" have the same meanings as in section</u>	7731
<u>3310.41 of the Revised Code.</u>	7732
(3) Twenty per cent of the number of students enrolled in a	7733
joint vocational school district or under a vocational education	7734
compact, excluding any students entitled to attend school in the	7735
district under section 3313.64 or 3313.65 of the Revised Code who	7736
are enrolled in another school district through an open enrollment	7737
policy as reported under division (A)(2)(d) of this section and	7738
then enroll in a joint vocational school district or under a	7739
vocational education compact;	7740

(4) The number of handicapped children, other than 7741
handicapped preschool children, entitled to attend school in the 7742
district pursuant to section 3313.64 or 3313.65 of the Revised 7743
Code who are placed by the district with a county MR/DD board, 7744
minus the number of such children placed with a county MR/DD board 7745
in fiscal year 1998. If this calculation produces a negative 7746
number, the number reported under division (A)(4) of this section 7747
shall be zero. 7748

(5) Beginning in fiscal year 2007, in the case of the report 7749
submitted for the first full week in February, or the alternative 7750
week if specified by the superintendent of public instruction, the 7751
number of students reported under division (A)(1) or (2) of this 7752
section for the first full week of the preceding October but who 7753
since that week have received high school diplomas. 7754

(B) To enable the department of education to obtain the data 7755
needed to complete the calculation of payments pursuant to this 7756
chapter, in addition to the formula ADM, each superintendent shall 7757
report separately the following student counts for the same week 7758
for which formula ADM is certified: 7759

(1) The total average daily membership in regular day classes 7760
included in the report under division (A)(1) or (2) of this 7761
section for kindergarten, and each of grades one through twelve in 7762
schools under the superintendent's supervision; 7763

(2) The number of all handicapped preschool children enrolled 7764
as of the first day of December in classes in the district that 7765
are eligible for approval under division (B) of section 3317.05 of 7766
the Revised Code and the number of those classes, which shall be 7767
reported not later than the fifteenth day of December, in 7768
accordance with rules adopted under that section; 7769

(3) The number of children entitled to attend school in the 7770
district pursuant to section 3313.64 or 3313.65 of the Revised 7771

Code who are:	7772
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	7773 7774 7775
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	7776 7777 7778 7779
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	7780 7781
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	7782 7783 7784 7785 7786 7787
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	7788 7789 7790 7791
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	7792 7793
(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>	7794 7795 7796
(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>	7797 7798 7799
(i) Participating in a program operated by a county MR/DD board or a state institution.	7800 7801

(4) The number of pupils enrolled in joint vocational schools;	7802 7803
(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;	7804 7805 7806 7807
(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;	7808 7809 7810 7811
(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;	7812 7813 7814 7815
(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;	7816 7817 7818 7819
(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;	7820 7821 7822 7823
(10) The <u>combined</u> average daily membership of handicapped children reported under division (A)(1) or (2) <u>and under division (B)(3)(h)</u> of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code, <u>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;</u>	7824 7825 7826 7827 7828 7829 7830 7831

(11) The average daily membership of pupils reported under 7832
division (A)(1) or (2) of this section enrolled in category one 7833
vocational education programs or classes, described in division 7834
(A) of section 3317.014 of the Revised Code, operated by the 7835
school district or by another district, other than a joint 7836
vocational school district, or by an educational service center, 7837
excluding any student reported under division (B)(3)(e) of this 7838
section as enrolled in an internet- or computer-based community 7839
school, notwithstanding division (C) of section 3317.02 of the 7840
Revised Code and division (C)(3) of this section; 7841

(12) The average daily membership of pupils reported under 7842
division (A)(1) or (2) of this section enrolled in category two 7843
vocational education programs or services, described in division 7844
(B) of section 3317.014 of the Revised Code, operated by the 7845
school district or another school district, other than a joint 7846
vocational school district, or by an educational service center, 7847
excluding any student reported under division (B)(3)(e) of this 7848
section as enrolled in an internet- or computer-based community 7849
school, notwithstanding division (C) of section 3317.02 of the 7850
Revised Code and division (C)(3) of this section; 7851

(13) The average number of children transported by the school 7852
district on board-owned or contractor-owned and -operated buses, 7853
reported in accordance with rules adopted by the department of 7854
education; 7855

(14)(a) The number of children, other than handicapped 7856
preschool children, the district placed with a county MR/DD board 7857
in fiscal year 1998; 7858

(b) The number of handicapped children, other than 7859
handicapped preschool children, placed with a county MR/DD board 7860
in the current fiscal year to receive special education services 7861
for the category one handicap described in division (A) of section 7862

3317.013 of the Revised Code;	7863
(c) The number of handicapped children, other than	7864
handicapped preschool children, placed with a county MR/DD board	7865
in the current fiscal year to receive special education services	7866
for category two handicaps described in division (B) of section	7867
3317.013 of the Revised Code;	7868
(d) The number of handicapped children, other than	7869
handicapped preschool children, placed with a county MR/DD board	7870
in the current fiscal year to receive special education services	7871
for category three handicaps described in division (C) of section	7872
3317.013 of the Revised Code;	7873
(e) The number of handicapped children, other than	7874
handicapped preschool children, placed with a county MR/DD board	7875
in the current fiscal year to receive special education services	7876
for category four handicaps described in division (D) of section	7877
3317.013 of the Revised Code;	7878
(f) The number of handicapped children, other than	7879
handicapped preschool children, placed with a county MR/DD board	7880
in the current fiscal year to receive special education services	7881
for the category five handicap described in division (E) of	7882
section 3317.013 of the Revised Code;	7883
(g) The number of handicapped children, other than	7884
handicapped preschool children, placed with a county MR/DD board	7885
in the current fiscal year to receive special education services	7886
for category six handicaps described in division (F) of section	7887
3317.013 of the Revised Code.	7888
(C)(1) Except as otherwise provided in this section for	7889
kindergarten students, the average daily membership in divisions	7890
(B)(1) to (12) of this section shall be based upon the number of	7891
full-time equivalent students. The state board of education shall	7892
adopt rules defining full-time equivalent students and for	7893

determining the average daily membership therefrom for the 7894
purposes of divisions (A), (B), and (D) of this section. 7895

(2) A student enrolled in a community school established 7896
under Chapter 3314. of the Revised Code shall be counted in the 7897
formula ADM and, if applicable, the category one, two, three, 7898
four, five, or six special education ADM of the school district in 7899
which the student is entitled to attend school under section 7900
3313.64 or 3313.65 of the Revised Code for the same proportion of 7901
the school year that the student is counted in the enrollment of 7902
the community school for purposes of section 3314.08 of the 7903
Revised Code. 7904

(3) No child shall be counted as more than a total of one 7905
child in the sum of the average daily memberships of a school 7906
district under division (A), divisions (B)(1) to (12), or division 7907
(D) of this section, except as follows: 7908

(a) A child with a handicap described in section 3317.013 of 7909
the Revised Code may be counted both in formula ADM and in 7910
category one, two, three, four, five, or six special education ADM 7911
and, if applicable, in category one or two vocational education 7912
ADM. As provided in division (C) of section 3317.02 of the Revised 7913
Code, such a child shall be counted in category one, two, three, 7914
four, five, or six special education ADM in the same proportion 7915
that the child is counted in formula ADM. 7916

(b) A child enrolled in vocational education programs or 7917
classes described in section 3317.014 of the Revised Code may be 7918
counted both in formula ADM and category one or two vocational 7919
education ADM and, if applicable, in category one, two, three, 7920
four, five, or six special education ADM. Such a child shall be 7921
counted in category one or two vocational education ADM in the 7922
same proportion as the percentage of time that the child spends in 7923
the vocational education programs or classes. 7924

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year 2007, each superintendent also shall certify to the state superintendent the formula ADM for the first full week in February. If a school operated by the joint vocational school district is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM, except as otherwise provided in this division, shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, including students enrolled in a community school established under Chapter 3314. of the Revised Code who are attending the joint vocational district under an agreement between the district board of education and the governing authority of the community school and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district. Beginning in fiscal year 2007, in the case of the report submitted for the first week in February, or the

alternative week if specified by the superintendent of public 7957
instruction, the superintendent of the joint vocational school 7958
district may include the number of students reported under 7959
division (D)(1) of this section for the first full week of the 7960
preceding October but who since that week have received high 7961
school diplomas. 7962

The following categories of students shall not be included in 7963
the determination made under division (D)(1) of this section: 7964

(a) Students enrolled in adult education classes; 7965

(b) Adjacent or other district joint vocational students 7966
enrolled in the district under an open enrollment policy pursuant 7967
to section 3313.98 of the Revised Code; 7968

(c) Students receiving services in the district pursuant to a 7969
compact, cooperative education agreement, or a contract, but who 7970
are entitled to attend school in a city, local, or exempted 7971
village school district whose territory is not part of the 7972
territory of the joint vocational district; 7973

(d) Students for whom tuition is payable pursuant to sections 7974
3317.081 and 3323.141 of the Revised Code. 7975

(2) To enable the department of education to obtain the data 7976
needed to complete the calculation of payments pursuant to this 7977
chapter, in addition to the formula ADM, each superintendent shall 7978
report separately the average daily membership included in the 7979
report under division (D)(1) of this section for each of the 7980
following categories of students for the same week for which 7981
formula ADM is certified: 7982

(a) Students enrolled in each grade included in the joint 7983
vocational district schools; 7984

(b) Handicapped children receiving special education services 7985
for the category one handicap described in division (A) of section 7986

3317.013 of the Revised Code;	7987
(c) Handicapped children receiving special education services	7988
for the category two handicaps described in division (B) of	7989
section 3317.013 of the Revised Code;	7990
(d) Handicapped children receiving special education services	7991
for category three handicaps described in division (C) of section	7992
3317.013 of the Revised Code;	7993
(e) Handicapped children receiving special education services	7994
for category four handicaps described in division (D) of section	7995
3317.013 of the Revised Code;	7996
(f) Handicapped children receiving special education services	7997
for the category five handicap described in division (E) of	7998
section 3317.013 of the Revised Code;	7999
(g) Handicapped children receiving special education services	8000
for category six handicaps described in division (F) of section	8001
3317.013 of the Revised Code;	8002
(h) Students receiving category one vocational education	8003
services, described in division (A) of section 3317.014 of the	8004
Revised Code;	8005
(i) Students receiving category two vocational education	8006
services, described in division (B) of section 3317.014 of the	8007
Revised Code.	8008
The superintendent of each joint vocational school district	8009
shall also indicate the city, local, or exempted village school	8010
district in which each joint vocational district pupil is entitled	8011
to attend school pursuant to section 3313.64 or 3313.65 of the	8012
Revised Code.	8013
(E) In each school of each city, local, exempted village,	8014
joint vocational, and cooperative education school district there	8015
shall be maintained a record of school membership, which record	8016

shall accurately show, for each day the school is in session, the
actual membership enrolled in regular day classes. For the purpose
of determining average daily membership, the membership figure of
any school shall not include any pupils except those pupils
described by division (A) of this section. The record of
membership for each school shall be maintained in such manner that
no pupil shall be counted as in membership prior to the actual
date of entry in the school and also in such manner that where for
any cause a pupil permanently withdraws from the school that pupil
shall not be counted as in membership from and after the date of
such withdrawal. There shall not be included in the membership of
any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a
public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district
during the previous school year when tests were administered under
section 3301.0711 of the Revised Code but did not take one or more
of the tests required by that section and was not excused pursuant
to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years,
except for veterans of the armed services whose attendance was
interrupted before completing the recognized twelve-year course of
the public schools by reason of induction or enlistment in the
armed forces and who apply for reenrollment in the public school
system of their residence not later than four years after
termination of war or their honorable discharge.

If, however, any veteran described by division (E)(4) of this
section elects to enroll in special courses organized for veterans
for whom tuition is paid under the provisions of federal laws, or
otherwise, that veteran shall not be included in average daily

membership. 8048

Notwithstanding division (E)(3) of this section, the 8049
membership of any school may include a pupil who did not take a 8050
test required by section 3301.0711 of the Revised Code if the 8051
superintendent of public instruction grants a waiver from the 8052
requirement to take the test to the specific pupil and a parent is 8053
not paying tuition for the pupil pursuant to section 3313.6410 of 8054
the Revised Code. The superintendent may grant such a waiver only 8055
for good cause in accordance with rules adopted by the state board 8056
of education. 8057

Except as provided in divisions (B)(2) and (F) of this 8058
section, the average daily membership figure of any local, city, 8059
exempted village, or joint vocational school district shall be 8060
determined by dividing the figure representing the sum of the 8061
number of pupils enrolled during each day the school of attendance 8062
is actually open for instruction during the week for which the 8063
formula ADM is being certified by the total number of days the 8064
school was actually open for instruction during that week. For 8065
purposes of state funding, "enrolled" persons are only those 8066
pupils who are attending school, those who have attended school 8067
during the current school year and are absent for authorized 8068
reasons, and those handicapped children currently receiving home 8069
instruction. 8070

The average daily membership figure of any cooperative 8071
education school district shall be determined in accordance with 8072
rules adopted by the state board of education. 8073

(F)(1) If the formula ADM for the first full school week in 8074
February is at least three per cent greater than that certified 8075
for the first full school week in the preceding October, the 8076
superintendent of schools of any city, exempted village, or joint 8077
vocational school district or educational service center shall 8078

certify such increase to the superintendent of public instruction. 8079
Such certification shall be submitted no later than the fifteenth 8080
day of February. For the balance of the fiscal year, beginning 8081
with the February payments, the superintendent of public 8082
instruction shall use the increased formula ADM in calculating or 8083
recalculating the amounts to be allocated in accordance with 8084
section 3317.022 or 3317.16 of the Revised Code. In no event shall 8085
the superintendent use an increased membership certified to the 8086
superintendent after the fifteenth day of February. Division 8087
(F)(1) of this section does not apply after fiscal year 2006. 8088

(2) If on the first school day of April the total number of 8089
classes or units for handicapped preschool children that are 8090
eligible for approval under division (B) of section 3317.05 of the 8091
Revised Code exceeds the number of units that have been approved 8092
for the year under that division, the superintendent of schools of 8093
any city, exempted village, or cooperative education school 8094
district or educational service center shall make the 8095
certifications required by this section for that day. If the 8096
department determines additional units can be approved for the 8097
fiscal year within any limitations set forth in the acts 8098
appropriating moneys for the funding of such units, the department 8099
shall approve additional units for the fiscal year on the basis of 8100
such average daily membership. For each unit so approved, the 8101
department shall pay an amount computed in the manner prescribed 8102
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 8103
Code. 8104

(3) If a student attending a community school under Chapter 8105
3314. of the Revised Code is not included in the formula ADM 8106
certified for the school district in which the student is entitled 8107
to attend school under section 3313.64 or 3313.65 of the Revised 8108
Code, the department of education shall adjust the formula ADM of 8109
that school district to include the community school student in 8110

accordance with division (C)(2) of this section, and shall 8111
recalculate the school district's payments under this chapter for 8112
the entire fiscal year on the basis of that adjusted formula ADM. 8113
This requirement applies regardless of whether the student was 8114
enrolled, as defined in division (E) of this section, in the 8115
community school during the first full school week in October. 8116

(G)(1)(a) The superintendent of an institution operating a 8117
special education program pursuant to section 3323.091 of the 8118
Revised Code shall, for the programs under such superintendent's 8119
supervision, certify to the state board of education, in the 8120
manner prescribed by the superintendent of public instruction, 8121
both of the following: 8122

(i) The average daily membership of all handicapped children 8123
other than handicapped preschool children receiving services at 8124
the institution for each category of handicap described in 8125
divisions (A) to (F) of section 3317.013 of the Revised Code; 8126

(ii) The average daily membership of all handicapped 8127
preschool children in classes or programs approved annually by the 8128
department of education for unit funding under section 3317.05 of 8129
the Revised Code. 8130

(b) The superintendent of an institution with vocational 8131
education units approved under division (A) of section 3317.05 of 8132
the Revised Code shall, for the units under the superintendent's 8133
supervision, certify to the state board of education the average 8134
daily membership in those units, in the manner prescribed by the 8135
superintendent of public instruction. 8136

(2) The superintendent of each county MR/DD board that 8137
maintains special education classes under section 3317.20 of the 8138
Revised Code or units approved pursuant to section 3317.05 of the 8139
Revised Code shall do both of the following: 8140

(a) Certify to the state board, in the manner prescribed by 8141

the board, the average daily membership in classes under section 8142
3317.20 of the Revised Code for each school district that has 8143
placed children in the classes; 8144

(b) Certify to the state board, in the manner prescribed by 8145
the board, the number of all handicapped preschool children 8146
enrolled as of the first day of December in classes eligible for 8147
approval under division (B) of section 3317.05 of the Revised 8148
Code, and the number of those classes. 8149

(3)(a) If on the first school day of April the number of 8150
classes or units maintained for handicapped preschool children by 8151
the county MR/DD board that are eligible for approval under 8152
division (B) of section 3317.05 of the Revised Code is greater 8153
than the number of units approved for the year under that 8154
division, the superintendent shall make the certification required 8155
by this section for that day. 8156

(b) If the department determines that additional classes or 8157
units can be approved for the fiscal year within any limitations 8158
set forth in the acts appropriating moneys for the funding of the 8159
classes and units described in division (G)(3)(a) of this section, 8160
the department shall approve and fund additional units for the 8161
fiscal year on the basis of such average daily membership. For 8162
each unit so approved, the department shall pay an amount computed 8163
in the manner prescribed in sections 3317.052 and 3317.053 of the 8164
Revised Code. 8165

(H) Except as provided in division (I) of this section, when 8166
any city, local, or exempted village school district provides 8167
instruction for a nonresident pupil whose attendance is 8168
unauthorized attendance as defined in section 3327.06 of the 8169
Revised Code, that pupil's membership shall not be included in 8170
that district's membership figure used in the calculation of that 8171
district's formula ADM or included in the determination of any 8172

unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the

Revised Code. 8204

Sec. 3333.34. (A) As used in this section: 8205

(1) "Pre-college stackable certificate" means a certificate earned before an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the Ohio board of regents and the department of education. 8206
8207
8208
8209
8210

(2) "College-level certificate" means a certificate earned while an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the board of regents and the department of education. 8211
8212
8213
8214
8215

(B) The board of regents and the department of education shall create a system of pre-college stackable certificates to provide a clear and accessible path for adults seeking to advance their education. The system shall do all of the following: 8216
8217
8218
8219

(1) Be uniform across the state; 8220

(2) Be available from an array of providers, including adult career centers, institutions of higher education, and employers; 8221
8222

(3) Be structured to respond to the expectations of both the workplace and higher education; 8223
8224

(4) Be articulated in a way that ensures the most effective interconnection of competencies offered in specialized training programs; 8225
8226
8227

(5) Establish standards for earning pre-college certificates; 8228

(6) Establish transferability of pre-college certificates to college credit. 8229
8230

(C) The board shall develop college-level certificates that can be transferred to college credit in different subject 8231
8232

competencies. The certificates shall be based on competencies and 8233
experience and not on classroom seat time. 8234

Sec. 3383.01. As used in this chapter: 8235

(A) "Culture" means any of the following: 8236

(1) Visual, musical, dramatic, graphic, design, and other 8237
arts, including, but not limited to, architecture, dance, 8238
literature, motion pictures, music, painting, photography, 8239
sculpture, and theater, and the provision of training or education 8240
in these arts; 8241

(2) The presentation or making available, in museums or other 8242
indoor or outdoor facilities, of principles of science and their 8243
development, use, or application in business, industry, or 8244
commerce or of the history, heritage, development, presentation, 8245
and uses of the arts described in division (A)(1) of this section 8246
and of transportation; 8247

(3) The preservation, presentation, or making available of 8248
features of archaeological, architectural, environmental, or 8249
historical interest or significance in a state historical facility 8250
or a local historical facility. 8251

(B) "Cultural organization" means either of the following: 8252

(1) A governmental agency or Ohio nonprofit corporation that 8253
provides programs or activities in areas directly concerned with 8254
culture; 8255

(2) A regional arts and cultural district as defined in 8256
section 3381.01 of the Revised Code. 8257

(C) "Cultural project" means all or any portion of an Ohio 8258
cultural facility for which the general assembly has specifically 8259
authorized the spending of money, or made an appropriation, 8260
pursuant to division (D)(3) or (E) of section 3383.07 of the 8261

Revised Code.	8262
(D) "Cooperative contract" means a contract between the Ohio cultural facilities commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility.	8263 8264 8265 8266
(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply:	8267 8268 8269 8270
(1) Those amounts either:	8271
(a) Have been committed to a fund dedicated to that purpose;	8272
(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.	8273 8274
(2) The commission and the cultural organization have executed an agreement with respect to either of those funds.	8275 8276
(F) "General building services" means general building services for an Ohio cultural facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.	8277 8278 8279 8280 8281 8282
(G) "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an	8283 8284 8285 8286 8287 8288 8289 8290 8291

interstate compact or agreement. 8292

(H) "Local contributions" means the value of an asset 8293
provided by or on behalf of a cultural organization from sources 8294
other than the state, the value and nature of which shall be 8295
approved by the Ohio cultural facilities commission, in its sole 8296
discretion. "Local contributions" may include the value of the 8297
site where a cultural project is to be constructed. All "local 8298
contributions," except a contribution attributable to such a site, 8299
shall be for the costs of construction of a cultural project or 8300
the creation or expansion of an endowment for the costs of 8301
operation of a cultural facility. 8302

(I) "Local historical facility" means a site or facility, 8303
other than a state historical facility, of archaeological, 8304
architectural, environmental, or historical interest or 8305
significance, or a facility, including a storage facility, 8306
appurtenant to the operations of such a site or facility, that is 8307
owned by a cultural organization, provided the facility meets the 8308
requirements of division (K)(2)(b) of this section, is managed by 8309
or pursuant to a contract with the Ohio cultural facilities 8310
commission, and is used for or in connection with the activities 8311
of the commission, including the presentation or making available 8312
of culture to the public. 8313

(J) "Manage," "operate," or "management" means the provision 8314
of, or the exercise of control over the provision of, activities: 8315

(1) Relating to culture for an Ohio cultural facility, 8316
including as applicable, but not limited to, providing for 8317
displays, exhibitions, specimens, and models; booking of artists, 8318
performances, or presentations; scheduling; and hiring or 8319
contracting for directors, curators, technical and scientific 8320
staff, ushers, stage managers, and others directly related to the 8321
cultural activities in the facility; but not including general 8322

building services;	8323
(2) Relating to sports and athletic events for an Ohio sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.	8324 8325 8326 8327 8328 8329
(K) "Ohio cultural facility" means any of the following:	8330
(1) The theaters located in the state office tower at 77 South High street in Columbus;	8331 8332
(2) Any capital facility in this state to which both of the following apply:	8333 8334
(a) The construction of a cultural project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code and proceeds of state bonds are used for costs of the cultural project.	8335 8336 8337 8338 8339
(b) The facility is managed directly by, or is subject to a cooperative or management contract with, the Ohio cultural facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of culture to the public and the provision of training or education in culture.	8340 8341 8342 8343 8344 8345
(3) A state historical facility or a local historical facility.	8346 8347
(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.	8348 8349 8350
(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction,	8351 8352

alteration, renovation, remodeling, enlargement, improvement, site
improvements, and related equipping and furnishing. 8353
8354

(N) "State historical facility" means a site or facility that 8355
has all of the following characteristics: 8356

(1) It is created, supervised, operated, protected, 8357
maintained, and promoted by the Ohio historical society pursuant 8358
to the society's performance of public functions under sections 8359
149.30 and 149.302 of the Revised Code. 8360

(2) Its title must reside wholly or in part with the state, 8361
the society, or both the state and the society. 8362

(3) It is managed directly by or is subject to a cooperative 8363
or management contract with the Ohio cultural facilities 8364
commission and is used for or in connection with the activities of 8365
the commission, including the presentation or making available of 8366
culture to the public. 8367

(O) "Ohio sports facility" means all or a portion of a 8368
stadium, arena, tennis facility, motorsports complex, or other 8369
capital facility in this state, ~~a.~~ A primary purpose of ~~which is~~ 8370
the facility shall be to provide a site or venue for the 8371
presentation to the public of ~~either~~ motorsports events, 8372
professional tennis tournaments, or events of one or more major or 8373
minor league professional athletic or sports teams that are 8374
associated with the state or with a city or region of the state, 8375
~~which.~~ The facility is shall be, in the case of a motorsports 8376
complex, owned by the state or governmental agency, or in all 8377
other instances, ~~is~~ owned by or ~~is~~ located on real property owned 8378
by the state or a governmental agency, and ~~including~~ includes all 8379
parking facilities, walkways, and other auxiliary facilities, 8380
equipment, furnishings, and real and personal property and 8381
interests and rights therein, that may be appropriate for or used 8382
for or in connection with the facility or its operation, for 8383

capital costs of which state funds are spent pursuant to this 8384
chapter. A facility constructed as an Ohio sports facility may be 8385
both an Ohio cultural facility and an Ohio sports facility. 8386

(P) "Motorsports" means sporting events in which motor 8387
vehicles are driven on a clearly demarcated tracked surface. 8388

Sec. 3383.07. (A) The department of administrative services 8389
shall provide for the construction of a cultural project in 8390
conformity with Chapter 153. of the Revised Code, except as 8391
follows: 8392

(1) For a cultural project other than a state historical 8393
facility, construction services may be provided on behalf of the 8394
state by the Ohio cultural facilities commission, or by a 8395
governmental agency or a cultural organization that occupies, will 8396
occupy, or is responsible for the Ohio cultural facility, as 8397
determined by the commission. For a project receiving a state 8398
appropriation of fifty thousand dollars or less, the commission 8399
may delegate to its executive director the authority to approve 8400
the provision of construction services by such an agency or 8401
organization, but not the authority to disapprove that provision. 8402
Construction services to be provided by a governmental agency or a 8403
cultural organization shall be specified in an agreement between 8404
the commission and the governmental agency or cultural 8405
organization. The agreement, or any actions taken under it, are 8406
not subject to Chapter 123. or 153. of the Revised Code, except 8407
for sections 123.081 and 153.011 of the Revised Code, and shall be 8408
subject to Chapter 4115. of the Revised Code. 8409

(2) For a cultural project that is a state historical 8410
facility, construction services may be provided by the Ohio 8411
cultural facilities commission or by a cultural organization that 8412
occupies, will occupy, or is responsible for the facility, as 8413
determined by the commission. For a facility receiving a state 8414

appropriation of fifty thousand dollars or less, the commission 8415
may delegate to its executive director the authority to approve 8416
the provision of construction services by such an organization, 8417
but not the authority to disapprove that provision. The 8418
construction services to be provided by the cultural organization 8419
shall be specified in an agreement between the commission and the 8420
cultural organization. That agreement, and any actions taken under 8421
it, are not subject to Chapter 123., 153., or 4115. of the Revised 8422
Code. 8423

(B) For an Ohio sports facility that is financed in part by 8424
obligations issued pursuant to Chapter 154. of the Revised Code, 8425
construction services shall be provided on behalf of the state by 8426
or at the direction of the governmental agency or nonprofit 8427
corporation that will own or be responsible for the management of 8428
the facility, all as determined by the Ohio cultural facilities 8429
commission. For a facility receiving a state appropriation of 8430
fifty thousand dollars or less, the commission may delegate to its 8431
executive director the authority to approve the provision of 8432
construction services by or at the direction of the agency or 8433
corporation, but not the authority to disapprove that provision. 8434
Any construction services to be provided by a governmental agency 8435
or nonprofit corporation shall be specified in an agreement 8436
between the commission and the governmental agency or nonprofit 8437
corporation. That agreement, and any actions taken under it, are 8438
not subject to Chapter 123. or 153. of the Revised Code, except 8439
for sections 123.081 and 153.011 of the Revised Code, and shall be 8440
subject to Chapter 4115. of the Revised Code. 8441

(C) General building services for an Ohio cultural facility 8442
shall be provided by the Ohio cultural facilities commission or by 8443
a cultural organization that occupies, will occupy, or is 8444
responsible for the facility, as determined by the commission, 8445
~~except that.~~ For a facility receiving a state appropriation of 8446

fifty thousand dollars or less, the commission may delegate to its 8447
executive director the authority to approve the provision of 8448
general building services by such an organization, but not the 8449
authority to disapprove that provision. Alternatively, the Ohio 8450
building authority may elect to provide those services for Ohio 8451
cultural facilities financed with proceeds of state bonds issued 8452
by the authority. The costs of management and general building 8453
services shall be paid by the cultural organization that occupies, 8454
will occupy, or is responsible for the facility as provided in an 8455
agreement between the commission and the cultural organization, 8456
except that the state may pay for general building services for 8457
state-owned cultural facilities constructed on state-owned land. 8458

General building services for an Ohio sports facility shall 8459
be provided by or at the direction of the governmental agency or 8460
nonprofit corporation that will be responsible for the management 8461
of the facility, all as determined by the commission. For a 8462
facility receiving a state appropriation of fifty thousand dollars 8463
or less, the commission may delegate to its executive director the 8464
authority to approve the provision of general building services by 8465
or at the direction of the agency or corporation, but not the 8466
authority to disapprove that provision. Any general building 8467
services to be provided by a governmental agency or nonprofit 8468
corporation for an Ohio sports facility shall be specified in an 8469
agreement between the commission and the governmental agency or 8470
nonprofit corporation. That agreement, and any actions taken under 8471
it, are not subject to Chapter 123. or 153. of the Revised Code, 8472
except for sections 123.081 and 153.011 of the Revised Code, and 8473
shall be subject to Chapter 4115. of the Revised Code. 8474

(D) This division does not apply to a state historical 8475
facility. No state funds, including any state bond proceeds, shall 8476
be spent on the construction of any cultural project under this 8477
chapter unless, with respect to the cultural project and to the 8478

Ohio cultural facility related to the project, all of the 8479
following apply: 8480

(1) The Ohio cultural facilities commission has determined 8481
that there is a need for the cultural project and the Ohio 8482
cultural facility related to the project in the region of the 8483
state in which the Ohio cultural facility is located or for which 8484
the facility is proposed. For a project receiving a state 8485
appropriation of fifty thousand dollars or less, the commission 8486
may delegate to its executive director the authority to determine 8487
need but only in the affirmative. 8488

(2) The commission has determined that, as an indication of 8489
substantial regional support for the cultural project, the 8490
cultural organization has made provision satisfactory to the 8491
commission, in its sole discretion, for local contributions 8492
amounting to not less than fifty per cent of the total state 8493
funding for the cultural project. For a project receiving a state 8494
appropriation of fifty thousand dollars or less, the commission 8495
may delegate to its executive director the authority to determine 8496
the adequacy of the regional support but only in the affirmative. 8497

(3) The general assembly has specifically authorized the 8498
spending of money on, or made an appropriation for, the 8499
construction of the cultural project, or for rental payments 8500
relating to the financing of the construction of the cultural 8501
project. Authorization to spend money, or an appropriation, for 8502
planning the cultural project does not constitute authorization to 8503
spend money on, or an appropriation for, construction of the 8504
cultural project. 8505

(E) No state funds, including any state bond proceeds, shall 8506
be spent on the construction of any state historical facility 8507
under this chapter unless the general assembly has specifically 8508
authorized the spending of money on, or made an appropriation for, 8509

the construction of the state historical project related to the 8510
facility, or for rental payments relating to the financing of the 8511
construction of the state historical project. Authorization to 8512
spend money, or an appropriation, for planning the state 8513
historical project does not constitute authorization to spend 8514
money on, or an appropriation for, the construction of the state 8515
historical project. 8516

(F) State funds shall not be used to pay or reimburse more 8517
than fifteen per cent of the initial estimated construction cost 8518
of an Ohio sports facility, excluding any site acquisition cost, 8519
and no state funds, including any state bond proceeds, shall be 8520
spent on any Ohio sports facility under this chapter unless, with 8521
respect to that facility, all of the following apply: 8522

(1) The Ohio cultural facilities commission has determined 8523
that there is a need for the facility in the region of the state 8524
for which the facility is proposed to provide the function of an 8525
Ohio sports facility as provided for in this chapter. For a 8526
facility receiving a state appropriation of fifty thousand dollars 8527
or less, the commission may delegate to its executive director the 8528
authority to determine need but only in the affirmative. 8529

(2) As an indication of substantial local support for the 8530
facility, the commission has received a financial and development 8531
plan satisfactory to it, and provision has been made, by agreement 8532
or otherwise, satisfactory to the commission, for a contribution 8533
amounting to not less than eighty-five per cent of the total 8534
estimated construction cost of the facility, excluding any site 8535
acquisition cost, from sources other than the state. For a 8536
facility receiving a state appropriation of fifty thousand dollars 8537
or less, the commission may delegate to its executive director the 8538
authority to evaluate the financial and development plan and the 8539
contribution and to determine their adequacy but only in the 8540
affirmative. 8541

(3) The general assembly has specifically authorized the 8542
spending of money on, or made an appropriation for, the 8543
construction of the facility, or for rental payments relating to 8544
state financing of all or a portion of the costs of constructing 8545
the facility. Authorization to spend money, or an appropriation, 8546
for planning or determining the feasibility of or need for the 8547
facility does not constitute authorization to spend money on, or 8548
an appropriation for, costs of constructing the facility. 8549

(4) If state bond proceeds are being used for the Ohio sports 8550
facility, the state or a governmental agency owns or has 8551
sufficient property interests in the facility or in the site of 8552
the facility or in the portion or portions of the facility 8553
financed from proceeds of state bonds, which may include, but is 8554
not limited to, the right to use or to require the use of the 8555
facility for the presentation of sport and athletic events to the 8556
public at the facility. 8557

(G) In addition to the requirements of division (F) of this 8558
section, no state funds, including any state bond proceeds, shall 8559
be spent on any Ohio sports facility that is a motorsports 8560
complex, unless, with respect to that facility, both of the 8561
following apply: 8562

(1) Motorsports events shall be presented at the facility 8563
pursuant to a lease entered into with the owner of the facility. 8564
The term of the lease shall be for a period of not less than the 8565
greater of the useful life of the portion of the facility financed 8566
from proceeds of state bonds as determined using the guidelines 8567
for maximum maturities as provided under divisions (B) and (C) of 8568
section 133.20 of the Revised Code, or the period of time 8569
remaining to the date of payment or provision for payment of 8570
outstanding state bonds allocable to costs of the facility, all as 8571
determined by the director of budget and management and certified 8572
by the director to the Ohio cultural facilities commission and to 8573

the treasurer of state. 8574

(2) Any motorsports organization that commits to using the 8575
facility for an established period of time shall give the 8576
political subdivision in which the facility is located not less 8577
than six months' advance notice if the organization intends to 8578
cease utilizing the facility prior to the expiration of that 8579
established period. Such a motorsports organization shall be 8580
liable to the state for any state funds used on the construction 8581
costs of the facility. 8582

(H) In addition to the requirements of division (F) of this 8583
section, no state bond proceeds shall be spent on any Ohio sports 8584
facility that is a tennis facility, unless the owner or manager of 8585
the facility provides contractual commitments from a national or 8586
international professional tennis organization in a form 8587
acceptable to the cultural facilities commission that assures that 8588
one or more sanctioned professional tennis events will be 8589
presented at the facility during each year that the bonds remain 8590
outstanding. 8591

Sec. 3706.01. As used in this chapter: 8592

(A) "Governmental agency" means a department, division, or 8593
other unit of state government, a municipal corporation, county, 8594
township, and other political subdivision, or any other public 8595
corporation or agency having the power to acquire, construct, or 8596
operate air quality facilities, the United States or any agency 8597
thereof, and any agency, commission, or authority established 8598
pursuant to an interstate compact or agreement. 8599

(B) "Person" means any individual, firm, partnership, 8600
association, or corporation, or any combination thereof. 8601

(C) "Air contaminant" means particulate matter, dust, fumes, 8602
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 8603

odorous substance, or any combination thereof. 8604

(D) "Air pollution" means the presence in the ambient air of 8605
one or more air contaminants in sufficient quantity and of such 8606
characteristics and duration as to injure human health or welfare, 8607
plant or animal life, or property, or that unreasonably interferes 8608
with the comfortable enjoyment of life or property. 8609

(E) "Ambient air" means that portion of the atmosphere 8610
outside of buildings and other enclosures, stacks, or ducts that 8611
surrounds human, plant, or animal life, or property. 8612

(F) "Emission" means the release into the outdoor atmosphere 8613
of an air contaminant. 8614

(G) "Air quality facility" means any of the following: 8615

(1) Any method, modification or replacement of property, 8616
process, device, structure, or equipment that removes, reduces, 8617
prevents, contains, alters, conveys, stores, disperses, or 8618
disposes of air contaminants or substances containing air 8619
contaminants, or that renders less noxious or reduces the 8620
concentration of air contaminants in the ambient air, including, 8621
without limitation, facilities and expenditures that qualify as 8622
air pollution control facilities under section 103 (C)(4)(F) of 8623
the Internal Revenue Code of 1954, as amended, and regulations 8624
adopted thereunder; 8625

(2) Motor vehicle inspection stations operated in accordance 8626
with, and any equipment used for motor vehicle inspections 8627
conducted under, section 3704.14 of the Revised Code and rules 8628
adopted under it; 8629

(3) Ethanol or other biofuel facilities, including any 8630
equipment used at the ethanol or other biofuel facility for the 8631
production of ethanol or other biofuels; 8632

(4) Any property or portion thereof used for the collection, 8633

storage, treatment, utilization, processing, or final disposal of 8634
a by-product or solid waste resulting from any method, process, 8635
device, structure, or equipment that removes, reduces, prevents, 8636
contains, alters, conveys, stores, disperses, or disposes of air 8637
contaminants, or that renders less noxious or reduces the 8638
concentration of air contaminants in the ambient air; 8639

(5) Any property, device, or equipment that promotes the 8640
reduction of emissions of air contaminants into the ambient air 8641
through improvements in the efficiency of energy utilization or 8642
energy conservation; 8643

(6) Any coal research and development project conducted under 8644
Chapter 1555. of the Revised Code; 8645

(7) As determined by the director of the Ohio coal 8646
development office, any property or portion thereof that is used 8647
for the collection, storage, treatment, utilization, processing, 8648
or final disposal of a by-product resulting from a coal research 8649
and development project as defined in section 1555.01 of the 8650
Revised Code or from the use of clean coal technology, excluding 8651
any property or portion thereof that is used primarily for other 8652
subsequent commercial purposes; 8653

(8) Any property or portion thereof that is part of the 8654
FutureGen project of the United States department of energy or 8655
related to the siting of the FutureGen project. 8656

"Air quality facility" further includes any property or 8657
system to be used in whole or in part for any of the purposes in 8658
divisions (G)(1) to (8) of this section, whether another purpose 8659
is also served, and any property or system incidental to or that 8660
has to do with, or the end purpose of which is, any of the 8661
foregoing. Air quality facilities that are defined in this 8662
division for industry, commerce, distribution, or research, 8663
including public utility companies, are hereby determined to be 8664

those that qualify as facilities for the control of air pollution 8665
and thermal pollution related to air under Section 13 of Article 8666
VIII, Ohio Constitution. 8667

(H) "Project" or "air quality project" means any air quality 8668
facility, including undivided or other interests therein, acquired 8669
or to be acquired or constructed or to be constructed by the Ohio 8670
air quality development authority under this chapter, or acquired 8671
or to be acquired or constructed or to be constructed by a 8672
governmental agency or person with all or a part of the cost 8673
thereof being paid from a loan or grant from the authority under 8674
this chapter, including all buildings and facilities that the 8675
authority determines necessary for the operation of the project, 8676
together with all property, rights, easements, and interests that 8677
may be required for the operation of the project. 8678

(I) "Cost" as applied to an air quality project means the 8679
cost of acquisition and construction, the cost of acquisition of 8680
all land, rights-of-way, property rights, easements, franchise 8681
rights, and interests required for such acquisition and 8682
construction, the cost of demolishing or removing any buildings or 8683
structures on land so acquired, including the cost of acquiring 8684
any lands to which such buildings or structures may be moved, the 8685
cost of acquiring or constructing and equipping a principal office 8686
and sub-offices of the authority, the cost of diverting highways, 8687
interchange of highways, and access roads to private property, 8688
including the cost of land or easements for such access roads, the 8689
cost of public utility and common carrier relocation or 8690
duplication, the cost of all machinery, furnishings, and 8691
equipment, financing charges, interest prior to and during 8692
construction and for no more than eighteen months after completion 8693
of construction, engineering, expenses of research and development 8694
with respect to air quality facilities, legal expenses, plans, 8695
specifications, surveys, studies, estimates of cost and revenues, 8696

working capital, other expenses necessary or incident to 8697
determining the feasibility or practicability of acquiring or 8698
constructing such project, administrative expense, and such other 8699
expense as may be necessary or incident to the acquisition or 8700
construction of the project, the financing of such acquisition or 8701
construction, including the amount authorized in the resolution of 8702
the authority providing for the issuance of air quality revenue 8703
bonds to be paid into any special funds from the proceeds of such 8704
bonds, and the financing of the placing of such project in 8705
operation. Any obligation, cost, or expense incurred by any 8706
governmental agency or person for surveys, borings, preparation of 8707
plans and specifications, and other engineering services, or any 8708
other cost described above, in connection with the acquisition or 8709
construction of a project may be regarded as a part of the cost of 8710
that project and may be reimbursed out of the proceeds of air 8711
quality revenue bonds as authorized by this chapter. 8712

(J) "Owner" includes an individual, copartnership, 8713
association, or corporation having any title or interest in any 8714
property, rights, easements, or interests authorized to be 8715
acquired by this chapter. 8716

(K) "Revenues" means all rentals and other charges received 8717
by the authority for the use or services of any air quality 8718
project, any gift or grant received with respect to any air 8719
quality project, any moneys received with respect to the lease, 8720
sublease, sale, including installment sale or conditional sale, or 8721
other disposition of an air quality project, moneys received in 8722
repayment of and for interest on any loans made by the authority 8723
to a person or governmental agency, whether from the United States 8724
or any department, administration, or agency thereof, or 8725
otherwise, proceeds of such bonds to the extent that use thereof 8726
for payment of principal of, premium, if any, or interest on the 8727
bonds is authorized by the authority, proceeds from any insurance, 8728

condemnation, or guaranty pertaining to a project or property 8729
mortgaged to secure bonds or pertaining to the financing of the 8730
project, and income and profit from the investment of the proceeds 8731
of air quality revenue bonds or of any revenues. 8732

(L) "Public roads" includes all public highways, roads, and 8733
streets in the state, whether maintained by the state, county, 8734
city, township, or other political subdivision. 8735

(M) "Public utility facilities" includes tracks, pipes, 8736
mains, conduits, cables, wires, towers, poles, and other equipment 8737
and appliances of any public utility. 8738

(N) "Construction," unless the context indicates a different 8739
meaning or intent, includes reconstruction, enlargement, 8740
improvement, or providing furnishings or equipment. 8741

(O) "Air quality revenue bonds," unless the context indicates 8742
a different meaning or intent, includes air quality revenue notes, 8743
air quality revenue renewal notes, and air quality revenue 8744
refunding bonds, except that notes issued in anticipation of the 8745
issuance of bonds shall have a maximum maturity of five years as 8746
provided in section 3706.05 of the Revised Code and notes or 8747
renewal notes issued as the definitive obligation may be issued 8748
maturing at such time or times with a maximum maturity of forty 8749
years from the date of issuance of the original note. 8750

(P) "Solid waste" means any garbage; refuse; sludge from a 8751
waste water treatment plant, water supply treatment plant, or air 8752
pollution control facility; and other discarded material, 8753
including solid, liquid, semisolid, or contained gaseous material 8754
resulting from industrial, commercial, mining, and agricultural 8755
operations, and from community activities, but not including solid 8756
or dissolved material in domestic sewage, or solid or dissolved 8757
material in irrigation return flows or industrial discharges that 8758
are point sources subject to permits under section 402 of the 8759

"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 8760
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 8761
byproduct material as defined by the "Atomic Energy Act of 1954," 8762
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 8763

(Q) "Sludge" means any solid, semisolid, or liquid waste, 8764
other than a recyclable by-product, generated from a municipal, 8765
commercial, or industrial waste water treatment plant, water 8766
supply plant, or air pollution control facility or any other such 8767
wastes having similar characteristics and effects. 8768

(R) "Ethanol or other biofuel facility" means a plant at 8769
which ethanol or other biofuel is produced. 8770

(S) "Ethanol" means fermentation ethyl alcohol derived from 8771
agricultural products, including potatoes, cereal, grains, cheese 8772
whey, and sugar beets; forest products; or other renewable or 8773
biomass resources, including residue and waste generated from the 8774
production, processing, and marketing of agricultural products, 8775
forest products, and other renewable or biomass resources, that 8776
meets all of the specifications in the American society for 8777
testing and materials (ASTM) specification D 4806-88 and is 8778
denatured as specified in Parts 20 and 21 of Title 27 of the Code 8779
of Federal Regulations. 8780

(T) "Biofuel" means any fuel that is made from cellulosic 8781
biomass resources, including renewable organic matter, crop waste 8782
residue, wood, aquatic plants and other crops, animal waste, solid 8783
waste, or sludge, and that is used for the production of energy 8784
for transportation or other purposes. 8785

(U) "FutureGen project" means the buildings, equipment, and 8786
real property and functionally related buildings, equipment, and 8787
real property, including related research projects that support 8788
the development and operation of the buildings, equipment, and 8789
real property, designated by the United States department of 8790

energy and the FutureGen industrial alliance, inc., as the 8791
coal-fueled, zero-emissions power plant designed to prove the 8792
technical and economic feasibility of producing electricity and 8793
hydrogen from coal and nearly eliminating carbon dioxide emissions 8794
through capture and permanent storage. 8795

Sec. 3770.05. (A) As used in this section, "person" means any 8796
person, association, corporation, partnership, club, trust, 8797
estate, society, receiver, trustee, person acting in a fiduciary 8798
or representative capacity, instrumentality of the state or any of 8799
its political subdivisions, or any other combination of 8800
individuals meeting the requirements set forth in this section or 8801
established by rule or order of the state lottery commission. 8802

(B) The director of the state lottery commission may license 8803
any person as a lottery sales agent. No license shall be issued to 8804
any person or group of persons to engage in the sale of lottery 8805
tickets as the person's or group's sole occupation or business. 8806

Before issuing any license to a lottery sales agent, the 8807
director shall consider all of the following: 8808

(1) The financial responsibility and security of the ~~person~~ 8809
applicant and the ~~person's~~ applicant's business or activity; 8810

(2) The accessibility of the ~~agent's~~ applicant's place of 8811
business or activity to the public; 8812

(3) The sufficiency of existing licensed agents to serve the 8813
public interest; 8814

(4) The volume of expected sales by the applicant; 8815

(5) Any other factors pertaining to the public interest, 8816
convenience, or trust. 8817

(C) Except as otherwise provided in division (F) of this 8818
section, the director of the state lottery commission shall refuse 8819
to grant, or shall suspend or revoke, a license if the applicant 8820

or licensee: 8821

(1) Has been convicted of a felony, or has been convicted of 8822
a crime involving moral turpitude; 8823

(2) Has been convicted of an offense that involves illegal 8824
gambling; 8825

(3) Has been found guilty of fraud or misrepresentation in 8826
any connection; 8827

(4) Has been found to have violated any rule or order of the 8828
commission; or 8829

(5) Has been convicted of illegal trafficking in food stamps. 8830

(D) Except as otherwise provided in division (F) of this 8831
section, the director of the state lottery commission shall refuse 8832
to grant, or shall suspend or revoke, a license if the applicant 8833
or licensee is a corporation and any of the following applies: 8834

(1) Any of ~~whose~~ the corporation's directors, officers, or 8835
controlling shareholders ~~have~~ has been found guilty of any of the 8836
activities specified in divisions (C)(1) to ~~(4)~~(5) of this 8837
section; 8838

(2) ~~In which it~~ It appears to the director of the state 8839
lottery commission that, due to the experience, character, or 8840
general fitness of any director, officer, or controlling 8841
shareholder of the corporation, the granting of a license as a 8842
lottery sales agent would be inconsistent with the public 8843
interest, convenience, or trust; 8844

(3) ~~Not~~ The corporation is not the owner or lessee of the 8845
business at which it ~~will~~ would conduct a lottery sales agency 8846
pursuant to the license applied for, ~~or that any;~~ 8847

(4) Any person, firm, association, or corporation other than 8848
the applicant or licensee shares or will share in the profits of 8849
the applicant or licensee, other than receiving dividends or 8850

distributions as a shareholder, or participates or will 8851
participate in the management of the affairs of the applicant or 8852
licensee. 8853

(E)(1) The director of the state lottery commission shall 8854
refuse to grant a license to an applicant for a lottery sales 8855
agent license and shall revoke a lottery sales agent license ~~of a~~ 8856
~~licensee~~ if the applicant or licensee is or has been convicted of 8857
a violation of division (A) or (C)(1) of section 2913.46 of the 8858
Revised Code. 8859

(2) The director shall refuse to grant a license to an 8860
applicant for a lottery sales agent license that is a corporation 8861
and shall revoke the lottery sales agent license of a ~~licensee~~ 8862
~~that is a~~ corporation, if the corporation is or has been convicted 8863
of a violation of division (A) or (C)(1) of ~~a violation of~~ section 8864
2913.46 of the Revised Code. 8865

(F) The director of the state lottery commission shall 8866
request the bureau of criminal identification and investigation, 8867
the department of public safety, or any other state, local, or 8868
federal agency to supply the director with the criminal records of 8869
any applicant for a lottery sales agent license, and may 8870
periodically request ~~such~~ the criminal records of any person to 8871
whom ~~such~~ a lottery sales agent license has been issued. At or 8872
prior to the time of making such a request, the director shall 8873
require an applicant or licensee to obtain fingerprint impressions 8874
on fingerprint cards prescribed by the superintendent of the 8875
bureau of criminal identification and investigation at a qualified 8876
law enforcement agency, and the director shall cause ~~these~~ those 8877
fingerprint cards to be forwarded to the bureau of criminal 8878
identification and investigation ~~and, to~~ the federal bureau of 8879
investigation, or to both bureaus. The commission shall assume the 8880
cost of obtaining the fingerprint cards. ~~The~~ 8881

The director shall pay to each agency supplying ~~such~~ criminal 8882

records for each investigation a reasonable fee, as determined by 8883
the agency. ~~The~~ 8884

The commission may adopt uniform rules specifying time 8885
periods after which the persons described in divisions (C)(1) to 8886
~~(4)(5)~~ and (D)(1) to ~~(3)(4)~~ of this section may be issued a 8887
license and establishing requirements for ~~such~~ those persons to 8888
seek a court order to have records sealed in accordance with law. 8889

(G)(1) Each applicant for a lottery sales agent license shall 8890
do both of the following: 8891

(a) Pay to the state lottery commission, at the time the 8892
application is submitted, a fee ~~of twenty five dollars upon~~ 8893
~~approval of~~ in an amount that the application director of the 8894
state lottery commission determines by rule adopted under Chapter 8895
119. of the Revised Code and that the controlling board approves; 8896

(b) Prior to approval of the application, obtain a surety ~~or,~~ 8897
~~if required,~~ a fidelity bond in an amount ~~to be determined by the~~ 8898
director determines by rule adopted under Chapter 119. of the 8899
Revised Code or, alternatively, with the director's approval, 8900
deposit the same amount into a dedicated account for the benefit 8901
of the state lottery. The director also may approve the obtaining 8902
of a surety bond to cover part of the amount required, together 8903
with a dedicated account deposit to cover the remainder of the 8904
amount required. ~~The~~ 8905

A surety bond may be with any company that complies with the 8906
bonding and surety laws of this state and the requirements 8907
established by rules of the commission pursuant to this chapter. A 8908
dedicated account deposit shall be conducted in accordance with 8909
policies and procedures the director establishes. 8910

A surety bond, dedicated account, or both, as applicable, may 8911
be used to pay for the lottery sales agent's failure to make 8912
prompt and accurate payments for lottery ticket sales, for missing 8913

or stolen lottery tickets, or for damage to equipment or materials 8914
issued to the lottery sales agent, or to pay for expenses the 8915
commission incurs in connection with the lottery sales agent's 8916
license. 8917

(2) A lottery sales agent license is effective for one year. 8918

A 8919

A licensed lottery sales agent shall, on or before the date 8920
established by the director, shall renew the agent's license and 8921
provide at that time evidence to the director that the surety 8922
bond, dedicated account deposit, or both, required under division 8923
(F)(G)(1)(b) of this section has been renewed or is active, 8924
whichever applies. The director shall certify to the commission 8925
that the applicant for renewal has the required bond. 8926

The Before the commission renews a lottery sales agent 8927
license, the lottery sales agent shall submit a renewal fee to the 8928
commission in an amount that the director determines by rule 8929
adopted under Chapter 119. of the Revised Code and that the 8930
controlling board approves. The renewal fee shall not exceed the 8931
actual cost of administering the license renewal and processing 8932
changes reflected in the renewal application. The renewal of the 8933
license is effective for up to one year. 8934

(3) A lottery sales agent license shall be complete, 8935
accurate, and current at all times during the term of the license. 8936
Any changes to an original license application or a renewal 8937
application may subject the applicant or lottery sales agent, as 8938
applicable, to paying an administrative fee that shall be in an 8939
amount that the director determines by rule adopted under Chapter 8940
119. of the Revised Code, that the controlling board approves, and 8941
that shall not exceed the actual cost of administering and 8942
processing the changes to an application. 8943

(4) The relationship between the state lottery commission and 8944

a lottery sales agent is one of trust. A lottery sales agent 8945
collects funds on behalf of the commission through the sale of 8946
lottery tickets for which the agent receives a compensation. 8947

(H) Pending a final resolution of any question arising under 8948
this section, the director of the state lottery commission may 8949
issue a temporary lottery sales agent license, subject to ~~such~~ the 8950
terms and conditions ~~as~~ the director ~~may consider~~ considers 8951
appropriate. 8952

(I) If a lottery sales agent's rental payments for the 8953
lottery sales agent's premises are determined, in whole or in 8954
part, by the amount of retail sales the lottery sales agent makes, 8955
and if the rental agreement does not expressly provide that the 8956
amount of ~~such~~ those retail sales includes the amounts the lottery 8957
sales agent receives from lottery ticket sales, only the amounts 8958
the lottery sales agent receives as compensation from the state 8959
lottery commission for selling lottery tickets shall be considered 8960
to be amounts the lottery sales agent receives from the retail 8961
sales the lottery sales agent makes, for the purpose of computing 8962
the lottery sales agent's rental payments. 8963

Sec. 3770.073. (A) If a person is entitled to a lottery prize 8964
award and is indebted to the state for the payment of any tax, 8965
workers' compensation premium, unemployment contribution, payment 8966
in lieu of unemployment contribution, certified claim under 8967
section 131.02 or 131.021 of the Revised Code, lottery sales 8968
receipts held in trust on behalf of the state lottery commission 8969
as described in division (G)~~(2)~~(4) of section 3770.05 of the 8970
Revised Code, or charge, penalty, or interest arising from these 8971
debts and if the amount of the prize money or the cost of goods or 8972
services awarded as a lottery prize award is five thousand dollars 8973
or more, the director of the state lottery commission, or the 8974
director's designee, shall do either of the following: 8975

(1) If the prize award will be paid in a lump sum, deduct 8976
from the prize award and pay to the attorney general an amount in 8977
satisfaction of the debt and pay any remainder to that person. If 8978
the amount of the prize award is less than the amount of the debt, 8979
the entire amount of the prize award shall be deducted and paid in 8980
partial satisfaction of the debt. 8981

(2) If the prize award will be paid in annual installments, 8982
on the date the initial installment payment is due, deduct from 8983
that installment and pay to the attorney general an amount in 8984
satisfaction of the debt and, if necessary to collect the full 8985
amount of the debt, do the same for any subsequent annual 8986
installments, at the time the installments become due and owing to 8987
the person, until the debt is fully satisfied. 8988

(B) If a person entitled to a lottery prize award owes more 8989
than one debt, any debt subject to section 5739.33 or division (G) 8990
of section 5747.07 of the Revised Code shall be satisfied first. 8991

(C) Except as provided in section 131.021 of the Revised 8992
Code, this section applies only to debts that have become final. 8993

Sec. 3905.36. (A) Except as provided in divisions (B) and (C) 8994
of this section, every insured association, company, corporation, 8995
or other person that enters, directly or indirectly, into any 8996
agreements with any insurance company, association, individual, 8997
firm, underwriter, or ~~Lloyd~~ Lloyd's, not authorized to do business 8998
in this state, whereby the insured shall procure, continue, or 8999
renew contracts of insurance covering subjects of insurance 9000
resident, located, or to be performed within this state, with such 9001
unauthorized insurance company, association, individual, firm, 9002
underwriter, or ~~Lloyd~~ Lloyd's, for which insurance there is a 9003
gross premium, membership fee, assessment, dues, or other 9004
consideration charged or collected, shall annually, on or before 9005
the thirty-first day of January, return to the superintendent of 9006

insurance a statement under oath showing the name and address of 9007
the insured, name and address of the insurer, subject of the 9008
insurance, general description of the coverage, and amount of 9009
gross premium, fee, assessment, dues, or other consideration for 9010
such insurance for the preceding twelve-month period and shall at 9011
the same time pay to the treasurer of state a tax of five per cent 9012
of such gross premium, fee, assessment, dues, or other 9013
consideration, after a deduction for return premium, if any, as 9014
calculated on a form prescribed by the treasurer of state. All 9015
taxes collected under this section by the treasurer of state shall 9016
be paid into the general revenue fund. If the tax is not paid when 9017
due, the tax shall be increased by a penalty of twenty-five per 9018
cent. An interest charge computed as set forth in section 5725.221 9019
of the Revised Code shall be made on the entire sum of the tax 9020
plus penalty, which interest shall be computed from the date the 9021
tax is due until it is paid. For purposes of this section, payment 9022
is considered made when it is received by the treasurer of state, 9023
irrespective of any United States postal service marking or other 9024
stamp or mark indicating the date on which the payment may have 9025
been mailed. 9026

(B) This section does not apply to: 9027

(1) Transactions in this state involving a policy solicited, 9028
written, and delivered outside this state covering only subjects 9029
of insurance not resident, located, or to be performed in this 9030
state at the time of issuance, provided such transactions are 9031
subsequent to the issuance of the policy; 9032

(2) Attorneys-at-law acting on behalf of their clients in the 9033
adjustment of claims or losses; 9034

(3) Transactions involving policies issued by a captive 9035
insurer. For this purpose, a "captive insurer" means any of the 9036
following: 9037

(a) An insurer owned by one or more individuals or organizations, whose exclusive purpose is to insure risks of one or more of the parent organizations or individual owners and risks of one or more affiliates of the parent organizations or individual owners;

(b) In the case of groups and associations, insurers owned by the group or association whose exclusive purpose is to insure risks of members of the group or association and affiliates of the members;

(c) Other types of insurers, licensed and operated in accordance with the captive insurance laws of their jurisdictions of domicile and operated in a manner so as to self-insure risks of their owners and insureds.

(4) Professional or medical liability insurance procured by a hospital organized under Chapter 3701. of the Revised Code or on behalf of an entity that manufactures, packages, and sells, as more than fifty per cent of the entity's business, pharmaceutical products for human use where the production, packaging, and sale of such products are subject to regulation by an agency of the United States;

(5) Insurance with an initial policy period of more than three years and that is procured to cover known events related to environmental remediation that occurred prior to the effective date of that insurance.

(C) In transactions that are subject to sections 3905.30 to 3905.35 of the Revised Code, each person licensed under section 3905.30 of the Revised Code shall pay to the treasurer of state, on or before the thirty-first day of January of each year, five per cent of the balance of the gross premiums charged for insurance placed or procured under the license after a deduction for return premiums, as reported on a form prescribed by the

treasurer of state. The tax shall be collected from the insured by 9069
the surplus line broker who placed or procured the policy of 9070
insurance at the time the policy is delivered to the insured. No 9071
license issued under section 3905.30 of the Revised Code shall be 9072
renewed until payment is made. If the tax is not paid when due, 9073
the tax shall be increased by a penalty of twenty-five per cent. 9074
An interest charge computed as set forth in section 5725.221 of 9075
the Revised Code shall be made on the entire sum of the tax plus 9076
penalty, which interest shall be computed from the date the tax is 9077
due until it is paid. For purposes of this section, payment is 9078
considered made when it is received by the treasurer of state, 9079
irrespective of any United States postal service marking or other 9080
stamp or mark indicating the date on which the payment may have 9081
been mailed. 9082

Sec. 3931.07. In the annual statement provided in section 9083
3931.06 of the Revised Code the attorney shall set forth the gross 9084
amount of premiums or deposits received ~~by him~~ during the 9085
preceding calendar year on contracts of indemnity covering risks 9086
within the state. ~~He~~ The attorney shall also set forth therein, in 9087
separate items, premiums paid for cancellations, premiums or 9088
deposits returned and credited ratably to subscribers, and 9089
considerations both received and paid for reinsurance during such 9090
year. 9091

The superintendent shall compute a tax at the rate of ~~two~~ one 9092
and ~~one-half~~ four-tenths per cent, and in case of fire insurance 9093
an additional ~~one-half~~ three-quarters of one per cent fire marshal 9094
tax, on the balance of such gross amount of premiums or deposits, 9095
after deducting premiums and deposits returned and credited and 9096
considerations received for reinsurances. Such tax of ~~two~~ one and 9097
~~one-half~~ four-tenths per cent and, in the case of fire insurance, 9098
such additional tax of ~~one-half~~ three-quarters of one per cent, 9099

shall be paid at the time provided in sections 5729.04 and 5729.05 9100
of the Revised Code. Where insurance against fire is included with 9101
insurance against other perils at an undivided premium, a 9102
reasonable allocation from such entire premium shall be made for 9103
the fire portion of the coverage in such manner as the 9104
superintendent of insurance may direct. No further taxes shall be 9105
imposed upon such attorney or ~~his~~ the attorney's subscribers or 9106
their representatives for the privilege of transacting business in 9107
the state. 9108

If an attorney ceases doing business in the state, ~~he~~ the 9109
attorney shall thereupon make a report to the superintendent of 9110
the premiums or deposits subject to taxation, not previously 9111
reported, and forthwith pay to the superintendent a tax thereon 9112
computed according to law. If such attorney fails to make any 9113
report for taxation, or fails to pay any tax as required by this 9114
section, ~~his~~ the attorney's subscribers shall be liable to the 9115
state for such unpaid taxes, and a penalty of not more than 9116
twenty-five per cent per annum after demand therefor. Service of 9117
process in any action to recover such tax or penalty shall be made 9118
according to the law relating to actions against the attorney and 9119
~~his~~ the attorney's subscribers. 9120

Sec. 4115.04. (A) Every public authority authorized to 9121
contract for or construct with its own forces a public 9122
improvement, before advertising for bids or undertaking such 9123
construction with its own forces, shall have the director of 9124
commerce determine the prevailing rates of wages of mechanics and 9125
laborers in accordance with section 4115.05 of the Revised Code 9126
for the class of work called for by the public improvement, in the 9127
locality where the work is to be performed. Such schedule of wages 9128
shall be attached to and made part of the specifications for the 9129
work, and shall be printed on the bidding blanks where the work is 9130
done by contract. A copy of the bidding blank shall be filed with 9131

the director before such contract is awarded. A minimum rate of 9132
wages for common laborers, on work coming under the jurisdiction 9133
of the department of transportation, shall be fixed in each county 9134
of the state by said department of transportation, in accordance 9135
with section 4115.05 of the Revised Code. 9136

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 9137
apply to: 9138

(1) Public improvements in any case where the federal 9139
government or any of its agencies furnishes by loan or grant all 9140
or any part of the funds used in constructing such improvements, 9141
provided the federal government or any of its agencies prescribes 9142
predetermined minimum wages to be paid to mechanics and laborers 9143
employed in the construction of such improvements; 9144

(2) A participant in a work activity, developmental activity, 9145
or an alternative work activity under sections 5107.40 to 5107.69 9146
of the Revised Code when a public authority directly uses the 9147
labor of the participant to construct a public improvement if the 9148
participant is not engaged in paid employment or subsidized 9149
employment pursuant to the activity; 9150

(3) Public improvements undertaken by, or under contract for, 9151
the board of education of any school district or the governing 9152
board of any educational service center; 9153

(4) Public improvements undertaken by, or under contract for, 9154
a county hospital operated pursuant to Chapter 339. of the Revised 9155
Code or a municipal hospital operated pursuant to Chapter 749. of 9156
the Revised Code if none of the funds used in constructing the 9157
improvements are the proceeds of bonds or other obligations which 9158
are secured by the full faith and credit of the state, a county, a 9159
township, or a municipal corporation and none of the funds used in 9160
constructing the improvements, including funds used to repay any 9161
amounts borrowed to construct the improvements, are funds that 9162

have been appropriated for that purpose by the state, a board of
county commissioners, a township, or a municipal corporation from
funds generated by the levy of a tax; provided, however, that a
county hospital or municipal hospital may elect to apply sections
4115.03 to 4115.16 of the Revised Code to a public improvement
undertaken by, or under contract for, the hospital;

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e)
of section 176.05 of the Revised Code.

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 9194
by the governor, for the sum of fifty thousand dollars payable to 9195
the state, conditioned upon the faithful performance of the 9196
administrator's duties. 9197

(B) The administrator is responsible for the management of 9198
the bureau of workers' compensation and for the discharge of all 9199
administrative duties imposed upon the administrator in this 9200
chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised 9201
Code, and in the discharge thereof shall do all of the following: 9202

(1) Establish the overall administrative policy of the bureau 9203
for the purposes of this chapter and Chapters 4123., 4127., 4131., 9204
and 4167. of the Revised Code, and perform all acts and exercise 9205
all authorities and powers, discretionary and otherwise that are 9206
required of or vested in the bureau or any of its employees in 9207
this chapter and Chapters 4123., 4127., 4131., and 4167. of the 9208
Revised Code, except the acts and the exercise of authority and 9209
power that is required of and vested in the oversight commission 9210
or the industrial commission pursuant to those chapters. The 9211
treasurer of state shall honor all warrants signed by the 9212
administrator, or by one or more of the administrator's employees, 9213
authorized by the administrator in writing, or bearing the 9214
facsimile signature of the administrator or such employee under 9215
sections 4123.42 and 4123.44 of the Revised Code. 9216

(2) Employ, direct, and supervise all employees required in 9217
connection with the performance of the duties assigned to the 9218
bureau by this chapter and Chapters 4123., 4127., 4131., and 4167. 9219
of the Revised Code, and may establish job classification plans 9220
and compensation for all employees of the bureau provided that 9221
this grant of authority shall not be construed as affecting any 9222
employee for whom the state employment relations board has 9223
established an appropriate bargaining unit under section 4117.06 9224
of the Revised Code. All positions of employment in the bureau are 9225

in the classified civil service except those employees the 9226
administrator may appoint to serve at the administrator's pleasure 9227
in the unclassified civil service pursuant to section 124.11 of 9228
the Revised Code. The administrator shall fix the salaries of 9229
employees the administrator appoints to serve at the 9230
administrator's pleasure, including the chief operating officer, 9231
staff physicians, and other senior management personnel of the 9232
bureau and shall establish the compensation of staff attorneys of 9233
the bureau's legal section and their immediate supervisors, and 9234
take whatever steps are necessary to provide adequate compensation 9235
for other staff attorneys. 9236

The administrator may appoint a person ~~holding~~ who holds a 9237
certified position in the classified service within the bureau to 9238
~~any state a~~ position in the unclassified service of within the 9239
~~bureau of workers' compensation.~~ A person ~~so~~ appointed pursuant to 9240
this division to a position in the unclassified service shall 9241
retain the right to resume the position and status held by the 9242
person in the classified service immediately prior to the person's 9243
appointment in the unclassified service. ~~If the position the~~ 9244
~~person previously held has been filled or placed in the~~ 9245
~~unclassified service, or is otherwise unavailable, the person~~ 9246
~~shall be appointed to a position in the classified service within~~ 9247
~~the bureau that the department of administrative services~~ 9248
~~certifies is comparable in compensation to the position the person~~ 9249
~~previously held. Reinstatement, regardless of the number of~~ 9250
positions the person held in the unclassified service. An 9251
employee's right to resume a position in the classified service 9252
may only be exercised when the administrator demotes the employee 9253
to a pay range lower than the employee's current pay range or 9254
revokes the employee's appointment to the unclassified service. An 9255
employee forfeits the right to resume a position in the classified 9256
service when the employee is removed from the position in the 9257

unclassified service due to incompetence, inefficiency, 9258
dishonesty, drunkenness, immoral conduct, insubordination, 9259
discourteous treatment of the public, neglect of duty, violation 9260
of this chapter or Chapter 124., 4123., 4127., 4131., or 4167. of 9261
the Revised Code, violation of the rules of the director of 9262
administrative services or the administrator of workers' 9263
compensation, any other failure of good behavior, any other acts 9264
of misfeasance, malfeasance, or nonfeasance in office, or 9265
conviction of a felony. An employee also forfeits the right to 9266
resume a position in the classified service upon transfer to a 9267
different agency. 9268

Reinstatement to a position in the classified service shall 9269
be to a position substantially equal to that position in the 9270
classified service held previously, as certified by the department 9271
of administrative services. If the position the person previously 9272
held in the classified service has been placed in the unclassified 9273
service or is otherwise unavailable, the person shall be appointed 9274
to a position in the classified service within the bureau that the 9275
director of administrative services certifies is comparable in 9276
compensation to the position the person previously held in the 9277
classified service. Service in the position in the unclassified 9278
service shall be counted as service in the position in the 9279
classified service held by the person immediately prior to the 9280
person's appointment in the unclassified service. When a person is 9281
reinstated to a position in the classified service as provided in 9282
this ~~section~~ division, the person is entitled to all rights, 9283
status, and benefits accruing to the position during the person's 9284
time of service in the position in the unclassified service. 9285

(3) Reorganize the work of the bureau, its sections, 9286
departments, and offices to the extent necessary to achieve the 9287
most efficient performance of its functions and to that end may 9288
establish, change, or abolish positions and assign and reassign 9289

duties and responsibilities of every employee of the bureau. All 9290
persons employed by the commission in positions that, after 9291
November 3, 1989, are supervised and directed by the administrator 9292
under this section are transferred to the bureau in their 9293
respective classifications but subject to reassignment and 9294
reclassification of position and compensation as the administrator 9295
determines to be in the interest of efficient administration. The 9296
civil service status of any person employed by the commission is 9297
not affected by this section. Personnel employed by the bureau or 9298
the commission who are subject to Chapter 4117. of the Revised 9299
Code shall retain all of their rights and benefits conferred 9300
pursuant to that chapter as it presently exists or is hereafter 9301
amended and nothing in this chapter or Chapter 4123. of the 9302
Revised Code shall be construed as eliminating or interfering with 9303
Chapter 4117. of the Revised Code or the rights and benefits 9304
conferred under that chapter to public employees or to any 9305
bargaining unit. 9306

(4) Provide offices, equipment, supplies, and other 9307
facilities for the bureau. 9308

(5) Prepare and submit to the oversight commission 9309
information the administrator considers pertinent or the oversight 9310
commission requires, together with the administrator's 9311
recommendations, in the form of administrative rules, for the 9312
advice and consent of the oversight commission, for 9313
classifications of occupations or industries, for premium rates 9314
and contributions, for the amount to be credited to the surplus 9315
fund, for rules and systems of rating, rate revisions, and merit 9316
rating. The administrator shall obtain, prepare, and submit any 9317
other information the oversight commission requires for the prompt 9318
and efficient discharge of its duties. 9319

(6) Keep the accounts required by division (A) of section 9320
4123.34 of the Revised Code and all other accounts and records 9321

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 9354
transfer. 9355

(10) Separately from the budget the industrial commission 9356
submits, prepare and submit to the director of budget and 9357
management a budget for each biennium. The budget submitted shall 9358
include estimates of the costs and necessary expenditures of the 9359
bureau in the discharge of any duty imposed by law. 9360

(11) As promptly as possible in the course of efficient 9361
administration, decentralize and relocate such of the personnel 9362
and activities of the bureau as is appropriate to the end that the 9363
receipt, investigation, determination, and payment of claims may 9364
be undertaken at or near the place of injury or the residence of 9365
the claimant and for that purpose establish regional offices, in 9366
such places as the administrator considers proper, capable of 9367
discharging as many of the functions of the bureau as is 9368
practicable so as to promote prompt and efficient administration 9369
in the processing of claims. All active and inactive lost-time 9370
claims files shall be held at the service office responsible for 9371
the claim. A claimant, at the claimant's request, shall be 9372
provided with information by telephone as to the location of the 9373
file pertaining to the claimant's claim. The administrator shall 9374
ensure that all service office employees report directly to the 9375
director for their service office. 9376

(12) Provide a written binder on new coverage where the 9377
administrator considers it to be in the best interest of the risk. 9378
The administrator, or any other person authorized by the 9379
administrator, shall grant the binder upon submission of a request 9380
for coverage by the employer. A binder is effective for a period 9381
of thirty days from date of issuance and is nonrenewable. Payroll 9382
reports and premium charges shall coincide with the effective date 9383
of the binder. 9384

(13) Set standards for the reasonable and maximum handling 9385
time of claims payment functions, ensure, by rules, the impartial 9386
and prompt treatment of all claims and employer risk accounts, and 9387
establish a secure, accurate method of time stamping all incoming 9388
mail and documents hand delivered to bureau employees. 9389

(14) Ensure that all employees of the bureau follow the 9390
orders and rules of the commission as such orders and rules relate 9391
to the commission's overall adjudicatory policy-making and 9392
management duties under this chapter and Chapters 4123., 4127., 9393
and 4131. of the Revised Code. 9394

(15) Manage and operate a data processing system with a 9395
common data base for the use of both the bureau and the commission 9396
and, in consultation with the commission, using electronic data 9397
processing equipment, shall develop a claims tracking system that 9398
is sufficient to monitor the status of a claim at any time and 9399
that lists appeals that have been filed and orders or 9400
determinations that have been issued pursuant to section 4123.511 9401
or 4123.512 of the Revised Code, including the dates of such 9402
filings and issuances. 9403

(16) Establish and maintain a medical section within the 9404
bureau. The medical section shall do all of the following: 9405

(a) Assist the administrator in establishing standard medical 9406
fees, approving medical procedures, and determining eligibility 9407
and reasonableness of the compensation payments for medical, 9408
hospital, and nursing services, and in establishing guidelines for 9409
payment policies which recognize usual, customary, and reasonable 9410
methods of payment for covered services; 9411

(b) Provide a resource to respond to questions from claims 9412
examiners for employees of the bureau; 9413

(c) Audit fee bill payments; 9414

(d) Implement a program to utilize, to the maximum extent possible, electronic data processing equipment for storage of information to facilitate authorizations of compensation payments for medical, hospital, drug, and nursing services;

(e) Perform other duties assigned to it by the administrator.

(17) Appoint, as the administrator determines necessary, panels to review and advise the administrator on disputes arising over a determination that a health care service or supply provided to a claimant is not covered under this chapter or Chapter 4123. of the Revised Code or is medically unnecessary. If an individual health care provider is involved in the dispute, the panel shall consist of individuals licensed pursuant to the same section of the Revised Code as such health care provider.

(18) Pursuant to section 4123.65 of the Revised Code, approve applications for the final settlement of claims for compensation or benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as the administrator determines appropriate, except in regard to the applications of self-insuring employers and their employees.

(19) Comply with section 3517.13 of the Revised Code, and except in regard to contracts entered into pursuant to the authority contained in section 4121.44 of the Revised Code, comply with the competitive bidding procedures set forth in the Revised Code for all contracts into which the administrator enters provided that those contracts fall within the type of contracts and dollar amounts specified in the Revised Code for competitive bidding and further provided that those contracts are not otherwise specifically exempt from the competitive bidding procedures contained in the Revised Code.

(20) Adopt, with the advice and consent of the oversight commission, rules for the operation of the bureau.

(21) Prepare and submit to the oversight commission 9446
information the administrator considers pertinent or the oversight 9447
commission requires, together with the administrator's 9448
recommendations, in the form of administrative rules, for the 9449
advice and consent of the oversight commission, for the health 9450
partnership program and the qualified health plan system, as 9451
provided in sections 4121.44, 4121.441, and 4121.442 of the 9452
Revised Code. 9453

(C) The administrator, with the advice and consent of the 9454
senate, shall appoint a chief operating officer who has 9455
significant experience in the field of workers' compensation 9456
insurance or other similar insurance industry experience if the 9457
administrator does not possess such experience. The chief 9458
operating officer shall not commence the chief operating officer's 9459
duties until after the senate consents to the chief operating 9460
officer's appointment. The chief operating officer shall serve in 9461
the unclassified civil service of the state. 9462

Sec. 4503.068. On or before the second Monday in September of 9463
each year, the county treasurer shall total the amount by which 9464
the taxes levied in that year were reduced pursuant to section 9465
4503.067 of the Revised Code, and certify that amount to the tax 9466
commissioner. Within ninety days of the receipt of the 9467
certification, the commissioner shall certify that amount to the 9468
~~auditor~~ director of ~~state budget and management~~ and the ~~auditor~~ 9469
director shall make two payments from the general revenue fund in 9470
favor of the county treasurer. One shall be in the full amount by 9471
which taxes were reduced. The other shall be in an amount equal to 9472
two per cent of such amount and shall be a payment to the county 9473
auditor and county treasurer for the costs of administering 9474
sections 4503.064 to 4503.069 of the Revised Code. 9475

Immediately upon receipt of the payment in the full amount by 9476

which taxes were reduced, the full amount of the payment shall be 9477
distributed among the taxing districts in the county as though it 9478
had been received as taxes under section 4503.06 of the Revised 9479
Code from each person for whom taxes were reduced under sections 9480
4503.064 to 4503.069 of the Revised Code. 9481

Sec. 4710.02. (A) Subject to division (C) of this section, a 9482
person engaged in debt adjusting shall do ~~both~~ all of the 9483
following: 9484

(1) Unless specifically instructed otherwise by a debtor, 9485
disburse to the appropriate creditors all funds received from the 9486
debtor, less any contributions not prohibited by division (B) of 9487
this section, within thirty days of receipt of the funds from the 9488
debtor; 9489

(2) Maintain a separate trust account for the receipt of any 9490
funds from debtors and the disbursement of the funds to creditors 9491
on behalf of the debtors; 9492

(3) Charge or accept only reasonable fees or contributions in 9493
accordance with division (B) of this section; 9494

(4) Establish and implement a policy that allows for the 9495
waiver or discontinuation of fees or contributions not prohibited 9496
by division (B) of this section if the debtor is unable to pay 9497
such fees or contributions. 9498

(B) If fees or contributions for engaging in providing debt 9499
adjusting services are charged or accepted, directly or 9500
indirectly, no person providing or engaged in debt adjusting shall 9501
do any of the following: 9502

(1) ~~Accept a~~ Charge or accept a fee or contribution exceeding 9503
seventy-five dollars from a debtor residing in this state for an 9504
initial consultation or initial set up of a debt management plan 9505
or similar plan; 9506

(2) ~~Accept a~~ Charge or accept consultation ~~contribution fees~~ 9507
or contributions exceeding one hundred dollars per calendar year 9508
from a debtor residing in this state; 9509

(3) ~~Accept~~ Charge or accept a periodic fee or contribution 9510
from a debtor residing in this state for administering a debt 9511
management plan or similar plan, which fee or contribution exceeds 9512
eight and one-half per cent of the amount paid by the debtor each 9513
month for distribution to the debtor's creditors or thirty 9514
dollars, whichever is greater. 9515

(C) Division (A) or (B) of this section does not prohibit a 9516
person engaged in debt adjusting for a debtor who is residing in 9517
this state from charging the debtor a reasonable fee for 9518
insufficient funds transactions that is in addition to fees or 9519
contributions not prohibited by division (B) of this section. 9520

(D) Any person that engages in debt adjusting, annually, 9521
shall arrange for and undergo an audit conducted by an 9522
independent, third party, certified public accountant of the 9523
person's business, including any trust funds deposited and 9524
distributed to creditors on behalf of debtors. Both of the 9525
following apply to an audit described in this division: 9526

(1) The person shall file the results of the audit and the 9527
auditor's opinion with the consumer protection division of the 9528
attorney general. 9529

(2) The attorney general shall make available a summary of 9530
the results of the audit and the auditor's opinion upon written 9531
request of a person and payment of a fee not exceeding the cost of 9532
copying the summary and opinion. 9533

(E) A person engaged in debt adjusting shall obtain and 9534
maintain at all times insurance coverage for employee dishonesty, 9535
depositor's forgery, and computer fraud in the amount of ten per 9536
cent of the monthly average for the immediate preceding six months 9537

of the aggregate amount of all deposits made with the person by 9538
all debtors. The insurance coverage shall comply with all of the 9539
following: 9540

(1) The insurance coverage is not less than one hundred 9541
thousand dollars. 9542

(2) The insurance coverage includes a deductible that does 9543
not exceed ten per cent of the face amount of the policy coverage. 9544

(3) The insurance coverage is issued by an insurer rated at 9545
least A- or its equivalent by a nationally recognized rating 9546
organization. 9547

(4) The insurance coverage provides that thirty days advance 9548
written notice be given to the consumer protection division of the 9549
attorney general before coverage is terminated. 9550

(F)(1) No person engaged in debt adjusting shall fail to 9551
comply with division (A) of this section or shall violate division 9552
(B) of this section. 9553

(2) No person engaged in debt adjusting shall fail to comply 9554
with divisions (D) and (E) of this section. 9555

Sec. 4728.03. (A) As used in this section, "experience and 9556
fitness in the capacity involved" means that the applicant for a 9557
precious metals dealer's license has had sufficient financial 9558
responsibility, reputation, and experience in the business of 9559
precious metals dealer, or a related business, to act as a 9560
precious metals dealer in compliance with this chapter. 9561

(B)(1) The division of financial institutions in the 9562
department of commerce may grant a precious metals dealer's 9563
license to any person of good character, having experience and 9564
fitness in the capacity involved, who demonstrates a net worth of 9565
at least ten thousand dollars and the ability to maintain that net 9566
worth during the licensure period. The superintendent of financial 9567

institutions shall compute the applicant's net worth according to 9568
generally accepted accounting principles. 9569

(2) In place of the demonstration of net worth required by 9570
division (B)(1) of this section, an applicant may obtain a surety 9571
bond issued by a surety company authorized to do business in this 9572
state if all of the following conditions are met: 9573

(a) A copy of the surety bond is filed with the division; 9574

(b) The bond is in favor of any person, and of the state for 9575
the benefit of any person, injured by any violation of this 9576
chapter; 9577

(c) The bond is in the amount of not less than ten thousand 9578
dollars. 9579

(3) Before granting a license under this division, the 9580
division shall determine that the applicant meets the requirements 9581
of division (B)(1) or (2) of this section. 9582

(C) The division shall require an applicant for a precious 9583
metals dealer's license to pay to the division a nonrefundable, 9584
initial investigation fee of two hundred dollars which shall be 9585
for the exclusive use of the state. The license fee for a precious 9586
metals dealer's license and the renewal fee shall be determined by 9587
the superintendent, provided that the fee may not exceed three 9588
hundred dollars. A license issued by the division shall expire on 9589
the last day of June next following the date of its issuance. 9590
Fifty per cent of license fees shall be for the use of the state, 9591
and fifty per cent shall be paid to the municipal corporation, or 9592
if outside the limits of any municipal corporation, to the county 9593
in which the office of the licensee is located. All portions of 9594
license fees payable to municipal corporations or counties shall 9595
be paid as they accrue, by the treasurer of state, on vouchers 9596
issued by the ~~auditor~~ director of ~~state~~ budget and management. 9597

(D) Every such license shall be renewed annually by the last 9598
day of June according to the standard renewal procedure of 9599
~~sections~~ Chapter 4745. of the Revised Code. No license shall be 9600
granted to any person not a resident of or the principal office of 9601
which is not located in the municipal corporation or county 9602
designated in such license, unless, and until such applicant 9603
shall, in writing and in due form, to be first approved by and 9604
filed with the division, appoint an agent, a resident of the 9605
state, and city or county where the office is to be located, upon 9606
whom all judicial and other process, or legal notice, directed to 9607
the applicant may be served; and in case of the death, removal 9608
from the state, or any legal disability or any disqualification of 9609
any agent, service of process or notice may be made upon the 9610
superintendent. 9611

(E) The division may, pursuant to Chapter 119. of the Revised 9612
Code, upon notice to the licensee and after giving the licensee 9613
reasonable opportunity to be heard, revoke or suspend any license, 9614
if the licensee or the licensee's officers, agents, or employees 9615
violate this chapter. Whenever, for any cause, the license is 9616
revoked or suspended, the division shall not issue another license 9617
to the licensee nor to the husband or wife of the licensee, nor to 9618
any copartnership or corporation of which the licensee is an 9619
officer, nor to any person employed by the licensee, until the 9620
expiration of at least one year from the date of revocation of the 9621
license. 9622

(F) In conducting an investigation to determine whether an 9623
applicant satisfies the requirements for licensure under this 9624
section, the superintendent may request that the superintendent of 9625
the bureau of criminal identification and investigation 9626
investigate and determine whether the bureau has procured any 9627
information pursuant to section 109.57 of the Revised Code 9628
pertaining to the applicant. 9629

If the superintendent of financial institutions determines 9630
that conducting an investigation to determine whether an applicant 9631
satisfies the requirements for licensure under this section will 9632
require procuring information outside the state, then, in addition 9633
to the fee established under division (C) of this section, the 9634
superintendent may require the applicant to pay any of the actual 9635
expenses incurred by the division to conduct such an 9636
investigation, provided that the superintendent shall assess the 9637
applicant a total no greater than one thousand dollars for such 9638
expenses. The superintendent may require the applicant to pay in 9639
advance of the investigation, sufficient funds to cover the 9640
estimated cost of the actual expenses. If the superintendent 9641
requires the applicant to pay investigation expenses, the 9642
superintendent shall provide to the applicant an itemized 9643
statement of the actual expenses incurred by the division to 9644
conduct the investigation. 9645

(G)(1) Except as otherwise provided in division (G)(2) of 9646
this ~~sections~~ section a precious metals dealer licensed under this 9647
section shall maintain a net worth of at least ten thousand 9648
dollars, computed as required under division (B)(1) of this 9649
section, for as long as the licensee holds a valid precious metals 9650
dealer's license issued pursuant to this section. 9651

(2) A licensee who obtains a surety bond under division 9652
(B)(2) of this section is exempt from the requirement of division 9653
(G)(1) of this section, but shall maintain the bond for at least 9654
two years after the date on which the licensee ceases to conduct 9655
business in this state. 9656

Sec. 4733.14. The state board of registration for 9657
professional engineers and surveyors shall, upon payment of the 9658
registration fee, register and issue a certificate showing initial 9659
registration of an applicant who, in the opinion of the board, has 9660

satisfactorily met all the requirements of this chapter. In the 9661
case of a registered professional engineer, the certificate shall 9662
authorize the practice of "professional engineering," and in the 9663
case of a registered professional surveyor, the certificate shall 9664
authorize the practice of "professional surveying." Certificates 9665
of registration shall show the full name of the registrant, shall 9666
have a serial number, and shall be signed by the chairperson and 9667
the secretary of the board under seal of the board. 9668

Registration by the board shall be evidence that the person 9669
named therein is entitled to all the rights and privileges of a 9670
registered professional engineer, or of a registered professional 9671
surveyor, while the registration remains unrevoked or unexpired. 9672

Each registrant may, upon completing registration, obtain a 9673
seal of the design authorized by the board, bearing the 9674
registrant's name and the legend, "registered professional 9675
engineer," or "registered professional surveyor," provided, 9676
however, that any registered surveyor's seal obtained prior to the 9677
amendment of this section effective April 4, 1985, 140 Ohio Laws 9678
4092, shall remain as a legal seal for any registrant who was 9679
registered as a "registered surveyor." Plans, specifications, 9680
plats, reports, and all other engineering or surveying work 9681
products issued by a registrant shall be stamped with the seal ~~or~~ 9682
~~bear a computer generated seal in accordance with this section,~~ 9683
and be signed and dated by the registrant or bear a 9684
computer-generated seal and electronic signature and date, but no 9685
person shall stamp, seal, or sign any documents after the 9686
registration of the registrant named thereon has expired or the 9687
registration has been revoked or suspended, unless the 9688
registration has been renewed or reissued. 9689

~~Except when documents are transmitted electronically to~~ 9690
~~clients or to governmental agencies, computer generated seals may~~ 9691

~~be used on final original drawings on the condition that a
handwritten signature and date is placed adjacent to or across the
seal. Plans, specifications, plats, reports, and all other
engineering or surveying work products that are transmitted
electronically to a client or a governmental agency shall have the
computer generated seal removed from the electronic file before
transmittal. An electronic transmission with no computer generated
seal shall have the following inserted in place of the signature
and date: "This document was originally issued by
..... (name of registrant) on (date).
This document is not considered a sealed document."~~

Sec. 4763.03. (A) In addition to any other duties imposed on
the real estate appraiser board under this chapter, the board
shall:

(1) Adopt rules, in accordance with Chapter 119. of the
Revised Code, in furtherance of this chapter, including, but not
limited to, all of the following:

(a) Defining, with respect to state-certified general real
estate appraisers, state-certified residential real estate
appraisers, and state-licensed residential real estate appraisers,
the type of educational experience, appraisal experience, and
other equivalent experience that satisfy the requirements of this
chapter. The rules shall require that all appraisal experience
performed after January 1, 1996, meet the uniform standards of
professional practice established by the appraisal foundation.

(b) Establishing the examination specifications for
state-certified general real estate appraisers, state-certified
residential real estate appraisers, and state-licensed residential
real estate appraisers;

(c) Relating to disciplinary proceedings conducted in

accordance with section 4763.11 of the Revised Code, including 9722
rules governing the reinstatement of certificates, registrations, 9723
and licenses that have been suspended pursuant to those 9724
proceedings; 9725

(d) Identifying any additional information to be included on 9726
the forms specified in division (C) of section 4763.12 of the 9727
Revised Code, provided that the rules shall not require any less 9728
information than is required in that division; 9729

(e) Establishing the fees set forth in section 4763.09 of the 9730
Revised Code; 9731

(f) Establishing the amount of the assessment required by 9732
division (A)(2) of section 4763.05 of the Revised Code. The board 9733
annually shall determine the amount due from each applicant for an 9734
initial certificate, registration, and license in an amount that 9735
will maintain the real estate appraiser recovery fund at the level 9736
specified in division (A) of section 4763.16 of the Revised Code. 9737
The board may, if the fund falls below that amount, require 9738
current certificate holders, registrants, and licensees to pay an 9739
additional assessment. 9740

(g) ~~Defining, with respect to state registered real estate~~ 9741
~~appraiser assistants, the educational and experience requirements~~ 9742
~~of pursuant to~~ division (C)(1)(d) of section 4763.05 of the 9743
Revised Code; 9744

(h) Establishing a real estate appraiser assistant program 9745
for the registration of real estate appraiser assistants. 9746

(2) ~~Provide or procure appropriate examination questions and~~ 9747
~~answers for~~ Prescribe by rule the requirements for the 9748
examinations required by division (D) of section 4763.05 of the 9749
Revised Code, ~~and establish the criteria for successful completion~~ 9750
~~of those examinations;~~ 9751

(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;	9752 9753 9754
(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;	9755 9756 9757
(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;	9758 9759 9760
(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.	9761 9762 9763 9764
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	9765 9766 9767
(1) Prescribe the form and content of all applications required by this chapter;	9768 9769
(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;	9770 9771 9772 9773
(3) Retain records and all application materials submitted to the superintendent;	9774 9775
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	9776 9777 9778
(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;	9779 9780 9781

(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	9782 9783
(7) Administer this chapter;	9784
(8) Issue all orders necessary to implement this chapter;	9785
(9) Investigate complaints, upon the superintendent's own 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;	9786 9787 9788 9789 9790 9791
(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.	9792 9793 9794 9795 9796 9797 9798 9799 9800 9801 9802
(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;	9803 9804 9805 9806
(12) Administer the real estate appraiser recovery fund;	9807
(13) Conduct the examinations required by division (D) of section 4763.05 of the Revised Code at least four times per year.	9808 9809
(C) The superintendent may do all of the following:	9810
(1) In connection with investigations and audits under	9811

division (B) of this section, subpoena witnesses as provided in 9812
section 4763.04 of the Revised Code; 9813

(2) Apply to the appropriate court to enjoin any violation of 9814
this chapter. Upon a showing by the superintendent that any person 9815
has violated or is about to violate this chapter, the court shall 9816
grant an injunction, restraining order, or other appropriate 9817
relief, or any combination thereof. 9818

(D) All information that is obtained by investigators and 9819
auditors performing investigations or conducting inspections, 9820
audits, and other inquiries pursuant to division (B)(10) of this 9821
section, from certificate holders, registrants, licensees, 9822
complainants, or other persons, and all reports, documents, and 9823
other work products that arise from that information and that are 9824
prepared by the investigators, auditors, or other personnel of the 9825
department of commerce, shall be held in confidence by the 9826
superintendent, the investigators and auditors, and other 9827
personnel of the department. 9828

(E) This section does not prevent the division of real estate 9829
and professional licensing from releasing information relating to 9830
certificate holders, registrants, and licensees to the 9831
superintendent of financial institutions for purposes relating to 9832
the administration of sections 1322.01 to 1322.12 of the Revised 9833
Code, to the superintendent of insurance for purposes relating to 9834
the administration of Chapter 3953. of the Revised Code, to the 9835
attorney general, or to local law enforcement agencies and local 9836
prosecutors. Information released by the division pursuant to this 9837
section remains confidential. 9838

(F) Any rule the board adopts shall not exceed the 9839
requirements specified in federal law or regulations. 9840

Sec. 4763.05. (A)(1)(a) A person shall make application for 9841

an initial state-certified general real estate appraiser 9842
certificate, an initial state-certified residential real estate 9843
appraiser certificate, an initial state-licensed residential real 9844
estate appraiser license, or an initial state-registered real 9845
estate appraiser assistant registration in writing to the 9846
superintendent of real estate on a form the superintendent 9847
prescribes. The application shall include the address of the 9848
applicant's principal place of business and all other addresses at 9849
which the applicant currently engages in the business of preparing 9850
real estate appraisals and the address of the applicant's current 9851
residence. The superintendent shall retain the applicant's current 9852
residence address in a separate record which shall not constitute 9853
a public record for purposes of section 149.03 of the Revised 9854
Code. The application shall indicate whether the applicant seeks 9855
certification as a general real estate appraiser or as a 9856
residential real estate appraiser, licensure as a residential real 9857
estate appraiser, or registration as a real estate appraiser 9858
assistant and be accompanied by the prescribed examination and 9859
certification, registration, or licensure fees set forth in 9860
section 4763.09 of the Revised Code. The application also shall 9861
include a fingerprint of the applicant; a pledge, signed by the 9862
applicant, that the applicant will comply with the standards set 9863
forth in this chapter; and a statement that the applicant 9864
understands the types of misconduct for which disciplinary 9865
proceedings may be initiated against the applicant pursuant to 9866
this chapter. 9867

(b) Upon the filing of an application and payment of any 9868
examination and certification, registration, or licensure fees, 9869
the superintendent of real estate shall request the superintendent 9870
of the bureau of criminal identification and investigation, or a 9871
vendor approved by the bureau, to conduct a criminal records check 9872
based on the applicant's fingerprints in accordance with division 9873
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 9874

division (J) of section 121.08 of the Revised Code, the 9875
superintendent of real estate shall request that criminal record 9876
information from the federal bureau of investigation be obtained 9877
as part of the criminal records check. Any fee required under 9878
division (C)(3) of section 109.572 of the Revised Code shall be 9879
paid by the applicant. 9880

(2) For purposes of providing funding for the real estate 9881
appraiser recovery fund established by section 4763.16 of the 9882
Revised Code, the real estate appraiser board shall levy an 9883
assessment against each person issued an initial certificate, 9884
registration, or license and against current licensees, 9885
registrants, and certificate holders, as required by board rule. 9886
The assessment is in addition to the application and examination 9887
fees for initial applicants required by division (A)(1) of this 9888
section and the renewal fees required for current certificate 9889
holders, registrants, and licensees. The superintendent of real 9890
estate shall deposit the assessment into the state treasury to the 9891
credit of the real estate appraiser recovery fund. The assessment 9892
for initial certificate holders, registrants, and licensees shall 9893
be paid prior to the issuance of a certificate, registration, or 9894
license, and for current certificate holders, registrants, and 9895
licensees, at the time of renewal. 9896

(B) An applicant for an initial general real estate appraiser 9897
certificate, residential real estate appraiser certificate, or 9898
residential real estate appraiser license shall possess ~~at least~~ 9899
~~thirty months~~ of experience in real estate appraisal, ~~or any~~ 9900
~~equivalent~~ experience the board prescribes. An applicant for a 9901
~~residential real estate appraiser certificate or residential real~~ 9902
~~estate appraiser license shall possess at least two years of~~ 9903
~~experience in real estate appraisal, or any equivalent experience~~ 9904
as the board prescribes by rule. In addition to any other 9905
information required by the board, the applicant shall furnish, 9906

under oath, a detailed listing of the appraisal reports or file 9907
memoranda for each year for which experience is claimed and, upon 9908
request of the superintendent or the board, shall make available 9909
for examination a sample of the appraisal reports prepared by the 9910
applicant in the course of the applicant's practice. 9911

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 9912
~~an~~ An applicant for an initial certificate, registration, or 9913
license shall be at least eighteen years of age, honest, truthful, 9914
and of good reputation and shall present satisfactory evidence to 9915
the superintendent ~~of the following, as appropriate:~~ 9916

~~(a) If the applicant is seeking a state certified general~~ 9917
~~real estate appraiser certificate, that the applicant has~~ 9918
~~successfully completed at least one hundred sixty five classroom~~ 9919
~~hours of courses in subjects related to real estate appraisal,~~ 9920
~~including at least one course devoted exclusively to federal,~~ 9921
~~state, and municipal fair housing law, presented by a nationally~~ 9922
~~recognized appraisal organization, an institution of higher~~ 9923
~~education, a career school registered by the state board of career~~ 9924
~~colleges and schools, a state or federal commission or agency, or~~ 9925
~~any other organization that represents the interests of financial~~ 9926
~~institutions or real estate brokers, appraisers, or agents and~~ 9927
~~that provides appraisal education, plus fifteen classroom hours~~ 9928
~~related to standards of professional practice and the provisions~~ 9929
~~of this chapter;~~ 9930

~~(b) If the applicant is seeking a state certified residential~~ 9931
~~real estate appraiser certificate, that the applicant has~~ 9932
~~successfully completed at least one hundred five classroom hours~~ 9933
~~of courses in subjects related to real estate appraisal, including~~ 9934
~~at least one course devoted exclusively to federal, state, and~~ 9935
~~municipal fair housing law, presented by a nationally recognized~~ 9936
~~appraisal organization, an institution of higher education, a~~ 9937
~~career school registered by the state board of career colleges and~~ 9938

~~schools, 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;~~

~~(c) If the applicant is seeking a state licensed residential
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;	10003
	10004
	10005
(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 certification or licensure for which the applicant has applied;	10006
	10007
	10008
	10009
(5) Knowledge of other principles and procedures as appropriate for the certification or license;	10010
	10011
(6) Basic understanding of real estate law;	10012
(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certificate holder and licensee <u>The board shall prescribe the examination requirements by rule.</u>	10013
	10014
	10015
	10016
(E)(1) A nonresident, natural person of this state who has complied with this section may obtain a certificate, registration, or license. The board shall adopt rules relating to the certification, registration, and licensure of a nonresident applicant whose state of residence the board determines to have certification, registration, or licensure requirements that are substantially similar to those set forth in this chapter and the rules adopted thereunder.	10017
	10018
	10019
	10020
	10021
	10022
	10023
	10024
(2) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:	10025
	10026
	10027
	10028
(a) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.	10029
	10030
(b) The appraiser's business in this state is of a temporary nature.	10031
	10032

(c) The appraiser registers with the board pursuant to this 10033
division. 10034

An appraiser who is certified or licensed in another state 10035
shall register with the board for temporary practice before 10036
performing an appraisal assignment in this state in connection 10037
with a federally related transaction. 10038

The board shall adopt rules relating to registration for the 10039
temporary recognition of certification and licensure of appraisers 10040
from another state. The registration for temporary recognition of 10041
certified or licensed appraisers from another state shall not 10042
authorize completion of more than one appraisal assignment in this 10043
state. The board shall not issue more than two registrations for 10044
temporary practice to any one applicant in any calendar year. 10045

(3) In addition to any other information required to be 10046
submitted with the nonresident applicant's or appraiser's 10047
application for a certificate, registration, license, or temporary 10048
recognition of a certificate or license, each nonresident 10049
applicant or appraiser shall submit a statement consenting to the 10050
service of process upon the nonresident applicant or appraiser by 10051
means of delivering that process to the secretary of state if, in 10052
an action against the applicant, certificate holder, registrant, 10053
or licensee arising from the applicant's, certificate holder's, 10054
registrant's, or licensee's activities as a certificate holder, 10055
registrant, or licensee, the plaintiff, in the exercise of due 10056
diligence, cannot effect personal service upon the applicant, 10057
certificate holder, registrant, or licensee. 10058

(F) The superintendent shall not issue a certificate, 10059
registration, or license to, or recognize on a temporary basis an 10060
appraiser from another state that is a corporation, partnership, 10061
or association. This prohibition shall not be construed to prevent 10062
a certificate holder or licensee from signing an appraisal report 10063

on behalf of a corporation, partnership, or association. 10064

(G) Every person licensed, registered, or certified under 10065
this chapter shall notify the superintendent, on a form provided 10066
by the superintendent, of a change in the address of the 10067
licensee's, registrant's, or certificate holder's principal place 10068
of business or residence within thirty days of the change. If a 10069
licensee's, registrant's, or certificate holder's license, 10070
registration, or certificate is revoked or not renewed, the 10071
licensee, registrant, or certificate holder immediately shall 10072
return the annual and any renewal certificate, registration, or 10073
license to the superintendent. 10074

(H)(1) The superintendent shall not issue a certificate, 10075
registration, or license to any person, or recognize on a 10076
temporary basis an appraiser from another state, who does not meet 10077
applicable minimum criteria for state certification, registration, 10078
or licensure prescribed by federal law or rule. 10079

(2) The superintendent shall not issue a general real estate 10080
appraiser certificate, residential real estate appraiser 10081
certificate, residential real estate appraiser license, or real 10082
estate appraiser assistant registration to any person who has been 10083
convicted of or pleaded guilty to any criminal offense involving 10084
theft, receiving stolen property, embezzlement, forgery, fraud, 10085
passing bad checks, money laundering, or drug trafficking, or any 10086
criminal offense involving money or securities, including a 10087
violation of an existing or former law of this state, any other 10088
state, or the United States that substantially is equivalent to 10089
such an offense. However, if the applicant has pleaded guilty to 10090
or been convicted of such an offense, the superintendent shall not 10091
consider the offense if the applicant has proven to the 10092
superintendent, by a preponderance of the evidence, that the 10093
applicant's activities and employment record since the conviction 10094
show that the applicant is honest, truthful, and of good 10095

reputation, and there is no basis in fact for believing that the
applicant will commit such an offense again.

10096
10097

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
renewal fee set forth in section 4763.09 of the Revised Code and
any amount assessed pursuant to division (A)(2) of section 4763.05
of the Revised Code to the superintendent of real estate. The
renewal application shall include a statement, signed by the
certificate holder, registrant, or licensee, that the certificate
holder, registrant, or licensee has not, during the immediately
preceding twelve-month period, been convicted of or pleaded guilty
to any criminal offense described in division (H)(2) of section
4763.05 of the Revised Code. The certificate holder, registrant,
or licensee shall file the renewal application at least thirty
days, but no earlier than one hundred twenty days, prior to
expiration of the certificate holder's, registrant's, or
licensee's current certificate, registration, or license. ~~A
certificate holder or licensee who applies for a renewal
certificate or license who, pursuant to division (C)(2) of section
4763.05 of the Revised Code, was exempted from the educational
requirements of division (C)(1) of that section during the term of
the initial certificate or license, as a condition of renewal,
also shall present satisfactory evidence of having completed the
appropriate educational requirements of either division (C)(1)(a)
or (b) of that section since the effective date of the initial
certificate or license.~~

10098
10099
10100
10101
10102
10103
10104
10105
10106
10107
10108
10109
10110
10111
10112
10113
10114
10115
10116
10117
10118
10119
10120
10121
10122

(B) A certificate holder, registrant, or licensee who fails
to renew a certificate, registration, or license prior to its
expiration is ineligible to obtain a renewal certificate,
registration, or license and shall comply with section 4763.05 of

10123
10124
10125
10126

the Revised Code in order to regain certification or licensure, 10127
except that a certificate holder, registrant, or licensee may, 10128
within three months after the expiration of the certificate 10129
holder's, registrant's, or licensee's certificate, registration, 10130
or license, renew the certificate, registration, or license 10131
without having to comply with section 4763.05 of the Revised Code 10132
by payment of all fees for renewal and payment of the late filing 10133
fee set forth in section 4763.09 of the Revised Code. A 10134
certificate holder, registrant, or licensee who applies for late 10135
renewal of the certificate holder's, registrant's, or licensee's 10136
certificate, registration, or license may engage in all activities 10137
permitted by the certification, registration, or license being 10138
renewed for the three-month period following the certificate's, 10139
registration's, or license's normal expiration date. 10140

Sec. 4919.76. The public utilities commission ~~of Ohio~~ shall 10141
adopt rules applicable to motor carrier registration ~~under the~~ 10142
~~single state insurance registration program. The rules shall be~~ 10143
consistent with and equivalent in scope, coverage, and content to 10144
the registration rules specified by the federal motor carrier 10145
safety administration or interstate commerce commission ~~in~~ 10146
~~accordance with the "Intermodal Surface Transportation Efficiency~~ 10147
~~Act of 1991," 105 Stat. 2146, 49 U.S.C.A. 11506, whichever is~~ 10148
applicable. 10149

Sec. 5107.12. An assistance group seeking to participate in 10150
the Ohio works first program shall apply to a county department of 10151
job and family services using an application containing 10152
information the director of job and family services requires 10153
pursuant to rules adopted under section 5107.05 of the Revised 10154
Code and any additional information the county department 10155
requires. If cash assistance under the program is to be paid by 10156
the ~~auditor~~ director of ~~state~~ budget and management through the 10157

medium of direct deposit as provided by section 329.03 of the 10158
Revised Code, the application shall be accompanied by information 10159
the ~~auditor~~ director needs to make direct deposits. 10160

When a county department receives an application for 10161
participation in Ohio works first, it shall promptly make an 10162
investigation and record of the circumstances of the applicant in 10163
order to ascertain the facts surrounding the application and to 10164
obtain such other information as may be required. Upon the 10165
completion of the investigation, the county department shall 10166
determine whether the applicant is eligible to participate, the 10167
amount of cash assistance the applicant should receive, and the 10168
approximate date when participation shall begin. The amount of 10169
cash assistance so determined shall be certified to the department 10170
of job and family services in such form as the department shall 10171
prescribe. Warrants, direct deposits, or debit cards shall be 10172
delivered or made payable in the manner the department may 10173
prescribe. 10174

To the extent required by rules adopted under section 5107.05 10175
of the Revised Code, a participant of Ohio works first shall 10176
notify the county department immediately upon the receipt or 10177
possession of additional income not previously reported to the 10178
county department. Any failure to so notify a county department 10179
shall be regarded as prima-facie evidence of an intent to defraud. 10180

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8817 of 10181
the Revised Code: 10182

"Administrative agency" means the department of job and 10183
family services or, if the department assigns the day-to-day 10184
administration of the ICF/MR conversion pilot program to the 10185
department of mental retardation and developmental disabilities 10186
pursuant to section 5111.887 of the Revised Code, the department 10187
of mental retardation and developmental disabilities. 10188

"ICF/MR conversion pilot program" means the medicaid waiver component authorized by a waiver sought under division (B)(1) of this section. 10189
10190
10191

"ICF/MR services" means intermediate care facility for the 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. 10192
10193
10194
10195
10196
10197

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 10198
10199

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 10200
10201

(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: 10202
10203
10204
10205
10206
10207

(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; 10208
10209
10210
10211
10212
10213
10214
10215
10216
10217

(2) An amendment to the state medicaid plan to authorize the director, beginning on the first day that the ICF/MR conversion 10218
10219

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 10251
deposit of disability financial assistance payments that it does 10252
not charge all customers for similar services. 10253

Sec. 5119.071. ~~Any~~ An appointing ~~officer~~ authority may 10254
appoint a person ~~holding~~ who holds a certified position in the 10255
classified service ~~of~~ within the department of mental health to 10256
~~any~~ a position in the unclassified service ~~of~~ within the 10257
department. A person ~~se~~ appointed pursuant to this section to a 10258
position in the unclassified service shall retain the right to 10259
resume the position and status held by ~~him~~ the person in the 10260
classified service immediately prior to ~~his~~ the person's 10261
appointment. ~~If the position the person previously held has been~~ 10262
~~placed in the unclassified service under this section, he shall be~~ 10263
~~appointed to a position in the classified service that the~~ 10264
~~director of administrative services certifies is comparable in~~ 10265
~~compensation to the position the person previously held.~~ 10266
Reinstatement to the position in the unclassified service, 10267
regardless of the number of positions the person held in the 10268
unclassified service. An employee's right to resume a position in 10269
the classified service may only be exercised when an appointing 10270
authority demotes the employee to a pay range lower than the 10271
employee's current pay range or revokes the employee's appointment 10272
to the unclassified service. An employee forfeits the right to 10273
resume a position in the classified service when the employee is 10274
removed from the position in the unclassified service due to 10275
incompetence, inefficiency, dishonesty, drunkenness, immoral 10276
conduct, insubordination, discourteous treatment of the public, 10277
neglect of duty, violation of this chapter or Chapter 124. of the 10278
Revised Code, violation of the rules of the director of 10279
administrative services or the director of mental health, any 10280
other failure of good behavior, any other acts of misfeasance, 10281
malfeasance, or nonfeasance in office, or conviction of a felony. 10282

An employee also forfeits the right to resume a position in the 10283
classified service upon transfer to a different agency. 10284

Reinstatement to a position in the classified service shall 10285
be to a position substantially equal to that position in the 10286
classified service held previously, as certified by the director 10287
of administrative services. If the position the person previously 10288
held in the classified service has been placed in the unclassified 10289
service or is otherwise unavailable, the person shall be appointed 10290
to a position in the classified service within the department that 10291
the director of administrative services certifies is comparable in 10292
compensation to the position the person previously held in the 10293
classified service. Service in the position in the unclassified 10294
service shall be counted as service in the position in the 10295
classified service held by the person immediately prior to ~~his~~ the 10296
person's appointment to the position in the unclassified service. 10297
When a person is reinstated to a position in the classified 10298
service as provided in this section, ~~he~~ the person is entitled to 10299
all rights, status, and ~~emoluments~~ benefits accruing to the 10300
position in the classified service during the person's time of ~~his~~ 10301
service in the position in the unclassified service. 10302

Sec. 5119.611. (A) ~~A board of alcohol, drug addiction, and~~ 10303
~~mental health services may not contract with a community mental~~ 10304
~~health agency under division (A)(8)(a) of section 340.03 of the~~ 10305
~~Revised Code to provide community mental health services included~~ 10306
~~in the board's community mental health plan unless the services~~ 10307
~~are certified by the director of mental health under this section.~~ 10308

A community mental health agency that seeks ~~the director's~~ 10309
certification of its community mental health services shall submit 10310
an application to the director of mental health. On receipt of the 10311
application, the director may visit and shall evaluate the agency 10312
to determine whether its services satisfy the standards 10313

established by rules adopted under division ~~(C)~~(D) of this 10314
section. The director shall make the evaluation, and, if the 10315
director visits the agency, shall make the visit, in cooperation 10316
with the board of alcohol, drug addiction, and mental health 10317
services with which the agency seeks to contract under division 10318
(A)(8)(a) of section 340.03 of the Revised Code. 10319

~~If the director determines that a community mental health~~ 10320
~~agency's services satisfy the standards~~ Subject to divisions (B) 10321
and (C) of this section, the director shall certify ~~the a~~ 10322
community mental health agency's services that the director 10323
determines satisfy the standards. 10324

If the director determines that a community mental health 10325
agency's services do not satisfy the standards, the director shall 10326
identify the areas of noncompliance, specify what action is 10327
necessary to satisfy the standards, and offer technical assistance 10328
to the board of alcohol, drug addiction, and mental health 10329
services so that the board may assist the agency in satisfying the 10330
standards. The director shall give the agency a reasonable time 10331
within which to demonstrate that its services satisfy the 10332
standards or to bring the services into compliance with the 10333
standards. If the director concludes that the services continue to 10334
fail to satisfy the standards, the director may request that the 10335
board reallocate the funds for the community mental health 10336
services the agency was to provide to another community mental 10337
health agency whose community mental health services satisfy the 10338
standards. If the board does not reallocate those funds in a 10339
reasonable period of time, the director may withhold state and 10340
federal funds for the community mental health services and 10341
allocate those funds directly to a community mental health agency 10342
whose community mental health services satisfy the standards. 10343

(B) Each community mental health agency seeking certification 10344
of its community mental health services under this section shall 10345

pay a fee for the certification review required by this section. 10346
Fees shall be paid into the sale of goods and services fund 10347
created pursuant to section 5119.161 of the Revised Code. 10348

(C) The director may certify a community mental health 10349
service only if the service is for individuals whose focus of 10350
treatment is a mental disorder according to the edition of the 10351
American psychiatric association's diagnostic and statistical 10352
manual of mental disorders that is current at the time the 10353
director issues the certification, including such services for 10354
individuals who have a mental disorder and a co-occurring 10355
substance use disorder, substance induced disorder, chronic 10356
dementing organic mental disorder, mental retardation, or 10357
developmental disability. The director may not certify a service 10358
that is for individuals whose focus of treatment is solely a 10359
substance use disorder, substance-induced disorder, chronic 10360
dementing organic mental disorder, mental retardation, or 10361
developmental disability. 10362

(D) The director shall adopt rules in accordance with Chapter 10363
119. of the Revised Code to implement this section. The rules 10364
shall do all of the following: 10365

(1) Establish certification standards for community mental 10366
health services, including assertive community treatment and 10367
intensive home-based mental health services, that are consistent 10368
with nationally recognized applicable standards and facilitate 10369
participation in federal assistance programs. The rules shall 10370
include as certification standards only requirements that improve 10371
the quality of services or the health and safety of clients of 10372
community mental health services. The standards shall address at a 10373
minimum all of the following: 10374

(a) Reporting major unusual incidents to the director; 10375

(b) Procedures for applicants for and clients of community 10376

mental health services to file grievances and complaints;	10377
(c) Seclusion;	10378
(d) Restraint;	10379
(e) Development of written policies addressing the rights of clients, including all of the following:	10380
(i) The right to a copy of the written policies addressing client rights;	10382
(ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;	10384
(iii) The right to have access to the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;	10386
(iv) The right to have a client rights officer provided by the agency or board of alcohol, drug addiction, and mental health services advise the client of the client's rights, including the client's rights under Chapter 5122. of the Revised Code if the client is committed to the agency or board.	10387
(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;	10388
(3) Establish the process for certification of community mental health services;	10389
(4) Set the amount of certification review fees based on a portion of the cost of performing the review;	10390
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	10391
(D) The rules adopted under division (C)(1) of this section to establish certification standards for assertive community	10392
	10393
	10394
	10395
	10396
	10397
	10398
	10399
	10400
	10401
	10402
	10403
	10404
	10405

~~treatment and intensive home-based mental health services shall be~~ 10406
~~adopted not later than July 1, 2004.~~ 10407

Sec. 5120.03. (A) ~~The~~ Subject to division (C) of this 10408
section, the director of rehabilitation and correction, ~~by~~ 10409
~~executive order and with the approval of the governor,~~ may change 10410
the purpose for which any institution or place under the control 10411
of the department of rehabilitation and correction, ~~is~~ being used. 10412
The director may designate a new or another use for such 10413
institution, if the change of use and new designation has for its 10414
objective, improvement in the classification, segregation, care, 10415
education, cure, or rehabilitation of persons subject to the 10416
control of the department. 10417

(B) The director of rehabilitation and correction, by 10418
executive order, issued on or before December 31, 1988, shall 10419
eliminate the distinction between penal institutions and 10420
reformatory institutions. Notwithstanding any provision of the 10421
Revised Code or the Administrative Code to the contrary, upon the 10422
issuance of the executive order, any distinction made between the 10423
types of prisoners sentenced to or otherwise assigned to the 10424
institutions under the control of the department shall be 10425
discontinued. 10426

(C) The director ~~may~~ shall contract under section 9.06 of the 10427
Revised Code for the private operation and management of a 10428
~~facility~~ not less than two facilities under the control of the 10429
department, unless the contractor managing and operating a 10430
facility is not in substantial compliance with the material terms 10431
and conditions of its contract and no other person or entity is 10432
willing and able to satisfy the obligations of the contract. All 10433
inmates assigned to a facility operated and managed by a private 10434
contractor remain inmates in the care and custody of the 10435
department. The statutes, rules, and policies of the department 10436

may apply to the private contractor and any inmate assigned to a 10437
facility operated and managed by a private contractor as agreed to 10438
in the contract entered into under section 9.06 of the Revised 10439
Code. 10440

Sec. 5123.08. ~~Any~~ An appointing officer may appoint a person 10441
~~holding who holds~~ a certified position in the classified service 10442
~~of~~ within the department of mental retardation and developmental 10443
disabilities to ~~any~~ a position in the unclassified service ~~of~~ 10444
within the department. A person ~~se~~ appointed pursuant to this 10445
section to a position in the unclassified service shall retain the 10446
right to resume the position and status held by ~~him~~ the person in 10447
the classified service immediately prior to ~~his~~ the person's 10448
appointment. ~~If the position the person previously held has been~~ 10449
~~placed in the unclassified service under this section, he shall be~~ 10450
~~appointed to a position in the classified service that the~~ 10451
~~director of administrative services certifies is comparable in~~ 10452
~~compensation to the position the person previously held.~~ 10453
Reinstatement to the position in the unclassified service, 10454
regardless of the number of positions the person held in the 10455
unclassified service. An employee's right to resume a position in 10456
the classified service may only be exercised when an appointing 10457
authority demotes the employee to a pay range lower than the 10458
employee's current pay range or revokes the employee's appointment 10459
to the unclassified service. An employee forfeits the right to 10460
resume a position in the classified service when the employee is 10461
removed from the position in the unclassified service due to 10462
incompetence, inefficiency, dishonesty, drunkenness, immoral 10463
conduct, insubordination, discourteous treatment of the public, 10464
neglect of duty, violation of this chapter or Chapter 124. of the 10465
Revised Code, the rules of the director of mental retardation and 10466
developmental disabilities or the director of administrative 10467
services, any other failure of good behavior, any other acts of 10468

misfeasance, malfeasance, or nonfeasance in office, or conviction 10469
of a felony. An employee also forfeits the right to resume a 10470
position in the classified service upon transfer to a different 10471
agency. 10472

Reinstatement to a position in the classified service shall 10473
be to a position substantially equal to that position in the 10474
classified service held previously, as certified by the director 10475
of administrative services. If the position the person previously 10476
held in the classified service has been placed in the unclassified 10477
service or is otherwise unavailable, the person shall be appointed 10478
to a position in the classified service within the department that 10479
the director of administrative services certifies is comparable in 10480
compensation to the position the person previously held in the 10481
classified service. Service in the position in the unclassified 10482
service shall be counted as service in the position in the 10483
classified service held by the person immediately prior to ~~his~~ the 10484
person's appointment to the position in the unclassified service. 10485
When a person is reinstated to a position in the classified 10486
service as provided in this section, ~~he~~ the person is entitled to 10487
all rights, ~~status,~~ and ~~emoluments~~ benefits accruing to the 10488
position in the classified service during the time of ~~his~~ the 10489
person's service in the position in the unclassified service. 10490

Sec. 5139.02. (A)(1) As used in this section, "managing 10491
officer" means the assistant director, a deputy director, an 10492
assistant deputy director, a superintendent, a regional 10493
administrator, a deputy superintendent, or the superintendent of 10494
schools of the department of youth services, a member of the 10495
release authority, the chief of staff to the release authority, 10496
and the victims administrator of the office of victim services. 10497

(2) Each division established by the director of youth 10498
services shall consist of managing officers and other employees, 10499

including those employed in institutions and regions as necessary 10500
to perform the functions assigned to them. The director, assistant 10501
director, or appropriate deputy director or managing officer of 10502
the department shall supervise the work of each division and 10503
determine general policies governing the exercise of powers vested 10504
in the department and assigned to each division. The appropriate 10505
managing officer or deputy director is responsible to the director 10506
or assistant director for the organization, direction, and 10507
supervision of the work of the division or unit and for the 10508
exercise of the powers and the performance of the duties of the 10509
department assigned to it and, with the director's approval, may 10510
establish bureaus or other administrative units within the 10511
department. 10512

(B) The director shall appoint all managing officers, who 10513
shall be in the unclassified civil service. ~~If the~~ The director 10514
~~appoints a~~ may appoint a person who holds a certified position in 10515
the classified service within the department to a position as a 10516
managing officer within the department. A person appointed 10517
pursuant to this division to a position as a managing officer from 10518
~~within the classified service of the department, the person so~~ 10519
~~appointed retains~~ shall retain the right to resume the position 10520
and status held by the person in the classified service 10521
immediately prior to the person's appointment as managing officer- 10522
~~If such a person is removed from the position as managing officer,~~ 10523
~~the person shall be reinstated, regardless of the number of~~ 10524
positions the person held in the unclassified service. A managing 10525
officer's right to resume a position in the classified service may 10526
only be exercised when the director demotes the managing officer 10527
to a pay range lower than the managing officer's current pay range 10528
or revokes the managing officer's appointment to the position of 10529
managing officer. A managing officer forfeits the right to resume 10530
a position in the classified service when the managing officer is 10531

removed from the position of managing officer due to incompetence, 10532
inefficiency, dishonesty, drunkenness, immoral conduct, 10533
insubordination, discourteous treatment of the public, neglect of 10534
duty, violation of this chapter or Chapter 124. of the Revised 10535
Code, the rules of the director of youth services or the director 10536
of administrative services, any other failure of good behavior, 10537
any other acts of misfeasance, malfeasance, or nonfeasance in 10538
office, or conviction of a felony. A managing officer also 10539
forfeits the right to resume a position in the classified service 10540
upon transfer to a different agency. 10541

Reinstatement to a position in the classified service shall 10542
be to the position held in the classified service immediately 10543
prior to appointment as managing officer, or to another position 10544
certified by the director, ~~with the approval of the department of~~ 10545
administrative services, as being substantially equal to that 10546
position. ~~Any person holding the position of managing officer on~~ 10547
~~the effective date of this section is entitled to resume the~~ 10548
~~position and status held in the classified service of the~~ 10549
~~department of youth services immediately prior to appointment as a~~ 10550
~~managing officer~~ If the position the person previously held in the 10551
classified service immediately prior to appointment as a managing 10552
officer has been placed in the unclassified service or is 10553
otherwise unavailable, the person shall be appointed to a position 10554
in the classified service within the department that the director 10555
of administrative services certifies is comparable in compensation 10556
to the position the person previously held in the classified 10557
service. Service as a managing officer shall be counted as service 10558
in the position in the classified service held by the reinstated 10559
person ~~held~~ immediately prior to the person's appointment as a 10560
managing officer. If a person is reinstated to a position in the 10561
classified service under this division, the person shall be 10562
returned to the pay range and step to which the person had been 10563
assigned at the time of the appointment as managing officer. 10564

Longevity, where applicable, shall be calculated pursuant to the 10565
provisions of section 124.181 of the Revised Code. 10566

(C) Each person appointed as a managing officer shall have 10567
received special training and shall have experience in the type of 10568
work that the person's division is required to perform. Each 10569
managing officer, under the supervision of the director, has 10570
entire charge of the division, institution, unit, or region for 10571
which the managing officer is appointed and, with the director's 10572
approval, shall appoint necessary employees and may remove them 10573
for cause. 10574

Sec. 5502.62. (A) There is hereby created in the department 10575
of public safety a division of criminal justice services. The 10576
director of public safety, with the concurrence of the governor, 10577
shall appoint an executive director of the division of criminal 10578
justice services. The executive director shall be the head of the 10579
division. The executive director shall serve at the pleasure of 10580
the director of public safety. To carry out the duties assigned 10581
under this section and to comply with sections 5502.63 to 5502.66 10582
of the Revised Code, the executive director, subject to the 10583
direction and control of the director of public safety, may 10584
appoint and maintain any necessary staff and may enter into any 10585
necessary contracts and other agreements. The executive director 10586
of the division, and all professional and technical personnel 10587
employed within the division who are not public employees as 10588
defined in section 4117.01 of the Revised Code, shall be in the 10589
unclassified civil service, and all other persons employed within 10590
the division shall be in the classified civil service. 10591

(B) Subject to division (F) of this section and subject to 10592
divisions (D) to (F) of section 5120.09 of the Revised Code 10593
insofar as those divisions relate to federal criminal justice acts 10594
that the governor requires the department of rehabilitation and 10595

correction to administer, the division of criminal justice 10596
services shall do all of the following: 10597

(1) Serve as the state criminal justice services agency and 10598
perform criminal justice system planning in the state, including 10599
any planning that is required by any federal law; 10600

(2) Collect, analyze, and correlate information and data 10601
concerning the criminal justice system in the state; 10602

(3) Cooperate with and provide technical assistance to state 10603
departments, administrative planning districts, metropolitan 10604
county criminal justice services agencies, criminal justice 10605
coordinating councils, agencies, offices, and departments of the 10606
criminal justice system in the state, and other appropriate 10607
organizations and persons; 10608

(4) Encourage and assist agencies, offices, and departments 10609
of the criminal justice system in the state and other appropriate 10610
organizations and persons to solve problems that relate to the 10611
duties of the division; 10612

(5) Administer within the state any federal criminal justice 10613
acts that the governor requires it to administer; 10614

(6) Administer funds received under the "Family Violence 10615
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10616
10401, as amended, with all powers necessary for the adequate 10617
administration of those funds, including the authority to 10618
establish a family violence prevention and services program; 10619

(7) Implement the state comprehensive plans; 10620

(8) Audit grant activities of agencies, offices, 10621
organizations, and persons that are financed in whole or in part 10622
by funds granted through the division; 10623

(9) Monitor or evaluate the performance of criminal justice 10624
system projects and programs in the state that are financed in 10625

whole or in part by funds granted through the division; 10626

(10) Apply for, allocate, disburse, and account for grants 10627
that are made available pursuant to federal criminal justice acts, 10628
or made available from other federal, state, or private sources, 10629
to improve the criminal justice system in the state. ~~Except as~~ 10630
~~otherwise provided in this division, all money from such federal~~ 10631
~~grants shall, if the terms under which the money is received~~ 10632
~~require that the money be deposited into an interest bearing fund~~ 10633
~~or account, be deposited in the state treasury to the credit of~~ 10634
~~the federal program purposes fund, which is hereby created. All~~ 10635
~~investment earnings of the federal program purposes fund shall be~~ 10636
~~credited to the fund. All money from such federal grants that~~ 10637
require that the money be deposited into an interest-bearing fund 10638
or account, that are intended to provide funding to ~~local~~ criminal 10639
justice programs, and that require that investment earnings be 10640
distributed for program purposes shall be deposited in the state 10641
treasury to the credit of the federal justice programs ~~fund~~ funds, 10642
which ~~is~~ are hereby created. A separate fund shall be established 10643
each federal fiscal year. All investment earnings of ~~the~~ a federal 10644
justice programs fund shall be credited to ~~the~~ that fund and 10645
distributed in accordance with the terms of the grant under which 10646
the money is received. 10647

(11) Contract with federal, state, and local agencies, 10648
foundations, corporations, businesses, and persons when necessary 10649
to carry out the duties of the division; 10650

(12) Oversee the activities of metropolitan county criminal 10651
justice services agencies, administrative planning districts, and 10652
criminal justice coordinating councils in the state; 10653

(13) Advise the director of public safety, general assembly, 10654
and governor on legislation and other significant matters that 10655
pertain to the improvement and reform of criminal and juvenile 10656

justice systems in the state;	10657
(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;	10658 10659 10660
(15) Assist, advise, and make any reports that are requested or required by the governor, director of public safety, attorney general, or general assembly;	10661 10662 10663
(16) Develop and maintain the Ohio incident-based reporting system in accordance with division (C) of this section;	10664 10665
(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code.	10666 10667
(C) The office <u>division</u> of criminal justice services shall develop and maintain the Ohio incident-based reporting system to facilitate the sharing of information with the federal bureau of investigation and participating law enforcement agencies in Ohio. The Ohio incident-based reporting system shall be known as OIBRS. In connection with OIBRS, the office <u>division</u> shall do all of the following:	10668 10669 10670 10671 10672 10673 10674
(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;	10675 10676 10677 10678
(2) Analyze and highlight mapping data for participating law enforcement agencies;	10679 10680
(3) Distribute data and analyses to participating law enforcement agencies;	10681 10682
(4) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;	10683 10684 10685
(5) Provide assistance, advice, and reports requested by the	10686

governor, the general assembly, or the federal bureau of
investigation; 10687
10688

(6) Require every law enforcement agency that receives 10689
federal criminal justice grants or state criminal justice 10690
information system general revenue funds through the office to 10691
participate in OIBRS or in the uniform crime reporting program of 10692
the federal bureau of investigation. An agency that submits OIBRS 10693
data to the Ohio local law enforcement information sharing network 10694
shall be considered to be in compliance with division (C)(6) of 10695
this section if both of the following apply: 10696

(a) The Ohio local law enforcement information sharing 10697
network is capable of collecting OIBRS data. 10698

(b) The ~~office~~ division of criminal justice services has the 10699
ability to extract the OIBRS data for reporting to the national 10700
incident-based reporting system in the manner required by the 10701
federal bureau of investigation. 10702

(D) Upon the request of the director of public safety or 10703
governor, the division of criminal justice services may do any of 10704
the following: 10705

(1) Collect, analyze, or correlate information and data 10706
concerning the juvenile justice system in the state; 10707

(2) Cooperate with and provide technical assistance to state 10708
departments, administrative planning districts, metropolitan 10709
county criminal justice service agencies, criminal justice 10710
coordinating councils, agency offices, and the departments of the 10711
juvenile justice system in the state and other appropriate 10712
organizations and persons; 10713

(3) Encourage and assist agencies, offices, and departments 10714
of the juvenile justice system in the state and other appropriate 10715
organizations and persons to solve problems that relate to the 10716

duties of the division. 10717

(E) Divisions (B), (C), and (D) of this section do not limit 10718
the discretion or authority of the attorney general with respect 10719
to crime victim assistance and criminal justice programs. 10720

(F) Nothing in this section is intended to diminish or alter 10721
the status of the office of the attorney general as a criminal 10722
justice services agency or to diminish or alter the status or 10723
discourage the development and use of other law enforcement 10724
information systems in Ohio. 10725

Sec. 5537.01. As used in this chapter: 10726

(A) "Commission" means the Ohio turnpike commission created 10727
by section 5537.02 of the Revised Code or, if that commission is 10728
abolished, the board, body, officer, or commission succeeding to 10729
the principal functions thereof or to which the powers given by 10730
this chapter to the commission are given by law. 10731

(B) "Project" or "turnpike project" means any express or 10732
limited access highway, super highway, or motorway constructed, 10733
operated, or improved, under the jurisdiction of the commission 10734
and pursuant to this chapter, at a location or locations reviewed 10735
by the turnpike ~~oversight~~ legislative review committee and 10736
approved by the governor, including all bridges, tunnels, 10737
overpasses, underpasses, interchanges, entrance plazas, 10738
approaches, those portions of connecting public roads that serve 10739
interchanges and are determined by the commission and the director 10740
of transportation to be necessary for the safe merging of traffic 10741
between the turnpike project and those public roads, toll booths, 10742
service facilities, and administration, storage, and other 10743
buildings, property, and facilities that the commission considers 10744
necessary for the operation or policing of the project, together 10745
with all property and rights which may be acquired by the 10746

commission for the construction, maintenance, or operation of the 10747
project, and includes any sections or extensions of a turnpike 10748
project designated by the commission as such for the particular 10749
purpose. Each turnpike project shall be separately designated, by 10750
name or number, and may be constructed, improved, or extended in 10751
such sections as the commission may from time to time determine. 10752
Construction includes the improvement and renovation of a 10753
previously constructed project, including additional interchanges, 10754
whether or not the project was initially constructed by the 10755
commission. 10756

(C) "Cost," as applied to construction of a turnpike project, 10757
includes the cost of construction, including bridges over or under 10758
existing highways and railroads, acquisition of all property 10759
acquired by the commission for the construction, demolishing or 10760
removing any buildings or structures on land so acquired, 10761
including the cost of acquiring any lands to which the buildings 10762
or structures may be moved, site clearance, improvement, and 10763
preparation, diverting public roads, interchanges with public 10764
roads, access roads to private property, including the cost of 10765
land or easements therefor, all machinery, furnishings, and 10766
equipment, communications facilities, financing expenses, interest 10767
prior to and during construction and for one year after completion 10768
of construction, traffic estimates, indemnity and surety bonds and 10769
premiums on insurance, title work and title commitments, 10770
insurance, and guarantees, engineering, feasibility studies, and 10771
legal expenses, plans, specifications, surveys, estimates of cost 10772
and revenues, other expenses necessary or incident to determining 10773
the feasibility or practicability of constructing or operating a 10774
project, administrative expenses, and any other expense that may 10775
be necessary or incident to the construction of the project, the 10776
financing of the construction, and the placing of the project in 10777
operation. Any obligation or expense incurred by the department of 10778
transportation with the approval of the commission for surveys, 10779

borings, preparation of plans and specifications, and other 10780
engineering services in connection with the construction of a 10781
project, or by the federal government with the approval of the 10782
commission for any public road projects which must be reimbursed 10783
as a condition to the exercise of any of the powers of the 10784
commission under this chapter, shall be regarded as a part of the 10785
cost of the project and shall be reimbursed to the state or the 10786
federal government, as the case may be, from revenues, state 10787
taxes, or the proceeds of bonds as authorized by this chapter. 10788

(D) "Owner" includes all persons having any title or interest 10789
in any property authorized to be acquired by the commission under 10790
this chapter. 10791

(E) "Revenues" means all tolls, service revenues, investment 10792
income on special funds, rentals, gifts, grants, and all other 10793
moneys coming into the possession of or under the control of the 10794
commission by virtue of this chapter, except the proceeds from the 10795
sale of bonds. "Revenues" does not include state taxes. 10796

(F) "Public roads" means all public highways, roads, and 10797
streets in the state, whether maintained by a state agency or any 10798
other governmental agency. 10799

(G) "Public utility facilities" means tracks, pipes, mains, 10800
conduits, cables, wires, towers, poles, and other equipment and 10801
appliances of any public utility. 10802

(H) "Financing expenses" means all costs and expenses 10803
relating to the authorization, issuance, sale, delivery, 10804
authentication, deposit, custody, clearing, registration, 10805
transfer, exchange, fractionalization, replacement, payment, and 10806
servicing of bonds including, without limitation, costs and 10807
expenses for or relating to publication and printing, postage, 10808
delivery, preliminary and final official statements, offering 10809
circulars, and informational statements, travel and 10810

transportation, underwriters, placement agents, investment 10811
bankers, paying agents, registrars, authenticating agents, 10812
remarketing agents, custodians, clearing agencies or corporations, 10813
securities depositories, financial advisory services, 10814
certifications, audits, federal or state regulatory agencies, 10815
accounting and computation services, legal services and obtaining 10816
approving legal opinions and other legal opinions, credit ratings, 10817
redemption premiums, and credit enhancement facilities. 10818

(I) "Bond proceedings" means the resolutions, trust 10819
agreements, certifications, notices, sale proceedings, leases, 10820
lease-purchase agreements, assignments, credit enhancement 10821
facility agreements, and other agreements, instruments, and 10822
documents, as amended and supplemented, or any one or more or any 10823
combination thereof, authorizing, or authorizing or providing for 10824
the terms and conditions applicable to, or providing for the 10825
security or sale or award or liquidity of, bonds, and includes the 10826
provisions set forth or incorporated in those bonds and bond 10827
proceedings. 10828

(J) "Bond service charges" means principal, including any 10829
mandatory sinking fund or mandatory redemption requirements for 10830
the retirement of bonds, and interest and any redemption premium 10831
payable on bonds, as those payments come due and are payable to 10832
the bondholder or to a person making payment under a credit 10833
enhancement facility of those bond service charges to a 10834
bondholder. 10835

(K) "Bond service fund" means the applicable fund created by 10836
the bond proceedings for and pledged to the payment of bond 10837
service charges on bonds provided for by those proceedings, 10838
including all moneys and investments, and earnings from 10839
investments, credited and to be credited to that fund as provided 10840
in the bond proceedings. 10841

(L) "Bonds" means bonds, notes, including notes anticipating 10842
bonds or other notes, commercial paper, certificates of 10843
participation, or other evidences of obligation, including any 10844
interest coupons pertaining thereto, issued by the commission 10845
pursuant to this chapter. 10846

(M) "Net revenues" means revenues lawfully available to pay 10847
both current operating expenses of the commission and bond service 10848
charges in any fiscal year or other specified period, less current 10849
operating expenses of the commission and any amount necessary to 10850
maintain a working capital reserve for that period. 10851

(N) "Pledged revenues" means net revenues, moneys and 10852
investments, and earnings on those investments, in the applicable 10853
bond service fund and any other special funds, and the proceeds of 10854
any bonds issued for the purpose of refunding prior bonds, all as 10855
lawfully available and by resolution of the commission committed 10856
for application as pledged revenues to the payment of bond service 10857
charges on particular issues of bonds. 10858

(O) "Service facilities" means service stations, restaurants, 10859
and other facilities for food service, roadside parks and rest 10860
areas, parking, camping, tenting, rest, and sleeping facilities, 10861
hotels or motels, and all similar and other facilities providing 10862
services to the traveling public in connection with the use of a 10863
turnpike project and owned, leased, licensed, or operated by the 10864
commission. 10865

(P) "Service revenues" means those revenues of the commission 10866
derived from its ownership, leasing, licensing, or operation of 10867
service facilities. 10868

(Q) "Special funds" means the applicable bond service fund 10869
and any accounts and subaccounts in that fund, any other funds or 10870
accounts permitted by and established under, and identified as a 10871
"special fund" or "special account" in, the bond proceedings, 10872

including any special fund or account established for purposes of 10873
rebate or other requirements under federal income tax laws. 10874

(R) "State agencies" means the state, officers of the state, 10875
and boards, departments, branches, divisions, or other units or 10876
agencies of the state. 10877

(S) "State taxes" means receipts of the commission from the 10878
proceeds of state taxes or excises levied and collected, or 10879
appropriated by the general assembly to the commission, for the 10880
purposes and functions of the commission. State taxes do not 10881
include tolls, or investment earnings on state taxes except on 10882
those state taxes referred to in Section 5a of Article XII, Ohio 10883
Constitution. 10884

(T) "Tolls" means tolls, special fees or permit fees, or 10885
other charges by the commission to the owners, lessors, lessees, 10886
or operators of motor vehicles for the operation of or the right 10887
to operate those vehicles on a turnpike project. 10888

(U) "Credit enhancement facilities" means letters of credit, 10889
lines of credit, standby, contingent, or firm securities purchase 10890
agreements, insurance, or surety arrangements, guarantees, and 10891
other arrangements that provide for direct or contingent payment 10892
of bond service charges, for security or additional security in 10893
the event of nonpayment or default in respect of bonds, or for 10894
making payment of bond service charges and at the option and on 10895
demand of bondholders or at the option of the commission or upon 10896
certain conditions occurring under put or similar arrangements, or 10897
for otherwise supporting the credit or liquidity of the bonds, and 10898
includes credit, reimbursement, marketing, remarketing, indexing, 10899
carrying, interest rate hedge, and subrogation agreements, and 10900
other agreements and arrangements for payment and reimbursement of 10901
the person providing the credit enhancement facility and the 10902
security for that payment and reimbursement. 10903

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

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

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

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

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

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

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

Sec. 5537.02. (A) There is hereby created a commission to be known as the "Ohio turnpike commission." The commission is a body both corporate and politic, constituting an instrumentality of the state, and the exercise by it of the powers conferred by this chapter in the construction, operation, and maintenance of the Ohio turnpike system are and shall be held to be essential

governmental functions of the state, but the commission shall not 10934
be immune from liability by reason thereof. The commission is 10935
subject to all provisions of law generally applicable to state 10936
agencies which do not conflict with this chapter. 10937

(B)(1) The commission shall consist of ~~seven~~ nine members as 10938
follows: 10939

(a) Four members appointed by the governor with the advice 10940
and consent of the senate, no more than two of whom shall be 10941
members of the same political party; 10942

(b) The director of transportation ~~who~~, the director of 10943
budget and management, and the director of development, each of 10944
whom shall be a member ex officio without compensation; 10945

(c) One member of the senate, appointed by the president of 10946
the senate, who shall represent either a district in which is 10947
located or through which passes a portion of a turnpike project 10948
that is part of the Ohio turnpike system or a district located in 10949
the vicinity of a turnpike project that is part of the Ohio 10950
turnpike system; 10951

(d) One member of the house of representatives, appointed by 10952
the speaker of the house of representatives, who shall represent 10953
either a district in which is located or through which passes a 10954
portion of a turnpike project that is part of the Ohio turnpike 10955
system or a district located in the vicinity of a turnpike project 10956
that is part of the Ohio turnpike system. 10957

(2) The members appointed by the governor shall be residents 10958
of the state, shall have been qualified electors therein for a 10959
period of at least five years next preceding their appointment, 10960
and shall serve terms of eight years commencing on the first day 10961
of July and ending on the thirtieth day of June. Those members 10962
appointed by the president of the senate or the speaker of the 10963
house of representatives shall serve a term of the remainder of 10964

the general assembly during which the senator or representative is appointed. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a commission member dies or resigns, or if a senator, or representative, ~~or the director of transportation~~ who is a member of the commission ceases to be a senator, or representative, or ~~the director of transportation~~ if an ex officio member ceases to hold the applicable office, the vacancy shall be filled in the same manner as provided in division (B)(1) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall, if appointed by the governor, hold office for the remainder of such term or, if appointed by the president of the senate or the speaker of the house of representatives, shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. Any member appointed by the governor shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A member of the commission is eligible for reappointment. Each member of the commission appointed by the governor, before entering upon ~~his~~ the member's duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor, the president of the senate, or the speaker of the house of representatives, may at any time remove their respective appointees to the commission for misfeasance, nonfeasance, or malfeasance in office.

(3)(a) A member of the commission who is appointed by the president of the senate or the speaker of the house of representatives shall not participate in any vote of the commission. Serving as an appointed member of the commission under divisions (B)(1)(c), (1)(d), or (2) of this section does not

constitute grounds for resignation from the senate or the house of 10997
representatives under section 101.26 of the Revised Code. 10998

(b) The director of budget and management and the director of 10999
development shall not participate in any vote of the commission. 11000

(C) The voting members of the commission shall elect one of 11001
the appointed voting members as chairperson and another as 11002
vice-chairperson, and shall appoint a secretary-treasurer who need 11003
not be a member of the commission. Three of the voting members of 11004
the commission constitute a quorum, and the affirmative vote of 11005
three voting members is necessary for any action taken by the 11006
commission. No vacancy in the membership of the commission impairs 11007
the rights of a quorum to exercise all the rights and perform all 11008
the duties of the commission. 11009

(D) Each member of the commission appointed by the governor 11010
shall give a surety bond to the commission in the penal sum of 11011
twenty-five thousand dollars and the secretary-treasurer shall 11012
give such a bond in at least the penal sum of fifty thousand 11013
dollars. The commission may require any of its officers or 11014
employees to file surety bonds including a blanket bond as 11015
provided in section 3.06 of the Revised Code. Each such bond shall 11016
be in favor of the commission and shall be conditioned upon the 11017
faithful performance of the duties of the office, executed by a 11018
surety company authorized to transact business in this state, 11019
approved by the governor, and filed in the office of the secretary 11020
of state. The costs of the surety bonds shall be paid or 11021
reimbursed by the commission from revenues. Each member of the 11022
commission appointed by the governor shall receive an annual 11023
salary of five thousand dollars, payable in monthly installments. 11024
Each member shall be reimbursed for the member's actual expenses 11025
necessarily incurred in the performance of the member's duties. 11026
All costs and expenses incurred by the commission in carrying out 11027
this chapter shall be payable solely from revenues and state 11028

taxes, and no liability or obligation shall be incurred by the 11029
commission beyond the extent to which revenues have been provided 11030
for pursuant to this chapter. 11031

Sec. 5537.03. In order to remove present and anticipated 11032
handicaps and potential hazards on the congested highways in this 11033
state, to facilitate vehicular traffic throughout the state, to 11034
promote the agricultural, commercial, recreational, tourism, and 11035
industrial development of the state, and to provide for the 11036
general welfare by the construction, improvement, and maintenance 11037
of modern express highways embodying safety devices, including 11038
without limitation center divisions, ample shoulder widths, 11039
longsight distances, multiple lanes in each direction, and grade 11040
separations at intersections with other public roads and 11041
railroads, the Ohio turnpike commission, subject to section 11042
5537.26 of the Revised Code, may construct, maintain, repair, and 11043
operate a system of turnpike projects at locations that are 11044
reviewed by the turnpike ~~oversight~~ legislative review committee 11045
and approved by the governor, and in accordance with alignment and 11046
design standards that are approved by the director of 11047
transportation, and issue revenue bonds of this state, payable 11048
solely from pledged revenues, to pay the cost of those projects. 11049
The turnpikes and turnpike projects authorized by this chapter are 11050
hereby or shall be made part of the Ohio turnpike system. 11051

Sec. 5537.10. This chapter provides an additional and 11052
alternative method for doing the things and taking the actions 11053
authorized by this chapter. This chapter shall be regarded as 11054
supplemental and additional to powers conferred by other laws, and 11055
shall not be regarded as in derogation of any powers existing on 11056
or after September 1, 1949. ~~The~~ Except for section 126.11 of the 11057
Revised Code, the issuance of bonds under this chapter need not 11058
comply with any other law applicable to the issuance of bonds. 11059

Sec. 5537.17. (A) Each turnpike project open to traffic shall 11060
be maintained and kept in good condition and repair by the Ohio 11061
turnpike commission. The Ohio turnpike system shall be policed and 11062
operated by a force of police, toll collectors, and other 11063
employees and agents that the commission employs or contracts for. 11064
11065

(B) All public or private property damaged or destroyed in 11066
carrying out the powers granted by this chapter shall be restored 11067
or repaired and placed in its original condition, as nearly as 11068
practicable, or adequate compensation or consideration made 11069
therefor out of moneys provided under this chapter. 11070

(C) All governmental agencies may lease, lend, grant, or 11071
convey to the commission at its request, upon terms that the 11072
proper authorities of the governmental agencies consider 11073
reasonable and fair and without the necessity for an 11074
advertisement, order of court, or other action or formality, other 11075
than the regular and formal action of the authorities concerned, 11076
any property that is necessary or convenient to the effectuation 11077
of the purposes of the commission, including public roads and 11078
other property already devoted to public use. 11079

(D) Each bridge constituting part of a turnpike project shall 11080
be inspected at least once each year by a professional engineer 11081
employed or retained by the commission. 11082

(E) On or before the first day of July in each year, the 11083
commission shall make an annual report of its activities for the 11084
preceding calendar year to the governor and the general assembly. 11085
Each such report shall set forth a complete operating and 11086
financial statement covering the commission's operations during 11087
the year. The commission shall cause an audit of its books and 11088
accounts to be made at least once each year by certified public 11089
accountants, and the cost thereof may be treated as a part of the 11090

cost of operations of the commission. The auditor of state, at 11091
least once a year and without previous notice to the commission, 11092
shall audit the accounts and transactions of the commission. 11093

(F) The commission shall submit a copy of its annual audit by 11094
the auditor of state and its proposed annual budget for each 11095
calendar or fiscal year to the governor, the presiding officers of 11096
each house of the general assembly, the director of budget and 11097
management, and the legislative service commission no later than 11098
the first day of that calendar or fiscal year. 11099

(G) Upon request of the chairperson of the appropriate 11100
standing committee or subcommittee of the senate and house of 11101
representatives that is primarily responsible for considering 11102
transportation budget matters, the commission shall appear at 11103
least one time before each committee or subcommittee during the 11104
period when that committee or subcommittee is considering the 11105
biennial appropriations for the department of transportation and 11106
shall provide testimony outlining its budgetary results for the 11107
last two calendar years, including a comparison of budget and 11108
actual revenue and expenditure amounts. The commission also shall 11109
address its current budget and long-term capital plan. 11110

(H) Not more than sixty nor less than thirty days before 11111
adopting its annual budget, the commission shall submit a copy of 11112
its proposed annual budget to the governor, the presiding officers 11113
of each house of the general assembly, the director of budget and 11114
management, and the legislative service commission. The office of 11115
budget and management shall review the proposed budget and may 11116
provide recommendations to the commission for its consideration. 11117

Sec. 5537.24. (A) There is hereby created a turnpike 11118
~~oversight~~ legislative review committee consisting of six members 11119
as follows: 11120

(1) Three members of the senate, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the committee dealing primarily with highway matters, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the minority leader of the senate.

Both the senate member who is appointed by the president of the senate and the senate member appointed by the minority leader of the senate shall represent either districts in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or districts located in the vicinity of a turnpike project that is part of the Ohio turnpike system.

The president of the senate shall make the president of the senate's appointment to the committee first, followed by the minority leader of the senate, and they shall make their appointments in such a manner that their two appointees represent districts that are located in different areas of the state. If the chairperson of the senate committee dealing primarily with highway matters represents a district in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or a district located in the vicinity of a turnpike project that is part of the Ohio turnpike system, the president of the senate and the minority leader of the senate shall make their appointments in such a manner that their two appointees and the chairperson of the senate committee dealing primarily with highway matters all represent districts that are located in different areas of the state.

(2) Three members of the house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the house of representatives committee dealing primarily with highway matters, one of whom

shall be appointed by the speaker of the house of representatives, 11153
and one of whom shall be appointed by the minority leader of the 11154
house of representatives. 11155

Both the house of representatives member who is appointed by 11156
the speaker of the house of representatives and the house of 11157
representatives member appointed by the minority leader of the 11158
house of representatives shall represent either districts in which 11159
is located or through which passes a portion of a turnpike project 11160
that is part of the Ohio turnpike system or districts located in 11161
the vicinity of a turnpike project that is part of the Ohio 11162
turnpike system. 11163

The speaker of the house of representatives shall make the 11164
speaker of the house of representative's appointment to the 11165
committee first, followed by the minority leader of the house of 11166
representatives, and they shall make their appointments in such a 11167
manner that their two appointees represent districts that are 11168
located in different areas of the state. If the chairperson of the 11169
house of representatives committee dealing primarily with highway 11170
matters represents a district in which is located or through which 11171
passes a portion of a turnpike project that is part of the Ohio 11172
turnpike system or a district located in the vicinity of a 11173
turnpike project that is part of the Ohio turnpike system, the 11174
speaker of the house of representatives and the minority leader of 11175
the house of representatives shall make their appointments in such 11176
a manner that their two appointees and the chairperson of the 11177
house of representatives committee dealing primarily with highway 11178
matters all represent districts that are located in different 11179
areas of the state. 11180

The chairperson of the house of representatives committee 11181
shall serve as the chairperson of the turnpike ~~oversight~~ 11182
legislative review committee for the year 1996. Thereafter, the 11183
chair annually shall alternate between, first, the chairperson of 11184

the senate committee and then the chairperson of the house of
representatives committee. 11185
11186

(B) Each member of the turnpike ~~oversight~~ legislative review
committee who is a member of the general assembly shall serve a 11187
term of the remainder of the general assembly during which the 11188
member is appointed or is serving as chairperson of the specified 11189
senate or house committee. In the event of the death or 11190
resignation of a committee member who is a member of the general 11191
assembly, or in the event that a member ceases to be a senator or 11192
representative, or in the event that the chairperson of the senate 11193
committee dealing primarily with highway matters or the 11194
chairperson of the house of representatives committee dealing 11195
primarily with highway matters ceases to hold that position, the 11196
vacancy shall be filled through an appointment by the president of 11197
the senate or the speaker of the house of representatives or 11198
minority leader of the senate or house of representatives, as 11199
applicable. Any member appointed to fill a vacancy occurring prior 11200
to the end of the term for which the member's predecessor was 11201
appointed shall hold office for the remainder of the term or for a 11202
shorter period of time as determined by the president or the 11203
speaker. A member of the committee is eligible for reappointment. 11204
11205

(C) The turnpike ~~oversight~~ legislative review committee shall 11206
meet at least quarterly and may meet at the call of its 11207
chairperson, or upon the written request to the chairperson of not 11208
fewer than four members of the committee. ~~At least three of the~~ 11209
~~quarterly meetings~~ Meetings shall be held at sites ~~located along a~~ 11210
~~turnpike project as~~ that are determined solely by the chairperson 11211
of the committee. At each meeting, the Ohio turnpike commission 11212
shall make a report to the committee on commission matters, 11213
including but not limited to financial and budgetary matters and 11214
proposed and on-going construction, maintenance, repair, and 11215
operational projects of the commission. 11216

The committee, by the affirmative vote of at least four of
its members, may submit written recommendations to the commission,
either at meetings held pursuant to this section or at any other
time, describing new turnpike projects or new interchanges located
on existing projects that the committee believes the commission
should consider constructing.

(D) The members of the turnpike ~~oversight~~ legislative review
committee who are members of the general assembly shall serve
without compensation, but shall be reimbursed by the commission
for their actual and necessary expenses incurred in the discharge
of their official duties as committee members. Serving as a member
of the turnpike ~~oversight~~ legislative review committee does not
constitute grounds for resignation from the senate or house of
representatives under section 101.26 of the Revised Code.

Sec. 5537.26. (A) Except as provided in division (D) of this
section, no increase by the Ohio turnpike commission in the toll
rate structure that is applicable to vehicles operating on a
turnpike project shall become effective unless the commission
complies with the notice and hearing requirements prescribed in
division (B) of this section, and the commission shall not take
any action that expands, has the effect of expanding, or will to
any degree at any time in the future have the effect of expanding
the sphere of responsibility of the commission beyond the Ohio
turnpike, unless the commission complies with the notice and
hearing requirements prescribed in division (B) of this section.

(B) Not less than ninety days prior to the date on which the
commission votes to increase any part of the toll rate structure
that is applicable to vehicles operating on a turnpike project,
and not less than ninety days prior to the date on which the
commission votes to take an action that expands, has the effect of
expanding, or will to any degree at any time in the future have

the effect of expanding the sphere of responsibility of the 11248
commission beyond the Ohio turnpike, the commission shall ~~commence~~ 11249
do both of the following: 11250

(1) Send notice to the governor and the presiding officers 11251
and minority leaders of the senate and house of representatives 11252
that details the proposed increase to the toll rate structure or 11253
the expansion of the sphere of responsibility of the commission 11254
beyond the Ohio turnpike, including a description of and a 11255
justification for the increase or expansion; 11256

(2) Commence holding public hearings on the proposed increase 11257
in the toll rate structure or the proposed action. If the 11258
commission is proposing an increase in the toll rate structure 11259
that is applicable to vehicles operating on a turnpike project, it 11260
shall hold not less than three public hearings in three 11261
geographically diverse locations in this state that are in the 11262
immediate vicinity of the affected project. If the commission is 11263
proposing to take an action that expands, has the effect of 11264
expanding, or will to any degree at any time in the future have 11265
the effect of expanding the sphere of responsibility of the 11266
commission beyond the Ohio turnpike, it shall hold not less than 11267
three public hearings in three locations in the immediate vicinity 11268
where the expanded responsibilities would arise. 11269

The commission shall hold the third or, if it holds more than 11270
three hearings, the last hearing of any set of hearings required 11271
to be held under this section not less than thirty days prior to 11272
the date on which it votes to increase part of the toll rate 11273
structure that is applicable to vehicles operating on a turnpike 11274
project or to take an action that expands, has the effect of 11275
expanding, or will to any degree at any time in the future have 11276
the effect of expanding the sphere of responsibility of the 11277
commission beyond the Ohio turnpike. 11278

The commission shall inform the public of all the hearings 11279
required to be held under this section by causing a notice to be 11280
published in a newspaper of general circulation in the county in 11281
which each hearing is to be held, not less than once per week for 11282
two weeks prior to the date of the hearing. 11283

(C) If the commission does not comply with the notice and 11284
hearing requirements contained in division (B) of this section and 11285
votes for an increase in the toll rate structure that is 11286
applicable to vehicles operating on a turnpike project, the 11287
increase in the toll rate structure shall not take effect, any 11288
attempt by the commission to implement the increase in the toll 11289
rate structure is void, and, if necessary, the attorney general 11290
shall file an action in the court of common pleas of the county in 11291
which the principal office of the commission is located to enjoin 11292
the commission from implementing the increase. The commission 11293
shall not implement any increase until it complies with division 11294
(B) of this section. 11295

If the commission does not comply with the notice and hearing 11296
requirements contained in division (B) of this section and votes 11297
to take an action that expands, has the effect of expanding, or 11298
will to any degree at any time in the future have the effect of 11299
expanding the sphere of responsibility of the commission beyond 11300
the Ohio turnpike, the commission shall not take the proposed 11301
action and, if necessary, the attorney general shall file an 11302
action in the court of common pleas of the county in which the 11303
principal office of the commission is located to enjoin the 11304
commission from taking the proposed action. The commission shall 11305
not take the proposed action until it complies with the notice and 11306
hearing requirements prescribed in division (B) of this section. 11307

(D) Divisions (A) to (C) of this section do not apply to any 11308
decrease made to the toll rate structure by the commission. The 11309
commission may implement a temporary decrease in the toll rate 11310

structure only if it does not exceed eighteen months in duration. 11311
Prior to instituting any decrease to the toll rate structure, the 11312
commission shall ~~hold~~ do both of the following: 11313

(1) Not less than five days prior to any public meeting under 11314
division (D)(2) of this section, send notice to the governor and 11315
the presiding officers and minority leaders of the senate and 11316
house of representatives that details the proposed decrease to the 11317
toll rate structure; 11318

(2) Hold a public meeting to explain to members of the 11319
traveling public the reasons for the upcoming decrease, to inform 11320
them of any benefits and any negative consequences, and to give 11321
them the opportunity to express their opinions as to the relative 11322
merits or drawbacks of each toll decrease. The commission shall 11323
inform the public of the meeting by causing a notice to be 11324
published in newspapers of general circulation in Cuyahoga, Lucas, 11325
Mahoning, Trumbull, Williams, and Summit counties not less than 11326
five days prior to the meeting. The commission shall not be 11327
required to hold any public hearing or meeting upon the expiration 11328
of any temporary decrease in the toll rate structure, so long as 11329
it implements the same toll rate structure that was in effect 11330
immediately prior to the temporary decrease. 11331

(E) As used in this section, "Ohio turnpike" means the toll 11332
freeway that is under the jurisdiction of the commission and runs 11333
in an easterly and westerly direction across the entire northern 11334
portion of this state between its borders with the state of 11335
Pennsylvania in the east and the state of Indiana in the west, and 11336
carries the interstate highway designations of interstate 11337
seventy-six, interstate eighty, and interstate eighty-ninety. 11338

Sec. 5537.27. The Ohio turnpike commission, the director of 11339
transportation or the director's designee, and another person 11340
designated by the governor shall establish a procedure whereby a 11341

political subdivision or other government agency or agencies may 11342
submit a written application to the commission, requesting the 11343
commission to construct and operate a project within the 11344
boundaries of the subdivision, agency, or agencies making the 11345
request. The procedure shall include a requirement that the 11346
commission send a written reply to the subdivision, agency, or 11347
agencies, explaining the disposition of the request. The procedure 11348
established pursuant to this section shall not become effective 11349
unless it is approved by the commission and by the director or the 11350
director's designee and the designee of the governor, and shall 11351
require submission of the proposed project to the turnpike 11352
~~oversight~~ legislative review committee if the project must be 11353
approved by the governor. 11354

Sec. 5537.28. (A) Notwithstanding any other provision of law, 11355
on and after the effective date of this section, the Ohio turnpike 11356
commission shall not expend any toll revenues that are generated 11357
by an existing turnpike project to fund in any manner or to any 11358
degree the construction, operation, maintenance, or repair of 11359
another turnpike project the location of which must be reviewed by 11360
the turnpike ~~oversight~~ legislative review committee and approved 11361
by the governor. 11362

In paying the cost of such a project, the commission may 11363
issue bonds and bond anticipation notes as permitted by this 11364
chapter, and may accept moneys from any source to pay the cost of 11365
any portion of the project, including, but not limited to, the 11366
federal government, any department or agency of this state, and 11367
any political subdivision or other government agency. Each such 11368
project shall be constructed, operated, maintained, and repaired 11369
entirely with funds generated by that project or otherwise 11370
specifically acquired for that project from sources permitted by 11371
this chapter. 11372

(B) The commission shall not expend any toll revenues 11373
generated by the Ohio turnpike to pay any amount of the principal 11374
amount of, or interest due on, any bonds or bond anticipation 11375
notes issued by the commission to pay any portion of the cost of 11376
another turnpike project the location of which must be reviewed by 11377
the turnpike ~~oversight~~ legislative review committee and approved 11378
by the governor. The commission shall not expend any toll revenues 11379
generated by any turnpike project to pay any amount of the 11380
principal amount of, or interest due on, any bonds or bond 11381
anticipation notes issued by the commission to pay any portion of 11382
the cost of a new turnpike project the location of which must be 11383
reviewed by the turnpike ~~oversight~~ legislative review committee 11384
and approved by the governor or the cost of the operation, repair, 11385
improvement, maintenance, or reconstruction of any turnpike 11386
project other than the project that generated those toll revenues. 11387

(C) As used in this section: 11388

(1) "Ohio turnpike" has the same meaning as in division (E) 11389
of section 5537.26 of the Revised Code; 11390

(2) "Another turnpike project" does not include 11391
infrastructure improvements on the Ohio turnpike or on connecting 11392
roadways within one mile of an Ohio turnpike interchange. 11393

Sec. 5701.11. ~~(A)~~ The effective date referred to in this 11394
section is the effective date of this section as amended by H.B. 11395
699 of the 126th general assembly. 11396

(A) Except as provided under division (B) of this section, 11397
any reference in Title LVII of the Revised Code to the Internal 11398
Revenue Code, to the Internal Revenue Code "as amended," to other 11399
laws of the United States, or to other laws of the United States, 11400
"as amended" means the Internal Revenue Code or other laws of the 11401
United States as they exist on ~~the effective date of this section~~ 11402

~~as enacted by H.B. 530 of the 126th general assembly~~ the effective 11403
date. This section does not apply to any reference to the Internal 11404
Revenue Code or to other laws of the United States as of a date 11405
certain specifying the day, month, and year. 11406

(B)(1) For purposes of applying section 5733.04, 5745.01, or 11407
5747.01 of the Revised Code to a taxpayer's taxable year ending in 11408
~~2005~~ 2006, and ~~also to the subsequent taxable year if it ends~~ 11409
~~before the effective date of this section~~ before the effective 11410
date, a taxpayer may irrevocably elect to incorporate the 11411
provisions of the Internal Revenue Code or other laws of the 11412
United States that are in effect for federal income tax purposes 11413
for ~~those taxable years~~ that taxable year if those provisions 11414
differ from the provisions that would otherwise be incorporated 11415
into section 5733.04, 5745.01, or 5747.01 of the Revised Code for 11416
~~those taxable years~~ that taxable year under division (A) of this 11417
section. The filing of a report or return by the taxpayer for ~~the~~ 11418
~~taxable year ending in 2005 that incorporates~~ that taxable year 11419
incorporating the provisions of the Internal Revenue Code or other 11420
laws of the United States applicable for federal income tax 11421
purposes to ~~that taxable year~~ that taxable year, without 11422
adjustments to reverse the effects of any differences between 11423
those provisions and the provisions that would otherwise be 11424
incorporated under division (A) of this section, constitutes the 11425
making of an irrevocable election under this division for ~~that~~ 11426
~~taxable year and for the subsequent taxable year if it ends before~~ 11427
~~the effective date of this section~~ that taxable year. 11428

(2) Elections under prior versions of division (B)(1) of this 11429
section remain in effect for the taxable years to which they 11430
apply. 11431

Sec. 5709.083. Real and personal property comprising a 11432
project undertaken, financed, operated, or maintained by an 11433

eligible county under section 307.695 of the Revised Code is 11434
exempt from taxation so long as the project remains owned by the 11435
eligible county. 11436

As used in this section, "eligible county" and "project" have 11437
the same meanings as in section 307.695 of the Revised Code. 11438

Sec. 5709.87. (A) As used in this section: 11439

(1) "Improvement," "building," "fixture," and "structure" 11440
have the same meanings as in section 5701.02 of the Revised Code. 11441

(2) "Applicable standards," "property," "remedy," and 11442
"remedial activities" have the same meanings as in section 3746.01 11443
of the Revised Code. 11444

(B) The director of environmental protection, after issuing a 11445
covenant not to sue for property under section 3746.12 of the 11446
Revised Code and determining that remedies or remedial activities 11447
have commenced or been completed at that property to the 11448
satisfaction of the director, shall certify to the tax 11449
commissioner and to the director of development that such a 11450
covenant has been issued and such remedies or remedial activities 11451
have occurred at that property. The certification shall be in such 11452
form as is agreed upon by the directors of environmental 11453
protection and development and the tax commissioner and shall 11454
include a description of the property in sufficient detail for the 11455
tax commissioner and director of development to determine the 11456
boundaries of the property entitled to exemption from taxation 11457
under this section. 11458

(C)(1)(a) Upon receipt by the tax commissioner of a 11459
certification for property under division (B) of this section, the 11460
commissioner shall issue an order granting an exemption from real 11461
property taxation of the increase in the assessed value of land 11462
constituting property that is described in the certification, and 11463

of the increase in the assessed value of improvements, buildings, 11464
fixtures, and structures situated on that land at the time the 11465
order is issued as indicated on the current tax lists. The 11466
exemption shall commence on the first day of the tax year 11467
including the day on which the order is issued and shall end on 11468
the last day of the tenth tax year after issuance of the order. 11469
The order shall include a description of the property and the tax 11470
years for which the property is to be exempted from taxation. The 11471
commissioner shall send copies of the exemption order to the owner 11472
of record of the property to which the exemption applies and to 11473
the county auditor of each county in which any portion of that 11474
property is located. 11475

(b) Within sixty days after receiving the commissioner's 11476
order, the owner of record of the property may notify the 11477
commissioner in writing that the owner does not want the exemption 11478
from real property taxation provided under division (C)(1) of this 11479
section to apply. Upon receiving such a notification from the 11480
property owner of record, the commissioner shall issue a 11481
subsequent order rescinding the previously granted exemption. 11482

(2) The director of development shall maintain a record of 11483
certifications received under this section for purposes of section 11484
5709.88 of the Revised Code. 11485

(D) Any sale or other transfer of the property does not 11486
affect an exemption granted under division (C) of this section. 11487
The exemption shall continue in effect thereafter for the full 11488
period stated in the exemption order. 11489

(E) If at any time the director revokes a covenant not to sue 11490
under Chapter 3746. of the Revised Code and rules adopted under it 11491
for property concerning which the commissioner has issued an 11492
exemption order under division (C) of this section, the director 11493
shall so notify the commissioner and the legislative authority of 11494
the municipal corporation and county in which the property is 11495

located. The commissioner immediately shall rescind the exemption 11496
order and shall so notify the owner of record of the property and 11497
the county auditor of each county in which any portion of the 11498
property is located. 11499

Upon revocation of the ~~covenant~~ covenant not to sue, the 11500
owner of record shall pay the amount of taxes that would have been 11501
charged against the property had the property not been exempted 11502
from taxation for the period beginning with commencement of the 11503
exemption and ending with the date of revocation of the covenant 11504
not to sue. The county auditor shall return the property to the 11505
tax list and enter on the tax list the amount so payable as 11506
current taxes charged against the property. Taxes required to be 11507
paid pursuant to this section are payable in full on the first 11508
succeeding day on which the first one-half of taxes is required to 11509
be paid under section 323.12 of the Revised Code. If such taxes 11510
are not paid in full when due, a penalty shall be charged, and 11511
interest shall accrue on those taxes, as provided in section 11512
323.121 of the Revised Code. In cases of underpayment or 11513
nonpayment, the deficiency shall be collected as otherwise 11514
provided for the collection of delinquent real property taxes. 11515

Sec. 5713.051. (A) As used in this section: 11516

(1) "Oil" means all grades of crude oil. 11517

(2) "Gas" means all forms of natural gas. 11518

(3) "Well" means an oil or gas well or an oil and gas well. 11519

(4) "M.C.F." means one thousand cubic feet. 11520

(5) "Commonly metered wells" means two or more wells that 11521
share the same meter. 11522

(6) "Total production" means the total amount of oil, 11523
measured in barrels, and the total amount of gas, measured in 11524
M.C.F., of all oil and gas actually produced and sold from a 11525

single well that is developed and producing on the tax lien date. 11526
For commonly metered wells, "total production" means the total 11527
amount of oil, measured in barrels, and the total amount of gas, 11528
measured in M.C.F., of all oil and gas actually produced and sold 11529
from the commonly metered wells divided by the number of the 11530
commonly metered wells. 11531

(7) "Flush production" means total production from a single 11532
well during the first twelve calendar months during not more than 11533
two consecutive calendar years after a well first begins to 11534
produce. For commonly metered wells, "flush production" means 11535
total production during the first twelve calendar months during 11536
not more than two consecutive calendar years after a well first 11537
begins to produce from all wells with flush production divided by 11538
the number of those wells. 11539

(8) "Production through secondary recovery methods" means 11540
total production from a single well where mechanically induced 11541
pressure, such as air, nitrogen, carbon dioxide, or water 11542
pressure, is used to stimulate and maintain production in the oil 11543
and gas reservoir, exclusive of any flush production. For commonly 11544
metered wells, "production through secondary recovery methods" 11545
means total production from all wells with production through 11546
secondary recovery methods divided by the number of the those 11547
wells. 11548

(9) "Stabilized production" means total production reduced, 11549
if applicable, by the greater of forty-two and one-half per cent 11550
of flush production or fifty per cent of production through 11551
secondary recovery methods. 11552

(10) "Average daily production" means stabilized production 11553
divided by three hundred sixty-five, provided the well was in 11554
production at the beginning of the calendar year. If the well was 11555
not in production at the beginning of the calendar year, "average 11556

daily production" means stabilized production divided by the 11557
number of days beginning with the day the well went into 11558
production in the calendar year and ending with the thirty-first 11559
day of December. 11560

(11) "Gross price" means the unweighted average price per 11561
barrel of oil or the average price per M.C.F. of gas produced from 11562
Ohio wells and first sold during the five-year period ending with 11563
the calendar year immediately preceding the tax lien date, as 11564
reported by the department of natural resources. 11565

(12) "Average annual decline rate" means the amount of yearly 11566
decline in oil and gas production of a well after flush production 11567
has ended. For the purposes of this section, the average annual 11568
decline rate is thirteen per cent. 11569

(13) "Gross revenue" means the gross revenue from a well 11570
during a ten-year discount period with production assumed to be 11571
one barrel of oil or one M.C.F. of gas during the first year of 11572
production and declining at the annual average annual decline rate 11573
during the remaining nine years of the ten-year discount period, 11574
as follows: 11575

(a) First year: one barrel or one M.C.F. multiplied by gross 11576
price; 11577

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 11578
gross price; 11579

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by 11580
gross price; 11581

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by 11582
gross price; 11583

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by 11584
gross price; 11585

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by 11586

<u>gross price;</u>	11587
<u>(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by</u>	11588
<u>gross price;</u>	11589
<u>(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by</u>	11590
<u>gross price;</u>	11591
<u>(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by</u>	11592
<u>gross price;</u>	11593
<u>(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by</u>	11594
<u>gross price.</u>	11595
<u>(14) "Average royalty expense" means the annual cost of</u>	11596
<u>royalties paid by all working interest owners in a well. For the</u>	11597
<u>purposes of this section, the average royalty expense is fifteen</u>	11598
<u>per cent of annual gross revenue.</u>	11599
<u>(15) "Average operating expense" means the annual cost of</u>	11600
<u>operating and maintaining a producing well after it first begins</u>	11601
<u>production. For the purposes of this section, the average</u>	11602
<u>operating expense is forty per cent of annual gross revenue.</u>	11603
<u>(16) "Average capital recovery expense" means the annual</u>	11604
<u>capitalized investment cost of a developed and producing well. For</u>	11605
<u>the purposes of this section, average capital recovery expense is</u>	11606
<u>thirty per cent of annual gross revenue.</u>	11607
<u>(17) "Discount rate" means the rate used to determine the</u>	11608
<u>present net worth of one dollar during each year of the ten-year</u>	11609
<u>discount period assuming the net income stream projected for each</u>	11610
<u>year of the ten-year discount period is received at the half-year</u>	11611
<u>point. For the purposes of this section, the discount rate equals</u>	11612
<u>thirteen per cent plus the rate per annum prescribed by division</u>	11613
<u>(B) of section 5703.47 of the Revised Code and determined by the</u>	11614
<u>tax commissioner in October of the calendar year immediately</u>	11615
<u>preceding the tax lien date.</u>	11616

(B) The true value in money of oil reserves constituting real property on tax lien dates January 1, 2007, and thereafter with respect to a developed and producing well that has not been the subject of a recent arm's length sale, exclusive of personal property necessary to recover the oil, shall be determined under division (B)(1) or (2) of this section.

(1) For wells for which average daily production of oil is one barrel or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of oil from the well multiplied by the net present value of one barrel of oil, where:

(a) Net present value of one barrel of oil = 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

(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.

(2) For wells for which average daily production of oil is less than one barrel 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 sixty per cent of the net present value of one barrel of oil as computed under division (B)(1) of this section.

(C) The true value in money of gas reserves constituting real property on tax lien dates January 1, 2007, and thereafter with respect to a developed and producing well that has not been the subject of a recent arm's length sale, exclusive of personal property necessary to recover the gas, shall be determined under division (C)(1) or (2) of this section.

(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 11648
date, the true value in money equals the average daily production 11649
of gas from the well multiplied by the net present value of one 11650
M.C.F. of gas, where: 11651

(a) Net present value of one M.C.F. of gas = 365 x the sum of 11652
[net income for each year of the discount period x discount rate 11653
factor for that year] for all years in the discount period; and 11654

(b) Net income for a year of the discount period = gross 11655
revenue for that year minus the sum of the following for that 11656
year: average royalty expense, average operating expense, and 11657
average capital recovery expense. 11658

(2) For wells for which average daily production of gas is 11659
less than eight M.C.F. in the calendar year preceding the tax lien 11660
date, the true value in money equals the average daily production 11661
of the well in the calendar year preceding the tax lien date 11662
multiplied by fifty per cent of the net present value of one 11663
M.C.F. as computed under division (C)(1) of this section. 11664

Sec. 5725.31. (A) As used in this section: 11665

(1) "Eligible employee" and "eligible training costs" have 11666
the same meanings as in section 5733.42 of the Revised Code. 11667

(2) "Tax assessed under this chapter" means, in the case of a 11668
dealer in intangibles, the tax assessed under sections 5725.13 to 11669
5725.17 of the Revised Code and, in the case of a domestic 11670
insurance company, the taxes assessed under sections 5725.18 to 11671
5725.26 of the Revised Code. 11672

(3) "Taxpayer" means a dealer in intangibles or a domestic 11673
insurance company subject to a tax assessed under this chapter. 11674

(4) "Credit period" means, in the case of a dealer in 11675
intangibles, the calendar year ending on the thirty-first day of 11676
December next preceding the day the report is required to be 11677

returned under section 5725.14 of the Revised Code and, in the 11678
case of a domestic insurance company, the calendar year ending on 11679
the thirty-first day of December next preceding the day the annual 11680
statement is required to be returned under section 5725.18 or 11681
5725.181 of the Revised Code. 11682

(B) There is hereby allowed a nonrefundable credit against 11683
the tax imposed under this chapter for a taxpayer for which a tax 11684
credit certificate is issued under section 5733.42 of the Revised 11685
Code. The credit may be claimed for credit periods beginning on or 11686
after January 1, 2003, and ending on or before December 31, ~~2006~~ 11687
2007. The amount of the credit for the credit period beginning on 11688
January 1, 2003, shall equal one-half of the average of the 11689
eligible training costs paid or incurred by the taxpayer during 11690
calendar years 1998, 1999, and 2000, not to exceed one thousand 11691
dollars for each eligible employee on account of whom eligible 11692
training costs were paid or incurred by the taxpayer. The amount 11693
of the credit for the credit period beginning on January 1, 2004, 11694
shall equal one-half of the average of the eligible training costs 11695
paid or incurred by the taxpayer during calendar years 2002, 2003, 11696
and 2004, not to exceed one thousand dollars for each eligible 11697
employee on account of whom eligible training costs were paid or 11698
incurred by the taxpayer. The amount of the credit for the credit 11699
period beginning on January 1, 2005, shall equal one-half of the 11700
average of the eligible training costs paid or incurred by the 11701
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 11702
one thousand dollars for each eligible employee on account of whom 11703
eligible training costs were paid or incurred by the taxpayer. The 11704
amount of the credit for the credit period beginning on January 1, 11705
2006, shall equal one-half of the average of the eligible training 11706
costs paid or incurred by the taxpayer during calendar years 2004, 11707
2005, and 2006, not to exceed one thousand dollars for each 11708
eligible employee on account of whom eligible training costs were 11709

paid or incurred by the taxpayer. The amount of the credit for the 11710
credit period beginning on January 1, 2007, shall equal one-half 11711
of the average of the eligible training costs paid or incurred by 11712
the taxpayer during calendar years 2005, 2006, and 2007, not to 11713
exceed one thousand dollars for each eligible employee on account 11714
of whom eligible training costs were paid or incurred by the 11715
taxpayer. 11716

The credit claimed by a taxpayer each credit period shall not 11717
exceed one hundred thousand dollars. 11718

A taxpayer shall apply to the director of job and family 11719
services for a tax credit certificate in the manner prescribed by 11720
division (C) of section 5733.42 of the Revised Code. Divisions (C) 11721
to (H) of that section govern the tax credit allowed by this 11722
section, except that "credit period" shall be substituted for "tax 11723
year with respect to a calendar year" wherever that phrase appears 11724
in those divisions and that a taxpayer under this section shall be 11725
considered a taxpayer for the purposes of that section. 11726

A taxpayer may carry forward the credit allowed under this 11727
section to the extent that the credit exceeds the taxpayer's tax 11728
due for the credit period. The taxpayer may carry the excess 11729
credit forward for three credit periods following the credit 11730
period for which the credit is first claimed under this section. 11731
The credit allowed by this section is in addition to any credit 11732
allowed under section 5729.031 of the Revised Code. 11733

Sec. 5727.84. (A) As used in this section and sections 11734
5727.85, 5727.86, and 5727.87 of the Revised Code: 11735

(1) "School district" means a city, local, or exempted 11736
village school district. 11737

(2) "Joint vocational school district" means a joint 11738
vocational school district created under section 3311.16 of the 11739

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.

(3) "Local taxing unit" means a subdivision or taxing unit,
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.

(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.~~ 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; and 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 3310.41
of the Revised Code.

(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 assembly, as subsequently amended.

(6) "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.

~~(6)~~(7) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.

~~(7)~~(8) "Electric company tax value loss" means the amount determined under division (D) of this section.

~~(8)~~(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

~~(9)~~(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

~~(10)~~(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

~~(11)~~(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.

~~(12)~~(13) "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.

~~(13)~~(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.

~~(14)~~(15) "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. 11802

(B) The kilowatt-hour tax receipts fund is hereby created in 11803
the state treasury and shall consist of money arising from the tax 11804
imposed by section 5727.81 of the Revised Code. All money in the 11805
kilowatt-hour tax receipts fund shall be credited as follows: 11806

(1) Fifty-nine and nine hundred seventy-six one-thousandths 11807
per cent, shall be credited to the general revenue fund. 11808

(2) Two and six hundred forty-six one-thousandths per cent 11809
shall be credited to the local government fund, for distribution 11810
in accordance with section 5747.50 of the Revised Code. 11811

(3) Three hundred seventy-eight one-thousandths per cent 11812
shall be credited to the local government revenue assistance fund, 11813
for distribution in accordance with section 5747.61 of the Revised 11814
Code. 11815

(4) Twenty-five and four-tenths per cent shall be credited to 11816
the school district property tax replacement fund, which is hereby 11817
created in the state treasury for the purpose of making the 11818
payments described in section 5727.85 of the Revised Code. 11819

(5) Eleven and six-tenths per cent shall be credited to the 11820
local government property tax replacement fund, which is hereby 11821
created in the state treasury for the purpose of making the 11822
payments described in section 5727.86 of the Revised Code. 11823

(C) The natural gas tax receipts fund is hereby created in 11824
the state treasury and shall consist of money arising from the tax 11825
imposed by section 5727.811 of the Revised Code. All money in the 11826
fund shall be credited as follows: 11827

(1) Sixty-eight and seven-tenths per cent shall be credited 11828
to the school district property tax replacement fund for the 11829
purpose of making the payments described in section 5727.85 of the 11830
Revised Code. 11831

(2) Thirty-one and three-tenths per cent shall be credited to 11832
the local government property tax replacement fund for the purpose 11833
of making the payments described in section 5727.86 of the Revised 11834
Code. 11835

(D) Not later than January 1, 2002, the tax commissioner 11836
shall determine for each taxing district its electric company tax 11837
value loss, which is the sum of the applicable amounts described 11838
in divisions (D)(1) to (3) of this section: 11839

(1) The difference obtained by subtracting the amount 11840
described in division (D)(1)(b) from the amount described in 11841
division (D)(1)(a) of this section. 11842

(a) The value of electric company and rural electric company 11843
tangible personal property as assessed by the tax commissioner for 11844
tax year 1998 on a preliminary assessment, or an amended 11845
preliminary assessment if issued prior to March 1, 1999, and as 11846
apportioned to the taxing district for tax year 1998; 11847

(b) The value of electric company and rural electric company 11848
tangible personal property as assessed by the tax commissioner for 11849
tax year 1998 had the property been apportioned to the taxing 11850
district for tax year 2001, and assessed at the rates in effect 11851
for tax year 2001. 11852

(2) The difference obtained by subtracting the amount 11853
described in division (D)(2)(b) from the amount described in 11854
division (D)(2)(a) of this section. 11855

(a) The three-year average for tax years 1996, 1997, and 1998 11856
of the assessed value from nuclear fuel materials and assemblies 11857
assessed against a person under Chapter 5711. of the Revised Code 11858
from the leasing of them to an electric company for those 11859
respective tax years, as reflected in the preliminary assessments; 11860

(b) The three-year average assessed value from nuclear fuel 11861

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
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 in the value of current gas obtained by
subtracting the amount described in division (E)(2)(b) from the
amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as
assessed by the tax commissioner for tax years 1997, 1998, and
1999 on a preliminary assessment, or an amended preliminary
assessment if issued prior to March 1, 2001, and as apportioned in
the taxing district for those respective years;

(b) The three-year average assessed value from current gas
under division (E)(2)(a) of this section for tax years 1997, 1998,
and 1999, as reflected in the preliminary assessment, using an
assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas
companies, electric companies, and rural electric companies file a
report to help determine the tax value loss under divisions (D)
and (E) of this section. The report shall be filed within thirty
days of the commissioner's request. A company that fails to file
the report or does not timely file the report is subject to the
penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner
shall determine for each school district, joint vocational school
district, and local taxing unit its fixed-rate levy loss, which is
the sum of its electric company tax value loss multiplied by the

tax rate in effect in tax year 1998 for fixed-rate levies and its 11924
natural gas company tax value loss multiplied by the tax rate in 11925
effect in tax year 1999 for fixed-rate levies. 11926

(H) Not later than January 1, 2002, the tax commissioner 11927
shall determine for each school district, joint vocational school 11928
district, and local taxing unit its fixed-sum levy loss, which is 11929
the amount obtained by subtracting the amount described in 11930
division (H)(2) of this section from the amount described in 11931
division (H)(1) of this section: 11932

(1) The sum of the electric company tax value loss multiplied 11933
by the tax rate in effect in tax year 1998, and the natural gas 11934
company tax value loss multiplied by the tax rate in effect in tax 11935
year 1999, for fixed-sum levies for all taxing districts within 11936
each school district, joint vocational school district, and local 11937
taxing unit. For the years 2002 through 2006, this computation 11938
shall include school district emergency levies that existed in 11939
1998 in the case of the electric company tax value loss, and 1999 11940
in the case of the natural gas company tax value loss, and all 11941
other fixed-sum levies that existed in 1998 in the case of the 11942
electric company tax value loss and 1999 in the case of the 11943
natural gas company tax value loss and continue to be charged in 11944
the tax year preceding the distribution year. For the years 2007 11945
through 2016 in the case of school district emergency levies, and 11946
for all years after 2006 in the case of all other fixed-sum 11947
levies, this computation shall exclude all fixed-sum levies that 11948
existed in 1998 in the case of the electric company tax value loss 11949
and 1999 in the case of the natural gas company tax value loss, 11950
but are no longer in effect in the tax year preceding the 11951
distribution year. For the purposes of this section, an emergency 11952
levy that existed in 1998 in the case of the electric company tax 11953
value loss, and 1999 in the case of the natural gas company tax 11954
value loss, continues to exist in a year beginning on or after 11955

January 1, 2007, but before January 1, 2017, if, in that year, the
board of education levies a school district emergency levy for an
annual sum at least equal to the annual sum levied by the board in
tax year 1998 or 1999, respectively, less the amount of the
payment certified under this division for 2002.

(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 11987
determined under divisions (D) and (E) of this section for each 11988
taxing district, the fixed-rate levy loss calculated under 11989
division (G) of this section, and the fixed-sum levy loss 11990
calculated under division (H) of this section. The calculations 11991
under divisions (G) and (H) of this section shall separately 11992
display the levy loss for each levy eligible for reimbursement. 11993

(K) Not later than September 1, 2001, the tax commissioner 11994
shall certify the amount of the fixed-sum levy loss to the county 11995
auditor of each county in which a school district with a fixed-sum 11996
levy loss has territory. 11997

Sec. 5729.07. As used in this section: 11998

(A) "Eligible employee" and "eligible training costs" have 11999
the same meanings as in section 5733.42 of the Revised Code. 12000

(B) "Credit period" means the calendar year ending on the 12001
thirty-first day of December next preceding the day the annual 12002
statement is required to be returned under section 5729.02 of the 12003
Revised Code. 12004

There is hereby allowed a nonrefundable credit against the 12005
tax imposed under this chapter for a foreign insurance company for 12006
which a tax credit certificate is issued under section 5733.42 of 12007
the Revised Code. The credit may be claimed for credit periods 12008
beginning on or after January 1, 2003, and ending on or before 12009
December 31, ~~2006~~ 2007. The amount of the credit for the credit 12010
period beginning on January 1, 2003, shall equal one-half of the 12011
average of the eligible training costs paid or incurred by the 12012
company during calendar years 1998, 1999, and 2000, not to exceed 12013
one thousand dollars for each eligible employee on account of whom 12014
eligible training costs were paid or incurred by the company. The 12015
amount of the credit for the credit period beginning on January 1, 12016

2004, shall equal one-half of the average of the eligible training 12017
costs paid or incurred by the company during calendar years 2002, 12018
2003, and 2004, not to exceed one thousand dollars for each 12019
eligible employee on account of whom eligible training costs were 12020
paid or incurred by the company. The amount of the credit for the 12021
credit period beginning on January 1, 2005, shall equal one-half 12022
of the average of the eligible training costs paid or incurred by 12023
the company during calendar years 2003, 2004, and 2005, not to 12024
exceed one thousand dollars for each eligible employee on account 12025
of whom eligible training costs were paid or incurred by the 12026
company. The amount of the credit for the credit period beginning 12027
on January 1, 2006, shall equal one-half of the average of the 12028
eligible training costs paid or incurred by the company during 12029
calendar years 2004, 2005, and 2006, not to exceed one thousand 12030
dollars for each eligible employee on account of whom eligible 12031
training costs were paid or incurred by the company. The amount of 12032
the credit for the credit period beginning on January 1, 2007, 12033
shall equal one-half of the average of the eligible training costs 12034
paid or incurred by the company during calendar years 2005, 2006, 12035
and 2007, not to exceed one thousand dollars for each eligible 12036
employee on account of whom eligible training costs were paid or 12037
incurred by the company. 12038

The credit claimed by a company for each credit period shall 12039
not exceed one hundred thousand dollars. 12040

A foreign insurance company shall apply to the director of 12041
job and family services for a tax credit certificate in the manner 12042
prescribed by division (C) of section 5733.42 of the Revised Code. 12043
Divisions (C) to (H) of that section govern the tax credit allowed 12044
by this section, except that "credit period" shall be substituted 12045
for "tax year with respect to a calendar year" wherever that 12046
phrase appears in those divisions and that the company shall be 12047
considered a taxpayer for the purposes of those divisions. 12048

A foreign insurance company may carry forward the credit 12049
allowed under this section to the extent that the credit exceeds 12050
the company's tax due for the credit period. The company may carry 12051
the excess credit forward for three credit periods following the 12052
credit period for which the credit is first claimed under this 12053
section. The credit allowed by this section is in addition to any 12054
credit allowed under section 5729.031 of the Revised Code. 12055

The reduction in the tax due under this chapter to the extent 12056
of the credit allowed by this section does not increase the amount 12057
of the tax otherwise due under section 5729.06 of the Revised 12058
Code. 12059

Sec. 5733.42. (A) As used in this section: 12060

(1) "Eligible training program" means a program to provide 12061
job skills to eligible employees who are unable effectively to 12062
function on the job due to skill deficiencies or who would 12063
otherwise be displaced because of their skill deficiencies or 12064
inability to use new technology, or to provide job skills to 12065
eligible employees that enable them to perform other job duties 12066
for the taxpayer. Eligible training programs do not include 12067
executive, management, or personal enrichment training programs, 12068
or training programs intended exclusively for personal career 12069
development. 12070

(2) "Eligible employee" means an individual who is employed 12071
in this state by a taxpayer and has been so employed by the same 12072
taxpayer for at least one hundred eighty consecutive days before 12073
the day an application for the credit is filed under this section. 12074
"Eligible employee" does not include any employee for which a 12075
credit is claimed pursuant to division (A)(5) of section 5709.65 12076
of the Revised Code for all or any part of the same year, an 12077
employee who is not a full-time employee, or executive or 12078
managerial personnel, except for the immediate supervisors of 12079

nonexecutive, nonmanagerial personnel.	12080
(3) "Eligible training costs" means:	12081
(a) Direct instructional costs, such as instructor salaries,	12082
materials and supplies, textbooks and manuals, videotapes, and	12083
other instructional media and training equipment used exclusively	12084
for the purpose of training eligible employees;	12085
(b) Wages paid to eligible employees for time devoted	12086
exclusively to an eligible training program during normal paid	12087
working hours.	12088
(4) "Full-time employee" means an individual who is employed	12089
for consideration for at least thirty-five hours per week, or who	12090
renders any other standard of service generally accepted by custom	12091
or specified by contract as full-time employment.	12092
(5) "Partnership" includes a limited liability company formed	12093
under Chapter 1705. of the Revised Code or under the laws of	12094
another state, provided that the company is not classified for	12095
federal income tax purposes as an association taxable as a	12096
corporation.	12097
(B) There is hereby allowed a nonrefundable credit against	12098
the tax imposed by section 5733.06 of the Revised Code for	12099
taxpayers for which a tax credit certificate is issued under	12100
division (C) of this section. The credit may be claimed for tax	12101
years 2004, 2005, 2006, and 2007, <u>and 2008</u> . The amount of the	12102
credit for tax year 2004 shall equal one-half of the average of	12103
the eligible training costs paid or incurred by the taxpayer	12104
during calendar years 1999, 2000, and 2001, not to exceed one	12105
thousand dollars for each eligible employee on account of whom	12106
eligible training costs were paid or incurred by the taxpayer	12107
during those calendar years. The amount of the credit for tax year	12108
2005 shall equal one-half of the average of the eligible training	12109
costs paid or incurred by the taxpayer during calendar years 2002,	12110

2003, and 2004, not to exceed one thousand dollars for each 12111
eligible employee on account of whom eligible training costs were 12112
paid or incurred by the taxpayer during those calendar years. The 12113
amount of the credit for tax year 2006 shall equal one-half of the 12114
average of the eligible training costs paid or incurred by the 12115
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 12116
one thousand dollars for each eligible employee on account of whom 12117
eligible training costs were paid or incurred by the taxpayer 12118
during those calendar years. The amount of the credit for tax year 12119
2007 shall equal one-half of the average of the eligible training 12120
costs paid or incurred by the taxpayer during calendar years 2004, 12121
2005, and 2006, not to exceed one thousand dollars for each 12122
eligible employee on account of whom eligible training costs were 12123
paid or incurred by the taxpayer during those calendar years. The 12124
amount of the credit for tax year 2008 shall equal one-half of the 12125
average of the eligible training costs paid or incurred by the 12126
taxpayer during calendar years 2005, 2006, and 2007, not to exceed 12127
one thousand dollars for each eligible employee on account of whom 12128
eligible training costs were paid or incurred by the taxpayer 12129
during those calendar years. 12130

The credit claimed by a taxpayer each tax year shall not 12131
exceed one hundred thousand dollars. 12132

(C) A taxpayer who proposes to conduct an eligible training 12133
program may apply to the director of job and family services for a 12134
tax credit certificate under this section. The taxpayer may apply 12135
for such a certificate for tax years 2004, 2005, 2006, ~~and~~ 2007, 12136
and 2008 subject to division (L) of this section. The director 12137
shall prescribe the form of the application, which shall require a 12138
detailed description of the proposed training program. The 12139
director may require applicants to remit an application fee with 12140
each application filed with the director. The fee shall not exceed 12141
the reasonable and necessary expenses incurred by the director in 12142

receiving, reviewing, and approving such applications and issuing 12143
tax credit certificates. Proceeds from fees shall be used solely 12144
for the purpose of receiving, reviewing, and approving such 12145
applications and issuing such certificates. 12146

After receipt of an application, the director shall authorize 12147
a credit under this section by issuing a tax credit certificate, 12148
in the form prescribed by the director, if the director determines 12149
all of the following: 12150

(1) The proposed training program is an eligible training 12151
program under this section; 12152

(2) The proposed training program is economically sound and 12153
will benefit the people of this state by improving workforce 12154
skills and strengthening the economy of this state; 12155

(3) Receiving the tax credit is a major factor in the 12156
taxpayer's decision to go forward with the training program; 12157

(4) Authorization of the credit is consistent with division 12158
(H) of this section. 12159

The credit also is allowed for a taxpayer that is a partner 12160
in a partnership that pays or incurs eligible training costs. Such 12161
a taxpayer shall determine the taxpayer's credit amount in the 12162
manner prescribed by division (K) of this section. 12163

(D) If the director of job and family services denies an 12164
application for a tax credit certificate, the director shall send 12165
notice of the denial and the reason for denial to the applicant by 12166
certified mail, return receipt requested. If the director 12167
determines that an authorized training program, as actually 12168
conducted, fails to meet the requirements of this section or to 12169
comply with any condition set forth in the authorization, the 12170
director may reduce the amount of the tax credit previously 12171
granted. If the director reduces a tax credit, the director shall 12172
send notice of the reduction and the reason for the reduction to 12173

the taxpayer by certified mail, return receipt requested, and 12174
shall certify the reduction to the tax commissioner or, in the 12175
case of the reduction of a credit claimed by an insurance company, 12176
the superintendent of insurance. The tax commissioner or 12177
superintendent of insurance shall reduce the credit that may be 12178
claimed by the taxpayer accordingly. Within sixty days after 12179
receiving a notice of denial or notice of reduction of the tax 12180
credit, an applicant or taxpayer may request, in writing, a 12181
hearing before the director to review the denial or reduction. 12182
Within sixty days after receiving a request that is filed within 12183
the prescribed time, the director shall hold such a hearing at a 12184
location to be determined by the director. Within thirty days 12185
after the hearing is adjourned, the director shall issue a 12186
redetermination affirming, reversing, or modifying the denial or 12187
reduction of the tax credit and send notice of the redetermination 12188
to the applicant or taxpayer by certified mail, return receipt 12189
requested, and shall issue a notice of the redetermination to the 12190
tax commissioner or superintendent of insurance. If an applicant 12191
or taxpayer is aggrieved by the director's redetermination, the 12192
applicant or taxpayer may appeal the redetermination to the board 12193
of tax appeals in the manner prescribed by section 5717.02 of the 12194
Revised Code. 12195

(E) A taxpayer to which a tax credit certificate is issued 12196
shall retain records indicating the eligible training costs it 12197
pays or incurs for the eligible training program for which the 12198
certificate is issued for four years following the end of the tax 12199
year for which the credit is claimed. Such records shall be open 12200
to inspection by the director of job and family services upon the 12201
director's request during business hours. 12202

Financial statements and other information submitted by an 12203
applicant to the director of job and family services for a tax 12204
credit under this section, and any information taken for any 12205

purpose from such statements or information, are not public 12206
records subject to section 149.43 of the Revised Code. However, 12207
the director of job and family services, the tax commissioner, or 12208
superintendent of insurance may make use of the statements and 12209
other information for purposes of issuing public reports or in 12210
connection with court proceedings concerning tax credits allowed 12211
under this section and sections 5725.31, 5729.07, and 5747.39 of 12212
the Revised Code. 12213

(F) The director of job and family services, in accordance 12214
with Chapter 119. of the Revised Code, shall adopt rules necessary 12215
to implement this section and sections 5725.31, 5729.07, and 12216
5747.39 of the Revised Code. The rules shall be adopted after 12217
consultation with the tax commissioner and the superintendent of 12218
insurance. The rules shall require that if a taxpayer to which a 12219
tax credit certificate is issued under any of those sections 12220
permanently relocates or transfers employees trained under the tax 12221
credit certificate to another state or country within two years of 12222
receiving the certificate, the taxpayer shall repay the total 12223
amount of the tax credit received by the taxpayer for any 12224
employees permanently relocated or transferred. At the time the 12225
director gives public notice under division (A) of section 119.03 12226
of the Revised Code of the adoption of the rules, the director 12227
shall submit copies of the proposed rules to the chairpersons and 12228
ranking minority members of the standing committees in the senate 12229
and the house of representatives to which legislation on economic 12230
development matters are customarily referred. 12231

(G) On or before the thirtieth day of September of 2001, 12232
2003, 2004, 2005, 2006, ~~and~~ 2007, and 2008 the director of job and 12233
family services shall submit a report to the governor, the 12234
president of the senate, and the speaker of the house of 12235
representatives on the tax credit program under this section and 12236
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 12237

report shall include information on the number of training 12238
programs that were authorized under those sections during the 12239
preceding calendar year, a description of each authorized training 12240
program, the dollar amounts of the credits granted, and an 12241
estimate of the impact of the credits on the economy of this 12242
state. 12243

(H) The aggregate amount of credits authorized under this 12244
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 12245
Code shall not exceed twenty million dollars per calendar year. No 12246
more than ten million dollars in credits per calendar year shall 12247
be authorized for persons engaged primarily in manufacturing. No 12248
less than five million dollars in credits per calendar year shall 12249
be set aside for persons engaged primarily in activities other 12250
than manufacturing and having fewer than five hundred employees. 12251
Subject to such limits, the director of job and family services 12252
shall adopt a rule under division (F) of this section that 12253
establishes criteria and procedures for distribution of the 12254
credits. 12255

(I) A nonrefundable credit allowed under this section shall 12256
be claimed in the order required under section 5733.98 of the 12257
Revised Code. 12258

(J) The taxpayer may carry forward any credit amount in 12259
excess of its tax due after allowing for any other credits that 12260
precede the credit under this section in the order required under 12261
section 5733.98 of the Revised Code. The excess credit may be 12262
carried forward for three years following the tax year for which 12263
it is first claimed under this section. 12264

(K) A taxpayer that is a partner in a partnership on the last 12265
day of the third calendar year of the three-year period during 12266
which the partnership pays or incurs eligible training costs may 12267
claim a credit under this section for the tax year immediately 12268
following that calendar year. The amount of a partner's credit 12269

equals the partner's interest in the partnership on the last day 12270
of such calendar year multiplied by the credit available to the 12271
partnership as computed by the partnership. 12272

(L) The director of job and family services shall not 12273
authorize any credits under this section and sections 5725.31, 12274
5729.07, and 5747.39 of the Revised Code for eligible training 12275
costs paid or incurred after December 31, ~~2006~~ 2007. 12276

Sec. 5739.01. As used in this chapter: 12277

(A) "Person" includes individuals, receivers, assignees, 12278
trustees in bankruptcy, estates, firms, partnerships, 12279
associations, joint-stock companies, joint ventures, clubs, 12280
societies, corporations, the state and its political subdivisions, 12281
and combinations of individuals of any form. 12282

(B) "Sale" and "selling" include all of the following 12283
transactions for a consideration in any manner, whether absolutely 12284
or conditionally, whether for a price or rental, in money or by 12285
exchange, and by any means whatsoever: 12286

(1) All transactions by which title or possession, or both, 12287
of tangible personal property, is or is to be transferred, or a 12288
license to use or consume tangible personal property is or is to 12289
be granted; 12290

(2) All transactions by which lodging by a hotel is or is to 12291
be furnished to transient guests; 12292

(3) All transactions by which: 12293

(a) An item of tangible personal property is or is to be 12294
repaired, except property, the purchase of which would not be 12295
subject to the tax imposed by section 5739.02 of the Revised Code; 12296

(b) An item of tangible personal property is or is to be 12297
installed, except property, the purchase of which would not be 12298

subject to the tax imposed by section 5739.02 of the Revised Code	12299
or property that is or is to be incorporated into and will become	12300
a part of a production, transmission, transportation, or	12301
distribution system for the delivery of a public utility service;	12302
(c) The service of washing, cleaning, waxing, polishing, or	12303
painting a motor vehicle is or is to be furnished;	12304
(d) Until August 1, 2003, industrial laundry cleaning	12305
services are or are to be provided and, on and after August 1,	12306
2003, laundry and dry cleaning services are or are to be provided;	12307
(e) Automatic data processing, computer services, or	12308
electronic information services are or are to be provided for use	12309
in business when the true object of the transaction is the receipt	12310
by the consumer of automatic data processing, computer services,	12311
or electronic information services rather than the receipt of	12312
personal or professional services to which automatic data	12313
processing, computer services, or electronic information services	12314
are incidental or supplemental. Notwithstanding any other	12315
provision of this chapter, such transactions that occur between	12316
members of an affiliated group are not sales. An affiliated group	12317
means two or more persons related in such a way that one person	12318
owns or controls the business operation of another member of the	12319
group. In the case of corporations with stock, one corporation	12320
owns or controls another if it owns more than fifty per cent of	12321
the other corporation's common stock with voting rights.	12322
(f) Telecommunications service, including prepaid calling	12323
service, prepaid wireless calling service, or ancillary service,	12324
is or is to be provided, but not including coin-operated telephone	12325
service;	12326
(g) Landscaping and lawn care service is or is to be	12327
provided;	12328
(h) Private investigation and security service is or is to be	12329

provided;	12330
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	12331 12332
(j) Building maintenance and janitorial service is or is to be provided;	12333 12334
(k) Employment service is or is to be provided;	12335
(l) Employment placement service is or is to be provided;	12336
(m) Exterminating service is or is to be provided;	12337
(n) Physical fitness facility service is or is to be provided;	12338 12339
(o) Recreation and sports club service is or is to be provided;	12340 12341
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	12342 12343
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	12344 12345 12346 12347 12348 12349 12350 12351
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	12352 12353 12354 12355 12356 12357 12358 12359

(s) On and after August 1, 2003, motor vehicle towing service 12360
is or is to be provided. As used in this division, "motor vehicle 12361
towing service" means the towing or conveyance of a wrecked, 12362
disabled, or illegally parked motor vehicle. 12363

(t) On and after August 1, 2003, snow removal service is or 12364
is to be provided. As used in this division, "snow removal 12365
service" means the removal of snow by any mechanized means, but 12366
does not include the providing of such service by a person that 12367
has less than five thousand dollars in sales of such service 12368
during the calendar year. 12369

(4) All transactions by which printed, imprinted, 12370
overprinted, lithographic, multilithic, blueprinted, photostatic, 12371
or other productions or reproductions of written or graphic matter 12372
are or are to be furnished or transferred; 12373

(5) The production or fabrication of tangible personal 12374
property for a consideration for consumers who furnish either 12375
directly or indirectly the materials used in the production of 12376
fabrication work; and include the furnishing, preparing, or 12377
serving for a consideration of any tangible personal property 12378
consumed on the premises of the person furnishing, preparing, or 12379
serving such tangible personal property. Except as provided in 12380
section 5739.03 of the Revised Code, a construction contract 12381
pursuant to which tangible personal property is or is to be 12382
incorporated into a structure or improvement on and becoming a 12383
part of real property is not a sale of such tangible personal 12384
property. The construction contractor is the consumer of such 12385
tangible personal property, provided that the sale and 12386
installation of carpeting, the sale and installation of 12387
agricultural land tile, the sale and erection or installation of 12388
portable grain bins, or the provision of landscaping and lawn care 12389
service and the transfer of property as part of such service is 12390
never a construction contract. 12391

As used in division (B)(5) of this section:	12392
(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used directly in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.	12393 12394 12395 12396 12397 12398 12399 12400 12401
(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.	12402 12403 12404 12405
(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;	12406 12407 12408 12409 12410
(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;	12411 12412 12413 12414 12415
(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale.	12416 12417 12418
(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business.	12419 12420 12421 12422

Except as provided in this section, "sale" and "selling" do 12423
not include transfers of interest in leased property where the 12424
original lessee and the terms of the original lease agreement 12425
remain unchanged, or professional, insurance, or personal service 12426
transactions that involve the transfer of tangible personal 12427
property as an inconsequential element, for which no separate 12428
charges are made. 12429

(C) "Vendor" means the person providing the service or by 12430
whom the transfer effected or license given by a sale is or is to 12431
be made or given and, for sales described in division (B)(3)(i) of 12432
this section, the telecommunications service vendor that provides 12433
the nine hundred telephone service; if two or more persons are 12434
engaged in business at the same place of business under a single 12435
trade name in which all collections on account of sales by each 12436
are made, such persons shall constitute a single vendor. 12437

Physicians, dentists, hospitals, and veterinarians who are 12438
engaged in selling tangible personal property as received from 12439
others, such as eyeglasses, mouthwashes, dentifrices, or similar 12440
articles, are vendors. Veterinarians who are engaged in 12441
transferring to others for a consideration drugs, the dispensing 12442
of which does not require an order of a licensed veterinarian or 12443
physician under federal law, are vendors. 12444

(D)(1) "Consumer" means the person for whom the service is 12445
provided, to whom the transfer effected or license given by a sale 12446
is or is to be made or given, to whom the service described in 12447
division (B)(3)(f) or (i) of this section is charged, or to whom 12448
the admission is granted. 12449

(2) Physicians, dentists, hospitals, and blood banks operated 12450
by nonprofit institutions and persons licensed to practice 12451
veterinary medicine, surgery, and dentistry are consumers of all 12452
tangible personal property and services purchased by them in 12453

connection with the practice of medicine, dentistry, the rendition 12454
of hospital or blood bank service, or the practice of veterinary 12455
medicine, surgery, and dentistry. In addition to being consumers 12456
of drugs administered by them or by their assistants according to 12457
their direction, veterinarians also are consumers of drugs that 12458
under federal law may be dispensed only by or upon the order of a 12459
licensed veterinarian or physician, when transferred by them to 12460
others for a consideration to provide treatment to animals as 12461
directed by the veterinarian. 12462

(3) A person who performs a facility management, or similar 12463
service contract for a contractee is a consumer of all tangible 12464
personal property and services purchased for use in connection 12465
with the performance of such contract, regardless of whether title 12466
to any such property vests in the contractee. The purchase of such 12467
property and services is not subject to the exception for resale 12468
under division (E)(1) of this section. 12469

(4)(a) In the case of a person who purchases printed matter 12470
for the purpose of distributing it or having it distributed to the 12471
public or to a designated segment of the public, free of charge, 12472
that person is the consumer of that printed matter, and the 12473
purchase of that printed matter for that purpose is a sale. 12474

(b) In the case of a person who produces, rather than 12475
purchases, printed matter for the purpose of distributing it or 12476
having it distributed to the public or to a designated segment of 12477
the public, free of charge, that person is the consumer of all 12478
tangible personal property and services purchased for use or 12479
consumption in the production of that printed matter. That person 12480
is not entitled to claim exemption under division (B)(42)(f) of 12481
section 5739.02 of the Revised Code for any material incorporated 12482
into the printed matter or any equipment, supplies, or services 12483
primarily used to produce the printed matter. 12484

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2) and (3) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible

personal property or services are sold, leased, or rented, valued	12516
in money, whether received in money or otherwise, without any	12517
deduction for any of the following:	12518
(i) The vendor's cost of the property sold;	12519
(ii) The cost of materials used, labor or service costs,	12520
interest, losses, all costs of transportation to the vendor, all	12521
taxes imposed on the vendor, including the tax imposed under	12522
Chapter 5751. of the Revised Code, and any other expense of the	12523
vendor;	12524
(iii) Charges by the vendor for any services necessary to	12525
complete the sale;	12526
(iv) On and after August 1, 2003, delivery charges. As used	12527
in this division, "delivery charges" means charges by the vendor	12528
for preparation and delivery to a location designated by the	12529
consumer of tangible personal property or a service, including	12530
transportation, shipping, postage, handling, crating, and packing.	12531
(v) Installation charges;	12532
(vi) Credit for any trade-in.	12533
(b) "Price" includes consideration received by the vendor	12534
from a third party, if the vendor actually receives the	12535
consideration from a party other than the consumer, and the	12536
consideration is directly related to a price reduction or discount	12537
on the sale; the vendor has an obligation to pass the price	12538
reduction or discount through to the consumer; the amount of the	12539
consideration attributable to the sale is fixed and determinable	12540
by the vendor at the time of the sale of the item to the consumer;	12541
and one of the following criteria is met:	12542
(i) The consumer presents a coupon, certificate, or other	12543
document to the vendor to claim a price reduction or discount	12544
where the coupon, certificate, or document is authorized,	12545

distributed, or granted by a third party with the understanding 12546
that the third party will reimburse any vendor to whom the coupon, 12547
certificate, or document is presented; 12548

(ii) The consumer identifies the consumer's self to the 12549
seller as a member of a group or organization entitled to a price 12550
reduction or discount. A preferred customer card that is available 12551
to any patron does not constitute membership in such a group or 12552
organization. 12553

(iii) The price reduction or discount is identified as a 12554
third party price reduction or discount on the invoice received by 12555
the consumer, or on a coupon, certificate, or other document 12556
presented by the consumer. 12557

(c) "Price" does not include any of the following: 12558

(i) Discounts, including cash, term, or coupons that are not 12559
reimbursed by a third party that are allowed by a vendor and taken 12560
by a consumer on a sale; 12561

(ii) Interest, financing, and carrying charges from credit 12562
extended on the sale of tangible personal property or services, if 12563
the amount is separately stated on the invoice, bill of sale, or 12564
similar document given to the purchaser; 12565

(iii) Any taxes legally imposed directly on the consumer that 12566
are separately stated on the invoice, bill of sale, or similar 12567
document given to the consumer. For the purpose of this division, 12568
the tax imposed under Chapter 5751. of the Revised Code is not a 12569
tax directly on the consumer, even if the tax or a portion thereof 12570
is separately stated. 12571

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 12572
section, any discount allowed by an automobile manufacturer to its 12573
employee, or to the employee of a supplier, on the purchase of a 12574
new motor vehicle from a new motor vehicle dealer in this state. 12575

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, regardless of whether the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility

service" means that property that is to be incorporated into and
will become a part of the consumer's production, transmission,
transportation, or distribution system and that retains its
classification as tangible personal property after such
incorporation; fuel or power used in the production, transmission,
transportation, or distribution system; and tangible personal
property used in the repair and maintenance of the production,
transmission, transportation, or distribution system, including
only such motor vehicles as are specially designed and equipped
for such use. Tangible personal property and services used
primarily in providing highway transportation for hire are not
used directly in the rendition of a public utility service. In
this definition, "public utility" includes a citizen of the United
States holding, and required to hold, a certificate of public
convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable
product from raw or contaminated materials by distillation or
physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting
together parts to form a product, but do not include packaging a
product.

(S) "Manufacturing operation" means a process in which
materials are changed, converted, or transformed into a different
state or form from which they previously existed and includes
refining materials, assembling parts, and preparing raw materials
and parts by mixing, measuring, blending, or otherwise committing
such materials or parts to the manufacturing process.
"Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional
transit authority, the secretary-treasurer thereof, and with
respect to a county that is a transit authority, the fiscal

officer of the county transit board if one is appointed pursuant 12669
to section 306.03 of the Revised Code or the county auditor if the 12670
board of county commissioners operates the county transit system. 12671

(U) "Transit authority" means a regional transit authority 12672
created pursuant to section 306.31 of the Revised Code or a county 12673
in which a county transit system is created pursuant to section 12674
306.01 of the Revised Code. For the purposes of this chapter, a 12675
transit authority must extend to at least the entire area of a 12676
single county. A transit authority that includes territory in more 12677
than one county must include all the area of the most populous 12678
county that is a part of such transit authority. County population 12679
shall be measured by the most recent census taken by the United 12680
States census bureau. 12681

(V) "Legislative authority" means, with respect to a regional 12682
transit authority, the board of trustees thereof, and with respect 12683
to a county that is a transit authority, the board of county 12684
commissioners. 12685

(W) "Territory of the transit authority" means all of the 12686
area included within the territorial boundaries of a transit 12687
authority as they from time to time exist. Such territorial 12688
boundaries must at all times include all the area of a single 12689
county or all the area of the most populous county that is a part 12690
of such transit authority. County population shall be measured by 12691
the most recent census taken by the United States census bureau. 12692

(X) "Providing a service" means providing or furnishing 12693
anything described in division (B)(3) of this section for 12694
consideration. 12695

(Y)(1)(a) "Automatic data processing" means processing of 12696
others' data, including keypunching or similar data entry services 12697
together with verification thereof, or providing access to 12698
computer equipment for the purpose of processing data. 12699

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for	12730
collecting business information, and determining how data should	12731
be summarized, sequenced, formatted, processed, controlled, and	12732
reported so that it will be meaningful to management;	12733
(f) Developing policies and procedures that document how	12734
business events and transactions are to be authorized, executed,	12735
and controlled;	12736
(g) Testing of business procedures;	12737
(h) Training personnel in business procedure applications;	12738
(i) Providing credit information to users of such information	12739
by a consumer reporting agency, as defined in the "Fair Credit	12740
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	12741
as hereafter amended, including but not limited to gathering,	12742
organizing, analyzing, recording, and furnishing such information	12743
by any oral, written, graphic, or electronic medium;	12744
(j) Providing debt collection services by any oral, written,	12745
graphic, or electronic means.	12746
The services listed in divisions (Y)(2)(a) to (j) of this	12747
section are not automatic data processing or computer services.	12748
(Z) "Highway transportation for hire" means the	12749
transportation of personal property belonging to others for	12750
consideration by any of the following:	12751
(1) The holder of a permit or certificate issued by this	12752
state or the United States authorizing the holder to engage in	12753
transportation of personal property belonging to others for	12754
consideration over or on highways, roadways, streets, or any	12755
similar public thoroughfare;	12756
(2) A person who engages in the transportation of personal	12757
property belonging to others for consideration over or on	12758
highways, roadways, streets, or any similar public thoroughfare	12759

but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming	12790
services, regardless of the medium, including the furnishing of	12791
transmission, conveyance, and routing of such services by the	12792
programming service provider. Radio and television audio and video	12793
programming services include, but are not limited to, cable	12794
service, as defined in 47 U.S.C. 522(6), and audio and video	12795
programming services delivered by commercial mobile radio service	12796
providers, as defined in 47 C.F.R. 20.3;	12797
(h) Ancillary service;	12798
(i) Digital products delivered electronically, including	12799
software, music, video, reading materials, or ring tones.	12800
(2) "Ancillary service" means a service that is associated	12801
with or incidental to the provision of telecommunications service,	12802
including conference bridging service, detailed telecommunications	12803
billing service, directory assistance, vertical service, and voice	12804
mail service. As used in this division:	12805
(a) "Conference bridging service" means an ancillary service	12806
that links two or more participants of an audio or video	12807
conference call, including providing a telephone number.	12808
"Conference bridging service" does not include telecommunications	12809
services used to reach the conference bridge.	12810
(b) "Detailed telecommunications billing service" means an	12811
ancillary service of separately stating information pertaining to	12812
individual calls on a customer's billing statement.	12813
(c) "Directory assistance" means an ancillary service of	12814
providing telephone number or address information.	12815
(d) "Vertical service" means an ancillary service that is	12816
offered in connection with one or more telecommunications	12817
services, which offers advanced calling features that allow	12818
customers to identify callers and manage multiple calls and call	12819

connections, including conference bridging service. 12820

(e) "Voice mail service" means an ancillary service that 12821
enables the customer to store, send, or receive recorded messages. 12822
"Voice mail service" does not include any vertical services that 12823
the customer may be required to have in order to utilize the voice 12824
mail service. 12825

(3) "900 service" means an inbound toll telecommunications 12826
service purchased by a subscriber that allows the subscriber's 12827
customers to call in to the subscriber's prerecorded announcement 12828
or live service, and which is typically marketed under the name 12829
"900" service and any subsequent numbers designated by the federal 12830
communications commission. "900 service" does not include the 12831
charge for collection services provided by the seller of the 12832
telecommunications service to the subscriber, or services or 12833
products sold by the subscriber to the subscriber's customer. 12834

(4) "Prepaid calling service" means the right to access 12835
exclusively telecommunications services, which must be paid for in 12836
advance and which enables the origination of calls using an access 12837
number or authorization code, whether manually or electronically 12838
dialed, and that is sold in predetermined units of dollars of 12839
which the number declines with use in a known amount. 12840

(5) "Prepaid wireless calling service" means a 12841
telecommunications service that provides the right to utilize 12842
mobile telecommunications service as well as other 12843
non-telecommunications services, including the download of digital 12844
products delivered electronically, and content and ancillary 12845
services, that must be paid for in advance and that is sold in 12846
predetermined units of dollars of which the number declines with 12847
use in a known amount. 12848

(6) "Value-added non-voice data service" means a 12849
telecommunications service in which computer processing 12850

applications are used to act on the form, content, code, or 12851
protocol of the information or data primarily for a purpose other 12852
than transmission, conveyance, or routing. 12853

(7) "Coin-operated telephone service" means a 12854
telecommunications service paid for by inserting money into a 12855
telephone accepting direct deposits of money to operate. 12856

(8) "Customer" has the same meaning as in section 5739.034 of 12857
the Revised Code. 12858

(BB) "Laundry and dry cleaning services" means removing soil 12859
or dirt from towels, linens, articles of clothing, or other fabric 12860
items that belong to others and supplying towels, linens, articles 12861
of clothing, or other fabric items. "Laundry and dry cleaning 12862
services" does not include the provision of self-service 12863
facilities for use by consumers to remove soil or dirt from 12864
towels, linens, articles of clothing, or other fabric items. 12865

(CC) "Magazines distributed as controlled circulation 12866
publications" means magazines containing at least twenty-four 12867
pages, at least twenty-five per cent editorial content, issued at 12868
regular intervals four or more times a year, and circulated 12869
without charge to the recipient, provided that such magazines are 12870
not owned or controlled by individuals or business concerns which 12871
conduct such publications as an auxiliary to, and essentially for 12872
the advancement of the main business or calling of, those who own 12873
or control them. 12874

(DD) "Landscaping and lawn care service" means the services 12875
of planting, seeding, sodding, removing, cutting, trimming, 12876
pruning, mulching, aerating, applying chemicals, watering, 12877
fertilizing, and providing similar services to establish, promote, 12878
or control the growth of trees, shrubs, flowers, grass, ground 12879
cover, and other flora, or otherwise maintaining a lawn or 12880
landscape grown or maintained by the owner for ornamentation or 12881

other nonagricultural purpose. However, "landscaping and lawn care
service" does not include the providing of such services by a
person who has less than five thousand dollars in sales of such
services during the calendar year.

(EE) "Private investigation and security service" means the
performance of any activity for which the provider of such service
is required to be licensed pursuant to Chapter 4749. of the
Revised Code, or would be required to be so licensed in performing
such services in this state, and also includes the services of
conducting polygraph examinations and of monitoring or overseeing
the activities on or in, or the condition of, the consumer's home,
business, or other facility by means of electronic or similar
monitoring devices. "Private investigation and security service"
does not include special duty services provided by off-duty police
officers, deputy sheriffs, and other peace officers regularly
employed by the state or a political subdivision.

(FF) "Information services" means providing conversation,
giving consultation or advice, playing or making a voice or other
recording, making or keeping a record of the number of callers,
and any other service provided to a consumer by means of a nine
hundred telephone call, except when the nine hundred telephone
call is the means by which the consumer makes a contribution to a
recognized charity.

(GG) "Research and development" means designing, creating, or
formulating new or enhanced products, equipment, or manufacturing
processes, and also means conducting scientific or technological
inquiry and experimentation in the physical sciences with the goal
of increasing scientific knowledge which may reveal the bases for
new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means
capitalized tangible personal property, and leased personal

property that would be capitalized if purchased, used by a person 12913
primarily to perform research and development. Tangible personal 12914
property primarily used in testing, as defined in division (A)(4) 12915
of section 5739.011 of the Revised Code, or used for recording or 12916
storing test results, is not qualified research and development 12917
equipment unless such property is primarily used by the consumer 12918
in testing the product, equipment, or manufacturing process being 12919
created, designed, or formulated by the consumer in the research 12920
and development activity or in recording or storing such test 12921
results. 12922

(II) "Building maintenance and janitorial service" means 12923
cleaning the interior or exterior of a building and any tangible 12924
personal property located therein or thereon, including any 12925
services incidental to such cleaning for which no separate charge 12926
is made. However, "building maintenance and janitorial service" 12927
does not include the providing of such service by a person who has 12928
less than five thousand dollars in sales of such service during 12929
the calendar year. 12930

(JJ) "Employment service" means providing or supplying 12931
personnel, on a temporary or long-term basis, to perform work or 12932
labor under the supervision or control of another, when the 12933
personnel so supplied receive their wages, salary, or other 12934
compensation from the provider of the service. "Employment 12935
service" does not include: 12936

(1) Acting as a contractor or subcontractor, where the 12937
personnel performing the work are not under the direct control of 12938
the purchaser. 12939

(2) Medical and health care services. 12940

(3) Supplying personnel to a purchaser pursuant to a contract 12941
of at least one year between the service provider and the 12942
purchaser that specifies that each employee covered under the 12943

contract is assigned to the purchaser on a permanent basis. 12944

(4) Transactions between members of an affiliated group, as 12945
defined in division (B)(3)(e) of this section. 12946

(KK) "Employment placement service" means locating or finding 12947
employment for a person or finding or locating an employee to fill 12948
an available position. 12949

(LL) "Exterminating service" means eradicating or attempting 12950
to eradicate vermin infestations from a building or structure, or 12951
the area surrounding a building or structure, and includes 12952
activities to inspect, detect, or prevent vermin infestation of a 12953
building or structure. 12954

(MM) "Physical fitness facility service" means all 12955
transactions by which a membership is granted, maintained, or 12956
renewed, including initiation fees, membership dues, renewal fees, 12957
monthly minimum fees, and other similar fees and dues, by a 12958
physical fitness facility such as an athletic club, health spa, or 12959
gymnasium, which entitles the member to use the facility for 12960
physical exercise. 12961

(NN) "Recreation and sports club service" means all 12962
transactions by which a membership is granted, maintained, or 12963
renewed, including initiation fees, membership dues, renewal fees, 12964
monthly minimum fees, and other similar fees and dues, by a 12965
recreation and sports club, which entitles the member to use the 12966
facilities of the organization. "Recreation and sports club" means 12967
an organization that has ownership of, or controls or leases on a 12968
continuing, long-term basis, the facilities used by its members 12969
and includes an aviation club, gun or shooting club, yacht club, 12970
card club, swimming club, tennis club, golf club, country club, 12971
riding club, amateur sports club, or similar organization. 12972

(OO) "Livestock" means farm animals commonly raised for food 12973
or food production, and includes but is not limited to cattle, 12974

sheep, goats, swine, and poultry. "Livestock" does not include 12975
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 12976
animals for use in laboratories or for exhibition, or other 12977
animals not commonly raised for food or food production. 12978

(PP) "Livestock structure" means a building or structure used 12979
exclusively for the housing, raising, feeding, or sheltering of 12980
livestock, and includes feed storage or handling structures and 12981
structures for livestock waste handling. 12982

(QQ) "Horticulture" means the growing, cultivation, and 12983
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 12984
and nursery stock. As used in this division, "nursery stock" has 12985
the same meaning as in section 927.51 of the Revised Code. 12986

(RR) "Horticulture structure" means a building or structure 12987
used exclusively for the commercial growing, raising, or 12988
overwintering of horticultural products, and includes the area 12989
used for stocking, storing, and packing horticultural products 12990
when done in conjunction with the production of those products. 12991

(SS) "Newspaper" means an unbound publication bearing a title 12992
or name that is regularly published, at least as frequently as 12993
biweekly, and distributed from a fixed place of business to the 12994
public in a specific geographic area, and that contains a 12995
substantial amount of news matter of international, national, or 12996
local events of interest to the general public. 12997

(TT) "Professional racing team" means a person that employs 12998
at least twenty full-time employees for the purpose of conducting 12999
a motor vehicle racing business for profit. The person must 13000
conduct the business with the purpose of racing one or more motor 13001
racing vehicles in at least ten competitive professional racing 13002
events each year that comprise all or part of a motor racing 13003
series sanctioned by one or more motor racing sanctioning 13004
organizations. A "motor racing vehicle" means a vehicle for which 13005

the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

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

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an

operator for a fixed or indefinite period of time, if the operator
is necessary for the property to perform as designed. For purposes
of this division, the operator must do more than maintain,
inspect, or set-up the tangible personal property.

(2) "Lease" and "rental," as defined in division (UU) of this
section, shall not apply to leases or rentals that exist before
June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division
(UU)(1) of this section regardless of whether a transaction is
characterized as a lease or rental under generally accepted
accounting principles, the Internal Revenue Code, Title XIII of
the Revised Code, or other federal, state, or local laws.

(VV) "Mobile telecommunications service" has the same meaning
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No.
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and,
on and after August 1, 2003, includes related fees and ancillary
services, including universal service fees, detailed billing
service, directory assistance, service initiation, voice mail
service, and vertical services, such as caller ID and three-way
calling.

(WW) "Certified service provider" has the same meaning as in
section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution
or broadcasting of programming or services by satellite directly
to the subscriber's receiving equipment without the use of ground
receiving or distribution equipment, except the subscriber's
receiving equipment or equipment used in the uplink process to the
satellite, and includes all service and rental charges, premium
channels or other special services, installation and repair
service charges, and any other charges having any connection with
the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property 13068
that can be seen, weighed, measured, felt, or touched, or that is 13069
in any other manner perceptible to the senses. For purposes of 13070
this chapter and Chapter 5741. of the Revised Code, "tangible 13071
personal property" includes motor vehicles, electricity, water, 13072
gas, steam, and prewritten computer software. 13073

(ZZ) "Direct mail" means printed material delivered or 13074
distributed by United States mail or other delivery service to a 13075
mass audience or to addressees on a mailing list provided by the 13076
consumer or at the direction of the consumer when the cost of the 13077
items are not billed directly to the recipients. "Direct mail" 13078
includes tangible personal property supplied directly or 13079
indirectly by the consumer to the direct mail vendor for inclusion 13080
in the package containing the printed material. "Direct mail" does 13081
not include multiple items of printed material delivered to a 13082
single address. 13083

(AAA) "Computer" means an electronic device that accepts 13084
information in digital or similar form and manipulates it for a 13085
result based on a sequence of instructions. 13086

(BBB) "Computer software" means a set of coded instructions 13087
designed to cause a computer or automatic data processing 13088
equipment to perform a task. 13089

(CCC) "Delivered electronically" means delivery of computer 13090
software from the seller to the purchaser by means other than 13091
tangible storage media. 13092

(DDD) "Prewritten computer software" means computer software, 13093
including prewritten upgrades, that is not designed and developed 13094
by the author or other creator to the specifications of a specific 13095
purchaser. The combining of two or more prewritten computer 13096
software programs or prewritten portions thereof does not cause 13097
the combination to be other than prewritten computer software. 13098

"Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (EEE)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box

found on the label, as required by 21 C.F.R. 101.36; and that	13130
contains one or more of the following dietary ingredients:	13131
(i) A vitamin;	13132
(ii) A mineral;	13133
(iii) An herb or other botanical;	13134
(iv) An amino acid;	13135
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	13136 13137
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	13138 13139 13140
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	13141 13142 13143 13144 13145
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	13146 13147
(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	13148 13149 13150 13151 13152 13153 13154 13155 13156
(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the	13157 13158 13159

laws of this state to issue a prescription. 13160

(HHH) "Durable medical equipment" means equipment, including 13161
repair and replacement parts for such equipment, that can 13162
withstand repeated use, is primarily and customarily used to serve 13163
a medical purpose, generally is not useful to a person in the 13164
absence of illness or injury, and is not worn in or on the body. 13165
"Durable medical equipment" does not include mobility enhancing 13166
equipment. 13167

(III) "Mobility enhancing equipment" means equipment, 13168
including repair and replacement parts for such equipment, that is 13169
primarily and customarily used to provide or increase the ability 13170
to move from one place to another and is appropriate for use 13171
either in a home or a motor vehicle, that is not generally used by 13172
persons with normal mobility, and that does not include any motor 13173
vehicle or equipment on a motor vehicle normally provided by a 13174
motor vehicle manufacturer. "Mobility enhancing equipment" does 13175
not include durable medical equipment. 13176

(JJJ) "Prosthetic device" means a replacement, corrective, or 13177
supportive device, including repair and replacement parts for the 13178
device, worn on or in the human body to artificially replace a 13179
missing portion of the body, prevent or correct physical deformity 13180
or malfunction, or support a weak or deformed portion of the body. 13181
As used in this division, "prosthetic device" does not include 13182
corrective eyeglasses, contact lenses, or dental prosthesis. 13183

(KKK)(1) "Fractional aircraft ownership program" means a 13184
program in which persons within an affiliated group sell and 13185
manage fractional ownership program aircraft, provided that at 13186
least one hundred airworthy aircraft are operated in the program 13187
and the program meets all of the following criteria: 13188

(a) Management services are provided by at least one program 13189
manager within an affiliated group on behalf of the fractional 13190

owners.	13191
(b) Each program aircraft is owned or possessed by at least one fractional owner.	13192 13193
(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.	13194 13195 13196
(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.	13197 13198
(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.	13199 13200 13201
(2) As used in division (KKK)(1) of this section:	13202
(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.	13203 13204
(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section.	13205 13206 13207 13208
(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.	13209 13210 13211 13212 13213 13214 13215
(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the	13216 13217 13218 13219 13220

establishment and implementation of safety guidelines; the 13221
coordination of the scheduling of the program aircraft and crews; 13222
program aircraft maintenance; program aircraft insurance; crew 13223
training for crews employed, furnished, or contracted by the 13224
program manager or the fractional owner; the satisfaction of 13225
record-keeping requirements; and the development and use of an 13226
operations manual and a maintenance manual for the fractional 13227
aircraft ownership program. 13228

(e) "Program manager" means the person that offers management 13229
services to fractional owners pursuant to a management services 13230
agreement under division (KKK)(1)(e) of this section. 13231

Sec. 5739.09. (A)(1) A board of county commissioners may, by 13232
resolution adopted by a majority of the members of the board, levy 13233
an excise tax not to exceed three per cent on transactions by 13234
which lodging by a hotel is or is to be furnished to transient 13235
guests. The board shall establish all regulations necessary to 13236
provide for the administration and allocation of the tax. The 13237
regulations may prescribe the time for payment of the tax, and may 13238
provide for the imposition of a penalty or interest, or both, for 13239
late payments, provided that the penalty does not exceed ten per 13240
cent of the amount of tax due, and the rate at which interest 13241
accrues does not exceed the rate per annum prescribed pursuant to 13242
section 5703.47 of the Revised Code. Except as provided in 13243
divisions (A)(2), (3), (4), and (5) of this section, the 13244
regulations shall provide, after deducting the real and actual 13245
costs of administering the tax, for the return to each municipal 13246
corporation or township that does not levy an excise tax on the 13247
transactions, a uniform percentage of the tax collected in the 13248
municipal corporation or in the unincorporated portion of the 13249
township from each transaction, not to exceed thirty-three and 13250
one-third per cent. The remainder of the revenue arising from the 13251

tax shall be deposited in a separate fund and shall be spent 13252
solely to make contributions to the convention and visitors' 13253
bureau operating within the county, including a pledge and 13254
contribution of any portion of the remainder pursuant to an 13255
agreement authorized by section 307.695 of the Revised Code, 13256
provided that if the board of county commissioners of an eligible 13257
county as defined in section 307.695 of the Revised Code adopts a 13258
resolution amending a resolution levying a tax under this division 13259
to provide that the revenue from the tax shall be used by the 13260
board as described in division (H) of section 307.695 of the 13261
Revised Code, the remainder of the revenue shall be used as 13262
described in the resolution making that amendment. Except as 13263
provided in division (A)(2), (3), (4), or (5) or (H) of this 13264
section, on and after May 10, 1994, a board of county 13265
commissioners may not levy an excise tax pursuant to this division 13266
in any municipal corporation or township located wholly or partly 13267
within the county that has in effect an ordinance or resolution 13268
levying an excise tax pursuant to division (B) of this section. 13269
The board of a county that has levied a tax under division (C) of 13270
this section may, by resolution adopted within ninety days after 13271
July 15, 1985, by a majority of the members of the board, amend 13272
the resolution levying a tax under this division to provide for a 13273
portion of that tax to be pledged and contributed in accordance 13274
with an agreement entered into under section 307.695 of the 13275
Revised Code. A tax, any revenue from which is pledged pursuant to 13276
such an agreement, shall remain in effect at the rate at which it 13277
is imposed for the duration of the period for which the revenue 13278
from the tax has been so pledged. 13279

The board of county commissioners of an eligible county as 13280
defined in section 307.695 of the Revised Code may, by resolution 13281
adopted by a majority of the members of the board, amend a 13282
resolution levying a tax under this division to provide that the 13283

revenue from the tax shall be used by the board as described in 13284
division (H) of section 307.695 of the Revised Code, in which case 13285
the tax shall remain in effect at the rate at which it was imposed 13286
for the duration of any agreement entered into by the board under 13287
section 307.695 of the Revised Code, the duration during which any 13288
securities issued by the board under that section are outstanding, 13289
or the duration of the period during which the board owns a 13290
project as defined in section 307.695 of the Revised Code, 13291
whichever duration is longest. 13292

(2) A board of county commissioners that levies an excise tax 13293
under division (A)(1) of this section on June 30, 1997, at a rate 13294
of three per cent, and that has pledged revenue from the tax to an 13295
agreement entered into under section 307.695 of the Revised Code, 13296
~~may~~ or, in the case of the board of county commissioners of an 13297
eligible county as defined in section 307.695 of the Revised Code, 13298
has amended a resolution levying a tax under division (C) of this 13299
section to provide that proceeds from the tax shall be used by the 13300
board as described in division (H) of section 307.695 of the 13301
Revised Code, may, at any time by a resolution adopted by a 13302
majority of the members of the board, amend the resolution levying 13303
~~that~~ a tax under division (A)(1) of this section to provide for an 13304
increase in the rate of ~~the~~ that tax up to ~~five~~ seven per cent on 13305
each transaction; to provide that revenue from the increase in the 13306
rate shall be used as described in division (H) of section 307.695 13307
of the Revised Code or be spent solely to make contributions to 13308
the convention and visitors' bureau operating within the county to 13309
be used specifically for promotion, advertising, and marketing of 13310
the region in which the county is located; and to provide that the 13311
rate in excess of the three per cent levied under division (A)(1) 13312
of this section shall remain in effect at the rate at which it is 13313
imposed for the duration of the period during which any agreement 13314
is in effect that was entered into under section 307.695 of the 13315

Revised Code by the board of county commissioners levying a tax 13316
under division (A)(1) of this section; ~~and to, the duration of the~~ 13317
period during which any securities issued by the board under 13318
division (I) of section 307.695 of the Revised Code are 13319
outstanding, or the duration of the period during which the board 13320
owns a project as defined in section 307.695 of the Revised Code, 13321
whichever duration is longest. The amendment also shall provide 13322
that no portion of that revenue need be returned to townships or 13323
municipal corporations as would otherwise be required under 13324
division (A)(1) of this section. 13325

(3) A board of county commissioners that levies a tax under 13326
division (A)(1) of this section on March 18, 1999, at a rate of 13327
three per cent may, by resolution adopted not later than 13328
forty-five days after March 18, 1999, amend the resolution levying 13329
the tax to provide for all of the following: 13330

(a) That the rate of the tax shall be increased by not more 13331
than an additional four per cent on each transaction; 13332

(b) That all of the revenue from the increase in the rate 13333
shall be pledged and contributed to a convention facilities 13334
authority established by the board of county commissioners under 13335
Chapter 351. of the Revised Code on or before November 15, 1998, 13336
and used to pay costs of constructing, maintaining, operating, and 13337
promoting a facility in the county, including paying bonds, or 13338
notes issued in anticipation of bonds, as provided by that 13339
chapter; 13340

(c) That no portion of the revenue arising from the increase 13341
in rate need be returned to municipal corporations or townships as 13342
otherwise required under division (A)(1) of this section; 13343

(d) That the increase in rate shall not be subject to 13344
diminution by initiative or referendum or by law while any bonds, 13345
or notes in anticipation of bonds, issued by the authority under 13346

Chapter 351. of the Revised Code to which the revenue is pledged, 13347
remain outstanding in accordance with their terms, unless 13348
provision is made by law or by the board of county commissioners 13349
for an adequate substitute therefor that is satisfactory to the 13350
trustee if a trust agreement secures the bonds. 13351

Division (A)(3) of this section does not apply to the board 13352
of county commissioners of any county in which a convention center 13353
or facility exists or is being constructed on November 15, 1998, 13354
or of any county in which a convention facilities authority levies 13355
a tax pursuant to section 351.021 of the Revised Code on that 13356
date. 13357

As used in division (A)(3) of this section, "cost" and 13358
"facility" have the same meanings as in section 351.01 of the 13359
Revised Code, and "convention center" has the same meaning as in 13360
section 307.695 of the Revised Code. 13361

(4) A board of county commissioners that levies a tax under 13362
division (A)(1) of this section on June 30, 2002, at a rate of 13363
three per cent may, by resolution adopted not later than September 13364
30, 2002, amend the resolution levying the tax to provide for all 13365
of the following: 13366

(a) That the rate of the tax shall be increased by not more 13367
than an additional three and one-half per cent on each 13368
transaction; 13369

(b) That all of the revenue from the increase in rate shall 13370
be pledged and contributed to a convention facilities authority 13371
established by the board of county commissioners under Chapter 13372
351. of the Revised Code on or before May 15, 2002, and be used to 13373
pay costs of constructing, expanding, maintaining, operating, or 13374
promoting a convention center in the county, including paying 13375
bonds, or notes issued in anticipation of bonds, as provided by 13376
that chapter; 13377

(c) That no portion of the revenue arising from the increase 13378
in rate need be returned to municipal corporations or townships as 13379
otherwise required under division (A)(1) of this section; 13380

(d) That the increase in rate shall not be subject to 13381
diminution by initiative or referendum or by law while any bonds, 13382
or notes in anticipation of bonds, issued by the authority under 13383
Chapter 351. of the Revised Code to which the revenue is pledged, 13384
remain outstanding in accordance with their terms, unless 13385
provision is made by law or by the board of county commissioners 13386
for an adequate substitute therefor that is satisfactory to the 13387
trustee if a trust agreement secures the bonds. 13388

As used in division (A)(4) of this section, "cost" has the 13389
same meaning as in section 351.01 of the Revised Code, and 13390
"convention center" has the same meaning as in section 307.695 of 13391
the Revised Code. 13392

(5)(a) As used in division (A)(5) of this section: 13393

(i) "Port authority" means a port authority created under 13394
Chapter 4582. of the Revised Code. 13395

(ii) "Port authority military-use facility" means port 13396
authority facilities on which or adjacent to which is located an 13397
installation of the armed forces of the United States, a reserve 13398
component thereof, or the national guard and at least part of 13399
which is made available for use, for consideration, by the armed 13400
forces of the United States, a reserve component thereof, or the 13401
national guard. 13402

(b) For the purpose of contributing revenue to pay operating 13403
expenses of a port authority that operates a port authority 13404
military-use facility, the board of county commissioners of a 13405
county that created, participated in the creation of, or has 13406
joined such a port authority may do one or both of the following: 13407

(i) Amend a resolution previously adopted under division 13408
(A)(1) of this section to designate some or all of the revenue 13409
from the tax levied under the resolution to be used for that 13410
purpose, notwithstanding that division; 13411

(ii) Amend a resolution previously adopted under division 13412
(A)(1) of this section to increase the rate of the tax by not more 13413
than an additional two per cent and use the revenue from the 13414
increase exclusively for that purpose. 13415

(c) If a board of county commissioners amends a resolution to 13416
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 13417
of this section, the board also may amend the resolution to 13418
specify that the increase in rate of the tax does not apply to 13419
"hotels," as otherwise defined in section 5739.01 of the Revised 13420
Code, having fewer rooms used for the accommodation of guests than 13421
a number of rooms specified by the board. 13422

(B)(1) The legislative authority of a municipal corporation 13423
or the board of trustees of a township that is not wholly or 13424
partly located in a county that has in effect a resolution levying 13425
an excise tax pursuant to division (A)(1) of this section may, by 13426
ordinance or resolution, levy an excise tax not to exceed three 13427
per cent on transactions by which lodging by a hotel is or is to 13428
be furnished to transient guests. The legislative authority of the 13429
municipal corporation or the board of trustees of the township 13430
shall deposit at least fifty per cent of the revenue from the tax 13431
levied pursuant to this division into a separate fund, which shall 13432
be spent solely to make contributions to convention and visitors' 13433
bureaus operating within the county in which the municipal 13434
corporation or township is wholly or partly located, and the 13435
balance of that revenue shall be deposited in the general fund. 13436
The municipal corporation or township shall establish all 13437
regulations necessary to provide for the administration and 13438
allocation of the tax. The regulations may prescribe the time for 13439

payment of the tax, and may provide for the imposition of a 13440
penalty or interest, or both, for late payments, provided that the 13441
penalty does not exceed ten per cent of the amount of tax due, and 13442
the rate at which interest accrues does not exceed the rate per 13443
annum prescribed pursuant to section 5703.47 of the Revised Code. 13444
The levy of a tax under this division is in addition to any tax 13445
imposed on the same transaction by a municipal corporation or a 13446
township as authorized by division (A) of section 5739.08 of the 13447
Revised Code. 13448

(2) The legislative authority of the most populous municipal 13449
corporation located wholly or partly in a county in which the 13450
board of county commissioners has levied a tax under division 13451
(A)(4) of this section may amend, on or before September 30, 2002, 13452
that municipal corporation's ordinance or resolution that levies 13453
an excise tax on transactions by which lodging by a hotel is or is 13454
to be furnished to transient guests, to provide for all of the 13455
following: 13456

(a) That the rate of the tax shall be increased by not more 13457
than an additional one per cent on each transaction; 13458

(b) That all of the revenue from the increase in rate shall 13459
be pledged and contributed to a convention facilities authority 13460
established by the board of county commissioners under Chapter 13461
351. of the Revised Code on or before May 15, 2002, and be used to 13462
pay costs of constructing, expanding, maintaining, operating, or 13463
promoting a convention center in the county, including paying 13464
bonds, or notes issued in anticipation of bonds, as provided by 13465
that chapter; 13466

(c) That the increase in rate shall not be subject to 13467
diminution by initiative or referendum or by law while any bonds, 13468
or notes in anticipation of bonds, issued by the authority under 13469
Chapter 351. of the Revised Code to which the revenue is pledged, 13470

remain outstanding in accordance with their terms, unless 13471
provision is made by law, by the board of county commissioners, or 13472
by the legislative authority, for an adequate substitute therefor 13473
that is satisfactory to the trustee if a trust agreement secures 13474
the bonds. 13475

As used in division (B)(2) of this section, "cost" has the 13476
same meaning as in section 351.01 of the Revised Code, and 13477
"convention center" has the same meaning as in section 307.695 of 13478
the Revised Code. 13479

(C) For the ~~purpose of making the payments authorized by~~ 13480
purposes described in section 307.695 of the Revised Code ~~to~~ 13481
~~construct and equip a convention center in the county~~ and to cover 13482
the costs of administering the tax, a board of county 13483
commissioners of a county where a tax imposed under division 13484
(A)(1) of this section is in effect may, by resolution adopted 13485
within ninety days after July 15, 1985, by a majority of the 13486
members of the board, levy an additional excise tax not to exceed 13487
three per cent on transactions by which lodging by a hotel is or 13488
is to be furnished to transient guests. The tax authorized by this 13489
division shall be in addition to any tax that is levied pursuant 13490
to division (A) of this section, but it shall not apply to 13491
transactions subject to a tax levied by a municipal corporation or 13492
township pursuant to the authorization granted by division (A) of 13493
section 5739.08 of the Revised Code. The board shall establish all 13494
regulations necessary to provide for the administration and 13495
allocation of the tax. The regulations may prescribe the time for 13496
payment of the tax, and may provide for the imposition of a 13497
penalty or interest, or both, for late payments, provided that the 13498
penalty does not exceed ten per cent of the amount of tax due, and 13499
the rate at which interest accrues does not exceed the rate per 13500
annum prescribed pursuant to section 5703.47 of the Revised Code. 13501
All revenues arising from the tax shall be expended in accordance 13502

with section 307.695 of the Revised Code. The board of county 13503
commissioners of an eligible county as defined in section 307.695 13504
of the Revised Code may, by resolution adopted by a majority of 13505
the members of the board, amend the resolution levying a tax under 13506
this division to provide that the revenue from the tax shall be 13507
used by the board as described in division (H) of section 307.695 13508
of the Revised Code. A tax imposed under this division shall 13509
remain in effect at the rate at which it is imposed for the 13510
duration of the period ~~for which the revenue from the tax has been~~ 13511
~~pledged pursuant to that section~~ during which any agreement 13512
entered into by the board under section 307.695 of the Revised 13513
Code is in effect, the duration of the period during which any 13514
securities issued by the board under division (I) of section 13515
307.695 of the Revised Code are outstanding, or the duration of 13516
the period during which the board owns a project as defined in 13517
section 307.695 of the Revised Code, whichever duration is 13518
longest. 13519

(D) For the purpose of providing contributions under division 13520
(B)(1) of section 307.671 of the Revised Code to enable the 13521
acquisition, construction, and equipping of a port authority 13522
educational and cultural facility in the county and, to the extent 13523
provided for in the cooperative agreement authorized by that 13524
section, for the purpose of paying debt service charges on bonds, 13525
or notes in anticipation of bonds, described in division (B)(1)(b) 13526
of that section, a board of county commissioners, by resolution 13527
adopted within ninety days after December 22, 1992, by a majority 13528
of the members of the board, may levy an additional excise tax not 13529
to exceed one and one-half per cent on transactions by which 13530
lodging by a hotel is or is to be furnished to transient guests. 13531
The excise tax authorized by this division shall be in addition to 13532
any tax that is levied pursuant to divisions (A), (B), and (C) of 13533
this section, to any excise tax levied pursuant to section 5739.08 13534
of the Revised Code, and to any excise tax levied pursuant to 13535

section 351.021 of the Revised Code. The board of county
commissioners shall establish all regulations necessary to provide
for the administration and allocation of the tax that are not
inconsistent with this section or section 307.671 of the Revised
Code. The regulations may prescribe the time for payment of the
tax, and may provide for the imposition of a penalty or interest,
or both, for late payments, provided that the penalty does not
exceed ten per cent of the amount of tax due, and the rate at
which interest accrues does not exceed the rate per annum
prescribed pursuant to section 5703.47 of the Revised Code. All
revenues arising from the tax shall be expended in accordance with
section 307.671 of the Revised Code and division (D) of this
section. The levy of a tax imposed under this division may not
commence prior to the first day of the month next following the
execution of the cooperative agreement authorized by section
307.671 of the Revised Code by all parties to that agreement. The
tax shall remain in effect at the rate at which it is imposed for
the period of time described in division (C) of section 307.671 of
the Revised Code for which the revenue from the tax has been
pledged by the county to the corporation pursuant to that section,
but, to any extent provided for in the cooperative agreement, for
no lesser period than the period of time required for payment of
the debt service charges on bonds, or notes in anticipation of
bonds, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring,
constructing, equipping, and improving a municipal educational and
cultural facility, including debt service charges on bonds
provided for in division (B) of section 307.672 of the Revised
Code, and for any additional purposes determined by the county in
the resolution levying the tax or amendments to the resolution,
including subsequent amendments providing for paying costs of
acquiring, constructing, renovating, rehabilitating, equipping,

and improving a port authority educational and cultural performing 13568
arts facility, as defined in section 307.674 of the Revised Code, 13569
and including debt service charges on bonds provided for in 13570
division (B) of section 307.674 of the Revised Code, the 13571
legislative authority of a county, by resolution adopted within 13572
ninety days after June 30, 1993, by a majority of the members of 13573
the legislative authority, may levy an additional excise tax not 13574
to exceed one and one-half per cent on transactions by which 13575
lodging by a hotel is or is to be furnished to transient guests. 13576
The excise tax authorized by this division shall be in addition to 13577
any tax that is levied pursuant to divisions (A), (B), (C), and 13578
(D) of this section, to any excise tax levied pursuant to section 13579
5739.08 of the Revised Code, and to any excise tax levied pursuant 13580
to section 351.021 of the Revised Code. The legislative authority 13581
of the county shall establish all regulations necessary to provide 13582
for the administration and allocation of the tax. The regulations 13583
may prescribe the time for payment of the tax, and may provide for 13584
the imposition of a penalty or interest, or both, for late 13585
payments, provided that the penalty does not exceed ten per cent 13586
of the amount of tax due, and the rate at which interest accrues 13587
does not exceed the rate per annum prescribed pursuant to section 13588
5703.47 of the Revised Code. All revenues arising from the tax 13589
shall be expended in accordance with section 307.672 of the 13590
Revised Code and this division. The levy of a tax imposed under 13591
this division shall not commence prior to the first day of the 13592
month next following the execution of the cooperative agreement 13593
authorized by section 307.672 of the Revised Code by all parties 13594
to that agreement. The tax shall remain in effect at the rate at 13595
which it is imposed for the period of time determined by the 13596
legislative authority of the county, but not to exceed fifteen 13597
years. 13598

(F) The legislative authority of a county that has levied a 13599

tax under division (E) of this section may, by resolution adopted 13600
within one hundred eighty days after January 4, 2001, by a 13601
majority of the members of the legislative authority, amend the 13602
resolution levying a tax under that division to provide for the 13603
use of the proceeds of that tax, to the extent that it is no 13604
longer needed for its original purpose as determined by the 13605
parties to a cooperative agreement amendment pursuant to division 13606
(D) of section 307.672 of the Revised Code, to pay costs of 13607
acquiring, constructing, renovating, rehabilitating, equipping, 13608
and improving a port authority educational and cultural performing 13609
arts facility, including debt service charges on bonds provided 13610
for in division (B) of section 307.674 of the Revised Code, and to 13611
pay all obligations under any guaranty agreements, reimbursement 13612
agreements, or other credit enhancement agreements described in 13613
division (C) of section 307.674 of the Revised Code. The 13614
resolution may also provide for the extension of the tax at the 13615
same rate for the longer of the period of time determined by the 13616
legislative authority of the county, but not to exceed an 13617
additional twenty-five years, or the period of time required to 13618
pay all debt service charges on bonds provided for in division (B) 13619
of section 307.672 of the Revised Code and on port authority 13620
revenue bonds provided for in division (B) of section 307.674 of 13621
the Revised Code. All revenues arising from the amendment and 13622
extension of the tax shall be expended in accordance with section 13623
307.674 of the Revised Code, this division, and division (E) of 13624
this section. 13625

(G) For purposes of a tax levied by a county, township, or 13626
municipal corporation under this section or section 5739.08 of the 13627
Revised Code, a board of county commissioners, board of township 13628
trustees, or the legislative authority of a municipal corporation 13629
may adopt a resolution or ordinance at any time specifying that 13630
"hotel," as otherwise defined in section 5739.01 of the Revised 13631

Code, includes establishments in which fewer than five rooms are 13632
used for the accommodation of guests. The resolution or ordinance 13633
may apply to a tax imposed pursuant to this section prior to the 13634
adoption of the resolution or ordinance if the resolution or 13635
ordinance so states, but the tax shall not apply to transactions 13636
by which lodging by such an establishment is provided to transient 13637
guests prior to the adoption of the resolution or ordinance. 13638

(H)(1) As used in this division: 13639

(a) "Convention facilities authority" has the same meaning as 13640
in section 351.01 of the Revised Code. 13641

(b) "Convention center" has the same meaning as in section 13642
307.695 of the Revised Code. 13643

(2) Notwithstanding any contrary provision of division (D) of 13644
this section, the legislative authority of a county with a 13645
population of one million or more according to the most recent 13646
federal decennial census that has levied a tax under division (D) 13647
of this section may, by resolution adopted by a majority of the 13648
members of the legislative authority, provide for the extension of 13649
such levy and may provide that the proceeds of that tax, to the 13650
extent that they are no longer needed for their original purpose 13651
as defined by a cooperative agreement entered into under section 13652
307.671 of the Revised Code, shall be deposited into the county 13653
general revenue fund. The resolution shall provide for the 13654
extension of the tax at a rate not to exceed the rate specified in 13655
division (D) of this section for a period of time determined by 13656
the legislative authority of the county, but not to exceed an 13657
additional forty years. 13658

(3) The legislative authority of a county with a population 13659
of one million or more that has levied a tax under division (A)(1) 13660
of this section may, by resolution adopted by a majority of the 13661
members of the legislative authority, increase the rate of the tax 13662

levied by such county under division (A)(1) of this section to a
rate not to exceed five per cent on transactions by which lodging
by a hotel is or is to be furnished to transient guests.
Notwithstanding any contrary provision of division (A)(1) of this
section, the resolution may provide that all collections resulting
from the rate levied in excess of three per cent, after deducting
the real and actual costs of administering the tax, shall be
deposited in the county general fund.

13663
13664
13665
13666
13667
13668
13669
13670

(4) The legislative authority of a county with a population
of one million or more that has levied a tax under division (A)(1)
of this section may, by resolution adopted on or before August 30,
2004, by a majority of the members of the legislative authority,
provide that all or a portion of the proceeds of the tax levied
under division (A)(1) of this section, after deducting the real
and actual costs of administering the tax and the amounts required
to be returned to townships and municipal corporations with
respect to the first three per cent levied under division (A)(1)
of this section, shall be deposited in the county general fund,
provided that such proceeds shall be used to satisfy any pledges
made in connection with an agreement entered into under section
307.695 of the Revised Code.

13671
13672
13673
13674
13675
13676
13677
13678
13679
13680
13681
13682
13683

(5) No amount collected from a tax levied, extended, or
required to be deposited in the county general fund under division
(H) of this section shall be contributed to a convention
facilities authority, corporation, or other entity created after
July 1, 2003, for the principal purpose of constructing,
improving, expanding, equipping, financing, or operating a
convention center unless the mayor of the municipal corporation in
which the convention center is to be operated by that convention
facilities authority, corporation, or other entity has consented
to the creation of that convention facilities authority,
corporation, or entity. Notwithstanding any contrary provision of

13684
13685
13686
13687
13688
13689
13690
13691
13692
13693
13694

section 351.04 of the Revised Code, if a tax is levied by a county 13695
under division (H) of this section, the board of county 13696
commissioners of that county may determine the manner of 13697
selection, the qualifications, the number, and terms of office of 13698
the members of the board of directors of any convention facilities 13699
authority, corporation, or other entity described in division 13700
(H)(5) of this section. 13701

(6)(a) No amount collected from a tax levied, extended, or 13702
required to be deposited in the county general fund under division 13703
(H) of this section may be used for any purpose other than paying 13704
the direct and indirect costs of constructing, improving, 13705
expanding, equipping, financing, or operating a convention center 13706
and for the real and actual costs of administering the tax, 13707
unless, prior to the adoption of the resolution of the legislative 13708
authority of the county authorizing the levy, extension, increase, 13709
or deposit, the county and the mayor of the most populous 13710
municipal corporation in that county have entered into an 13711
agreement as to the use of such amounts, provided that such 13712
agreement has been approved by a majority of the mayors of the 13713
other municipal corporations in that county. The agreement shall 13714
provide that the amounts to be used for purposes other than paying 13715
the convention center or administrative costs described in 13716
division (H)(6)(a) of this section be used only for the direct and 13717
indirect costs of capital improvements, including the financing of 13718
capital improvements. 13719

(b) If the county in which the tax is levied has an 13720
association of mayors and city managers, the approval of that 13721
association of an agreement described in division (H)(6)(a) of 13722
this section shall be considered to be the approval of the 13723
majority of the mayors of the other municipal corporations for 13724
purposes of that division. 13725

(7) Each year, the auditor of state shall conduct an audit of 13726

the uses of any amounts collected from taxes levied, extended, or
deposited under division (H) of this section and shall prepare a
report of the auditor of state's findings. The auditor of state
shall submit the report to the legislative authority of the county
that has levied, extended, or deposited the tax, the speaker of
the house of representatives, the president of the senate, and the
leaders of the minority parties of the house of representatives
and the senate.

(I)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as
in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section
307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of
this section, the legislative authority of a county with a
population of one million two hundred thousand or more according
to the most recent federal decennial census or the most recent
annual population estimate published or released by the United
States census bureau at the time the resolution is adopted placing
the levy on the ballot, that has levied a tax under division (D)
of this section may, by resolution adopted by a majority of the
members of the legislative authority, provide for the extension of
such levy and may provide that the proceeds of that tax, to the
extent that the proceeds are no longer needed for their original
purpose as defined by a cooperative agreement entered into under
section 307.671 of the Revised Code and after deducting the real
and actual costs of administering the tax, shall be used for
paying the direct and indirect costs of constructing, improving,
expanding, equipping, financing, or operating a convention center.
The resolution shall provide for the extension of the tax at a
rate not to exceed the rate specified in division (D) of this

section for a period of time determined by the legislative 13758
authority of the county, but not to exceed an additional forty 13759
years. 13760

(3) The legislative authority of a county with a population 13761
of one million two hundred thousand or more that has levied a tax 13762
under division (A)(1) of this section may, by resolution adopted 13763
by a majority of the members of the legislative authority, 13764
increase the rate of the tax levied by such county under division 13765
(A)(1) of this section to a rate not to exceed five per cent on 13766
transactions by which lodging by a hotel is or is to be furnished 13767
to transient guests. Notwithstanding any contrary provision of 13768
division (A)(1) of this section, the resolution shall provide that 13769
all collections resulting from the rate levied in excess of three 13770
per cent, after deducting the real and actual costs of 13771
administering the tax, shall be used for paying the direct and 13772
indirect costs of constructing, improving, expanding, equipping, 13773
financing, or operating a convention center. 13774

(4) The legislative authority of a county with a population 13775
of one million two hundred thousand or more that has levied a tax 13776
under division (A)(1) of this section may, by resolution adopted 13777
on or before July 1, 2008, by a majority of the members of the 13778
legislative authority, provide that all or a portion of the 13779
proceeds of the tax levied under division (A)(1) of this section, 13780
after deducting the real and actual costs of administering the tax 13781
and the amounts required to be returned to townships and municipal 13782
corporations with respect to the first three per cent levied under 13783
division (A)(1) of this section, shall be used to satisfy any 13784
pledges made in connection with an agreement entered into under 13785
section 307.695 of the Revised Code or shall otherwise be used for 13786
paying the direct and indirect costs of constructing, improving, 13787
expanding, equipping, financing, or operating a convention center. 13788

(5) Any amount collected from a tax levied or extended under 13789

division (I) of this section may be contributed to a convention 13790
facilities authority created before July 1, 2005, but no amount 13791
collected from a tax levied or extended under division (I) of this 13792
section may be contributed to a convention facilities authority, 13793
corporation, or other entity created after July 1, 2005, unless 13794
the mayor of the municipal corporation in which the convention 13795
center is to be operated by that convention facilities authority, 13796
corporation. ~~Or,~~ or other entity has consented to the creation of 13797
that convention facilities authority, corporation, or entity. 13798

Sec. 5741.101. The amount of any refund to be certified to 13799
the treasurer ~~and auditor~~ of state and the director of budget and 13800
management pursuant to section 5741.10 of the Revised Code may be 13801
reduced by the amount the person claiming the refund is indebted 13802
to the state for any tax or fee administered by the tax 13803
commissioner that is paid to the state or to the clerk of courts 13804
pursuant to section 4505.06 of the Revised Code, or any charge, 13805
penalty, or interest arising from such a tax or fee. If the amount 13806
refundable is less than the amount of the debt, it may be applied 13807
in partial satisfaction of the debt. If the amount refundable is 13808
greater than the amount of the debt, the amount remaining after 13809
satisfaction of the debt shall be refunded. If the person has more 13810
than one such debt, any debt subject to section 5739.33 or 13811
division (G) of section 5747.07 of the Revised Code shall be 13812
satisfied first. This section applies only to debts that have 13813
become final. 13814

Sec. 5747.39. (A) As used in this section, "eligible 13815
employee" and "eligible training costs" have the same meanings as 13816
in section 5733.42 of the Revised Code, and "pass-through entity" 13817
includes a sole proprietorship. 13818

(B)(1) For taxable years beginning in 2003, 2004, 2005, ~~and~~ 13819

2006, and 2007 there is hereby allowed a nonrefundable credit 13820
against the tax imposed by section 5747.02 of the Revised Code for 13821
a taxpayer that is an investor in a pass-through entity for which 13822
a tax credit certificate is issued under section 5733.42 of the 13823
Revised Code. For the taxable year beginning in 2003, the amount 13824
of eligible training costs for which a credit may be claimed by 13825
all taxpayers that are investors in an entity shall equal one-half 13826
of the average of the eligible training costs incurred by the 13827
entity during calendar years 1999, 2000, and 2001, but shall not 13828
exceed one thousand dollars for each eligible employee on account 13829
of whom such costs were paid or incurred by the entity. The amount 13830
of a taxpayer's credit for the taxpayer's taxable year beginning 13831
in 2003 shall equal the taxpayer's interest in the entity on 13832
December 31, 2001, multiplied by the credit available to the 13833
entity as computed by the entity. 13834

(2) For the taxable year beginning in 2004, the amount of the 13835
eligible training costs for which a credit may be claimed by all 13836
taxpayers that are investors in an entity shall equal one-half of 13837
the average of the eligible training costs incurred by the entity 13838
during calendar years 2002, 2003, and 2004, but shall not exceed 13839
one thousand dollars for each eligible employee on account of whom 13840
such costs were paid or incurred by the entity. The amount of a 13841
taxpayer's credit for the taxpayer's taxable year beginning in 13842
2004 shall equal the taxpayer's interest in the entity on December 13843
31, 2004, multiplied by the credit available to the entity as 13844
computed by the entity. 13845

(3) For the taxable year beginning in 2005, the amount of the 13846
eligible training costs for which a credit may be claimed by all 13847
taxpayers that are investors in an entity shall equal one-half of 13848
the average of the eligible training costs incurred by the entity 13849
during calendar years 2003, 2004, and 2005, but shall not exceed 13850
one thousand dollars for each eligible employee on account of whom 13851

such costs were paid or incurred by the entity. The amount of a 13852
taxpayer's credit for the taxpayer's taxable year beginning in 13853
2005 shall equal the taxpayer's interest in the entity on December 13854
31, 2005, multiplied by the credit available to the entity as 13855
computed by the entity. 13856

(4) For the taxable year beginning in 2006, the amount of the 13857
eligible training costs for which a credit may be claimed by all 13858
taxpayers that are investors in an entity shall equal one-half of 13859
the average of the eligible training costs incurred by the entity 13860
during calendar years 2004, 2005, and 2006, but shall not exceed 13861
one thousand dollars for each eligible employee on account of whom 13862
such costs were paid or incurred by the entity. The amount of a 13863
taxpayer's credit for the taxpayer's taxable year beginning in 13864
2006 shall equal the taxpayer's interest in the entity on December 13865
31, 2006, multiplied by the credit available to the entity as 13866
computed by the entity. 13867

(5) For the taxable year beginning in 2007, the amount of the 13868
eligible training costs for which a credit may be claimed by all 13869
taxpayers that are investors in an entity shall equal one-half of 13870
the average of the eligible training costs incurred by the entity 13871
during calendar years 2005, 2006, and 2007, but shall not exceed 13872
one thousand dollars for each eligible employee on account of whom 13873
such costs were paid or incurred by the entity. The amount of a 13874
taxpayer's credit for the taxpayer's taxable year beginning in 13875
2007 shall equal the taxpayer's interest in the entity on December 13876
31, 2007, multiplied by the credit available to the entity as 13877
computed by the entity. 13878

(6) The total amount of credits that may be claimed by all 13879
such taxpayers with respect to each pass-through entity for each 13880
taxable year shall not exceed one hundred thousand dollars. 13881

(C) The credit shall be claimed in the order prescribed by 13882

section 5747.98 of the Revised Code. A taxpayer may carry forward 13883
the credit to the extent that the taxpayer's credit exceeds the 13884
taxpayer's tax due after allowing for any other credits that 13885
precede the credit allowed by this section in the order prescribed 13886
by section 5747.98 of the Revised Code. The taxpayer may carry the 13887
excess credit forward for three taxable years following the 13888
taxable year for which the taxpayer first claims the credit under 13889
this section. 13890

(D) A pass-through entity shall apply to the director of job 13891
and family services for a tax credit certificate in the manner 13892
prescribed by division (C) of section 5733.42 of the Revised Code. 13893
Divisions (C) to (H) of that section govern the tax credit allowed 13894
by this section, except that "taxable year" shall be substituted 13895
for "tax year" wherever that phrase appears in those divisions, 13896
and that "pass-through entity" shall be substituted for "taxpayer" 13897
wherever "taxpayer" appears in those divisions. 13898

Sec. 5748.01. As used in this chapter: 13899

(A) "School district income tax" means an income tax adopted 13900
under one of the following: 13901

(1) Former section 5748.03 of the Revised Code as it existed 13902
prior to its repeal by Amended Substitute House Bill No. 291 of 13903
the 115th general assembly; 13904

(2) Section 5748.03 of the Revised Code as enacted in 13905
Substitute Senate Bill No. 28 of the 118th general assembly; 13906

(3) Section 5748.08 of the Revised Code as enacted in Amended 13907
Substitute Senate Bill No. 17 of the 122nd general assembly; 13908

(4) Section 5748.021 of the Revised Code; 13909

(5) Section 5748.081 of the Revised Code. 13910

(B) "Individual" means an individual subject to the tax 13911

levied by section 5747.02 of the Revised Code.	13912
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	13913 13914
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	13915 13916
(E) "Taxable income" means:	13917
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	13918 13919
(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, and less military pay and allowances the deduction of which has been authorized pursuant to section 5748.011 of the Revised Code;	13920 13921 13922 13923 13924 13925
(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, less military pay and allowances the deduction of which has been authorized pursuant to section 5748.011 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.	13926 13927 13928 13929 13930 13931 13932 13933
(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.	13934 13935 13936
(F) Except as provided in section 5747.25 of the Revised Code, "resident" of the school district means:	13937 13938
(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion	13939 13940 13941

of such period of state residency, is domiciled in the school 13942
district or lives in and maintains a permanent place of abode in 13943
the school district; 13944

(2) An estate of a decedent who, at the time of death, was 13945
domiciled in the school district. 13946

(G) "School district income" means: 13947

(1) With respect to an individual, the portion of the taxable 13948
income of an individual that is received by the individual during 13949
the portion of the taxable year that the individual is a resident 13950
of the school district and the school district income tax is in 13951
effect in that school district. An individual may have school 13952
district income with respect to more than one school district. 13953

(2) With respect to an estate, the taxable income of the 13954
estate for the portion of the taxable year that the school 13955
district income tax is in effect in that school district. 13956

(H) "Taxpayer" means an individual or estate having school 13957
district income upon which a school district income tax is 13958
imposed. 13959

(I) "School district purposes" means any of the purposes for 13960
which a tax may be levied pursuant to section 5705.21 of the 13961
Revised Code. 13962

Sec. 5748.021. A board of education that levies a tax under 13963
section 5748.02 of the Revised Code on the school district income 13964
of individuals and estates as defined in divisions (G) and 13965
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 13966
declare, at any time, by a resolution adopted by a majority of its 13967
members, the necessity of raising annually a specified amount of 13968
money for school district purposes by replacing the existing tax 13969
with a tax on the school district income of individuals as defined 13970
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13971

Revised Code. The specified amount of money to be raised annually 13972
may be the same as, or more or less than, the amount of money 13973
raised annually by the existing tax. 13974

The board shall certify a copy of the resolution to the tax 13975
commissioner not later than the eighty-fifth day before the date 13976
of the election at which the board intends to propose the 13977
replacement to the electors of the school district. Not later than 13978
the tenth day after receiving the resolution, the tax commissioner 13979
shall estimate the tax rate that would be required in the school 13980
district annually to raise the amount of money specified in the 13981
resolution. The tax commissioner shall certify the estimate to the 13982
board. 13983

Upon receipt of the tax commissioner's estimate, the board 13984
may propose, by a resolution adopted by a majority of its members, 13985
to replace the existing tax on the school district income of 13986
individuals and estates as defined in divisions (G) and (E)(1)(a) 13987
and (2) of section 5748.01 of the Revised Code with the levy of an 13988
annual tax on the school district income of individuals as defined 13989
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13990
Revised Code. In the resolution, the board shall specify the rate 13991
of the replacement tax, whether the replacement tax is to be 13992
levied for a specified number of years or for a continuing time, 13993
the specific school district purposes for which the replacement 13994
tax is to be levied, the date on which the replacement tax will 13995
begin to be levied, the date of the election at which the question 13996
of the replacement is to be submitted to the electors of the 13997
school district, that the existing tax will cease to be levied and 13998
the replacement tax will begin to be levied if the replacement is 13999
approved by a majority of the electors voting on the replacement, 14000
and that if the replacement is not approved by a majority of the 14001
electors voting on the replacement the existing tax will remain in 14002

effect under its original authority for the remainder of its 14003
previously approved term. The resolution goes into immediate 14004
effect upon its adoption. Publication of the resolution is not 14005
necessary, and the information that will be provided in the notice 14006
of election is sufficient notice. At least seventy-five days 14007
before the date of the election at which the question of the 14008
replacement will be submitted to the electors of the school 14009
district, the board shall certify a copy of the resolution to the 14010
board of elections. 14011

The replacement tax shall have the same specific school 14012
district purposes as the existing tax, and its rate shall be the 14013
same as the tax commissioner's estimate rounded to the nearest 14014
one-fourth of one per cent. The replacement tax shall begin to be 14015
levied on the first day of January of the year following the year 14016
in which the question of the replacement is submitted to and 14017
approved by the electors of the school district or on the first 14018
day of January of a later year, as specified in the resolution. 14019
The date of the election shall be the date of an otherwise 14020
scheduled primary, general, or special election. 14021

The board of elections shall make arrangements to submit the 14022
question of the replacement to the electors of the school district 14023
on the date specified in the resolution. The board of elections 14024
shall publish notice of the election on the question of the 14025
replacement in one or more newspapers of general circulation in 14026
the school district once a week for four consecutive weeks. The 14027
notice shall set forth the question to be submitted to the 14028
electors and the time and place of the election thereon. 14029

The question shall be submitted to the electors of the school 14030
district as a separate proposition, but may be printed on the same 14031
ballot with other propositions that are submitted at the same 14032
election, other than the election of officers. The form of the 14033
ballot shall be substantially as follows: 14034

"Shall the existing tax of (state the rate) on the 14035
school district income of individuals and estates imposed by 14036
(state the name of the school district) be replaced by a tax of 14037
..... (state the rate) on the earned income of individuals 14038
residing in the school district for (state the number of 14039
years the tax is to be in effect or that it will be in effect for 14040
a continuing time), beginning (state the date the new tax 14041
will take effect), for the purpose of (state the specific 14042
school district purposes of the tax)? If the new tax is not 14043
approved, the existing tax will remain in effect under its 14044
original authority, for the remainder of its previously approved 14045
term. 14046

	<u>For replacing the existing</u> <u>tax with the new tax</u>
	<u>Against replacing the</u> <u>existing tax with the new</u> <u>tax</u>

"

The board of elections shall conduct and canvass the election 14049
in the same manner as regular elections in the school district for 14050
the election of county officers. The board shall certify the 14051
results of the election to the board of education and to the tax 14052
commissioner. If a majority of the electors voting on the question 14053
vote in favor of the replacement, the existing tax shall cease to 14054
be levied, and the replacement tax shall begin to be levied, on 14055
the date specified in the ballot question. If a majority of the 14056
electors voting on the question vote against the replacement, the 14057
existing tax shall continue to be levied under its original 14058
authority, for the remainder of its previously approved term. 14059

A board of education may not submit the question of replacing 14060
a tax more than twice in a calendar year. If a board submits the 14061
question more than once, one of the elections at which the 14062
question is submitted shall be on the date of a general election. 14063

If a board of education later intends to renew a replacement tax levied under this section, it shall repeat the procedure outlined in this section to do so, the replacement tax then being levied being the "existing tax" and the renewed replacement tax being the "replacement tax."

Sec. 5748.081. A board of education of a school district that under divisions (A)(1), (D)(1), and (E) of section 5748.08 of the Revised Code levies a tax on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may replace that tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code by following the procedure outlined in, and subject to the conditions specified in, section 5748.021 of the Revised Code, as if the existing tax levied under section 5748.08 were levied under section 5748.02 of the Revised Code. The tax commissioner and the board of elections shall perform duties in response to the actions of the board of education under this section as directed in section 5748.021 of the Revised Code.

Sec. 5751.01. As used in this chapter: 14083

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities. "Person" does not include nonprofit organizations or the state, its agencies,

its instrumentalities, and its political subdivisions.	14094
(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.	14095 14096 14097 14098
(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.	14099 14100 14101
(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.	14102 14103 14104 14105
(E) "Excluded person" means any of the following:	14106
(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a group that is a consolidated elected taxpayer or a combined taxpayer;	14107 14108 14109 14110 14111
(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:	14112 14113 14114 14115 14116
(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;	14117 14118 14119 14120
(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this	14121 14122 14123

section and whose denominator is the total taxable gross receipts 14124
that can be directly attributed to any activity; 14125

(c) Except for any differences resulting from the use of an 14126
accrual basis method of accounting for purposes of determining 14127
gross receipts under this chapter and the use of the cash basis 14128
method of accounting for purposes of determining gross receipts 14129
under section 5727.24 of the Revised Code, the gross receipts 14130
directly attributed to the activity of a natural gas company shall 14131
be determined in a manner consistent with division (D) of section 14132
5727.03 of the Revised Code. 14133

As used in division (E)(2) of this section, "combined 14134
company" and "public utility" have the same meanings as in section 14135
5727.01 of the Revised Code. 14136

(3) A financial institution, as defined in section 5725.01 of 14137
the Revised Code, that paid the corporation franchise tax charged 14138
by division (D) of section 5733.06 of the Revised Code based on 14139
one or more taxable years that include the entire tax period under 14140
this chapter; 14141

(4) A dealer in intangibles, as defined in section 5725.01 of 14142
the Revised Code, that paid the dealer in intangibles tax levied 14143
by division (D) of section 5707.03 of the Revised Code based on 14144
one or more measurement periods that include the entire tax period 14145
under this chapter; 14146

(5) A financial holding company as defined in the "Bank 14147
Holding Company Act," 12 U.S.C. 1841(p); 14148

(6) A bank holding company as defined in the "Bank Holding 14149
Company Act," 12 U.S.C. 1841(a); 14150

(7) A savings and loan holding company as defined in the 14151
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 14152
only in activities or investments permissible for a financial 14153

holding company under 12 U.S.C. 1843(k); 14154

(8) A person directly or indirectly owned by one or more 14155
financial institutions, financial holding companies, bank holding 14156
companies, or savings and loan holding companies described in 14157
division (E)(3), (5), (6), or (7) of this section that is engaged 14158
in activities permissible for a financial holding company under 12 14159
U.S.C. 1843(k), except that any such person held pursuant to 14160
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 14161
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 14162
directly or indirectly owned by one or more insurance companies 14163
described in division (E)(9) of this section that is authorized to 14164
do the business of insurance in this state. 14165

For the purposes of division (E)(8) of this section, a person 14166
owns another person under the following circumstances: 14167

(a) In the case of corporations issuing capital stock, one 14168
corporation owns another corporation if it owns fifty per cent or 14169
more of the other corporation's capital stock with current voting 14170
rights; 14171

(b) In the case of a limited liability company, one person 14172
owns the company if that person's membership interest, as defined 14173
in section 1705.01 of the Revised Code, is fifty per cent or more 14174
of the combined membership interests of all persons owning such 14175
interests in the company; 14176

(c) In the case of a partnership, trust, or other 14177
unincorporated business organization other than a limited 14178
liability company, one person owns the organization if, under the 14179
articles of organization or other instrument governing the affairs 14180
of the organization, that person has a beneficial interest in the 14181
organization's profits, surpluses, losses, or distributions of 14182
fifty per cent or more of the combined beneficial interests of all 14183
persons having such an interest in the organization; 14184

(d) In the case of multiple ownership, the ownership 14185
interests of more than one person may be aggregated to meet the 14186
fifty per cent ownership tests in this division only when each 14187
such owner is described in division (E)(3), (5), (6), or (7) of 14188
this section and is engaged in activities permissible for a 14189
financial holding company under 12 U.S.C. 1843(k) or is a person 14190
directly or indirectly owned by one or more insurance companies 14191
described in division (E)(9) of this section that is authorized to 14192
do the business of insurance in this state+.

(9) A domestic insurance company or foreign insurance 14194
company, as defined in section 5725.01 of the Revised Code, that 14195
paid the insurance company premiums tax imposed by section 5725.18 14196
or Chapter 5729. of the Revised Code based on one or more 14197
measurement periods that include the entire tax period under this 14198
chapter;

(10) A person that solely facilitates or services one or more 14200
securitizations or similar transactions for any person described 14201
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 14202
For purposes of this division, "securitization" means transferring 14203
one or more assets to one or more persons and then issuing 14204
securities backed by the right to receive payment from the asset 14205
or assets so transferred. 14206

(11) Except as otherwise provided in this division, a 14207
pre-income tax trust as defined in division (FF)(4) of section 14208
5747.01 of the Revised Code and any pass-through entity of which 14209
such pre-income tax trust owns or controls, directly, indirectly, 14210
or constructively through related interests, more than five per 14211
cent of the ownership or equity interests. If the pre-income tax 14212
trust has made a qualifying pre-income tax trust election under 14213
division (FF)(3) of section 5747.01 of the Revised Code, then the 14214
trust and the pass-through entities of which it owns or controls, 14215
directly, indirectly, or constructively through related interests, 14216

more than five per cent of the ownership or equity interests, 14217
shall not be excluded persons for purposes of the tax imposed 14218
under section 5751.02 of the Revised Code. 14219

(F) Except as otherwise provided in divisions (F)(2), (3), 14220
and (4) of this section, "gross receipts" means the total amount 14221
realized by a person, without deduction for the cost of goods sold 14222
or other expenses incurred, that contributes to the production of 14223
gross income of the person, including the fair market value of any 14224
property and any services received, and any debt transferred or 14225
forgiven as consideration. 14226

(1) The following are examples of gross receipts: 14227

(a) Amounts realized from the sale, exchange, or other 14228
disposition of the taxpayer's property to or with another; 14229

(b) Amounts realized from the taxpayer's performance of 14230
services for another; 14231

(c) Amounts realized from another's use or possession of the 14232
taxpayer's property or capital; 14233

(d) Any combination of the foregoing amounts. 14234

(2) "Gross receipts" excludes the following amounts: 14235

(a) Interest income except interest on credit sales; 14236

(b) Dividends and distributions from corporations, and 14237
distributive or proportionate shares of receipts and income from a 14238
pass-through entity as defined under section 5733.04 of the 14239
Revised Code; 14240

(c) Receipts from the sale, exchange, or other disposition of 14241
an asset described in section 1221 or 1231 of the Internal Revenue 14242
Code, without regard to the length of time the person held the 14243
asset. Notwithstanding section 1221 of the Internal Revenue Code, 14244
receipts from hedging transactions also are excluded to the extent 14245
the transactions are entered into primarily to protect a financial 14246

position, such as managing the risk of exposure to (i) foreign 14247
currency fluctuations that affect assets, liabilities, profits, 14248
losses, equity, or investments in foreign operations; (ii) 14249
interest rate fluctuations; or (iii) commodity price fluctuations. 14250
As used in division (F)(2)(c) of this section, "hedging 14251
transaction" has the same meaning as used in section 1221 of the 14252
Internal Revenue Code and also includes transactions accorded 14253
hedge accounting treatment under statement of financial accounting 14254
standards number 133 of the financial accounting standards board. 14255
For the purposes of division (F)(2)(c) of this section, the actual 14256
transfer of title of real or tangible personal property to another 14257
person is not a hedging transaction. 14258

(d) Proceeds received attributable to the repayment, 14259
maturity, or redemption of the principal of a loan, bond, mutual 14260
fund, certificate of deposit, or marketable instrument; 14261

(e) The principal amount received under a repurchase 14262
agreement or on account of any transaction properly characterized 14263
as a loan to the person; 14264

(f) Contributions received by a trust, plan, or other 14265
arrangement, any of which is described in section 501(a) of the 14266
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 14267
1, Subchapter (D) of the Internal Revenue Code applies; 14268

(g) Compensation, whether current or deferred, and whether in 14269
cash or in kind, received or to be received by an employee, former 14270
employee, or the employee's legal successor for services rendered 14271
to or for an employer, including reimbursements received by or for 14272
an individual for medical or education expenses, health insurance 14273
premiums, or employee expenses, or on account of a dependent care 14274
spending account, legal services plan, any cafeteria plan 14275
described in section 125 of the Internal Revenue Code, or any 14276
similar employee reimbursement; 14277

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;	14278 14279 14280
(i) Proceeds received on the account of payments from life insurance policies;	14281 14282
(j) Gifts or charitable contributions received, membership dues received, and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes; and proceeds received by a nonprofit organization including proceeds realized with regard to its unrelated business taxable income;	14283 14284 14285 14286 14287 14288 14289 14290
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	14291 14292 14293
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	14294 14295 14296
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	14297 14298 14299 14300 14301 14302 14303 14304 14305 14306
(n) Pension reversions;	14307

(o) Contributions to capital;	14308
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	14309 14310 14311 14312 14313
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;	14314 14315 14316 14317 14318 14319 14320
(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. of the Revised Code;	14321 14322 14323 14324 14325 14326
(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;	14327 14328 14329 14330 14331 14332 14333
(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only	14334 14335 14336 14337 14338

if the sale or other transfer was based upon the transferee's need 14339
to meet a specific customer's preference for a motor vehicle; 14340

(u) Receipts from a financial institution described in 14341
division (E)(3) of this section for services provided to the 14342
financial institution in connection with the issuance, processing, 14343
servicing, and management of loans or credit accounts, if such 14344
financial institution and the recipient of such receipts have at 14345
least fifty per cent of their ownership interests owned or 14346
controlled, directly or constructively through related interests, 14347
by common owners; 14348

(v) Receipts realized from administering anti-neoplastic 14349
drugs and other cancer chemotherapy, biologicals, therapeutic 14350
agents, and supportive drugs in a physician's office to patients 14351
with cancer; 14352

(w) Funds received or used by a mortgage broker that is not a 14353
dealer in intangibles, other than fees or other consideration, 14354
pursuant to a table-funding mortgage loan or warehouse-lending 14355
mortgage loan. Terms used in division (F)(2)(w) of this section 14356
have the same meanings as in section 1322.01 of the Revised Code, 14357
except "mortgage broker" means a person assisting a buyer in 14358
obtaining a mortgage loan for a fee or other consideration paid by 14359
the buyer or a lender, or a person engaged in table-funding or 14360
warehouse-lending mortgage loans that are first lien mortgage 14361
loans. 14362

(x) Property, money, and other amounts received by a 14363
professional employer organization, as defined in section 4125.01 14364
of the Revised Code, from a client employer, as defined in that 14365
section, in excess of the administrative fee charged by the 14366
professional employer organization to the client employer; 14367

(y) In the case of amounts retained as commissions by a 14368
permit holder under Chapter 3769. of the Revised Code, an amount 14369

equal to the amounts specified under that chapter that must be 14370
paid to or collected by the tax commissioner as a tax and the 14371
amounts specified under that chapter to be used as purse money; 14372

(z) Qualifying distribution center receipts. 14373

(i) For purposes of division (F)(2)(z) of this section: 14374

(I) "Qualifying distribution center receipts" means receipts 14375
of a supplier from qualified property that is delivered to a 14376
qualified distribution center, multiplied by a quantity that 14377
equals one minus the Ohio delivery percentage. 14378

(II) "Qualified property" means tangible personal property 14379
delivered to a qualified distribution center that is shipped to 14380
that qualified distribution center solely for further shipping by 14381
the qualified distribution center to another location in this 14382
state or elsewhere. "Further shipping" includes storing and 14383
repackaging such property into smaller or larger bundles, so long 14384
as such property is not subject to further manufacturing or 14385
processing. 14386

(III) "Qualified distribution center" means a warehouse or 14387
other similar facility in this state that, for the qualifying 14388
year, is operated by a person that is not part of a combined 14389
taxpayer group and that has a qualifying certificate. However, all 14390
warehouses or other similar facilities that are operated by 14391
persons in the same taxpayer group and that are located within one 14392
mile of each other shall be treated as one qualified distribution 14393
center. 14394

(IV) "Qualifying year" means the calendar year to which the 14395
qualifying certificate applies. 14396

(V) "Qualifying period" means the period of the first day of 14397
July of the second year preceding the qualifying year through the 14398
thirtieth day of June of the year preceding the qualifying year. 14399

(VI) "Qualifying certificate" means an annual application 14400
approved by the tax commissioner from an operator of a 14401
distribution center that has filed an application as prescribed by 14402
the commissioner and paid the annual fee for the qualifying 14403
certificate on or before the first day of September prior to the 14404
qualifying year or forty-five days after the opening of the 14405
distribution center, whichever is later. The application and 14406
annual fee shall be filed and paid for each qualified distribution 14407
center. 14408

The applicant must substantiate to the commissioner's 14409
satisfaction that, for the qualifying period, all persons 14410
operating the distribution center have more than fifty per cent of 14411
the cost of the qualified property shipped to a location such that 14412
it would be situated outside this state under the provisions of 14413
division (E) of section 5751.033 of the Revised Code. The 14414
applicant must also substantiate that the distribution center 14415
cumulatively had costs from its suppliers equal to or exceeding 14416
five hundred million dollars during the qualifying period. (For 14417
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 14418
excludes any person that is part of the consolidated elected 14419
taxpayer group, if applicable, of the operator of the qualified 14420
distribution center.) The commissioner may require the applicant 14421
to have an independent certified public accountant certify that 14422
the calculation of the minimum thresholds required for a qualified 14423
distribution center by the operator of a distribution center has 14424
been made in accordance with generally accepted accounting 14425
principles. The commissioner shall issue or deny the issuance of a 14426
certificate within sixty days after the receipt of the 14427
application. A denial is subject to appeal under section 5717.02 14428
of the Revised Code. If the operator files a timely appeal under 14429
section 5717.02 of the Revised Code, the operator shall be granted 14430
a qualifying certificate, provided that the operator is liable for 14431

any tax, interest, or penalty upon amounts claimed as qualifying
distribution center receipts, other than those receipts exempt
under division (C)(1) of section 5751.011 of the Revised Code,
that would have otherwise not been owed by its suppliers if the
qualifying certificate was valid.

(VII) "Ohio delivery percentage" means the proportion of the
total property delivered to a destination inside Ohio from the
qualified distribution center during the qualifying period
compared with total deliveries from such distribution center
everywhere during the qualifying period.

(ii) If the distribution center is new and was not open for
the entire qualifying period, the operator of the distribution
center may request that the commissioner grant a qualifying
certificate. If the certificate is granted and it is later
determined that more than fifty per cent of the qualified property
during that year was not shipped to a location such that it would
be situated outside of this state under the provisions of division
(E) of section 5751.033 of the Revised Code or if it is later
determined that the person that operates the distribution center
had average monthly costs from its suppliers of less than forty
million dollars during that year, then the operator of the
distribution center shall be liable for any tax, interest, or
penalty upon amounts claimed as qualifying distribution center
receipts, other than those receipts exempt under division (C)(1)
of section 5751.011 of the Revised Code, that would have not
otherwise been owed by its suppliers during the qualifying year if
the qualifying certificate was valid. (For purposes of division
(F)(2)(z)(ii) of this section, "supplier" excludes any person that
is part of the consolidated elected taxpayer group, if applicable,
of the operator of the qualified distribution center.)

(iii) When filing an application for a qualifying certificate
under division (F)(2)(z)(i)(VI) of this section, the operator of a

qualified distribution center also shall provide documentation, as 14464
the commissioner requires, for the commissioner to ascertain the 14465
Ohio delivery percentage. The commissioner, upon issuing the 14466
qualifying certificate, also shall certify the Ohio delivery 14467
percentage. The operator of the qualified distribution center may 14468
appeal the commissioner's certification of the Ohio delivery 14469
percentage in the same manner as an appeal is taken from the 14470
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 14471
of this section. 14472

Within thirty days after all appeals have been exhausted, the 14473
operator of the qualified distribution center shall notify the 14474
affected suppliers of qualified property that such suppliers are 14475
required to file, within sixty days after receiving notice from 14476
the operator of the qualified distribution center, amended reports 14477
for the impacted calendar quarter or quarters or calendar year, 14478
whichever the case may be. Any additional tax liability or tax 14479
overpayment shall be subject to interest but shall not be subject 14480
to the imposition of any penalty so long as the amended returns 14481
are timely filed. The supplier of tangible personal property 14482
delivered to the qualified distribution center shall include in 14483
its report of taxable gross receipts the receipts from the total 14484
sales of property delivered to the qualified distribution center 14485
for the calendar quarter or calendar year, whichever the case may 14486
be, multiplied by the Ohio delivery percentage for the qualifying 14487
year. Nothing in division (F)(2)(z)(iii) of this section shall be 14488
construed as imposing liability on the operator of a qualified 14489
distribution center for the tax imposed by this chapter arising 14490
from any change to the Ohio delivery percentage. 14491

(iv) In the case where the distribution center is new and not 14492
open for the entire qualifying period, the operator shall make a 14493
good faith estimate of an Ohio delivery percentage for use by 14494
suppliers in their reports of taxable gross receipts for the 14495

remainder of the qualifying period. The operator of the facility 14496
shall disclose to the suppliers that such Ohio delivery percentage 14497
is an estimate and is subject to recalculation. By the due date of 14498
the next application for a qualifying certificate, the operator 14499
shall determine the actual Ohio delivery percentage for the 14500
estimated qualifying period and proceed as provided in division 14501
(F)(2)(z)(iii) of this section with respect to the calculation and 14502
recalculation of the Ohio delivery percentage. The supplier is 14503
required to file, within sixty days after receiving notice from 14504
the operator of the qualified distribution center, amended reports 14505
for the impacted calendar quarter or quarters or calendar year, 14506
whichever the case may be. Any additional tax liability or tax 14507
overpayment shall be subject to interest but shall not be subject 14508
to the imposition of any penalty so long as the amended returns 14509
are timely filed. 14510

(v) Qualifying certificates and Ohio delivery percentages 14511
issued by the commissioner shall be open to public inspection and 14512
shall be timely published by the commissioner. A supplier relying 14513
in good faith on a certificate issued under this division shall 14514
not be subject to tax on the qualifying distribution center 14515
receipts under division (F)(2)(z) of this section. A person 14516
receiving a qualifying certificate is responsible for paying the 14517
tax, interest, and penalty upon amounts claimed as qualifying 14518
distribution center receipts that would not otherwise have been 14519
owed by the supplier if the qualifying certificate were available 14520
when it is later determined that the qualifying certificate should 14521
not have been issued because the statutory requirements were in 14522
fact not met. 14523

(vi) The annual fee for a qualifying certificate shall be one 14524
hundred thousand dollars for each qualified distribution center. 14525
If a qualifying certificate is not issued, the annual fee is 14526
subject to refund after the exhaustion of all appeals provided for 14527

in division (F)(2)(z)(i)(VI) of this section. The fee imposed 14528
under this division may be assessed in the same manner as the tax 14529
imposed under this chapter. The first one hundred thousand dollars 14530
of the annual application fees collected each calendar year shall 14531
be credited to the commercial activity tax administrative fund. 14532
The remainder of the annual application fees collected shall be 14533
distributed in the same manner required under section 5751.20 of 14534
the Revised Code. 14535

(vii) The tax commissioner may require that adequate security 14536
be posted by the operator of the distribution center on appeal 14537
when the commissioner disagrees that the applicant has met the 14538
minimum thresholds for a qualified distribution center as set 14539
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 14540
section. 14541

(aa) Any receipts for which the tax imposed by this chapter 14542
is prohibited by the ~~constitution~~ Constitution or laws of the 14543
United States or the ~~constitution~~ Constitution of ~~this state~~ Ohio. 14544

(3) In the case of a taxpayer when acting as a real estate 14545
broker, "gross receipts" includes only the portion of any fee for 14546
the service of a real estate broker, or service of a real estate 14547
salesperson associated with that broker, that is retained by the 14548
broker and not paid to an associated real estate salesperson or 14549
another real estate broker. For the purposes of this division, 14550
"real estate broker" and "real estate salesperson" have the same 14551
meanings as in section 4735.01 of the Revised Code. 14552

(4) A taxpayer's method of accounting for gross receipts for 14553
a tax period shall be the same as the taxpayer's method of 14554
accounting for federal income tax purposes for the taxpayer's 14555
federal taxable year that includes the tax period. If a taxpayer's 14556
method of accounting for federal income tax purposes changes, its 14557
method of accounting for gross receipts under this chapter shall 14558

be changed accordingly. 14559

In calculating gross receipts, the following shall be 14560
deducted to the extent included as a gross receipt in the current 14561
tax period or reported as taxable gross receipts in a prior tax 14562
period: 14563

(a) Cash discounts allowed and taken; 14564

(b) Returns and allowances; 14565

(c) Bad debts. For the purposes of this division, "bad debts" 14566
mean any debts that have become worthless or uncollectible between 14567
the preceding and current quarterly tax payment periods, have been 14568
uncollected for at least six months, and may be claimed as a 14569
deduction under section 166 of the Internal Revenue Code and the 14570
regulations adopted pursuant thereto, or that could be claimed as 14571
such if the taxpayer kept its accounts on the accrual basis. "Bad 14572
debts" does not include uncollectible amounts on property that 14573
remains in the possession of the taxpayer until the full purchase 14574
price is paid, expenses in attempting to collect any account 14575
receivable or for any portion of the debt recovered, and 14576
repossessed property; 14577

(d) Any amount realized from the sale of an account 14578
receivable but only to the extent the receipts from the underlying 14579
transaction giving rise to the account receivable were included in 14580
the gross receipts of the taxpayer. 14581

(G) "Taxable gross receipts" means gross receipts sitused to 14582
this state under section 5751.033 of the Revised Code. 14583

(H) A person has "substantial nexus with this state" if any 14584
of the following applies. The person: 14585

(1) Owns or uses a part or all of its capital in this state; 14586

(2) Holds a certificate of compliance with the laws of this 14587
state authorizing the person to do business in this state; 14588

(3) Has bright-line presence in this state;	14589
(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the constitution <u>Constitution</u> of the United States.	14590 14591 14592
(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:	14593 14594 14595
(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.	14596 14597 14598 14599 14600
(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:	14601 14602 14603
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	14604 14605
(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and	14606 14607 14608
(c) Any amount the person pays for services performed in this state on its behalf by another.	14609 14610
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	14611 14612
(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.	14613 14614 14615
(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.	14616 14617

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code. 14618
14619

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 14620
14621
14622
14623
14624
14625
14626
14627

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December. 14628
14629
14630

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 14631
14632
14633

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year. 14634
14635

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter. 14636
14637

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following: 14638
14639
14640

(1) A person receiving a fee to sell financial instruments; 14641

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person; 14642
14643
14644

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code; 14645
14646

(4) A lottery sales agent holding a valid license issued 14647

under section 3770.05 of the Revised Code; 14648

(5) A person acting as an agent of the division of liquor 14649
control under section 4301.17 of the Revised Code. 14650

(Q) "Received" includes amounts accrued under the accrual 14651
method of accounting. 14652

Sec. 5751.011. (A) A group of two or more persons may elect 14653
to be a consolidated elected taxpayer for the purposes of this 14654
chapter if the group satisfies all of the following requirements: 14655

(1) The group elects to include all persons, including 14656
persons enumerated in divisions (E)(2) to (10) of section 5751.01 14657
of the Revised Code, having at least eighty per cent, or having at 14658
least fifty per cent, of the value of their ownership interests 14659
owned or controlled, directly or constructively through related 14660
interests, by common owners during all or any portion of the tax 14661
period, together with the common owners. At the election of the 14662
group, all entities that are not incorporated or formed under the 14663
laws of a state or of the United States and that meet the elected 14664
ownership test shall either be included in the group or all shall 14665
be excluded from the group. The group shall notify the tax 14666
commissioner of the foregoing elections before the due date of the 14667
return in which the election is to become effective. If fifty per 14668
cent of the value of a person's ownership interests is owned or 14669
controlled by each of two consolidated elected taxpayer groups 14670
formed under the fifty per cent ownership or control test, that 14671
person is a member of each group for the purposes of this section, 14672
and each group shall include in the group's taxable gross receipts 14673
fifty per cent of that person's taxable gross receipts. Otherwise, 14674
all of that person's taxable gross receipts shall be included in 14675
the taxable gross receipts of the consolidated elected taxpayer 14676
group of which the person is a member. In no event shall the 14677
ownership or control of fifty per cent of the value of a person's 14678

ownership interests by two otherwise unrelated groups form the 14679
basis for consolidating the groups into a single consolidated 14680
elected taxpayer group or permit any exclusion under division (C) 14681
of this section of taxable gross receipts between members of the 14682
two groups. Division (A)(3) of this section applies with respect 14683
to the elections described in this division. 14684

(2) The group makes the election to be treated as a 14685
consolidated elected taxpayer in the manner prescribed under 14686
division (D) of this section. 14687

(3) Subject to review and audit by the tax commissioner, the 14688
group agrees that all of the following apply: 14689

(a) The group shall file reports as a single taxpayer for at 14690
least the next eight calendar quarters following the election so 14691
long as at least two or more of the members of the group meet the 14692
requirements of division (A)(1) of this section. 14693

(b) Before the expiration of the eighth such calendar 14694
quarter, the group shall notify the commissioner if it elects to 14695
cancel its designation as a consolidated elected taxpayer. If the 14696
group does not so notify the tax commissioner, the election 14697
remains in effect for another eight calendar quarters. 14698

(c) If, at any time during any of those eight calendar 14699
quarters following the election, a former member of the group no 14700
longer meets the requirements under division (A)(1) of this 14701
section, that member shall report and pay the tax imposed under 14702
this chapter separately, as a member of a combined taxpayer, or, 14703
if the former member satisfies such requirements with respect to 14704
another consolidated elected group, as a member of that 14705
consolidated elected group. 14706

(d) The group agrees to the application of division (B) of 14707
this section. 14708

(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 section shall have the effect of excluding taxable gross receipts received from persons that are not members of the group if that person is a member of the group pursuant to the elections made by the group under division (A)(1) of this section.

(c)(i) As used in division (C)(1)(c) of this section, "dealer transfer" means a transfer of property that satisfies both of the following: (I) the property is directly transferred by any means from one member of the group to another member of the group that is a dealer in intangibles but is not a qualifying dealer as defined in section 5725.24 of the Revised Code; and (II) the property is subsequently delivered by the dealer in intangibles to a person that is not a member of the group.

(ii) In the event of a dealer transfer, a consolidated elected taxpayer group shall not exclude, under division (C) of

this section, gross receipts from the transfer described in 14740
division (C)(1)(c)(i)(I) of this section. 14741

(2) Gross receipts related to the sale or transmission of 14742
electricity through the use of an intermediary regional 14743
transmission organization approved by the federal energy 14744
regulatory commission shall be excluded from taxable gross 14745
receipts under division (C)(1) of this section if all other 14746
requirements of that division are met, even if the receipts are 14747
from and to the same member of the group. 14748

(D) To make the election to be a consolidated elected 14749
taxpayer, a group of persons shall notify the tax commissioner of 14750
the election in the manner prescribed by the commissioner and pay 14751
the commissioner a registration fee equal to the lesser of two 14752
hundred dollars or twenty dollars for each person in the group. No 14753
additional fee shall be imposed for the addition of new members to 14754
the group once the group has remitted a fee in the amount of two 14755
hundred dollars. The election shall be made and the fee paid 14756
before the later of the beginning of the first calendar quarter to 14757
which the election applies or November 15, 2005. The fee shall be 14758
collected and used in the same manner as provided in section 14759
5751.04 of the Revised Code. 14760

The election shall be made on a form prescribed by the tax 14761
commissioner for that purpose and shall be signed by one or more 14762
individuals with authority, separately or together, to make a 14763
binding election on behalf of all persons in the group. 14764

Any person acquired or formed after the filing of the 14765
registration shall be included in the group if the person meets 14766
the requirements of division (A)(1) of this section, and the group 14767
shall notify the tax commissioner of any additions to the group 14768
with the next tax return it files with the commissioner. 14769

(E) Each member of a consolidated elected taxpayer is jointly 14770

and severally liable for the tax imposed by this chapter and any
penalties or interest thereon. The tax commissioner may require
one person in the group to be the taxpayer for purposes of
registration and remittance of the tax, but all members of the
group are subject to assessment under section 5751.09 of the
Revised Code.

Sec. 5751.033. For the purposes of this chapter, gross
receipts shall be situated to this state as follows:

(A) Gross rents and royalties from real property located in
this state shall be situated to this state.

(B) Gross rents and royalties from tangible personal property
shall be situated to this state to the extent the tangible personal
property is located or used in this state.

(C) Gross receipts from the sale of electricity and electric
transmission and distribution services shall be situated to this
state in the manner provided under section 5733.059 of the Revised
Code.

(D) Gross receipts from the sale of real property located in
this state shall be situated to this state.

(E) Gross receipts from the sale of tangible personal
property shall be situated to this state if the property is
received in this state by the purchaser. In the case of delivery
of tangible personal property by common carrier or by other means
of transportation, the place at which such property is ultimately
received after all transportation has been completed shall be
considered the place where the purchaser receives the property.
For purposes of this section, the phrase "delivery of tangible
personal property by common carrier or by other means of
transportation" includes the situation in which a purchaser
accepts the property in this state and then transports the

property directly or by other means to a location outside this 14801
state. Direct delivery in this state, other than for purposes of 14802
transportation, to a person or firm designated by a purchaser 14803
constitutes delivery to the purchaser in this state, and direct 14804
delivery outside this state to a person or firm designated by a 14805
purchaser does not constitute delivery to the purchaser in this 14806
state, regardless of where title passes or other conditions of 14807
sale. 14808

(F) Gross receipts from the sale, exchange, disposition, or 14809
other grant of the right to use trademarks, trade names, patents, 14810
copyrights, and similar intellectual property shall be sitused to 14811
this state to the extent that the receipts are based on the amount 14812
of use of the property in this state. If the receipts are not 14813
based on the amount of use of the property, but rather on the 14814
right to use the property, and the payor has the right to use the 14815
property in this state, then the receipts from the sale, exchange, 14816
disposition, or other grant of the right to use such property 14817
shall be sitused to this state to the extent the receipts are 14818
based on the right to use the property in this state. 14819

(G) Gross receipts from the sale of transportation services 14820
by a common or contract carrier shall be sitused to this state in 14821
proportion to the mileage traveled by the carrier during the tax 14822
period on roadways, waterways, airways, and railways in this state 14823
to the mileage traveled by the carrier during the tax period on 14824
roadways, waterways, airways, and railways everywhere. With prior 14825
written approval of the tax commissioner, a common or contract 14826
carrier may use an alternative situsing procedure for 14827
transportation services. 14828

(H) Gross receipts from dividends, interest, and other 14829
sources of income from financial instruments described in ~~division~~ 14830
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 14831
section 5733.056 of the Revised Code shall be sitused to this 14832

state in accordance with the situsing provisions set forth in 14833
those divisions. When applying the provisions of divisions (F)(6), 14834
(8), and (13) of section 5733.056 of the Revised Code, "gross 14835
receipts" shall be substituted for "net gains" wherever "net 14836
gains" appears in those divisions. Nothing in this division limits 14837
or modifies the exclusions enumerated in divisions (E) and (F)(2) 14838
of section 5751.01 of the Revised Code. The tax commissioner may 14839
promulgate rules to further specify the manner in which to situs 14840
gross receipts subject to this division. 14841

(I) Gross receipts from the sale of all other services, and 14842
all other gross receipts not otherwise sitused under this section, 14843
shall be sitused to this state in the proportion that the 14844
purchaser's benefit in this state with respect to what was 14845
purchased bears to the purchaser's benefit everywhere with respect 14846
to what was purchased. The physical location where the purchaser 14847
ultimately uses or receives the benefit of what was purchased 14848
shall be paramount in determining the proportion of the benefit in 14849
this state to the benefit everywhere. If a taxpayer's records do 14850
not allow the taxpayer to determine that location, the taxpayer 14851
may use an alternative method to situs gross receipts under this 14852
division if the alternative method is reasonable, is consistently 14853
and uniformly applied, and is supported by the taxpayer's records 14854
as the records exist when the service is provided or within a 14855
reasonable period of time thereafter. 14856

(J) If the situsing provisions of divisions (A) to (H) of 14857
this section do not fairly represent the extent of a person's 14858
activity in this state, the person may request, or the tax 14859
commissioner may require or permit, an alternative method. Such 14860
request by a person must be made within the applicable statute of 14861
limitations set forth in this chapter. 14862

(K) The tax commissioner may adopt rules to provide 14863
additional guidance to the application of this section, and 14864

provide alternative methods of situsing gross receipts that apply 14865
to all persons, or subset of persons, that are engaged in similar 14866
business or trade activities. 14867

Sec. 5910.03. Scholarships shall be granted only to children 14868
of deceased or disabled veterans of the armed services of the 14869
United States. To be eligible for a scholarship, such child shall: 14870

(A) At the time of application, have attained the sixteenth, 14871
but not the ~~twenty-first~~ twenty-fifth, birthday; 14872

(B) At the time of application, if a child of a veteran who 14873
entered the armed services: 14874

(1) As a legal resident of Ohio, have resided in the state 14875
for the last preceding year; 14876

(2) Not as a legal resident of Ohio, have resided in the 14877
state for the year preceding the year in which application for the 14878
scholarship is made and any other four of the last ten years; 14879

(C) Be in financial need, as determined by the board. 14880

Sec. 5919.31. (A) If an active duty member of the Ohio 14881
national guard chooses to purchase life insurance pursuant to the 14882
"Servicemembers' Group Life Insurance Act," 79 Stat. 880 et seq. 14883
(1965), 38 U.S.C. 1965 et seq. and if the adjutant general 14884
determines that the member is ineligible for reimbursement of 14885
associated premiums under federal law, the adjutant general shall 14886
reimburse the member in an amount equal to the monthly premium 14887
paid for each month or part of a month by the member pursuant to 14888
the act while being an active duty member. 14889

(B) The adjutant general may request additional money from 14890
the controlling board if the adjutant general does not have 14891
sufficient available unencumbered funds to reimburse active duty 14892
members for life insurance premiums pursuant to this section. 14893

(C) The adjutant general may prescribe and enforce 14894
regulations to implement the requirements of this section. In 14895
prescribing and enforcing those regulations, the adjutant general 14896
need not comply with section 111.15 or Chapter 119. of the Revised 14897
Code. 14898

(D) As used in this section, "active duty member" means a 14899
member of the Ohio national guard on active duty pursuant to an 14900
executive order of the president of the United States, the "Act of 14901
October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as 14902
amended, another act of the congress of the United States, or a 14903
proclamation of the governor, but does not include a member 14904
performing full-time Ohio national guard duty or performing 14905
special work active duty under the "Act of October 3, 1964," 78 14906
Stat. 999, 32 U.S.C. 502(f). 14907

Section 101.02. That existing sections 3.21, 3.23, 5.10, 14908
9.37, 101.15, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 14909
122.17, 122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 14910
151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 14911
152.24, 152.26, 154.02, 154.20, 164.04, 169.13, 176.05, 307.695, 14912
333.02, 333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 14913
1702.01, 1702.08, 1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 14914
1702.27, 1702.38, 1702.39, 1702.42, 1702.58, 2301.02, 2305.26, 14915
2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 14916
3317.03, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 3905.36, 14917
3931.07, 4115.04, 4121.121, 4503.068, 4710.02, 4728.03, 4733.14, 14918
4763.03, 4763.05, 4763.06, 4919.76, 5107.12, 5111.88, 5115.06, 14919
5119.071, 5119.611, 5120.03, 5123.08, 5139.02, 5502.62, 5537.01, 14920
5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 5537.27, 14921
5537.28, 5701.11, 5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 14922
5739.01, 5739.09, 5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 14923
5751.033, 5910.03, and 5919.31 of the Revised Code are hereby 14924

repealed. 14925

Section 101.03. That existing Section 206.09.84 of Am. Sub. 14926
H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 14927
530 of the 126th General Asembly, is hereby repealed. 14928

Section 110.07. That the version of section 5502.62 of the 14929
Revised Code that is scheduled to take effect April 1, 2007, be 14930
amended to read as follows: 14931

Sec. 5502.62. (A) There is hereby created in the department 14932
of public safety a division of criminal justice services. The 14933
director of public safety, with the concurrence of the governor, 14934
shall appoint an executive director of the division of criminal 14935
justice services. The executive director shall be the head of the 14936
division. The executive director shall serve at the pleasure of 14937
the director of public safety. To carry out the duties assigned 14938
under this section and to comply with sections 5502.63 to 5502.66 14939
of the Revised Code, the executive director, subject to the 14940
direction and control of the director of public safety, may 14941
appoint and maintain any necessary staff and may enter into any 14942
necessary contracts and other agreements. The executive director 14943
of the division, and all professional and technical personnel 14944
employed within the division who are not public employees as 14945
defined in section 4117.01 of the Revised Code, shall be in the 14946
unclassified civil service, and all other persons employed within 14947
the division shall be in the classified civil service. 14948

(B) Subject to division (F) of this section and subject to 14949
divisions (D) to (F) of section 5120.09 of the Revised Code 14950
insofar as those divisions relate to federal criminal justice acts 14951
that the governor requires the department of rehabilitation and 14952
correction to administer, the division of criminal justice 14953
services shall do all of the following: 14954

- (1) Serve as the state criminal justice services agency and perform criminal justice system planning in the state, including any planning that is required by any federal law; 14955
14956
14957
- (2) Collect, analyze, and correlate information and data concerning the criminal justice system in the state; 14958
14959
- (3) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal justice system in the state, and other appropriate organizations and persons; 14960
14961
14962
14963
14964
14965
- (4) Encourage and assist agencies, offices, and departments of the criminal justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division; 14966
14967
14968
14969
- (5) Administer within the state any federal criminal justice acts that the governor requires it to administer; 14970
14971
- (6) Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program; 14972
14973
14974
14975
14976
- (7) Implement the state comprehensive plans; 14977
- (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the division; 14978
14979
14980
- (9) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the division; 14981
14982
14983
- (10) Apply for, allocate, disburse, and account for grants 14984

that are made available pursuant to federal criminal justice acts, 14985
or made available from other federal, state, or private sources, 14986
to improve the criminal justice system in the state. ~~Except as~~ 14987
~~otherwise provided in this division, all money from such federal~~ 14988
~~grants shall, if the terms under which the money is received~~ 14989
~~require that the money be deposited into an interest-bearing fund~~ 14990
~~or account, be deposited in the state treasury to the credit of~~ 14991
~~the federal program purposes fund, which is hereby created. All~~ 14992
~~investment earnings of the federal program purposes fund shall be~~ 14993
~~credited to the fund.~~ All money from such federal grants that 14994
require that the money be deposited into an interest-bearing fund 14995
or account, that are intended to provide funding to local criminal 14996
justice programs, and that require that investment earnings be 14997
distributed for program purposes shall be deposited in the state 14998
treasury to the credit of the federal justice programs ~~fund~~ funds, 14999
which ~~is~~ are hereby created. A separate fund shall be established 15000
each federal fiscal year. All investment earnings of ~~the~~ a federal 15001
justice programs fund shall be credited to ~~the~~ that fund and 15002
distributed in accordance with the terms of the grant under which 15003
the money is received. 15004

(11) Contract with federal, state, and local agencies, 15005
foundations, corporations, businesses, and persons when necessary 15006
to carry out the duties of the division; 15007

(12) Oversee the activities of metropolitan county criminal 15008
justice services agencies, administrative planning districts, and 15009
criminal justice coordinating councils in the state; 15010

(13) Advise the director of public safety, general assembly, 15011
and governor on legislation and other significant matters that 15012
pertain to the improvement and reform of criminal and juvenile 15013
justice systems in the state; 15014

(14) Prepare and recommend legislation to the director of 15015

public safety, general assembly, and governor for the improvement	15016
of the criminal and juvenile justice systems in the state;	15017
(15) Assist, advise, and make any reports that are requested	15018
or required by the governor, director of public safety, attorney	15019
general, or general assembly;	15020
(16) Develop and maintain the Ohio incident-based reporting	15021
system in accordance with division (C) of this section;	15022
(17) Subject to the approval of the director of public	15023
safety, adopt rules pursuant to Chapter 119. of the Revised Code;	15024
(18)(a) Not later than June 1, 2007, and subject to the	15025
approval of the director of public safety, adopt rules for the	15026
establishment and maintenance of a mcgruff house program by any	15027
sponsoring agency. The rules shall include the following:	15028
(i) The adoption of the mcgruff house symbol to be used	15029
exclusively in all mcgruff house programs in this state;	15030
(ii) The requirements for any sponsoring agency to establish	15031
and maintain a mcgruff house program;	15032
(iii) The criteria for the selection of volunteers to	15033
participate in a mcgruff house program that shall include, but not	15034
be limited to, criminal background checks of those volunteers;	15035
(iv) Any other matters that the division of criminal justice	15036
services considers necessary for the establishment and maintenance	15037
of mcgruff house programs by sponsoring agencies and the	15038
participation of volunteers in those programs.	15039
(b) The division of criminal justice services shall	15040
distribute materials and provide technical assistance to any	15041
sponsoring agency that establishes and maintains a mcgruff house	15042
program, any volunteer group or organization that provides	15043
assistance to that sponsoring agency, or any volunteer who	15044
participates in a mcgruff house program.	15045

(C) The division of criminal justice services shall develop 15046
and maintain the Ohio incident-based reporting system to 15047
facilitate the sharing of information with the federal bureau of 15048
investigation and participating law enforcement agencies in Ohio. 15049
The Ohio incident-based reporting system shall be known as OIBRS. 15050
In connection with OIBRS, the division shall do all of the 15051
following: 15052

(1) Collect and organize statistical data for reporting to 15053
the national incident-based reporting system operated by the 15054
federal bureau of investigation for the purpose of securing 15055
federal criminal justice grants; 15056

(2) Analyze and highlight mapping data for participating law 15057
enforcement agencies; 15058

(3) Distribute data and analyses to participating law 15059
enforcement agencies; 15060

(4) Encourage nonparticipating law enforcement agencies to 15061
participate in OIBRS by offering demonstrations, training, and 15062
technical assistance; 15063

(5) Provide assistance, advice, and reports requested by the 15064
governor, the general assembly, or the federal bureau of 15065
investigation; 15066

(6) Require every law enforcement agency that receives 15067
federal criminal justice grants or state criminal justice 15068
information system general revenue funds through the division to 15069
participate in OIBRS or in the uniform crime reporting program of 15070
the federal bureau of investigation. An agency that submits OIBRS 15071
data to the Ohio local law enforcement information sharing network 15072
shall be considered to be in compliance with division (C)(6) of 15073
this section if both of the following apply: 15074

(a) The Ohio local law enforcement information sharing 15075

network is capable of collecting OIBRS data. 15076

(b) The division of criminal justice services has the ability 15077
to extract the OIBRS data for reporting to the national 15078
incident-based reporting system in the manner required by the 15079
federal bureau of investigation. 15080

(D) Upon the request of the director of public safety or 15081
governor, the division of criminal justice services may do any of 15082
the following: 15083

(1) Collect, analyze, or correlate information and data 15084
concerning the juvenile justice system in the state; 15085

(2) Cooperate with and provide technical assistance to state 15086
departments, administrative planning districts, metropolitan 15087
county criminal justice service agencies, criminal justice 15088
coordinating councils, agency offices, and the departments of the 15089
juvenile justice system in the state and other appropriate 15090
organizations and persons; 15091

(3) Encourage and assist agencies, offices, and departments 15092
of the juvenile justice system in the state and other appropriate 15093
organizations and persons to solve problems that relate to the 15094
duties of the division. 15095

(E) Divisions (B), (C), and (D) of this section do not limit 15096
the discretion or authority of the attorney general with respect 15097
to crime victim assistance and criminal justice programs. 15098

(F) Nothing in this section is intended to diminish or alter 15099
the status of the office of the attorney general as a criminal 15100
justice services agency or to diminish or alter the status or 15101
discourage the development and use of other law enforcement 15102
information systems in Ohio. 15103

Section 110.08. That the existing version of section 5502.62 15104
of the Revised Code that is scheduled to take effect April 1, 15105

2007, is hereby repealed. 15106

Section 110.09. That Sections 110.07 and 110.08 of this act 15107
 take effect April 1, 2007. 15108

Section 201.10. The items set forth in this section are 15109
 hereby appropriated out of any moneys in the state treasury to the 15110
 credit of the Wildlife Fund (Fund 015), that are not otherwise 15111
 appropriated. 15112

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 15113

CAP-012	Land Acquisition - Statewide	\$	3,000,000	15114
CAP-852	Wildlife Area Building	\$	1,000,000	15115
	Development/Renovations			
	Total Department of Natural Resources	\$	4,000,000	15116
	TOTAL Wildlife Fund	\$	4,000,000	15117

Section 203.10. The items set forth in this section are 15119
 hereby appropriated out of any moneys in the state treasury to the 15120
 credit of the Public School Building Fund (Fund 021), that are not 15121
 otherwise appropriated. 15122

Appropriations

SFC SCHOOL FACILITIES COMMISSION 15123

CAP-622	Public School Buildings	\$	154,632,362	15124
CAP-786	New School Planning and Design	\$	4,000,000	15125
	Total School Facilities Commission	\$	158,632,362	15126
	TOTAL Public School Building Fund	\$	158,632,362	15127

Section 203.20. PUBLIC SCHOOL BUILDING FUND 15129

The Controlling Board, when requested to do so by the 15130
 Executive Director of the Ohio School Facilities Commission, may 15131
 increase appropriations in the Public School Building Fund (Fund 15132

021), based on revenues received by the fund, including cash 15133
transfers and interest that may accrue to the fund. 15134

Section 203.40. NEW BLIND AND DEAF SCHOOL PLANNING AND DESIGN 15135

The foregoing appropriation item CAP-786, New School Planning 15136
and Design, shall be used for the planning and design of a new 15137
consolidated school, residential facility, transportation garage, 15138
and athletic facilities for the Ohio State School for the Blind 15139
and the Ohio School for the Deaf. Notwithstanding sections 123.01 15140
and 123.15 of the Revised Code and in addition to its powers and 15141
duties under Chapter 3318. of the Revised Code, the Ohio School 15142
Facilities Commission shall administer the planning and design of 15143
a new consolidated school, residential facility, transportation 15144
garage, and athletic facilities for the Ohio State School for the 15145
Blind and the Ohio School for the Deaf on the current campus of 15146
the Ohio School for the Deaf. The design and construction of the 15147
new consolidated school shall comply to the fullest extent 15148
possible with the specifications and policies set forth in the 15149
Ohio School Design Manual. This project shall not be considered a 15150
part of any program created under Chapter 3318. of the Revised 15151
Code. The Executive Director of the Ohio School Facilities 15152
Commission shall determine the planning, design, scope, and budget 15153
of the project in consultation with the superintendents of the 15154
Ohio State School for the Blind and the Ohio School for the Deaf 15155
and the Director of Budget and Management. Upon issuance by the 15156
Commission of a certificate of completion of the project, the 15157
Commission's participation in the project shall end. 15158

The Executive Director of the Ohio School Facilities 15159
Commission shall comply with the procedures and guidelines 15160
established in Chapter 153. of the Revised Code. Upon the release 15161
of funds for the project by the Controlling Board or the Director 15162
of Budget and Management, the commission may administer the 15163

project without the supervision, control, or approval of the 15164
 Director of Administrative Services. Any references to the 15165
 Director of Administrative Services in the Revised Code, with 15166
 respect to the administration of this project, shall be construed 15167
 to refer to the Director of the Ohio School Facilities Commission. 15168

Section 205.10. The items set forth in this section are 15169
 hereby appropriated out of any moneys in the state treasury to the 15170
 credit of the Highway Safety Fund (Fund 036), that are not 15171
 otherwise appropriated. 15172

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY 15173

CAP-083	Alum Creek Facility Roof Renovation	\$	1,067,000	15174
CAP-084	OSHP Academy Maintenance	\$	433,000	15175
	Total Department of Public Safety	\$	1,500,000	15176
	TOTAL Highway Safety Fund	\$	1,500,000	15177

Section 207.10. All items set forth in this section are 15179
 hereby appropriated out of any moneys in the state treasury to the 15180
 credit of the State Capital Improvements Revolving Loan Fund (Fund 15181
 040). Revenues to the State Capital Improvements Revolving Loan 15182
 Fund shall consist of all repayments of loans made to local 15183
 subdivisions for capital improvements, investment earnings on 15184
 moneys in the fund, and moneys obtained from federal or private 15185
 grants or from other sources for the purpose of making loans for 15186
 the purpose of financing or assisting in the financing of the cost 15187
 of capital improvement projects of local subdivisions. 15188

Appropriations

PWC PUBLIC WORKS COMMISSION 15189

CAP-151	Revolving Loan	\$	25,300,000	15190
	Total Public Works Commission	\$	25,300,000	15191
	TOTAL State Capital Improvements Revolving Loan 15192	\$	25,300,000	

Fund

The foregoing appropriation item CAP-151, Revolving Loan, 15193
shall be used in accordance with sections 164.01 to 164.12 of the 15194
Revised Code. 15195

If the Public Works Commission receives refunds due to 15196
project overpayments that are discovered during a post-project 15197
audit, the Director of the Public Works Commission may certify to 15198
the Director of Budget and Management that refunds have been 15199
received. In certifying the refunds, the Director of the Public 15200
Works Commission shall provide the Director of Budget and 15201
Management information on the project refunds. The certification 15202
shall detail by project the source and amount of project 15203
overpayments received and include any supporting documentation 15204
required or requested by the Director of Budget and Management. 15205
Upon receipt of the certification, the Director of Budget and 15206
Management shall determine if the project refunds are necessary to 15207
support existing appropriations. If the project refunds are 15208
available to support additional appropriations, these amounts are 15209
hereby appropriated to appropriation item CAP-151, Revolving Loan. 15210

Section 209.10. All items set forth in this section are 15211
hereby appropriated out of any moneys in the state treasury to the 15212
credit of the Waterways Safety Fund (Fund 086), that are not 15213
otherwise appropriated. 15214

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			15215
CAP-324	Cooperative Funding for Boating	\$ 8,700,000	15216
	Facilities		
CAP-934	Operations Facilities Development	\$ 3,440,000	15217
Total Department of Natural Resources		\$ 12,140,000	15218
TOTAL Waterways Safety Fund		\$ 12,140,000	15219

Section 211.10. All items set forth in this section are 15221

hereby appropriated out of any moneys in the state treasury to the 15222
 credit of the Army National Guard Service Contract Fund (Fund 15223
 342), that are not otherwise appropriated. 15224

Appropriations

ADJ ADJUTANT GENERAL			15225
CAP-065	Armory Construction-Federal	\$ 877,275	15226
Total Adjutant General			\$ 877,275 15227
TOTAL Army National Guard Service Contract Fund			\$ 877,275 15228

Section 213.10. All items set forth in this section are 15230
 hereby appropriated out of any moneys in the state treasury to the 15231
 credit of the Special Administrative Fund (Fund 4A9), that are not 15232
 otherwise appropriated. 15233

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES			15234
CAP-702	Central Office Building Renovations	\$ 2,000,000	15235
Total Department of Job and Family Services			\$ 2,000,000 15236
TOTAL Special Administrative Fund			\$ 2,000,000 15237

Section 215.10. The items set forth in this section are 15239
 hereby appropriated out of any moneys in the state treasury to the 15240
 credit of the State Fire Marshal Fund (Fund 546), that are not 15241
 otherwise appropriated. 15242

Appropriations

COM DEPARTMENT OF COMMERCE			15243
CAP-115	Emergency Generator Replacement	\$ 1,650,000	15244
CAP-116	IT Infrastructure	\$ 720,000	15245
CAP-117	Security Fence & Entrance Gate	\$ 50,000	15246
CAP-118	Driver Training/Road Improvement	\$ 1,070,000	15247
CAP-119	Master Plan for SFM Facilities	\$ 500,000	15248
CAP-120	Forensic Laboratory Equipment	\$ 130,000	15249
Total Department of Commerce			\$ 4,120,000 15250

TOTAL State Fire Marshal Fund \$ 4,120,000 15251

Section 217.10. The items set forth in this section are 15253
hereby appropriated out of any moneys in the state treasury to the 15254
credit of the Veterans' Home Improvement Fund (Fund 604), that are 15255
not otherwise appropriated. 15256

Appropriations

OVH OHIO VETERANS' HOME AGENCY 15257
CAP-786 General Building Renovations \$ 2,700,000 15258
Total Ohio Veterans' Home Agency \$ 2,700,000 15259
TOTAL Veterans' Home Improvement Fund \$ 2,700,000 15260

Section 219.10. All items set forth in this section are 15262
hereby appropriated out of any moneys in the state treasury to the 15263
credit of the Job Ready Site Development Fund (Fund 012), that are 15264
not otherwise appropriated: 15265

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 15266
CAP-003 Job Ready Sites \$ 30,000,000 15267
Total Department of Development \$ 30,000,000 15268
TOTAL Job Ready Site Development Fund \$ 30,000,000 15269

Section 219.20. JOB READY SITE DEVELOPMENT 15271

The Ohio Public Facilities Commission, upon request of the 15272
Department of Development, is hereby authorized to issue and sell, 15273
in accordance with Section 2p of Article VIII, Ohio Constitution, 15274
and pursuant to sections 151.01 and 151.11 of the Revised Code, 15275
original obligations of the State of Ohio in an aggregate amount 15276
not to exceed \$30,000,000 in addition to the original issuance of 15277
obligations heretofore authorized by prior acts of the General 15278
Assembly. These authorized obligations shall be issued and sold 15279
from time to time, subject to applicable constitutional and 15280
statutory limitations, as needed to ensure sufficient moneys to 15281

the credit of the Job Ready Site Development Fund (Fund 012) to 15282
 pay costs of sites and facilities. 15283

Section 221.10.10. All items set forth in Sections 221.10.20 15284
 to 221.20.10 of this act are hereby appropriated out of any moneys 15285
 in the state treasury to the credit of the Administrative Building 15286
 Fund (Fund 026), that are not otherwise appropriated. 15287

Appropriations

Section 221.10.20. ADJ ADJUTANT GENERAL		15288
CAP-036 Roof Replacement - Various	\$ 530,000	15289
CAP-038 Electrical Systems - Various	\$ 560,000	15290
CAP-044 Replace Windows/Doors - Various	\$ 220,000	15291
CAP-045 Plumbing Renovations - Various	\$ 525,000	15292
CAP-046 Paving Renovations - Various	\$ 455,225	15293
CAP-050 HVAC Systems - Various	\$ 700,000	15294
CAP-056 Masonry Repairs/Renovations - Various	\$ 220,000	15295
CAP-071 Construct Delaware Armory	\$ 1,756,250	15296
CAP-072 Energy Conservation - Various	\$ 33,525	15297
CAP-063 Rickenbacker International Airport	\$ 2,775,000	15298
CAP-075 Mansfield Lahm Air National Guard Facility	\$ 1,000,000	15299
CAP-076 Camp Perry Improvements	\$ 1,200,000	15300
Total Adjutant General	\$ 9,975,000	15301

ARMORY CONSTRUCTION 15302

The foregoing appropriation item CAP-071, Construct Delaware 15303
 Armory, shall be used to fund the state's share of the cost of 15304
 building a basic armory in the Delaware area, including the cost 15305
 of site acquisition, site preparation, and planning and design. 15306
 Appropriations shall not be released for this item without a 15307
 certification by the Adjutant General to the Director of Budget 15308
 and Management that sufficient moneys have been allocated for the 15309

federal share of the cost of construction. 15310

Appropriations

Section 221.10.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			15311
CAP-773	Governor's Residence Renovations	\$ 912,000	15312
CAP-826	Surface Road Building Renovations	\$ 394,300	15313
CAP-834	Capital Improvements Project Management System	\$ 2,342,400	15314
CAP-835	Energy Conservation Projects	\$ 1,000,000	15315
CAP-838	SOCC Renovations	\$ 1,200,000	15316
CAP-850	Education Building Renovations	\$ 564,900	15317
CAP-852	North High Building Complex Renovations	\$ 14,001,400	15318
CAP-855	Office Space Planning	\$ 5,000,000	15319
CAP-856	Governor's Residence Security Upgrades	\$ 25,000	15320
CAP-865	DAS Building Security Upgrades	\$ 79,500	15321
Total Department of Administrative Services			\$ 25,519,500 15322

Appropriations

Section 221.10.40. AGR DEPARTMENT OF AGRICULTURE			15324
CAP-043	Building and Grounds Renovation	\$ 600,000	15325
CAP-051	Plant Industries Building #7 Replacement	\$ 10,485,631	15326
CAP-052	Grounds Security/Emergency Power	\$ 200,000	15327
Total Department of Agriculture			\$ 11,285,631 15328

Appropriations

Section 221.10.50. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			15330
CAP-024	Capitol Square Security	\$ 350,000	15332
Total Capitol Square Review and Advisory Board			\$ 350,000 15333

Appropriations

Section 221.10.60. EXP EXPOSITIONS COMMISSION			15335
CAP-056	Building Renovations and Repairs	\$ 4,696,000	15336

CAP-072	Emergency Repairs and Equipment Repair or Replacement	\$ 1,000,000	15337
CAP-074	Multi-Purpose Building	\$ 14,000,000	15338
Total Expositions Commission		\$ 19,696,000	15339

Appropriations

Section 221.10.70. DHS DEPARTMENT OF PUBLIC SAFETY			15341
CAP-085	American Red Cross Public Safety Facility	\$ 500,000	15342
CAP-086	Consolidated Communications Project of Strongsville	\$ 100,000	15343
CAP-087	Domestic Violence Shelter	\$ 100,000	15344
CAP-088	Family Services of Cincinnati	\$ 100,000	15345
Total Department of Public Safety		\$ 800,000	15346

Appropriations

Section 221.10.80. DNR DEPARTMENT OF NATURAL RESOURCES			15348
CAP-742	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	15349
CAP-744	MARCS	\$ 2,000,000	15350
CAP-747	DNR Fairgrounds Areas - General Upgrading - Fairgrounds Site Improvements	\$ 700,000	15351
Total Department of Natural Resources		\$ 3,700,000	15352

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND			15354
CAP-784	Renovations and Repairs	\$ 890,000	15355
CAP-785	Replacement of School Elevator	\$ 110,000	15356
Total School for the Blind		\$ 1,000,000	15357

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF			15359
---	--	--	-------

CAP-783 Renovations and Repairs	\$ 1,000,000	15360
Total School for the Deaf	\$ 1,000,000	15361
TOTAL Administrative Building Fund	\$ 73,326,131	15362

Section 221.20.20. The Ohio Building Authority is hereby 15363
authorized to issue and sell, in accordance with Section 2i of 15364
Article VIII, Ohio Constitution, and Chapter 152. and other 15365
applicable sections of the Revised Code, original obligations in 15366
an aggregate principal amount not to exceed \$66,000,000 in 15367
addition to the original issuance of obligations heretofore 15368
authorized by prior acts of the General Assembly. These authorized 15369
obligations shall be issued, subject to applicable constitutional 15370
and statutory limitations, to pay costs associated with previously 15371
authorized capital facilities and the capital facilities referred 15372
to in Sections 221.10.10 to 221.20.10 of this act. 15373

Section 223.10. All items set forth in this section are 15374
hereby appropriated out of any moneys in the state treasury to the 15375
credit of the Adult Correctional Building Fund (Fund 027), that 15376
are not otherwise appropriated. 15377

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION		15378
STATEWIDE AND CENTRAL OFFICE PROJECTS		15379
CAP-003 Community Based Correctional Facility	\$ 1,200,000	15380
CAP-017 Security Improvements - Statewide	\$ 6,127,037	15381
CAP-111 General Building Renovations	\$ 28,847,973	15382
Total Statewide and Central Office Projects	\$ 36,175,010	15383
TOTAL Department of Rehabilitation and Correction	\$ 36,175,010	15384
TOTAL ADULT CORRECTIONAL BUILDING FUND	\$ 36,175,010	15385

Section 223.20. The Ohio Building Authority is hereby 15387
authorized to issue and sell, in accordance with Section 2i of 15388
Article VIII, Ohio Constitution, and Chapter 152. and section 15389

307.021 of the Revised Code, original obligations in an aggregate 15390
principal amount not to exceed \$21,000,000 in addition to the 15391
original issuance of obligations heretofore authorized by prior 15392
acts of the General Assembly. These authorized obligations shall 15393
be issued, subject to applicable constitutional and statutory 15394
limitations, to pay costs associated with previously authorized 15395
capital facilities and the capital facilities referred to in 15396
Section 223.10 of this act for the Department of Rehabilitation 15397
and Correction. 15398

Section 225.10. All items set forth in this section are 15399
hereby appropriated out of any moneys in the state treasury to the 15400
credit of the Juvenile Correctional Building Fund (Fund 028), that 15401
are not otherwise appropriated. 15402

			Appropriations	
DYS DEPARTMENT OF YOUTH SERVICES				15403
CAP-801	Fire Suppression/Safety/Security	\$ 2,369,806		15404
CAP-803	General Institutional Renovations	\$ 4,833,336		15405
CAP-812	CCF Renovations/Maintenance	\$ 1,322,304		15406
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$ 4,850,000		15407
CAP-839	Classroom Renovations	\$ 1,988,875		15408
CAP-840	Mental Health Unit Construction	\$ 2,877,510		15409
Total Department of Youth Services			\$ 18,241,831	15410
TOTAL Juvenile Correctional Building Fund			\$ 18,241,831	15411

Section 225.20. The Ohio Building Authority is hereby 15413
authorized to issue and sell, in accordance with Section 2i of 15414
Article VIII, Ohio Constitution, and Chapter 152. and other 15415
applicable sections of the Revised Code, original obligations in 15416
an aggregate principal amount not to exceed \$18,000,000 in 15417
addition to the original issuance of obligations heretofore 15418

authorized by prior acts of the General Assembly. These authorized 15419
 obligations shall be issued, subject to applicable constitutional 15420
 and statutory limitations, to pay the costs associated with 15421
 previously authorized capital facilities and the capital 15422
 facilities referred to in Section 225.10 of this act for the 15423
 Department of Youth Services. 15424

Section 227.10. All items set forth in this section are 15425
 hereby appropriated out of any moneys in the state treasury to the 15426
 credit of the Cultural and Sports Facilities Building Fund (Fund 15427
 030), that are not otherwise appropriated. 15428

Appropriations

AFC CULTURAL FACILITIES COMMISSION 15429

CAP-734	Hayes Center Renov & Repairs	\$	300,000	15430
CAP-745	Renovations and Repairs	\$	850,000	15431
CAP-763	Historic Site Signage	\$	250,000	15432
CAP-770	Serpent Mound Improvements	\$	340,000	15433
CAP-781	Information Technology Project	\$	364,000	15434
CAP-784	Center Rehabilitation	\$	1,035,000	15435
CAP-803	Digitization of Collections	\$	300,000	15436
CAP-809	Exhibit Replace/Orientation	\$	415,000	15437
CAP-910	Collections Facility Planning	\$	1,240,000	15438
CAP-911	W.P. Snyder Restoration	\$	876,000	15439
CAP-912	Lockington Locks Restoration	\$	172,000	15440
CAP-913	Huntington Park	\$	7,000,000	15441
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000	15442
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000	15443
CAP-917	Marina District Amphitheatre	\$	2,900,000	15444
CAP-918	Cincinnati Museum Center	\$	2,000,000	15445
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000	15446

CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000	15447
CAP-921	Pro Football Hall of Fame	\$	1,650,000	15448
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000	15449
CAP-923	Western Reserve Historical Society	\$	1,000,000	15450
CAP-925	COSI Columbus	\$	1,000,000	15451
CAP-926	Columbus Museum of Art	\$	1,000,000	15452
CAP-927	Mason ATP Tennis Center	\$	1,300,000	15453
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000	15454
CAP-929	Akron Art Museum	\$	1,000,000	15455
CAP-930	Sauder Village	\$	830,000	15456
CAP-931	Horvitz Center for the Arts	\$	750,000	15457
CAP-932	Ensemble Theatre	\$	750,000	15458
CAP-933	Voice of America Museum	\$	750,000	15459
CAP-934	Cleveland Steamship Mather	\$	600,000	15460
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	15461
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000	15462
CAP-937	Art Academy of Cincinnati	\$	500,000	15463
CAP-938	Great Lakes Historical Society	\$	500,000	15464
CAP-939	McKinley Museum	\$	425,000	15465
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	15466
CAP-942	Davis Shai Historical Facility	\$	300,000	15467
CAP-943	Massillon Museum	\$	275,000	15468
CAP-944	The Mandel Center	\$	250,000	15469
CAP-945	Worthington Arts Center	\$	250,000	15470
CAP-946	CCAD	\$	250,000	15471
CAP-947	BalletMet	\$	250,000	15472
CAP-948	Stambaugh Hall Improvements	\$	250,000	15473
CAP-949	Youngstown Symphony Orchestra	\$	250,000	15474
CAP-950	Wood County Historical Center & Museum	\$	220,000	15475

CAP-951	Harding Memorial	\$	210,000	15476
CAP-952	Cincinnati Ballet	\$	200,000	15477
CAP-953	City of Avon Stadium Complex	\$	200,000	15478
CAP-954	Renaissance Performing Arts Center	\$	200,000	15479
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	15480
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	15481
CAP-958	Maumee Valley Historical Society	\$	150,000	15482
CAP-959	Trumbull County Historical Society	\$	150,000	15483
CAP-960	First Lunar Flight Project	\$	25,000	15484
CAP-961	Holmes County Historical Society Improvements	\$	140,000	15485
CAP-962	Canal Winchester Historical Society	\$	125,000	15486
CAP-963	Ukrainian Museum	\$	100,000	15487
CAP-964	Gordon Square Arts District	\$	100,000	15488
CAP-965	Moreland Theatre Renovation	\$	100,000	15489
CAP-966	Karamu House	\$	100,000	15490
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	15491
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	15492
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	15493
CAP-970	Gallia County French Art Colony	\$	100,000	15494
CAP-971	The Octagon House	\$	100,000	15495
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	15496
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	15497
CAP-974	Paul Brown Museum	\$	75,000	15498
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	15499
CAP-976	Van Wert Historical Society	\$	70,000	15500
CAP-977	Indian Mill Renovations	\$	66,000	15501
CAP-978	Hale Farm & Village	\$	50,000	15502

CAP-979	Howe House Historic Site	\$	50,000	15503
CAP-980	Beavercreek Community Theatre	\$	50,000	15504
CAP-981	Jamestown Opera House	\$	50,000	15505
CAP-982	Johnny Appleseed Museum	\$	50,000	15506
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	15507
CAP-984	Woodward Opera House	\$	50,000	15508
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	15509
CAP-986	Applecreek Historical Society	\$	50,000	15510
CAP-987	Wyandot Historic Building Renovation	\$	50,000	15511
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000	15512
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	15513
CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000	15514
CAP-991	Arts West Performing Arts Center	\$	25,000	15515
CAP-992	Chester Academy Historic Building	\$	25,000	15516
CAP-993	Portland Civil War Museum and Historic Displays	\$	25,000	15517
CAP-994	Morgan County Historic Opera House	\$	25,000	15518
CAP-995	Philo Performing Arts Center	\$	25,000	15519
CAP-996	Crawford Antique Museum	\$	9,000	15520
CAP-997	Monroe City Historical Society Building Repairs	\$	5,000	15521
CAP-998	Wright-Dunbar Historical	\$	250,000	15522
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	15523
CAP-082	Music Hall Garage	\$	1,000,000	15524
CAP-083	AB Graham Center	\$	40,000	15525
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000	15526
CAP-085	WACO Aircraft Museum	\$	30,000	15527
Total Cultural Facilities Commission		\$	54,121,000	15528
TOTAL Cultural and Sports Facilities Building Fund		\$	54,121,000	15529

Section 227.30. The Treasurer of State is hereby authorized 15531
to issue and sell, in accordance with Section 2i of Article VIII, 15532
Ohio Constitution, and Chapter 154. and other applicable sections 15533
of the Revised Code, original obligations in an aggregate 15534
principal amount not to exceed \$54,000,000 in addition to the 15535
original issuance of obligations heretofore authorized by prior 15536
acts of the General Assembly. These authorized obligations shall 15537
be issued, subject to applicable constitutional and statutory 15538
limitations, to pay costs of capital facilities as defined in 15539
section 154.01 of the Revised Code, including construction as 15540
defined in division (H) of section 3383.01 of the Revised Code, of 15541
the Ohio cultural facilities designated in Section 227.10 of this 15542
act. 15543

Section 229.10. All items set forth in this section are 15544
hereby appropriated out of any moneys in the state treasury to the 15545
credit of the Ohio Parks and Natural Resources Fund (Fund 031), 15546
that are not otherwise appropriated. 15547

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 15548

STATEWIDE AND LOCAL PROJECTS 15549

CAP-012	Land Acquisition - Department	\$	4,325,000	15550
CAP-702	Underground Fuel Storage/Tank	\$	500,000	15551
	Removal/Replacement - Department			
CAP-748	NatureWorks Local Park Grants	\$	2,846,480	15552
CAP-881	Dam Rehabilitation - Department	\$	3,060,920	15553
CAP-923	Sheldon Marsh Remediation Match	\$	1,000,000	15554
CAP-928	Handicapped Accessibility - Department	\$	500,000	15555
CAP-929	Hazardous Waste/Asbestos Abatement -	\$	500,000	15556
	Department			
CAP-930	The WILDS	\$	1,175,000	15557
CAP-931	Wastewater/Water Systems Upgrades -	\$	2,500,000	15558

Department			
CAP-984	Belpre Swimming Pool	\$	50,000 15559
	Total Statewide and Local Projects	\$	16,457,400 15560
	Total Department of Natural Resources	\$	16,457,400 15561
	TOTAL Ohio Parks and Natural Resources Fund	\$	16,457,400 15562

Section 229.20. The Ohio Public Facilities Commission, upon 15564
 the request of the Director of Natural Resources, is hereby 15565
 authorized to issue and sell, in accordance with Section 21 of 15566
 Article VIII, Ohio Constitution, and Chapter 151. and particularly 15567
 sections 151.01 and 151.05 of the Revised Code, original 15568
 obligations in an aggregate principal amount not to exceed 15569
 \$16,000,000 in addition to the original issuance of obligations 15570
 heretofore authorized by prior acts of the General Assembly. These 15571
 authorized obligations shall be issued, subject to applicable 15572
 constitutional and statutory limitations, as needed to provide 15573
 sufficient moneys to the credit of the Ohio Parks and Natural 15574
 Resources Fund (Fund 031) to pay costs of capital facilities as 15575
 defined in sections 151.01 and 151.05 of the Revised Code. 15576

Section 231.10. All items set forth in this section are 15577
 hereby appropriated out of any moneys in the state treasury to the 15578
 credit of the School Building Program Assistance Fund (Fund 032), 15579
 that are not otherwise appropriated. 15580

Appropriations			
SFC SCHOOL FACILITIES COMMISSION 15581			
CAP-770	School Building Program Assistance	\$	540,000,000 15582
	Total School Facilities Commission	\$	540,000,000 15583
	TOTAL School Building Program Assistance Fund	\$	540,000,000 15584

SCHOOL BUILDING PROGRAM ASSISTANCE 15585

The foregoing appropriation item CAP-770, School Building 15586
 Program Assistance, shall be used by the School Facilities 15587

Commission to provide funding to school districts that receive 15588
conditional approval from the Commission pursuant to Chapter 3318. 15589
of the Revised Code. 15590

Section 231.20. The Ohio Public Facilities Commission is 15591
hereby authorized to issue and sell, in accordance with Section 2n 15592
of Article VIII, Ohio Constitution, and Chapter 151. and 15593
particularly sections 151.01 and 151.03 of the Revised Code, 15594
original obligations in an aggregate principal amount not to 15595
exceed \$530,000,000, in addition to the original issuance of 15596
obligations heretofore authorized by prior acts of the General 15597
Assembly. These authorized obligations shall be issued, subject to 15598
applicable constitutional and statutory limitations, to pay the 15599
costs to the state of constructing classroom facilities pursuant 15600
to sections 3318.01 to 3318.33 of the Revised Code. 15601

Section 231.30. The item set forth in this section is 15602
appropriated contingently upon Chapter 3326. of the Revised Code 15603
being enacted in other legislation. If the contingency applies, 15604
the item set forth in this section is appropriated out of any 15605
moneys in the state treasury to the credit of the School Building 15606
Program Assistance Fund (Fund 032), that are not otherwise 15607
appropriated. 15608

Appropriations

STM OHIO STEM EDUCATION AUTHORITY			15609
CAP-001	Ohio STEM Education Authority	\$ 16,000,000	15610
	Total Ohio STEM Education Authority	\$ 16,000,000	15611
	TOTAL School Building Program Assistance Fund	\$ 16,000,000	15612

OHIO STEM EDUCATION AUTHORITY 15613

The foregoing appropriation item CAP-001, Ohio STEM Education 15614
Authority, shall be used to support the capital needs of the Ohio 15615
STEM Education Authority. 15616

Section 231.40. The Ohio Public Facilities Commission is 15617
hereby authorized to issue and sell, in accordance with Section 2n 15618
of Article VIII, Ohio Constitution, and Chapter 151. and 15619
particularly sections 151.01 and 151.03 of the Revised Code, 15620
original obligations in an aggregate principal amount not to 15621
exceed \$16,000,000, in addition to the original issuance of 15622
obligations heretofore authorized by Section 231.20 of this act 15623
and by prior acts of the General Assembly. These authorized 15624
obligations shall be issued, subject to applicable constitutional 15625
and statutory limitations, to pay the costs to the state of 15626
constructing classroom facilities pursuant to sections 3318.01 to 15627
3318.33 of the Revised Code. 15628

Section 233.10.10. All items set forth in Sections 233.10.20 15629
to 233.10.50 are hereby appropriated out of any moneys in the 15630
state treasury to the credit of the Mental Health Facilities 15631
Improvement Fund (Fund 033), that are not otherwise appropriated. 15632

Appropriations

Section 233.10.20. ADA ALCOHOL AND DRUG ADDICTION SERVICES 15633
CAP-004 New Directions Residential Treatment \$ 250,000 15634
CAP-005 Maryhaven Facility Improvements \$ 200,000 15635
Total Alcohol and Drug Addiction Services \$ 450,000 15636

Appropriations

Section 233.10.30. DMH DEPARTMENT OF MENTAL HEALTH 15638
CAP-092 Hazardous Material Abatement \$ 500,000 15639
CAP-479 Community Assistance Projects \$ 5,550,000 15640
CAP-946 Demolition \$ 500,000 15641
CAP-978 Infrastructure Improvements \$ 11,980,000 15642
CAP-986 Campus Consolidation \$ 4,000,000 15643
Total Department of Mental Health \$ 22,530,000 15644

COMMUNITY ASSISTANCE PROJECTS			15645
Of the foregoing appropriation item CAP-479, Community Assistance Projects, \$500,000 shall be used for the Mayerson Center, \$350,000 shall be used for Chabad House, \$250,000 shall be used for Sylvania Family Services, \$200,000 shall be used for Talbert House, and \$250,000 shall be used for the Berea Children's Home.			15646 15647 15648 15649 15650 15651
		Appropriations	
Section 233.10.40. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES			15652 15653
STATEWIDE AND CENTRAL OFFICE PROJECTS			15654
CAP-480 Community Assistance Projects	\$	12,000,000	15655
CAP-885 Bellefaire Jewish Children's Bureau	\$	750,000	15656
CAP-887 North Olmsted Welcome House	\$	100,000	15657
CAP-889 Kamp Dovetail Project at Rocky Fork Lake State Park	\$	100,000	15658
CAP-912 Telecommunications	\$	765,000	15659
CAP-941 Emergency Generator Replacement	\$	1,000,000	15660
CAP-955 Statewide Development Centers	\$	6,212,373	15661
CAP-981 Emergency Improvements	\$	500,000	15662
Total Statewide and Central Office Projects	\$	21,427,373	15663
TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,427,373	15664
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$	44,407,373	15665
COMMUNITY ASSISTANCE PROJECTS			15666
The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or			15667 15668 15669 15670 15671 15672

county boards of mental retardation and developmental 15673
disabilities. Any funds provided to nonprofit agencies for the 15674
construction or renovation of facilities for persons eligible for 15675
services from the Department of Mental Retardation and 15676
Developmental Disabilities and county boards of mental retardation 15677
and developmental disabilities shall be governed by the prevailing 15678
wage provisions in section 176.05 of the Revised Code. 15679

Section 233.10.50. The foregoing appropriations for the 15680
Department of Mental Health, CAP-479, Community Assistance 15681
Projects, and the Department of Mental Retardation and 15682
Developmental Disabilities, CAP-480, Community Assistance 15683
Projects, may be used on facilities constructed or to be 15684
constructed pursuant to Chapter 340., 3793., 5119., 5123., or 15685
5126. of the Revised Code or the authority granted by section 15686
154.20 of the Revised Code and the rules issued pursuant to those 15687
chapters and shall be distributed by the Department of Mental 15688
Health and the Department of Mental Retardation and Developmental 15689
Disabilities, all subject to Controlling Board approval. 15690

Section 233.10.60. (A) No capital improvement appropriations 15691
made in Sections 233.10.10 to 233.10.50 of this act shall be 15692
released for planning or for improvement, renovation, or 15693
construction or acquisition of capital facilities if a 15694
governmental agency, as defined in section 154.01 of the Revised 15695
Code, does not own the real property that constitutes the capital 15696
facilities or on which the capital facilities are or will be 15697
located. This restriction does not apply in any of the following 15698
circumstances: 15699

(1) The governmental agency has a long-term (at least fifteen 15700
years) lease of, or other interest (such as an easement) in, the 15701
real property. 15702

(2) In the case of an appropriation for capital facilities 15703
that, because of their unique nature or location, will be owned or 15704
be part of facilities owned by a separate nonprofit organization 15705
and made available to the governmental agency for its use or 15706
operated by the nonprofit organization under contract with the 15707
governmental agency, the nonprofit organization either owns or has 15708
a long-term (at least fifteen years) lease of the real property or 15709
other capital facility to be improved, renovated, constructed, or 15710
acquired and has entered into a joint or cooperative use 15711
agreement, approved by the Department of Mental Health or the 15712
Department of Mental Retardation and Developmental Disabilities, 15713
whichever is applicable, with the governmental agency for that 15714
agency's use of and right to use the capital facilities to be 15715
financed and, if applicable, improved, the value of such use or 15716
right to use being, as determined by the parties, reasonably 15717
related to the amount of the appropriation. 15718

(B) In the case of capital facilities referred to in division 15719
(A)(2) of this section, the joint or cooperative use agreement 15720
shall include, as a minimum, provisions that: 15721

(1) Specify the extent and nature of that joint or 15722
cooperative use, extending for not fewer than fifteen years, with 15723
the value of such use or right to use to be, as determined by the 15724
parties and approved by the approving department, reasonably 15725
related to the amount of the appropriation; 15726

(2) Provide for pro rata reimbursement to the state should 15727
the arrangement for joint or cooperative use by a governmental 15728
agency be terminated; 15729

(3) Provide that procedures to be followed during the capital 15730
improvement process will comply with appropriate applicable state 15731
laws and rules, including the provisions of this act. 15732

Section 233.10.70. The Treasurer of State is hereby 15733
authorized to issue and sell in accordance with Section 2i of 15734
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 15735
Code, particularly section 154.20 of the Revised Code, original 15736
obligations in an aggregate principal amount not to exceed 15737
\$49,000,000 in addition to the original issuance of obligations 15738
heretofore authorized by prior acts of the General Assembly. These 15739
authorized obligations shall be issued, subject to applicable 15740
constitutional and statutory limitations, to pay costs of capital 15741
facilities as defined in section 154.01 of the Revised Code for 15742
mental hygiene and retardation. 15743

Section 235.10.10. All items set forth in Sections 235.10.20 15744
to 235.50.80 are hereby appropriated out of any moneys in the 15745
state treasury to the credit of the Higher Education Improvement 15746
Fund (Fund 034), that are not otherwise appropriated. 15747

Appropriations

Section 235.10.20. ETC ETECH OHIO 15748
CAP-001 Educational TV and Radio Equipment \$ 1,000,000 15749
CAP-003 ETC Ohio Government Telecomm \$ 310,000 15750
Total eTech Ohio \$ 1,310,000 15751

Appropriations

Section 235.10.30. BOARD OF REGENTS AND STATE INSTITUTIONS OF 15753
HIGHER EDUCATION 15754
BOR BOARD OF REGENTS 15755
CAP-025 Instructional and Data Processing \$ 23,783,697 15756
Equipment
CAP-029 Ohio Library and Information Network \$ 5,410,000 15757
CAP-030 Ohio Supercomputer Center Expansion \$ 7,480,000 15758
CAP-031 Ohio Aerospace Institute \$ 200,000 15759

CAP-032	Research Facility Action and Investment Funds	\$	5,500,000	15760
CAP-060	Technology Initiatives	\$	2,000,000	15761
CAP-062	Non-credit Job Training Facilities	\$	2,350,000	15762
CAP-068	Third Frontier Wright Capital	\$	50,000,000	15763
CAP-070	Dark Fiber/OARnet	\$	4,950,000	15764
CAP-082	Supplemental Renovations - Library Depositories	\$	2,000,000	15765
CAP-083	Central State Emergency Capital Needs	\$	1,000,000	15766
CAP-084	University Hospitals Ireland Cancer Center	\$	5,000,000	15767
CAP-085	315 Research and Technology Corridor	\$	1,700,000	15768
CAP-087	Youngstown Technology Center	\$	2,750,000	15769
CAP-088	Cleveland Clinic-Glickman Tower	\$	1,000,000	15770
CAP-089	MetroHealth Senior Health and Wellness Center	\$	1,000,000	15771
CAP-090	Columbus Children's Hospital Amphitheater	\$	1,000,000	15772
CAP-091	CWRU Mt. Sinai Skills and Simulation Center	\$	500,000	15773
CAP-092	Shawnee State Motion Capture Studio Project	\$	281,300	15774
CAP-093	Central Ohio Research Data Network-New Albany	\$	250,000	15775
CAP-094	Clintonville Fiber Project	\$	100,000	15776
Total Board of Regents		\$	118,254,997	15777

Section 235.10.40. RESEARCH FACILITY ACTION AND INVESTMENT 15779

FUNDS 15780

The foregoing appropriation item CAP-032, Research Facility 15781
Action and Investment Funds, shall be used for a program of grants 15782
to be administered by the Board of Regents to provide timely 15783
availability of capital facilities for research programs and 15784

research-oriented instructional programs at or involving 15785
state-supported and state-assisted institutions of higher 15786
education. 15787

Section 235.10.50. THIRD FRONTIER WRIGHT CAPITAL 15788

The foregoing appropriation item CAP-068, Third Frontier 15789
Wright Capital, shall be used to acquire, renovate, or construct 15790
facilities and purchase equipment for research programs, 15791
technology development, product development, and commercialization 15792
programs at or involving state-supported and state-assisted 15793
institutions of higher education. The funds shall be used to make 15794
grants awarded on a competitive basis, and shall be administered 15795
by the Third Frontier Commission. Expenditure of these funds shall 15796
comply with Section 2n of Article VIII, Ohio Constitution, and 15797
sections 151.01 and 151.04 of the Revised Code for the period 15798
beginning July 1, 2006, and ending June 30, 2008. 15799

The Third Frontier Commission shall develop guidelines 15800
relative to the application for and selection of projects funded 15801
from appropriation item CAP-068, Third Frontier Wright Capital. 15802
The Commission may develop these guidelines in consultation with 15803
other interested parties. The Board of Regents and all 15804
state-assisted and state-supported institutions of higher 15805
education shall take all actions necessary to implement grants 15806
awarded by the Third Frontier Commission. 15807

The foregoing appropriation item CAP-068, Third Frontier 15808
Wright Capital, for which an appropriation is made from the Higher 15809
Education Improvement Fund (Fund 034), is determined to consist of 15810
capital improvements and capital facilities for state-supported 15811
and state-assisted institutions of higher education, and is 15812
designated for the capital facilities to which proceeds of 15813
obligations in the Higher Education Improvement Fund (Fund 034) 15814
are to be applied. 15815

Section 235.10.60. REIMBURSEMENT FOR PROJECT COSTS 15816

Appropriations made in Sections 235.10.10 to 235.50.80 of 15817
 this act for purposes of costs of capital facilities for the 15818
 interim financing of which the particular institution has 15819
 previously issued its own obligations anticipating the possibility 15820
 of future state appropriations to pay all or a portion of such 15821
 costs, as contemplated in division (B) of section 3345.12 of the 15822
 Revised Code, shall be paid directly to the institution or the 15823
 paying agent for those outstanding obligations in the full 15824
 principal amount of those obligations then to be paid from the 15825
 anticipated appropriation, and shall be timely applied to the 15826
 retirement of a like principal amount of the institution's 15827
 obligations. 15828

Appropriations made in Sections 235.10.10 to 235.50.80 of 15829
 this act for purposes of costs of capital facilities, all or a 15830
 portion of which costs the particular institution has paid from 15831
 the institution's moneys that were temporarily available and which 15832
 expenditures were reasonably expected at the time of the advance 15833
 by the institution to be reimbursed from the proceeds of 15834
 obligations issued by the state, shall be directly paid to the 15835
 institution in the full amounts of those payments, and shall be 15836
 timely applied to the reimbursement of those temporarily available 15837
 moneys. All reimbursements are subject to review and approval 15838
 through the capital release process. 15839

Appropriations

Section 235.10.70. UAK UNIVERSITY OF AKRON 15840

CAP-008	Basic Renovations	\$	6,260,392	15841
CAP-047	Polsky Building Rehabilitation	\$	949,082	15842
CAP-049	Basic Renovations-Wayne	\$	215,241	15843
CAP-054	Auburn West Tower Rehabilitation Phase	\$	6,026,253	15844

III

CAP-119	Wayne College Renovations/Expansion	\$	709,805	15845
CAP-121	Administration Building Phase II	\$	1,344,536	15846
CAP-122	Polymer Processing Center Phase I	\$	4,935,457	15847
CAP-123	Medina County University Center (UAK)	\$	1,500,000	15848
CAP-124	Hydrogen Fueling Station Project at University of Akron	\$	1,000,000	15849
Total University of Akron		\$	22,940,766	15850

Appropriations

Section 235.10.80. BGU BOWLING GREEN STATE UNIVERSITY 15852

CAP-009	Basic Renovations	\$	4,746,508	15853
CAP-060	Basic Renovations-Firelands	\$	351,961	15854
CAP-127	Instructional Laboratory Phase II	\$	836,265	15855
CAP-131	Health Center Addition	\$	9,750,000	15856
CAP-132	Student Services Building Replacement	\$	8,100,000	15857
CAP-133	BGSU Aviation Improvements	\$	500,000	15858
Total Bowling Green University		\$	24,284,734	15859

Appropriations

Section 235.10.90. CSU CENTRAL STATE UNIVERSITY 15861

CAP-022	Basic Renovations	\$	1,182,374	15862
CAP-084	Center for Education & Natural Sciences Phase II Construction	\$	6,023,789	15863
Total Central State University		\$	7,206,163	15864

Appropriations

Section 235.20.10. UCN UNIVERSITY OF CINCINNATI 15865

CAP-009	Basic Renovations	\$	11,936,927	15866
CAP-018	Basic Renovations-Clermont	\$	315,249	15867
CAP-054	Raymond Walters Renovations	\$	568,630	15868
CAP-205	Medical Science Building Renovation and Expansion (CARE)	\$	17,285,021	15869

CAP-224	Van Wormer Renovation	\$	3,600,000	15870
CAP-263	Swift Renovation	\$	2,540,000	15871
CAP-313	Expand Clermont	\$	785,062	15872
CAP-353	Zimmer Plaza/Auditorium Renovation	\$	3,600,000	15873
CAP-354	RWC Technology Center	\$	1,534,608	15874
CAP-355	Barrett Cancer Center	\$	2,500,000	15875
CAP-356	Freestore Foodbank	\$	500,000	15876
CAP-357	Sharonville Convention Center	\$	550,000	15877
CAP-358	Hebrew Union College Archives Project	\$	350,000	15878
CAP-359	Consolidated Communications Project of Clermont County	\$	300,000	15879
CAP-360	People Working Cooperatively	\$	75,000	15880
Total University of Cincinnati		\$	46,440,497	15881

Appropriations

Section 235.20.20. CLS CLEVELAND STATE UNIVERSITY				15883
CAP-023	Basic Renovations	\$	3,796,031	15884
CAP-125	College of Education	\$	10,115,719	15885
CAP-148	Cleveland Institute of Art	\$	1,000,000	15886
CAP-163	Anthropology Department Renovations/Relocation	\$	400,000	15887
CAP-164	Chester Building Annex Demolition	\$	921,583	15888
CAP-165	Bakers Building Renovations	\$	1,328,583	15889
CAP-166	Playhouse Square Center - Hanna Theatre	\$	750,000	15890
CAP-167	Cleveland State University Windtower Generator Project	\$	400,000	15891
CAP-168	Kenston Wind Turbine Project in Geauga (CSU Engineering Department)	\$	300,000	15892
CAP-169	Cleveland Museum of Art	\$	3,000,000	15893
Total Cleveland State University		\$	22,011,916	15894

Appropriations

Section 235.20.30. KSU KENT STATE UNIVERSITY				15896
---	--	--	--	-------

CAP-022	Basic Renovations	\$	5,729,827	15897
CAP-105	Basic Renovations-East Liverpool	\$	240,437	15898
CAP-106	Basic Renovations-Geauga	\$	74,459	15899
CAP-107	Basic Renovations-Salem	\$	167,621	15900
CAP-108	Basic Renovations-Stark	\$	566,473	15901
CAP-110	Basic Renovations-Ashtabula	\$	282,463	15902
CAP-111	Basic Renovations-Trumbull	\$	552,348	15903
CAP-112	Basic Renovations-Tuscarawas	\$	371,018	15904
CAP-212	Health Science Building	\$	768,084	15905
CAP-262	Gym Renovations, Construction Phase	\$	566,617	15906
CAP-266	Fine & Performing Arts Center, Planning Phase	\$	911,738	15907
CAP-277	Bowman Hall Chilled Water Plant	\$	2,250,000	15908
CAP-278	Electrical Infrastructure Improvements	\$	808,800	15909
CAP-279	Oscar Ritchie Hall Rehabilitation	\$	10,455,000	15910
CAP-280	Taylor Hall Renovation, Phase I	\$	750,000	15911
CAP-281	Music/Speech Center Renovation, Phase I	\$	1,262,807	15912
CAP-282	Classroom Building Renovation, Phase I	\$	415,662	15913
CAP-283	Classroom Addition/Renovation Planning	\$	279,901	15914
CAP-284	Main Hall Science Lab/Nurse Addition	\$	1,165,436	15915
CAP-285	Classroom Building Renovation	\$	640,399	15916
CAP-286	Fire Alarm System Upgrade	\$	375,000	15917
CAP-287	Blossom Music Center	\$	2,000,000	15918
CAP-288	Columbiana County Port Authority Coal Liquification Project	\$	500,000	15919
CAP-289	Kent State University - Hillel	\$	400,000	15920
Total Kent State University		\$	31,534,090	15921

Appropriations

Section 235.20.40. MUN MIAMI UNIVERSITY			15923	
CAP-018	Basic Renovations	\$	5,465,380	15924
CAP-066	Basic Renovations - Hamilton	\$	595,995	15925
CAP-069	Basic Renovations - Middletown	\$	546,243	15926

CAP-160	Benton Hall Rehabilitation	\$	3,900,000	15927
CAP-161	Kreger-Robertson Hall Renovation	\$	1,000,000	15928
CAP-162	Richard T. Farmer School of Business	\$	3,000,000	15929
CAP-163	Upham Hall North Wing Rehabilitation	\$	500,000	15930
CAP-164	Warfield Hall Rehabilitation	\$	3,699,024	15931
CAP-165	Pearson Hall Laboratories	\$	997,408	15932
CAP-166	Academic/Administration & General Improvement Project	\$	1,153,217	15933
CAP-167	Academic/Administration & Renovation Project	\$	1,526,909	15934
Total Miami University		\$	22,384,176	15935

Appropriations

Section 235.20.50. OSU OHIO STATE UNIVERSITY				15937
CAP-074	Basic Renovations	\$	26,062,119	15938
CAP-149	Basic Renovations - Regional Campuses	\$	4,777,451	15939
CAP-255	Supplemental Renovations - OARDC	\$	829,170	15940
CAP-534	Main Library Rehabilitation/Expansion	\$	50,841,261	15941
CAP-736	Brown Hall Renovation/Replacement	\$	3,500,000	15942
CAP-737	Hughes Hall Renovation	\$	1,500,000	15943
CAP-738	COMPH Academic Center	\$	5,000,000	15944
CAP-739	Murray Hall Renovation	\$	1,000,000	15945
CAP-740	New Student Life Building	\$	1,000,000	15946
CAP-741	Founders/Hopewell Hall Renovation	\$	1,960,080	15947
CAP-742	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	15948
CAP-743	Selby Hall Phytotron Facility Renovation	\$	2,000,000	15949
CAP-744	Stone Laboratory Research Facility Improvements	\$	500,000	15950
CAP-745	OSU Extension Safety Improvements in Madison County	\$	94,000	15951
CAP-746	Camp Clifton Improvements	\$	90,000	15952
CAP-747	Delaware Speech & Hearing with OSU	\$	75,000	15953

Medical College			
Total Ohio State University	\$	103,229,081	15954
FEED MILL REPLACEMENT PROJECT			15955
Notwithstanding anything to the contrary in sections 9.33,			15956
123.01, and 3345.50 and Chapter 153. of the Revised Code, the Ohio			15957
State University may negotiate, enter into, and locally administer			15958
a contract that combines the design and construction elements of			15959
the project into a single contract for the feed mill replacement			15960
project, funded with appropriations in the foregoing appropriation			15961
item CAP-255, Supplemental Renovations - OARDC, including any			15962
reappropriation amount made to appropriation item CAP-492, OARDC			15963
Feed Mill, in Am. Sub. H.B. 530 of the 126th General Assembly.			15964

Appropriations

Section 235.20.60. OHU OHIO UNIVERSITY			15965
CAP-020 Basic Renovations	\$	7,091,427	15966
CAP-095 Basic Renovations - Eastern	\$	257,411	15967
CAP-098 Basic Renovations - Lancaster	\$	360,387	15968
CAP-099 Basic Renovations - Zanesville	\$	328,368	15969
CAP-113 Basic Renovations - Chillicothe	\$	305,706	15970
CAP-114 Basic Renovations - Ironton	\$	259,241	15971
CAP-216 Southern - Land Acquisition	\$	200,000	15972
CAP-222 Clippinger Lab Rehabilitation Phase I	\$	1,000,000	15973
CAP-223 Alden Library Rehabilitation Phase I	\$	1,000,000	15974
CAP-224 University Center	\$	5,210,000	15975
CAP-225 Lausche Heating Plant Phase III	\$	2,175,000	15976
CAP-233 Integrated Learning and Research Facility	\$	1,431,170	15977
CAP-234 Porter Hall Addition	\$	3,681,170	15978
CAP-235 Supplemental Basic Renovations	\$	1,000,000	15979
CAP-236 College of Communication Baker RTVC Redevelopment	\$	2,400,000	15980

CAP-237	Shannon Hall Interior Renovation	\$	384,090	15981
CAP-238	Ohio University Eastern Campus Health and Education Center	\$	200,157	15982
CAP-239	Stevenson Student Service Area	\$	704,720	15983
CAP-240	Shoemaker A/C Completion	\$	259,096	15984
CAP-241	Proctorville Parking - Site Improvement	\$	200,000	15985
CAP-242	Southern - Student Activity Office Renovation	\$	193,491	15986
CAP-243	Lancaster Community Conference 7 Events Center	\$	954,647	15987
CAP-244	Elson Hall 2nd Floor Renovation	\$	924,481	15988
CAP-245	Road Widening and Campus Gate	\$	120,000	15989
CAP-246	Ohio University Integrated Learning and Research Facility	\$	1,000,000	15990
CAP-247	Ohio University Southern Ohio Proctorville Center Improvements	\$	90,000	15991
Total Ohio University		\$	31,730,562	15992

Appropriations

Section 235.20.70. SSC SHAWNEE STATE UNIVERSITY 15994

CAP-004	Basic Renovations	\$	1,226,165	15995
CAP-053	University Center Renovation	\$	1,726,006	15996
Total Shawnee State University		\$	2,952,171	15997

Appropriations

Section 235.20.80. UTO UNIVERSITY OF TOLEDO 15999

CAP-010	Basic Renovations	\$	6,131,561	16000
CAP-129	Science/Laboratory Building	\$	4,042,523	16001
CAP-136	CBLE - Stranahan Hall Addition	\$	6,000,000	16002
CAP-137	Chilled Water Plant Equipment	\$	1,756,000	16003
CAP-138	Steam & Chilled Water Line Extension	\$	1,450,304	16004
CAP-139	North Engineering Renovation	\$	1,000,000	16005
CAP-140	Northwest Ohio Science & Technology	\$	1,000,000	16006

Corridor

Total University of Toledo	\$	21,380,388	16007
----------------------------	----	------------	-------

Appropriations

Section 235.20.90. WSU WRIGHT STATE UNIVERSITY	16009
---	-------

CAP-015 Basic Renovations	\$	4,384,404	16010
---------------------------	----	-----------	-------

CAP-064 Basic Renovations - Lake	\$	137,381	16011
----------------------------------	----	---------	-------

CAP-119 Science Lab Renovations	\$	9,886,492	16012
---------------------------------	----	-----------	-------

CAP-134 Lake Campus Rehabilitation	\$	478,906	16013
------------------------------------	----	---------	-------

CAP-135 Advanced Technical Intelligence Center	\$	2,500,000	16014
--	----	-----------	-------

(ATIC)

CAP-136 Welcome Stadium Project	\$	1,600,000	16015
---------------------------------	----	-----------	-------

CAP-137 Consolidated Communications Project of	\$	750,000	16016
--	----	---------	-------

Greene County

CAP-139 Glenn Helen Preserve Ecology Art	\$	15,000	16017
--	----	--------	-------

Classroom

Total Wright State University	\$	19,752,183	16018
-------------------------------	----	------------	-------

Appropriations

Section 235.30.10. YSU YOUNGSTOWN STATE UNIVERSITY	16020
---	-------

CAP-014 Basic Renovations	\$	3,841,621	16021
---------------------------	----	-----------	-------

CAP-125 Campus-wide Building Systems Upgrades	\$	1,950,000	16022
---	----	-----------	-------

CAP-133 Campus Development	\$	1,500,000	16023
----------------------------	----	-----------	-------

CAP-134 Instructional Space Upgrades	\$	900,000	16024
--------------------------------------	----	---------	-------

CAP-135 College of Business	\$	6,224,834	16025
-----------------------------	----	-----------	-------

Total Youngstown State University	\$	14,416,455	16026
-----------------------------------	----	------------	-------

Appropriations

Section 235.30.20. MUO MEDICAL UNIVERSITY OF OHIO	16028
--	-------

CAP-010 Basic Renovations	\$	1,893,176	16029
---------------------------	----	-----------	-------

CAP-066 Core Research Facility Construction -	\$	1,800,720	16030
---	----	-----------	-------

Phase II

CAP-078 Clinical/Academic Renovation	\$	900,350	16031
--------------------------------------	----	---------	-------

CAP-081	Resource & Community Learning Center	\$	900,360	16032
CAP-082	Campus Energy Plant - Phase I	\$	900,350	16033
Total Medical University of Ohio		\$	6,394,956	16034

Appropriations

Section 235.30.30. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE				16036
OF MEDICINE				16037
CAP-018	Basic Renovations	\$	679,957	16038
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,473,952	16039
Total Northeastern Ohio Universities College of Medicine		\$	2,153,909	16040

Appropriations

Section 235.30.40. CTC CINCINNATI STATE COMMUNITY COLLEGE				16042
CAP-013	Basic Renovations	\$	1,449,887	16043
CAP-039	Brick Repair and Weather Proofing	\$	225,359	16044
CAP-040	Energy Management - Motor Replacement	\$	377,899	16045
CAP-041	Roof Replacement	\$	661,573	16046
CAP-042	Neighborhood Health Care	\$	175,000	16047
Total Cincinnati State Community College		\$	2,889,718	16048

Appropriations

Section 235.30.50. CLT CLARK STATE COMMUNITY COLLEGE				16050
CAP-006	Basic Renovations	\$	628,411	16051
CAP-041	Sarah T. Landess Technology and Learning Center	\$	146,313	16052
CAP-045	Performing Arts Center Expansion	\$	970,607	16053
CAP-046	Library Resource Center Addition	\$	300,000	16054
CAP-047	Clark State Community College Facility Purchase	\$	150,000	16055
CAP-048	Clark State Health and Education Center	\$	100,000	16056
Total Clark State Community College		\$	2,295,331	16057

Appropriations

Section 235.30.60. CTI COLUMBUS STATE COMMUNITY COLLEGE			16059
CAP-006	Basic Renovations	\$ 1,803,681	16060
CAP-054	Renovations/Addition - Delaware Hall	\$ 4,728,428	16061
CAP-055	Planning Moneys for Building "F"	\$ 1,310,554	16062
Total Columbus State Community College			\$ 7,842,663 16063

Appropriations

Section 235.30.70. CCC CUYAHOGA COMMUNITY COLLEGE			16065
CAP-031	Basic Renovations	\$ 3,866,782	16066
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$ 2,411,797	16067
CAP-099	Hospitality Management Program	\$ 4,000,000	16068
CAP-100	Theater/Auditorium Renovations	\$ 4,036,552	16069
CAP-101	Nursing Clinical Simulation Center	\$ 250,000	16070
CAP-102	Rock and Roll Hall of Fame Archives	\$ 200,000	16071
Total Cuyahoga Community College			\$ 14,765,131 16072

Appropriations

Section 235.30.80. ESC EDISON STATE COMMUNITY COLLEGE			16074
CAP-006	Basic Renovations	\$ 422,154	16075
CAP-023	Regional Centers of Excellence	\$ 3,375,000	16076
CAP-024	Edison State Community College Regional Center for Excellence	\$ 25,000	16077
Total Edison State Community College			\$ 3,822,154 16078

Appropriations

Section 235.30.90. JTC JEFFERSON COMMUNITY COLLEGE			16080
CAP-022	Basic Renovations	\$ 331,514	16081
CAP-044	Second Floor Business & Industry Technical Center	\$ 725,443	16082
Total Jefferson Community College			\$ 1,056,957 16083

Appropriations

Section 235.40.10. LCC LAKELAND COMMUNITY COLLEGE			16085
CAP-006	Basic Renovations	\$ 1,302,992	16086
CAP-045	Instructional Use/University Partnership Building	\$ 2,433,264	16087
Total Lakeland Community College			\$ 3,736,256 16088

Appropriations

Section 235.40.20. LOR LORAIN COMMUNITY COLLEGE			16090
CAP-005	Basic Renovations	\$ 1,432,562	16091
CAP-045	HPER Rehabilitation	\$ 2,645,970	16092
Total Lorain Community College			\$ 4,078,532 16093

Appropriations

Section 235.40.30. NTC NORTHWEST STATE COMMUNITY COLLEGE			16095
CAP-003	Basic Renovations	\$ 417,030	16096
Total Northwest State Community College			\$ 417,030 16097

Appropriations

Section 235.40.40. OTC OWENS COMMUNITY COLLEGE			16099
CAP-019	Basic Renovations	\$ 2,123,075	16100
CAP-042	Campus Expansion - Penta Acquisition	\$ 12,000,000	16101
CAP-043	Center for Emergency Preparedness, Phase IV	\$ 493,940	16102
CAP-044	The Max Albon Center	\$ 550,000	16103
CAP-906	Jerusalem Township Food Bank	\$ 100,000	16104
Total Owens Community College			\$ 15,267,015 16105

Appropriations

Section 235.40.50. RGC RIO GRANDE COMMUNITY COLLEGE			16107
CAP-005	Basic Renovations	\$ 548,241	16108
Total Rio Grande Community College			\$ 548,241 16109

Appropriations

Section 235.40.60. SCC SINCLAIR COMMUNITY COLLEGE			16111
CAP-007	Basic Renovations	\$ 2,863,978	16112
CAP-062	Consolidated Communications Project - Montgomery	\$ 1,500,000	16113
Total Sinclair Community College			\$ 4,363,978 16114

Appropriations

Section 235.40.70. SOC SOUTHERN STATE COMMUNITY COLLEGE			16116
CAP-010	Basic Renovations	\$ 428,025	16117
CAP-027	Southern State Community College Laboratory and Classroom Building	\$ 1,000,000	16118
Total Southern State Community College			\$ 1,428,025 16119

Appropriations

Section 235.40.80. TTC TERRA STATE COMMUNITY COLLEGE			16121
CAP-009	Basic Renovations	\$ 442,291	16122
Total Terra State Community College			\$ 442,291 16123

Appropriations

Section 235.40.90. WTC WASHINGTON STATE COMMUNITY COLLEGE			16125
CAP-006	Basic Renovations	\$ 385,546	16126
CAP-021	Washington State Community College Health Sciences Center	\$ 350,000	16127
CAP-022	Washington State Community College Center for Higher Education	\$ 25,000	16128
Total Washington State Community College			\$ 760,546 16129

Appropriations

Section 235.50.10. BTC BELMONT TECHNICAL COLLEGE			16131
CAP-008	Basic Renovations	\$ 309,432	16132
Total Belmont Technical College			\$ 309,432 16133

Appropriations

Section 235.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			16135
CAP-003	Basic Renovations	\$ 333,331	16136
CAP-015	Founders/Hopewell Hall Renovation	\$ 1,538,362	16137
CAP-016	Roscoe Village Inn Renovation	\$ 500,000	16138
Total Central Ohio Technical College			\$ 2,371,693 16139

Appropriations

Section 235.50.30. HTC HOCKING TECHNICAL COLLEGE			16141
CAP-019	Basic Renovations	\$ 693,603	16142
CAP-042	McClenaghan Center for Hospitality Training	\$ 1,838,986	16143
Total Hocking Technical College			\$ 2,532,589 16144

Appropriations

Section 235.50.40. LTC JAMES RHODES STATE COLLEGE			16146
CAP-004	Basic Renovations	\$ 431,960	16147
CAP-018	Community Union	\$ 1,045,625	16148
Total James Rhodes State College			\$ 1,477,585 16149

Appropriations

Section 235.50.50. MTC MARION TECHNICAL COLLEGE			16151
CAP-004	Basic Renovations	\$ 166,413	16152
CAP-013	Classroom/Student Resource Center	\$ 3,500,000	16153
Total Marion Technical College			\$ 3,666,413 16154

Appropriations

Section 235.50.60. MAT ZANE STATE COLLEGE			16156
CAP-007	Basic Renovations	\$ 402,714	16157
CAP-023	Willet-Pratt Center Expansion	\$ 750,000	16158
Total Zane State College			\$ 1,152,714 16159

Appropriations

Section 235.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE			16161
CAP-003	Basic Renovations	\$ 515,249	16162
CAP-016	Health Sciences Center Rehabilitation	\$ 1,035,150	16163
CAP-017	Kehoe Center Rehabilitation	\$ 419,655	16164
Total North Central Technical College			\$ 1,970,054 16165

Appropriations

Section 235.50.80. STC STARK TECHNICAL COLLEGE			16167
CAP-004	Basic Renovations	\$ 277,804	16168
CAP-039	Health & Science Building	\$ 5,097,338	16169
Total Stark Technical College			\$ 5,375,142 16170
Total Board of Regents and			16171
Institutions of Higher Education			\$ 579,636,534 16172
TOTAL Higher Education Improvement Fund			\$ 580,946,534 16173

Section 235.50.90. DEBT SERVICE FORMULA ALLOCATION 16175

Based on the foregoing appropriations in Sections 235.10.70 16176
to 235.50.80 of this act, from Fund 034, Higher Education 16177
Improvement Fund, the following higher education institutions 16178
shall be responsible for the specified amounts as part of the debt 16179
service component of the instructional subsidy beginning in fiscal 16180
year 2008: 16181

INSTITUTION	AMOUNT	
University of Akron	\$ 13,255,328	16183
University of Akron - Wayne	\$ 709,805	16184
Bowling Green State University	\$ 17,300,000	16185
Bowling Green State University - Firelands	\$ 836,265	16186
Central State University	\$ 2,023,789	16187
University of Cincinnati	\$ 27,025,021	16188
University of Cincinnati - Clermont	\$ 785,062	16189
University of Cincinnati - Walters	\$ 1,534,608	16190
Cleveland State University	\$ 11,437,302	16191

Kent State University	\$	15,526,607	16192
Kent State University - Ashtabula	\$	768,084	16193
Kent State University - East Liverpool	\$	415,662	16194
Kent State University - Geauga	\$	279,901	16195
Kent State University - Salem	\$	566,617	16196
Kent State University - Stark	\$	1,165,436	16197
Kent State University - Trumbull	\$	1,015,399	16198
Kent State University - Tuscarawas	\$	911,738	16199
Miami University	\$	13,096,432	16200
Miami University - Hamilton	\$	1,153,217	16201
Miami University - Middletown	\$	1,526,909	16202
Ohio State University	\$	61,841,261	16203
Ohio State University - Lima	\$	1,000,000	16204
Ohio State University - Newark	\$	1,960,080	16205
Ohio State University - OARDC	\$	6,829,170	16206
Ohio University	\$	17,897,340	16207
Ohio University - Eastern	\$	584,247	16208
Ohio University - Chillicothe	\$	963,816	16209
Ohio University - Southern	\$	593,491	16210
Ohio University - Lancaster	\$	890,535	16211
Ohio University - Zanesville	\$	1,044,481	16212
Shawnee State University	\$	1,726,006	16213
University of Toledo	\$	14,248,827	16214
Wright State University	\$	9,886,492	16215
Wright State University - Lake	\$	478,906	16216
Youngstown State University	\$	10,574,834	16217
Medical University of Ohio	\$	4,501,780	16218
Northeastern Ohio Universities College of Medicine	\$	1,473,952	16219
Cincinnati State Community College	\$	1,145,659	16220
Clark State Community College	\$	1,416,920	16221
Columbus State Community College	\$	6,038,982	16222
Cuyahoga Community College	\$	10,448,349	16223

Edison State Community College	\$	3,375,000	16224
Jefferson Community College	\$	725,443	16225
Lakeland Community College	\$	2,766,142	16226
Lorain County Community College	\$	2,645,970	16227
Central Ohio Technical College	\$	1,538,362	16228
Hocking Technical College	\$	1,838,986	16229
James Rhodes State Technical College	\$	1,045,625	16230
Zane State College	\$	757,271	16231
North Central Technical College	\$	1,354,805	16232
Stark Technical College	\$	1,871,379	16233

Institutions not listed above shall not have a debt service obligation as a result of these appropriations. 16234
16235

Within sixty days after the effective date of this section, 16236
any institution of higher education may notify the Board of 16237
Regents of its intention not to proceed with any project 16238
appropriated in this act. Upon receiving such notification, the 16239
Board of Regents may release the institution from its debt service 16240
obligation for the specific project. 16241

Section 235.60.10. For all of the foregoing appropriation 16242
items from the Higher Education Improvement Fund (Fund 034) that 16243
require local funds to be contributed by any state-supported or 16244
state-assisted institution of higher education, the Ohio Board of 16245
Regents shall not recommend that any funds be released until the 16246
recipient institution demonstrates to the Board of Regents and the 16247
Office of Budget and Management that the local funds contribution 16248
requirement has been secured or satisfied. The local funds shall 16249
be in addition to the foregoing appropriations. 16250

Section 235.60.20. The Ohio Public Facilities Commission is 16251
hereby authorized to issue and sell, in accordance with Section 2n 16252
of Article VIII, Ohio Constitution, and Chapter 151. and 16253

particularly sections 151.01 and 151.04 of the Revised Code, 16254
original obligations in an aggregate principal amount not to 16255
exceed \$576,000,000, in addition to the original issuance of 16256
obligations heretofore authorized by prior acts of the General 16257
Assembly. These authorized obligations shall be issued, subject to 16258
applicable constitutional and statutory limitations, to pay costs 16259
of capital facilities as defined in sections 151.01 and 151.04 of 16260
the Revised Code for state-supported and state-assisted 16261
institutions of higher education. 16262

Section 235.60.30. None of the foregoing capital improvements 16263
appropriations for state-supported or state-assisted institutions 16264
of higher education shall be expended until the particular 16265
appropriation has been recommended for release by the Ohio Board 16266
of Regents and released by the Director of Budget and Management 16267
or the Controlling Board. Either the institution concerned, or the 16268
Ohio Board of Regents with the concurrence of the institution 16269
concerned, may initiate the request to the Director of Budget and 16270
Management or the Controlling Board for the release of the 16271
particular appropriations. 16272

Section 235.60.40. (A) No capital improvement appropriations 16273
made in Sections 235.10.10 to 235.50.80 of this act shall be 16274
released for planning or for improvement, renovation, 16275
construction, or acquisition of capital facilities if the 16276
institution of higher education or the state does not own the real 16277
property on which the capital facilities are or will be located. 16278
This restriction does not apply in any of the following 16279
circumstances: 16280

(1) The institution has a long-term (at least fifteen years) 16281
lease of, or other interest (such as an easement) in, the real 16282
property. 16283

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

(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and will be made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement with the institution of higher education that meets the requirements of division (C) of this section.

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

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

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

(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities that will be

available upon their completion; and 16315

(4) To be located on or adjacent to the branch campus of the 16316
university. 16317

(C) The Ohio Board of Regents shall adopt rules regarding the 16318
release of moneys from all the foregoing appropriations for 16319
capital facilities for all state-supported or state-assisted 16320
institutions of higher education. In the case of capital 16321
facilities referred to in division (A)(3) of this section, the 16322
joint or cooperative use agreements shall include, as a minimum, 16323
provisions that: 16324

(1) Specify the extent and nature of that joint or 16325
cooperative use, extending for not fewer than fifteen years, with 16326
the value of such use or right to use to be, as is determined by 16327
the parties and approved by the Board of Regents, reasonably 16328
related to the amount of the appropriations; 16329

(2) Provide for pro rata reimbursement to the state should 16330
the arrangement for joint or cooperative use be terminated; 16331

(3) Provide that procedures to be followed during the capital 16332
improvement process will comply with appropriate applicable state 16333
laws and rules, including the provisions of this act; and 16334

(4) Provide for payment or reimbursement to the institution 16335
of its administrative costs incurred as a result of the facilities 16336
project, not to exceed 1.5 per cent of the appropriated amount. 16337

(D) Upon the recommendation of the Ohio Board of Regents, the 16338
Controlling Board may approve the transfer of appropriations for 16339
projects requiring cooperation between institutions from one 16340
institution to another institution with the approval of both 16341
institutions. 16342

(E) Notwithstanding section 127.14 of the Revised Code, the 16343
Controlling Board, upon the recommendation of the Ohio Board of 16344

Regents, may transfer amounts appropriated to the Ohio Board of 16345
Regents to accounts of state-supported or state-assisted 16346
institutions created for that same purpose. 16347

Section 235.60.50. The requirements of Chapters 123. and 153. 16348
of the Revised Code, with respect to the powers and duties of the 16349
Director of Administrative Services, and the requirements of 16350
section 127.16 of the Revised Code, with respect to the 16351
Controlling Board, do not apply to projects of community college 16352
districts, which include Cuyahoga Community College, Jefferson 16353
Community College, Lakeland Community College, Lorain Community 16354
College, Rio Grande Community College, and Sinclair Community 16355
College; and technical college districts, which include Belmont 16356
Technical College, Central Ohio Technical College, Hocking 16357
Technical College, James Rhodes State College, Marion Technical 16358
College, Zane State College, North Central Technical College, and 16359
Stark Technical College. 16360

Section 235.60.60. Those institutions locally administering 16361
capital improvement projects pursuant to section 3345.50 of the 16362
Revised Code may: 16363

(A) Establish charges for recovering costs directly related 16364
to project administration as defined by the Director of 16365
Administrative Services. The Department of Administrative Services 16366
shall review and approve these administrative charges when the 16367
charges are in excess of 1.5 per cent of the total construction 16368
budget. 16369

(B) Seek reimbursement from state capital appropriations to 16370
the institution for the in-house design services performed by the 16371
institution for the capital projects. Acceptable charges are 16372
limited to design document preparation work that is done by the 16373
institution. These reimbursable design costs shall be shown as 16374

"A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost.

Section 235.60.70. (A) The North East Ohio Universities Collaboration and Innovation Study Commission shall develop a plan and may make legislative or other logistical recommendations for the following, with respect to the University of Akron, Cleveland State University, Kent State University, the Northeastern Ohio Universities College of Medicine, and Youngstown State University:

(1) Strategic and purposeful collaboration among the institutions;

(2) Partnering among the institutions of both undergraduate and graduate academic programs;

(3) Sharing of at least some governance mechanisms, particularly as they relate to common basic functions, among the institutions;

(4) Development of a unified approach to public higher education in northeast Ohio whereby the institutions, while maintaining their separate identities, will share academic, administrative, and student support resources and programs.

The goal of the Commission's recommendations shall be to promote lower costs and greater access for students and an overall improved quality of higher education in northeast Ohio.

The Commission shall submit its plan and recommendations to the Governor and the General Assembly in writing not later than twelve months after the effective date of this section.

(B) The North East Ohio Universities Collaboration and Innovation Study Commission is hereby created. The Commission

shall consist of fifteen members as follows:	16405
(1) Two members appointed by the board of trustees of each of	16406
the following five institutions of higher education:	16407
(a) University of Akron;	16408
(b) Cleveland State University;	16409
(c) Kent State University;	16410
(d) Northeastern Ohio Universities College of Medicine;	16411
(e) Youngstown State University.	16412
(2) Two members appointed by the Ohio Board of Regents;	16413
(3) One member appointed by the Speaker of the House of	16414
Representatives;	16415
(4) One member appointed by the President of the Senate;	16416
(5) One member appointed by the Governor.	16417
The members shall be appointed not later than thirty days	16418
after the effective date of this section. A vacancy on the	16419
Commission shall be filled in the manner of the initial	16420
appointment.	16421
The member appointed by the Governor shall be the chairman of	16422
the Commission.	16423
The members of the Commission shall receive no compensation	16424
for their services.	16425
The Commission may employ an executive director and such	16426
other staff as the Commission determines is necessary to carry out	16427
its duties.	16428
(C) Upon submission of its plan and recommendations, as	16429
required in division (A) of this section, the Commission shall	16430
cease to exist.	16431

Section 237.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035), that are not otherwise appropriated.

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				16436
CAP-012	Land Acquisition - Statewide	\$ 500,000		16437
CAP-169	Lake White State Park - Dam Rehabilitation	\$ 5,500,000		16438
CAP-390	State Park Maintenance Facility Development - Middle Bass Island State Park Mitigation Costs	\$ 2,000,000		16439
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$ 4,000,000		16440
CAP-702	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000		16441
CAP-716	Muskingum River Parkway - Locks and Dam Rehabilitation	\$ 1,000,000		16442
CAP-748	Local Parks Projects	\$ 16,301,700		16443
CAP-753	Project Planning	\$ 250,000		16444
CAP-836	State Park Renovations/Upgrading - Dillon Environmental Restoration Project (Corps Grant Match)	\$ 600,000		16445
CAP-876	Statewide Trails Program	\$ 6,140,000		16446
CAP-881	Dam Rehabilitation - Parks	\$ 1,017,600		16447
CAP-929	Hazardous Waste/Asbestos Abatement - Statewide	\$ 150,000		16448
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$ 2,500,000		16449
Total Department of Natural Resources			\$ 40,209,300	16450
TOTAL Parks and Recreation Improvement Fund			\$ 40,209,300	16451
FEDERAL REIMBURSEMENT				16452

All reimbursements received from the federal government for 16453
any expenditures made pursuant to this section shall be deposited 16454
in the state treasury to the credit of the Parks and Recreation 16455
Improvement Fund (Fund 035). 16456

LOCAL PARKS PROJECTS 16457

Of the foregoing appropriation item CAP-748, Local Parks 16458
Projects, \$2,000,000 shall be used for the Center City Park in 16459
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 16460
\$1,000,000 shall be used for the East Bank/Flats Project; 16461
\$1,000,000 shall be used for the Scioto Mile; \$1,500,000 shall be 16462
used for the Franklin Park Conservatory; \$1,000,000 shall be used 16463
for Kroc Community Park Improvements; \$640,000 shall be used for 16464
the Cuyahoga River Corridor Glens Park; \$540,000 shall be used for 16465
Tar Hollow State Park Improvements; \$515,000 shall be used for the 16466
Cleveland Zoological Society; \$400,000 shall be used for the Hi-Y; 16467
\$300,000 shall be used for the Colerain Township Heritage Park; 16468
\$300,000 shall be used for the Columbus Zoo; \$300,000 shall be 16469
used for the Fremont Park and Athletic Facilities; \$250,000 shall 16470
be used for the Gahanna South Flood Plain Project; \$250,000 shall 16471
be used for the Sippo Lake Park/Canal Way; \$250,000 shall be used 16472
for Van Buren State Park Land Acquisitions; \$250,000 shall be used 16473
for the City of Wellston Veterans Park; \$250,000 shall be used for 16474
the City of Jackson Bike Path; \$250,000 shall be used for 16475
Cambridge Park Improvements; \$250,000 shall be used for the 16476
Brunswick Nature Preserve; \$200,000 shall be used for North 16477
Royalton Recreational Park Improvements; \$200,000 shall be used 16478
for Harrison Village Historical Society-Phoenix Park Museum; 16479
\$200,000 shall be used for Ault Park Improvements; \$200,000 shall 16480
be used for Indian Lake State Park Dredging Improvements; \$200,000 16481
shall be used for the Belmont Carnes Center; \$191,000 shall be 16482
used for Deerfield Township Simpson Creek Erosion Mitigation and 16483
Bank Control; \$185,000 shall be used for the City of Wilmington 16484

Park Upgrades/Tennis Courts; \$175,700 shall be used for the 16485
Georgetown Community Tennis Park; \$170,000 shall be used for 16486
Violet Township Park Land Acquisition; \$150,000 shall be used for 16487
Kelleys Island Park Improvements; \$150,000 shall be used for 16488
Ironton Port Authority Green Space Acquisition; \$150,000 shall be 16489
used for Perry Township Camp Improvements; \$122,000 shall be used 16490
for Sandusky Plains Environmental Nature Preserve; \$100,000 shall 16491
be used for the Fort Recovery Renovations; \$100,000 shall be used 16492
for Mountain Bike Park/Midtown Cleveland; \$100,000 shall be used 16493
for Delhi Park Veteran's Memorial Wall; \$100,000 shall be used for 16494
The Mentor Lagoons Nature Preserve; \$100,000 shall be used for the 16495
Chester Township Park; \$100,000 shall be used for Thompson Park 16496
Renovations in East Liverpool; \$100,000 shall be used for the 16497
Aullwood Audubon Center \$75,000 shall be used for Perry Township 16498
Park; \$75,000 shall be used for Hocking River Park Complex of 16499
Athens County; \$69,000 shall be used for Miami Erie Canal Repairs 16500
in Spencerville; \$65,000 shall be used for Star Mill Skate Park 16501
Improvements; \$60,000 shall be used for Marseilles Reservoir Bulk 16502
Head Project; \$50,000 shall be used for Beaver creek/John Aekeney 16503
Soccer Field and Park; \$50,000 shall be used for the Beaver creek 16504
Community Athletic Association Facility and Park Upgrade; \$50,000 16505
shall be used for the Delaware Skate Park; \$50,000 shall be used 16506
for the Columbus Zoo Education Center; \$50,000 shall be used for 16507
Dillon State Park Upgrades; \$50,000 shall be used for Indian Lake 16508
State Park Shoreline Improvements; \$40,000 shall be used for 16509
Athens Village of Glouster Park Improvements; \$30,000 shall be 16510
used for Harold Miller Memorial Park Improvements; \$25,000 shall 16511
be used for Grand Lake St. Marys Improvements; \$25,000 shall be 16512
used for Geauga Veterans Monument Park Improvements; \$25,000 shall 16513
be used for the Conesville Community Children's Park; \$25,000 16514
shall be used for the Cambridge Skate Park; \$19,000 shall be used 16515
for East Fork State Park-Harsha Lake Dock Improvements; \$10,000 16516
shall be used for the Marine Corps League Park/Monument; \$10,000 16517

shall be used for Huntington Township Park Improvements; \$5,000 16518
shall be used for Morrow County Bicentennial Park; and \$5,000 16519
shall be used for the Galion Memorial Veterans Park. 16520

STATEWIDE TRAILS PROGRAM 16521

Of the foregoing appropriation item CAP-876, Statewide 16522
Trails, \$2,000,000 shall be used for the Ohio to Erie Trail by 16523
Franklin County Metro Parks; \$1,900,000 shall be used for the 16524
Cuyahoga Towpath Trail; \$500,000 shall be used for Henry County 16525
Park and Bike Trails; \$400,000 shall be used for the Prairie Grass 16526
Trail; \$330,000 shall be used for the Williamsburg/Batavia Hike 16527
and Bike Trail; \$200,000 shall be used for the Xenia-Jamestown 16528
Connector Trail Project; \$210,000 shall be used for Tri-County 16529
Triangle Trail Funding; and \$100,000 shall be used for the 16530
Trumbull Bike Trail. 16531

Section 237.20. For the appropriations in Section 237.10 of 16532
this act, the Department of Natural Resources shall periodically 16533
prepare and submit to the Director of Budget and Management the 16534
estimated design, planning, and engineering costs of 16535
capital-related work to be done by the Department of Natural 16536
Resources for each project. Based on the estimates, the Director 16537
of Budget and Management may release appropriations from the 16538
foregoing appropriation item CAP-753, Project Planning, within the 16539
Parks and Recreation Improvement Fund (Fund 035), to pay for 16540
design, planning, and engineering costs incurred by the Department 16541
of Natural Resources for the projects. Upon release of the 16542
appropriations by the Director of Budget and Management, the 16543
Department of Natural Resources shall pay for these expenses from 16544
the Parks Capital Expenses Fund (Fund 227), and shall be 16545
reimbursed from the Parks and Recreation Improvement Fund (Fund 16546
035) using an intrastate voucher. 16547

Section 237.30. The Treasurer of State is hereby authorized 16548
to issue and sell, in accordance with Section 2i of Article VIII, 16549
Ohio Constitution, and Chapter 154. of the Revised Code, 16550
particularly section 154.22 of the Revised Code, original 16551
obligations in an aggregate principal amount not to exceed 16552
\$40,500,000, in addition to the original issuance of obligations 16553
heretofore authorized by prior acts of the General Assembly. These 16554
authorized obligations shall be issued, subject to applicable 16555
constitutional and statutory limitations, to pay the costs of 16556
capital facilities for parks and recreation as defined in section 16557
154.01 of the Revised Code. 16558

Section 237.40. (A) No capital improvement appropriations 16559
made in Section 237.10 of this act shall be released for planning 16560
or for improvement, renovation, or construction or acquisition of 16561
capital facilities if a governmental agency, as defined in section 16562
154.01 of the Revised Code, does not own the real property that 16563
constitutes the capital facilities or on which the capital 16564
facilities are or will be located. This restriction does not apply 16565
in any of the following circumstances: 16566

(1) The governmental agency has a long-term (at least fifteen 16567
years) lease of, or other interest (such as an easement) in, the 16568
real property. 16569

(2) In the case of an appropriation for capital facilities 16570
for parks and recreation that, because of their unique nature or 16571
location, will be owned or be part of facilities owned by a 16572
separate nonprofit organization and made available to the 16573
governmental agency for its use or operated by the nonprofit 16574
organization under contract with the governmental agency, the 16575
nonprofit organization either owns or has a long-term (at least 16576
fifteen years) lease of the real property or other capital 16577

facility to be improved, renovated, constructed, or acquired and 16578
has entered into a joint or cooperative use agreement, approved by 16579
the Department of Natural Resources, with the governmental agency 16580
for that agency's use of and right to use the capital facilities 16581
to be financed and, if applicable, improved, the value of such use 16582
or right to use being, as determined by the parties, reasonably 16583
related to the amount of the appropriation. 16584

(B) In the case of capital facilities referred to in division 16585
(A)(2) of this section, the joint or cooperative use agreement 16586
shall include, as a minimum, provisions that: 16587

(1) Specify the extent and nature of that joint or 16588
cooperative use, extending for not fewer than fifteen years, with 16589
the value of such use or right to use to be, as determined by the 16590
parties and approved by the approving department, reasonably 16591
related to the amount of the appropriation; 16592

(2) Provide for pro rata reimbursement to the state should 16593
the arrangement for joint or cooperative use by a governmental 16594
agency be terminated; and 16595

(3) Provide that procedures to be followed during the capital 16596
improvement process will comply with appropriate applicable state 16597
laws and rules, including the provisions of this act. 16598

Section 239.10. All items set forth in this section are 16599
hereby appropriated out of any moneys in the state treasury to the 16600
credit of the State Capital Improvements Fund (Fund 038), that are 16601
not otherwise appropriated. 16602

	Appropriations	
PWC PUBLIC WORKS COMMISSION		16603
CAP-150 Local Public Infrastructure	\$ 120,000,000	16604
Total Public Works Commission	\$ 120,000,000	16605
TOTAL State Capital Improvements Fund	\$ 120,000,000	16606

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 16638
shall be issued and sold from time to time and in amounts 16639
necessary to ensure sufficient moneys to the credit of the State 16640
Capital Improvements Fund (Fund 038) to pay costs charged to that 16641
fund, as estimated by the Director of Budget and Management. 16642

Section 301.10. Notwithstanding any provision of law to the 16643
contrary, the Director of Budget and Management, with the written 16644
concurrence of the Director of Public Safety, may transfer cash 16645
temporarily from the Highway Safety Fund (Fund 036) to the Highway 16646
Safety Building Fund (Fund 025), and the cash may be used to fund 16647
projects previously appropriated by acts of the general assembly. 16648
The transfers shall be made for the purpose of providing cash to 16649
support appropriations or encumbrances that exist upon the 16650
effective date of this section. At such time as obligations are 16651
issued for Highway Safety Building Fund projects, the Director of 16652
Budget and Management shall transfer from the Highway Safety 16653
Building Fund to the Highway Safety Fund any amounts originally 16654
transferred to the Highway Safety Building Fund under this 16655
section. 16656

Section 303.10. CERTIFICATION OF AVAILABILITY OF MONEYS 16657

No moneys that require release may be expended from any 16658
appropriation contained in this act without certification of the 16659
Director of Budget and Management that there are sufficient moneys 16660
in the state treasury in the fund from which the appropriation is 16661
made. The certification shall be based on estimates of revenue, 16662
receipts, and expenses. Nothing in this section shall be construed 16663
as a limitation on the authority of the Director of Budget and 16664
Management under section 126.07 of the Revised Code. 16665

Section 303.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 16666

The appropriations made in this act, excluding those made to the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) for buildings or structures, including remodeling and renovations, are limited to:

(A) Acquisition of real property or interests in real property;

(B) Buildings and structures, which includes construction, demolition, complete heating, lighting and lighting fixtures, all necessary utilities, and ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;

(C) Architectural, engineering, and professional services expenses directly related to the projects;

(D) Machinery that is a part of structures at the time of initial acquisition or construction;

(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;

(F) Equipment that meets all the following criteria:

(1) The equipment is essential in bringing the facility up to its intended use;

(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more;

(3) The equipment has a useful life of five years or more;

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

No equipment shall be paid for from these appropriations that is not an integral part of or directly related to the basic

purpose or function of a project for which moneys are 16696
appropriated. This paragraph does not apply to appropriation items 16697
for equipment. 16698

Section 303.30. CONTINGENCY RESERVE REQUIREMENT 16699

Any request for release of capital appropriations by the 16700
Director of Budget and Management or the Controlling Board of 16701
capital appropriations for projects, the contracts for which are 16702
awarded by the Department of Administrative Services, shall 16703
contain a contingency reserve, the amount of which shall be 16704
determined by the Department of Administrative Services, for 16705
payment of unanticipated project expenses. Any amount deducted 16706
from the encumbrance for a contractor's contract as an assessment 16707
for liquidated damages shall be added to the encumbrance for the 16708
contingency reserve. Contingency reserve funds shall be used to 16709
pay costs resulting from unanticipated job conditions, to comply 16710
with rulings regarding building and other codes, to pay costs 16711
related to errors or omissions in contract documents, to pay costs 16712
associated with changes in the scope of work, and to pay the cost 16713
of settlements and judgments related to the project. 16714

Any funds remaining upon completion of a project may, upon 16715
approval of the Controlling Board, be released for the use of the 16716
institution to which the appropriation was made for other capital 16717
facilities projects. 16718

Section 303.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 16719
PROJECTS 16720

Notwithstanding sections 123.01 and 123.15 of the Revised 16721
Code, the Director of Administrative Services may authorize the 16722
Departments of Mental Health, Mental Retardation and Developmental 16723
Disabilities, Agriculture, Job and Family Services, Rehabilitation 16724
and Correction, Youth Services, Public Safety, Transportation, and 16725

the Ohio Veterans' Home to administer any capital facilities 16726
projects, the estimated cost of which, including design fees, 16727
construction, equipment, and contingency amounts, is less than 16728
\$1,500,000. Requests for authorization to administer capital 16729
facilities projects shall be made in writing to the Director of 16730
Administrative Services by the applicable state agency within 16731
sixty days after the effective date of the section of law in which 16732
the General Assembly initially makes an appropriation for the 16733
project. Upon the release of funds for the projects by the 16734
Controlling Board or the Director of Budget and Management, the 16735
agency may administer the capital project or projects for which 16736
agency administration has been authorized without the supervision, 16737
control, or approval of the Director of Administrative Services. 16738

The state agency authorized by the Director of Administrative 16739
Services to administer capital facilities projects pursuant to 16740
this section shall comply with the applicable procedures and 16741
guidelines established in Chapter 153. of the Revised Code. 16742

Section 305.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 16743
AGAINST THE STATE 16744

Except as otherwise provided in this section, an 16745
appropriation in this act or any other act may be used for the 16746
purpose of satisfying judgments, settlements, or administrative 16747
awards ordered or approved by the Court of Claims or by any other 16748
court of competent jurisdiction in connection with civil actions 16749
against the state. This authorization does not apply to 16750
appropriations to be applied to or used for payment of guarantees 16751
by or on behalf of the state, or for payments under lease 16752
agreements relating to or debt service on bonds, notes, or other 16753
obligations of the state. Notwithstanding any other section of law 16754
to the contrary, this authorization includes appropriations from 16755
funds into which proceeds or direct obligations of the state are 16756

deposited only to the extent that the judgment, settlement, or
administrative award is for or represents capital costs for which
the appropriation may otherwise be used and is consistent with the
purpose for which any related obligations were issued or entered
into. Nothing contained in this section is intended to subject the
state to suit in any forum in which it is not otherwise subject to
suit, and it is not intended to waive or compromise any defense or
right available to the state in any suit against it.

**Section 307.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET
AND MANAGEMENT**

Notwithstanding section 126.14 of the Revised Code,
appropriations for appropriation item CAP-003, Community-Based
Correctional Facilities, appropriated from the Adult Correctional
Building Fund (Fund 027) to the Department of Rehabilitation and
Correction shall be released upon the written approval of the
Director of Budget and Management. The appropriations from the
Public School Building Fund (Fund 021) and the School Building
Program Assistance Fund (Fund 032) to the School Facilities
Commission, from the Clean Ohio Conservation Fund (Fund 056), the
State Capital Improvement Fund (Fund 038), and the State Capital
Improvements Revolving Loan Fund (Fund 040) to the Public Works
Commission shall be released upon presentation of a request to
release the funds, by the agency to which the appropriation has
been made, to the Director of Budget and Management.

Section 309.10. PREVAILING WAGE REQUIREMENT

Except as provided in section 4115.04 of the Revised Code, no
moneys appropriated or reappropriated by the 126th General
Assembly shall be used for the construction of public
improvements, as defined in section 4115.03 of the Revised Code,
unless the mechanics, laborers, or workers engaged therein are

paid the prevailing rate of wages as prescribed in section 4115.04 16787
of the Revised Code. Nothing in this section shall affect the 16788
wages and salaries established for state employees under the 16789
provisions of Chapter 124. of the Revised Code, or collective 16790
bargaining agreements entered into by the state pursuant to 16791
Chapter 4117. of the Revised Code, while engaged on force account 16792
work, nor shall this section interfere with the use of inmate and 16793
patient labor by the state. 16794

Section 311.10. CAPITAL FACILITIES LEASES 16795

Capital facilities for which appropriations are made from the 16796
Highway Safety Building Fund (Fund 025), the Administrative 16797
Building Fund (Fund 026), the Adult Correctional Building Fund 16798
(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 16799
may be leased by the Ohio Building Authority to the Department of 16800
Public Safety, the Department of Youth Services, the Department of 16801
Administrative Services, and the Department of Rehabilitation and 16802
Correction, and other agreements may be made by the Ohio Building 16803
Authority and the departments with respect to the use or purchase 16804
of the capital facilities, or subject to the approval of the 16805
director of the department or the commission, the Ohio Building 16806
Authority may lease the capital facilities to, and make other 16807
agreements with respect to the use or purchase of the capital 16808
facilities with, any governmental agency or nonprofit corporation 16809
having authority under law to own, lease, or operate the capital 16810
facilities. The director of the department or the commission may 16811
sublease the capital facilities to, and make other agreements with 16812
respect to the use or purchase of the capital facilities with, any 16813
such governmental agency or nonprofit corporation, which 16814
agreements may include provisions for transmittal of receipts of 16815
the agency or nonprofit corporation of any charges for the use of 16816
the facilities, all upon such terms and conditions as the parties 16817

may agree upon and subject to any other provision of law affecting 16818
the leasing, acquisition, or disposition of capital facilities by 16819
the parties. 16820

Section 313.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 16821
MANAGEMENT 16822

The Director of Budget and Management shall authorize both of 16823
the following: 16824

(A) The initial release of moneys for projects from the funds 16825
into which proceeds of direct obligations of the state are 16826
deposited; 16827

(B) The expenditure or encumbrance of moneys from funds into 16828
which proceeds of direct obligations are deposited, but only after 16829
determining to the director's satisfaction that either of the 16830
following applies: 16831

(1) The application of the moneys to the particular project 16832
will not negatively affect any exemption or exclusion from federal 16833
income tax of the interest or interest equivalent on obligations 16834
issued to provide moneys to the particular fund. 16835

(2) Moneys for the project will come from the proceeds of 16836
obligations, the interest on which is not so excluded or exempt 16837
and which have been authorized as "taxable obligations" by the 16838
issuing authority. 16839

The director shall report any nonrelease of moneys pursuant 16840
to this section to the Governor, the presiding officer of each 16841
house of the General Assembly, and the agency for the use of which 16842
the project is intended. 16843

Section 315.10. SCHOOL FACILITIES ENCUMBRANCES AND 16844
REAPPROPRIATION 16845

At the request of the Executive Director of the Ohio School 16846

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

Section 317.10. CERTIFICATE OF NEED REQUIREMENT

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

**Section 319.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS
ABATEMENT LITIGATION**

All proceeds received by the state as a result of litigation,
judgments, settlements, or claims, filed by or on behalf of any
state agency, as defined by section 1.60 of the Revised Code, or
state-supported or state-assisted institution of higher education,
for damages or costs resulting from the use, removal, or hazard
abatement of asbestos materials shall be deposited in the Asbestos
Abatement Distribution Fund (Fund 674). All funds deposited into
the Asbestos Abatement Distribution Fund are hereby appropriated
to the Attorney General. To the extent practicable, the proceeds
placed in the Asbestos Abatement Distribution Fund shall be
divided among the state agencies and state-supported or
state-assisted institutions of higher education in accordance with
the general provisions of the litigation regarding the percentage
of recovery. Distribution of the proceeds to each state agency or
state-supported or state-assisted institution of higher education

shall be made in accordance with the Asbestos Abatement 16877
Distribution Plan to be developed by the Attorney General, the 16878
General Services Division within the Department of Administrative 16879
Services, and the Office of Budget and Management. 16880

In those circumstances where asbestos litigation proceeds are 16881
for reimbursement of expenditures made with funds outside the 16882
state treasury or damages to buildings not constructed with state 16883
appropriations, direct payments shall be made to the affected 16884
institutions of higher education. Any proceeds received for 16885
reimbursement of expenditures made with funds within the state 16886
treasury or damages to buildings occupied by state agencies shall 16887
be distributed to the affected agencies with an intrastate 16888
transfer voucher to the funds identified in the Asbestos Abatement 16889
Distribution Plan. 16890

These proceeds shall be used for additional asbestos 16891
abatement or encapsulation projects, or for other capital 16892
improvements, except that proceeds distributed to the General 16893
Revenue Fund and other funds that are not bond improvement funds 16894
may be used for any purpose. The Controlling Board may, for bond 16895
improvement funds, create appropriation items or increase 16896
appropriation authority in existing appropriation items equaling 16897
the amount of the proceeds. The amounts approved by the 16898
Controlling Board are hereby appropriated. The proceeds deposited 16899
in bond improvement funds shall not be expended until released by 16900
the Controlling Board, which shall require certification by the 16901
Director of Budget and Management that the proceeds are sufficient 16902
and available to fund the additional anticipated expenditures. 16903

Section 321.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 16904
REVISED CODE 16905

The capital improvements for which appropriations are made in 16906
this act from the Third Frontier Research and Development Fund 16907

(Fund 011), the Job Ready Site Development Fund (Fund 012), the
Ohio Parks and Natural Resources Fund (Fund 031), the School
Building Program Assistance Fund (Fund 032), the Higher Education
Improvement Fund (Fund 034), the State Capital Improvements Fund
(Fund 038), the Clean Ohio Conservation Fund (Fund 056), the Clean
Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio
Trail Fund (Fund 061) are determined to be capital improvements
and capital facilities for research and development, preparation
of sites, natural resources, a statewide system of common schools,
state-supported and state-assisted institutions of higher
education, local subdivision capital improvement projects, and
conservation purposes (under the Clean Ohio Program) and are
designated as capital facilities to which proceeds of obligations
issued under Chapter 151. of the Revised Code are to be applied.

Section 321.20. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE
REVISED CODE

The capital improvements for which appropriations are made in
this act from the Highway Safety Building Fund (Fund 025), the
Administrative Building Fund (Fund 026), the Adult Correctional
Building Fund (Fund 027), the Juvenile Correctional Building Fund
(Fund 028), and the Transportation Building Fund (Fund 029) are
determined to be capital improvements and capital facilities for
housing state agencies and branches of state government and are
designated as capital facilities to which proceeds of obligations
issued under Chapter 152. of the Revised Code are to be applied.

Section 321.30. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE
REVISED CODE

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.

Section 323.10. TRANSFER OF OPEN ENCUMBRANCES

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

**Section 325.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE
BUILDING FUND**

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).

Section 327.10. COAL RESEARCH AND DEVELOPMENT BONDS

The Ohio Public Facilities Commission, upon the request of
the Director of the Ohio Coal Development Office with the advice
of the Technical Advisory Committee created in section 1551.35 of
the Revised Code and with the approval of the Director of the Air
Quality Development Authority, is hereby authorized to issue and
sell, in accordance with Section 15 of Article VIII, Ohio
Constitution, and Chapter 151. of the Revised Code, and

particularly sections 151.01 and 151.07 and other applicable 16967
sections of the Revised Code, bonds or other obligations of the 16968
state heretofore authorized by prior acts of the General Assembly. 16969
The obligations shall be issued, subject to applicable 16970
constitutional and statutory limitations, to provide sufficient 16971
moneys to the credit of the Coal Research and Development Fund 16972
created in section 1555.15 of the Revised Code to pay costs 16973
charged to the fund when due as estimated by the Director of the 16974
Ohio Coal Development Office. 16975

Section 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 16976

The Ohio Administrative Knowledge System (OAKS) shall be an 16977
enterprise resource planning system that replaces the state's 16978
central services infrastructure systems, including the Central 16979
Accounting System, the Human Resources/Payroll System, the Capital 16980
Improvements Projects Tracking System, the Fixed Assets Management 16981
System, and the Procurement System. The Department of 16982
Administrative Services, in conjunction with the Office of Budget 16983
and Management, may acquire the system, including, but not limited 16984
to, the enterprise resource planning software and installation and 16985
implementation thereof pursuant to Chapter 125. of the Revised 16986
Code. Any lease-purchase arrangement utilized under Chapter 125. 16987
of the Revised Code, including any fractionalized interest therein 16988
as defined in division (N) of section 133.01 of the Revised Code, 16989
shall provide at the end of the lease period that OAKS shall 16990
become the property of the state. 16991

Section 331.10. Sections 201.10 to 239.20 of this act shall 16992
remain in full force and effect commencing on July 1, 2006, and 16993
terminating on June 30, 2008, for the purpose of drawing money 16994
from the state treasury in payment of liabilities lawfully 16995
incurred under those sections, and on June 30, 2008, and not 16996

before, the moneys hereby appropriated shall lapse into the funds 16997
from which they are severally appropriated. Because if, under 16998
Section 1c of Article II, Ohio Constitution, Sections 201.10 to 16999
239.20 of this act do not take effect until after July 1, 2006, 17000
Sections 201.10 to 239.20 of this act shall be and remain in full 17001
force and effect commencing on that later effective date. 17002

Section 401.03. That Section 22.07 of Am. Sub. H.B. 16 of the 17003
126th General Assembly be amended to read as follows: 17004

Sec. 22.07. The Treasurer of State is hereby authorized to 17005
issue and sell in accordance with ~~Section~~ Sections 2i and 16 of 17006
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 17007
Code, particularly section 154.20 of the Revised Code, original 17008
obligations in an aggregate principal amount not to exceed 17009
\$20,000,000 in addition to the original issuance of obligations 17010
heretofore authorized by prior acts of the General Assembly. The 17011
authorized obligations shall be issued, subject to applicable 17012
constitutional and statutory limitations, to pay costs of capital 17013
facilities as defined in section 154.01 of the Revised Code for 17014
mental hygiene and retardation. 17015

Section 401.04. That existing Section 22.07 of Am. Sub. H.B. 17016
16 of the 126th General Assembly is hereby repealed. 17017

Section 401.10. That Sections 203.12.06, 203.24, 203.57, 17018
203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 17019
209.93 of Am. Sub. H.B. 66 of the 126th General Assembly be 17020
amended to read as follows: 17021

Sec. 203.12.06. OHIO BUILDING AUTHORITY 17022

The foregoing appropriation item 100-447, OBA - Building Rent 17023

Payments, shall be used to meet all payments at the times they are
required to be made during the period from July 1, 2005, to June
30, 2007, by the Department of Administrative Services to the Ohio
Building Authority pursuant to leases and agreements under Chapter
152. of the Revised Code, but limited to the aggregate amount of
\$231,831,700. These appropriations are the source of funds pledged
for bond service charges on obligations issued pursuant to Chapter
152. of the Revised Code.

The foregoing appropriation item 100-448, OBA - Building
Operating Payments, shall be used to meet all payments at the
times that they are required to be made during the period from
July 1, 2005, to June 30, 2007, by the Department of
Administrative Services to the Ohio Building Authority pursuant to
~~leases and agreements under~~ Chapter 152. of the Revised Code, but
limited to the aggregate amount of \$51,040,433.

The payments to the Ohio Building Authority are for the
purpose of paying the expenses of the Ohio Building Authority and
the agencies that occupy space in the various state facilities.
The Department of Administrative Services may enter into leases
and agreements with the Ohio Building Authority providing for the
payment of these expenses. The Ohio Building Authority shall
report to the Department of Administrative Services and the Office
of Budget and Management not later than five months after the
start of a fiscal year the actual expenses incurred by the Ohio
Building Authority in operating the facilities and any balances
remaining from payments and rentals received in the prior fiscal
year. The Department of Administrative Services shall reduce
subsequent payments by the amount of the balance reported to it by
the Ohio Building Authority.

Sec. 203.24. AGR DEPARTMENT OF AGRICULTURE 17053

General Revenue Fund 17054

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330	17055
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506	17056
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	17057
GRF 700-404	Ohio Proud	\$	185,395	\$	185,395	17058
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	17059
GRF 700-406	Consumer Analytical Lab	\$	819,907	\$	819,907	17060
GRF 700-407	Food Safety	\$	939,099	\$	939,099	17061
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	17062
GRF 700-410	Plant Industry	\$	391,216	\$	50,000	17063
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524	17064
GRF 700-412	Weights and Measures	\$	1,100,000	\$	1,300,000	17065
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	17066
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000	17067
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	17068
<u>GRF 700-422</u>	<u>Emergency Preparedness</u> <u>Supplies and Equipment</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>634,000</u>	17069
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	17070
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	17071
GRF 700-501	County Agricultural Societies	\$	358,226	\$	358,226	17072
TOTAL GRF	General Revenue Fund	\$	18,963,611	\$	18,722,395	17073
					<u>19,356,395</u>	17074
	Federal Special Revenue Fund Group					17075
3J4 700-607	Indirect Cost	\$	1,500,027	\$	1,500,027	17076
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	17077
326 700-618	Meat Inspection Program - Federal Share	\$	5,201,291	\$	5,201,291	17078

336	700-617	Ohio Farm Loan Revolving Fund	\$	43,793	\$	44,679	17079
382	700-601	Cooperative Contracts	\$	4,300,000	\$	4,300,000	17080
TOTAL FED Federal Special Revenue							17081
Fund Group			\$	15,845,111	\$	15,845,997	17082
State Special Revenue Fund Group							17083
4C9	700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$	1,922,857	\$	1,891,395	17084
4D2	700-609	Auction Education	\$	23,885	\$	24,601	17085
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	17086
4P7	700-610	Food Safety Inspection	\$	816,096	\$	858,096	17087
4R0	700-636	Ohio Proud Marketing	\$	38,300	\$	38,300	17088
4R2	700-637	Dairy Industry Inspection	\$	1,541,466	\$	1,621,460	17089
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	17090
4T7	700-613	International Trade and Market Development	\$	52,000	\$	54,000	17091
494	700-612	Agricultural Commodity Marketing Program	\$	170,220	\$	170,220	17092
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054	17093
497	700-627	Commodity Handlers Regulatory Program	\$	515,820	\$	529,978	17094
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	17095
5H2	700-608	Metrology Lab and Scale Certification	\$	351,526	\$	362,526	17096
5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000	17097
578	700-620	Ride Inspection Fees	\$	1,105,436	\$	1,115,436	17098
652	700-634	Animal Health and Food Safety	\$	1,876,624	\$	1,831,232	17099

669 700-635 Pesticide Program	\$	2,993,232	\$	3,354,448	17100	
TOTAL SSR State Special Revenue					17101	
Fund Group	\$	12,994,304	\$	13,438,489	17102	
Clean Ohio Fund Group					17103	
057 700-632 Clean Ohio	\$	149,000	\$	149,000	17104	
Agricultural Easement						
TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000	17105	
TOTAL ALL BUDGET FUND GROUPS	\$	47,952,026	\$	48,155,881	17106	
				<u>48,789,881</u>	17107	
OHIO - ISRAEL AGRICULTURAL INITIATIVE						17108
Of the foregoing General Revenue Fund appropriation item						17109
700-411, International Trade and Market Development, \$100,000						17110
shall be used in fiscal year 2006 for the Ohio - Israel						17111
Agricultural Initiative.						17112
<u>EMERGENCY PREPAREDNESS SUPPLIES AND EQUIPMENT</u>						17113
<u>The foregoing appropriation item 700-422, Emergency</u>						17114
<u>Preparedness Supplies and Equipment, may only be used for</u>						17115
<u>purchasing items contained within a plan that has been submitted</u>						17116
<u>to and approved by the Controlling Board.</u>						17117
FAMILY FARM LOAN PROGRAM						17118
Notwithstanding Chapter 166. of the Revised Code, up to						17119
\$1,000,000 in each fiscal year shall be transferred from moneys in						17120
the Facilities Establishment Fund (Fund 037) to the Family Farm						17121
Loan Fund (Fund 5H1) in the Department of Development. These						17122
moneys shall be used for loan guarantees. The transfer is subject						17123
to Controlling Board approval.						17124
Financial assistance from the Family Farm Loan Fund (Fund						17125
5H1) shall be repaid to Fund 5H1. This fund is established in						17126
accordance with sections 166.031, 901.80, 901.81, 901.82, and						17127
901.83 of the Revised Code.						17128

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 17129
all outstanding balances, all loan repayments, and any other 17130
outstanding obligations shall revert to the Facilities 17131
Establishment Fund (Fund 037). 17132

CASH TRANSFER TO COOPERATIVE CONTRACTS FUND 17133

On the effective date of this amendment, or as soon as 17134
possible thereafter, the Director of Budget and Management may 17135
transfer \$111,668.76 in cash from the General Revenue Fund to the 17136
Cooperative Contracts Fund (Fund 382) to correct wire transfers to 17137
the Department of Agriculture that were mistakenly deposited in 17138
the General Revenue Fund. 17139

Sec. 203.57. OBM OFFICE OF BUDGET AND MANAGEMENT 17140

General Revenue Fund 17141

GRF 042-321 Budget Development and \$ 2,143,886 \$ 2,143,886 17142
Implementation

GRF 042-410 National Association \$ 27,089 \$ 28,173 17143
Dues

GRF 042-412 Audit of Auditor of \$ 55,900 \$ 58,700 17144
State

GRF 042-435 Gubernatorial \$ 0 \$ 250,000 17145
Transition

TOTAL GRF General Revenue Fund \$ 2,226,875 \$ 2,480,759 17146

General Services Fund Group 17147

105 042-603 Accounting and \$ 9,781,085 \$ 9,976,689 17148
Budgeting

TOTAL GSF General Services Fund \$ 9,781,085 \$ 9,976,689 17149

Group

State Special Revenue Fund Group 17150

5N4 042-602 OAKS Project \$ 2,262,441 \$ 2,272,595 17151
Implementation

TOTAL SSR State Special Revenue	\$	2,262,441	\$	2,272,595	17152
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,401	\$	14,730,043	17153
AUDIT COSTS					17154
Of the foregoing appropriation item 042-603, Accounting and					17155
Budgeting, not more than \$420,000 in fiscal year 2006 and \$425,000					17156
in fiscal year 2007 shall be used to pay for centralized audit					17157
costs associated with either Single Audit Schedules or financial					17158
statements prepared in conformance with generally accepted					17159
accounting principles for the state.					17160
OAKS PROJECT IMPLEMENTATION					17161
Notwithstanding section 126.25 of the Revised Code, in fiscal					17162
years 2006 and 2007, rebates or revenue shares received from any					17163
state payment card program established under division (B) of					17164
section 126.21 of the Revised Code may be deposited into the OAKS					17165
Project Implementation Fund (Fund 5N4).					17166
<u>MEDICAID AGENCY TRANSITION</u>					17167
<u>Upon the transfer of appropriations to GRF appropriation item</u>					17168
<u>042-416, Medicaid Agency Transition, the Director of Budget and</u>					17169
<u>Management may retain staff of the Medicaid Administrative Study</u>					17170
<u>Council, hire staff, enter into contracts, and take other steps</u>					17171
<u>necessary to complete the transition tasks identified in the</u>					17172
<u>Medicaid Administrative Study Council report or other tasks</u>					17173
<u>considered necessary to create a new Department of Medicaid. Any</u>					17174
<u>contracts entered into under this paragraph shall be exempt from</u>					17175
<u>the authority and supervision of the Department of Administrative</u>					17176
<u>Services and the Office of Information Technology.</u>					17177
Sec. 203.81. CEB CONTROLLING BOARD					17178
General Revenue Fund					17179
GRF 911-401 Emergency	\$	5,000,000	\$	5,000,000	17180

	Purposes/Contingencies			<u>8,000,000</u>	
GRF 911-404	Mandate Assistance	\$	650,000	\$	650,000 17181
GRF 911-441	Ballot Advertising	\$	300,000	\$	300,000 17182
	Costs				
TOTAL GRF	General Revenue Fund	\$	5,950,000	\$	5,950,000 17183
				<u>8,950,000</u>	
TOTAL ALL BUDGET FUND GROUPS		\$	5,950,000	\$	5,950,000 17184
				<u>8,950,000</u>	

FEDERAL SHARE 17185

In transferring appropriations to or from appropriation items 17186
that have federal shares identified in ~~this act~~ Am. Sub. H.B. 66 17187
of the 126th General Assembly, the Controlling Board shall add or 17188
subtract corresponding amounts of federal matching funds at the 17189
percentages indicated by the state and federal division of the 17190
appropriations in ~~this act~~ Am. Sub. H.B. 66 of the 126th General 17191
Assembly. Such changes are hereby appropriated. 17192

DISASTER ASSISTANCE 17193

Pursuant to requests submitted by the Department of Public 17194
Safety, the Controlling Board may approve transfers from 17195
appropriation item 911-401, Emergency Purposes/Contingencies, to 17196
Department of Public Safety appropriation items to provide funding 17197
for assistance to political subdivisions and individuals made 17198
necessary by natural disasters or emergencies. Such transfers may 17199
be requested and approved prior to or following the occurrence of 17200
any specific natural disasters or emergencies in order to 17201
facilitate the provision of timely assistance. 17202

DISASTER SERVICES 17203

Pursuant to requests submitted by the Department of Public 17204
Safety, the Controlling Board may approve transfers from the 17205
Disaster Services Fund (5E2) to a Department of Public Safety 17206
General Revenue Fund appropriation item to provide for assistance 17207

to political subdivisions made necessary by natural disasters or 17208
emergencies. These transfers may be requested and approved prior 17209
to the occurrence of any specific natural disasters or emergencies 17210
in order to facilitate the provision of timely assistance. The 17211
Emergency Management Agency of the Department of Public Safety 17212
shall use the funding for disaster aid requests that meet the 17213
Emergency Management Agency's criteria for assistance. 17214

The Disaster Services Fund (5E2) shall be used by the 17215
Controlling Board, pursuant to requests submitted by state 17216
agencies, to transfer cash and appropriation authority to any fund 17217
and appropriation item for the payment of state agency program 17218
expenses as follows: 17219

(A) The Southern Ohio flooding, referred to as 17220
FEMA-DR-1164-OH; 17221

(B) The flood and storm disaster referred to as 17222
FEMA-DR-1227-OH; 17223

(C) The Southern Ohio flooding, referred to as 17224
FEMA-DR-1321-OH; 17225

(D) The flooding referred to as FEMA-DR-1339-OH; 17226

(E) The tornado and storms referred to as FEMA-DR-1343-OH; 17227

(F) Other disasters declared by the Governor, if the Director 17228
of Budget and Management determines that sufficient funds exist 17229
beyond the expected program costs of these other disasters. 17230

The unencumbered balance of the Disaster Services Fund (5E2) 17231
at the end of fiscal year 2006 is transferred to fiscal year 2007 17232
for use for the same purposes as in fiscal year 2006. 17233

SOUTHERN OHIO CORRECTIONAL FACILITY COST 17234

The Division of Criminal Justice Services in the Department 17235
of Public Safety and the Public Defender Commission may each 17236
request, upon approval of the Director of Budget and Management, 17237

additional funds from appropriation item 911-401, Emergency
Purposes/Contingencies, for costs related to the disturbance that
occurred on April 11, 1993, at the Southern Ohio Correctional
Facility in Lucasville, Ohio.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate
Assistance, shall be used to provide financial assistance to local
units of government and school districts for the cost of the
following two unfunded state mandates:

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

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

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

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$150,000	
Child Abuse Detection Training Costs	Department of Education	\$500,000	

(C) Subject to the total amount appropriated in each fiscal
year for appropriation item 911-404, Mandate Assistance, the

Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

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

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of

Youth Services. 17299

(b) Upon a delinquency filing in juvenile court or the return 17300
of an indictment for aggravated murder, murder, or any felony of 17301
the first or second degree that was committed at a Department of 17302
Youth Services or a Department of Rehabilitation and Correction 17303
institution, the affected county may, in accordance with rules 17304
that the Division of Criminal Justice Services in the Department 17305
of Public Safety shall adopt, apply to the Division of Criminal 17306
Justice Services for a grant to cover all documented costs that 17307
are incurred by the county prosecutor's office. 17308

(c) Twice each year, the Division of Criminal Justice 17309
Services in the Department of Public Safety shall designate 17310
counties to receive grants from those counties that have submitted 17311
one or more applications in compliance with the rules that have 17312
been adopted by the Division of Criminal Justice Services for the 17313
receipt of such grants. In each year's first round of grant 17314
awards, if sufficient appropriations have been made, up to a total 17315
of \$100,000 may be awarded. In each year's second round of grant 17316
awards, the remaining appropriations available for this purpose 17317
may be awarded. 17318

(d) If for a given round of grants there are insufficient 17319
appropriations to make grant awards to all the eligible counties, 17320
the first priority shall be given to counties with cases involving 17321
aggravated murder and murder; second priority shall be given to 17322
counties with cases involving a felony of the first degree; and 17323
third priority shall be given to counties with cases involving a 17324
felony of the second degree. Within these priorities, the grant 17325
awards shall be based on the order in which the applications were 17326
received, except that applications for cases involving a felony of 17327
the first or second degree shall not be considered in more than 17328
two consecutive rounds of grant awards. 17329

(2) CHILD ABUSE DETECTION TRAINING COSTS 17330

Appropriations may be transferred to the Department of 17331
Education for disbursement to local school districts as full or 17332
partial reimbursement for the cost of providing in-service 17333
training for child abuse detection. In accordance with rules that 17334
the department shall adopt, a local school district may apply to 17335
the department for a grant to cover all documented costs that are 17336
incurred to provide in-service training for child abuse detection. 17337
The department shall make grants within the limits of the funding 17338
provided. 17339

(G) Any moneys allocated within appropriation item 911-404, 17340
Mandate Assistance, not fully utilized may, upon application of 17341
the Ohio Public Defender Commission, and with the approval of the 17342
Controlling Board, be disbursed to boards of county commissioners 17343
to provide additional reimbursement for the costs incurred by 17344
counties in providing defense to indigent defendants pursuant to 17345
Chapter 120. of the Revised Code. Application for the unutilized 17346
funds shall be made by the Ohio Public Defender Commission at the 17347
first June meeting of the Controlling Board. 17348

The amount to be disbursed to each county shall be allocated 17349
proportionately on the basis of the total amount of reimbursement 17350
paid to each county as a percentage of the amount of reimbursement 17351
paid to all of the counties during the most recent state fiscal 17352
year for which data is available and as calculated by the Ohio 17353
Public Defender Commission. 17354

BALLOT ADVERTISING COSTS 17355

Pursuant to requests submitted by the Ohio Ballot Board, the 17356
Controlling Board shall approve transfers from the foregoing 17357
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 17358
Ballot Board appropriation item in order to reimburse county 17359
boards of elections for the cost of public notices associated with 17360

statewide ballot initiatives. 17361

Sec. 206.33. ETH OHIO ETHICS COMMISSION 17362

General Revenue Fund 17363

GRF 146-321 Operating Expenses	\$	1,536,213	\$	1,536,213	17364
				<u>1,742,213</u>	

TOTAL GRF General Revenue Fund	\$	1,536,213	\$	1,536,213	17365
				<u>1,742,213</u>	

General Services Fund Group 17366

4M6 146-601 Operating Expenses	\$	502,543	\$	432,543	17367
--------------------------------	----	---------	----	---------	-------

TOTAL GSF General Services 17368

Fund Group	\$	502,543	\$	432,543	17369
------------	----	---------	----	---------	-------

TOTAL ALL BUDGET FUND GROUPS	\$	2,038,756	\$	1,968,756	17370
				<u>2,174,756</u>	

OPERATING EXPENSES 17371

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. 17372
 17373
 17374
 17375
 17376

Sec. 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES 17377
 17378

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. 17379
 17380
 17381
 17382

MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING 17383

Of the foregoing appropriation item 600-321, Support Services, \$1,000,000 in fiscal year 2006 and \$500,000 in fiscal 17384
 17385

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." 17386
 17387
 17388
 17389

MEDICAID AGENCY TRANSITION 17390

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 Services, to newly created GRF appropriation item 042-416, Medicaid Agency Transition, in the Office of Budget and Management. The amount transferred is hereby appropriated. The funds shall be administered by the Office of Budget and Management and shall be used as specified in Section 203.57 of Am. Sub. H.B. 66 of the 126th General Assembly as amended by this act. 17391
 17392
 17393
 17394
 17395
 17396
 17397
 17398
 17399

Sec. 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO 17400

General Services Fund Group 17401
 5F6 870-622 Utility and Railroad \$ 31,272,222 \$ 31,272,223 17402
 Regulation
 5F6 870-624 NARUC/NRRI Subsidy \$ 167,233 \$ 167,233 17403
 5F6 870-625 Motor Transportation \$ 5,361,239 \$ 5,361,238 17404
 Regulation
 TOTAL GSF General Services 17405
 Fund Group \$ 36,800,694 \$ 36,800,694 17406
 Federal Special Revenue Fund Group 17407
 3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 17408
 Information
 Systems/Networks
 333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,957 17409
 350 870-608 Motor Carrier Safety \$ 7,027,712 \$ 7,027,712 17410
 TOTAL FED Federal Special Revenue 17411

Fund Group		\$	7,925,669	\$	7,925,669	17412
State Special Revenue Fund Group						17413
4A3 870-614	Grade Crossing	\$	1,349,757	\$	1,349,757	17414
	Protection					
	Devices-State					
4L8 870-617	Pipeline Safety-State	\$	187,621	\$	187,621	17415
4S6 870-618	Hazardous Material	\$	464,325	\$	464,325	17416
	Registration					
4S6 870-621	Hazardous Materials	\$	373,346	\$	373,346	17417
	Base State					
	Registration					
4U8 870-620	Civil Forfeitures	\$	284,986	\$	284,986	17418
5BP 870-623	Wireless 911 <u>9-1-1</u>	\$	650,000	\$	375,000	17419
	Administration					
559 870-605	Public Utilities	\$	4,000	\$	4,000	17420
	Territorial					
	Administration					
560 870-607	Special Assessment	\$	100,000	\$	100,000	17421
561 870-606	Power Siting Board	\$	337,210	\$	337,210	17422
638 870-611	Biomass Energy Program	\$	40,000	\$	40,000	17423
661 870-612	Hazardous Materials	\$	900,000	\$	900,000	17424
	Transportation					
TOTAL SSR	State Special Revenue					17425
Fund Group		\$	4,691,245	\$	4,416,245	17426
Agency Fund Group						17427
4G4 870-616	Base State	\$	5,600,000	\$	5,600,000	17428
	Registration Program					
TOTAL AGY	Agency Fund Group	\$	5,600,000	\$	5,600,000	17429
TOTAL ALL BUDGET FUND GROUPS		\$	55,017,608	\$	54,742,608	17430
	COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT					17431
	The Commercial Vehicle Information Systems and Networks Fund					17432
	is hereby created in the state treasury. The fund shall receive					17433

funding from the United States Department of Transportation's
Commercial Vehicle Intelligent Transportation System
Infrastructure Deployment Program and shall be used to deploy the
Ohio Commercial Vehicle Information Systems and Networks Project
and to expedite and improve the safety of motor carrier operations
through electronic exchange of data by means of on-highway
electronic systems.

On the effective date of this amendment, or as soon as possible thereafter, the Director of Budget and Management shall 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 17465
for the purpose of motor transportation regulation pursuant to a 17466
continuation of the Single-State Registration Program or the 17467
implementation of the Unified Carrier Registration Program, the 17468
Director of Budget and Management may transfer cash from the 17469
Public Utilities Fund (Fund 5F6) to the General Revenue Fund up to 17470
the amount originally transferred pursuant to the preceding 17471
paragraph. 17472

Sec. 209.63.03. OPERATING EXPENSES 17473

Of the foregoing appropriation item 235-321, Operating 17474
Expenses, up to \$150,000 in each fiscal year shall be used in 17475
conjunction with funding provided in the Department of Education 17476
budget under appropriation item 200-427, Academic Standards, to 17477
create Ohio's Partnership for Continued Learning, in consultation 17478
with the Governor's Office. The Partnership, which replaces and 17479
broadens the former Joint Council of the Department of Education 17480
and the Board of Regents, shall advise and make recommendations to 17481
promote collaboration among relevant state entities in an effort 17482
to help local communities develop coherent and successful "P-16" 17483
learning systems. The Director of Budget and Management may 17484
transfer any unencumbered fiscal year 2006 balance to fiscal year 17485
2007 to support the activities of the Partnership. 17486

Of the foregoing appropriation item 235-321, Operating 17487
Expenses, up to \$50,000 in fiscal year 2007 may be used by the 17488
Board of Regents to work jointly with the Department of Education 17489
to create a system of pre-college stackable certificates pursuant 17490
to division (B) of section 3333.34 of the Revised Code. 17491

Of the foregoing appropriation item 235-321, Operating 17492
Expenses, \$25,000 in fiscal year 2007 shall be used to support the 17493
activities of the North East Ohio Universities Collaboration and 17494
Innovation Study Commission. 17495

Sec. 209.63.30. ACCESS CHALLENGE 17496

In each fiscal year, the foregoing appropriation item 17497
235-418, Access Challenge, shall be distributed to Ohio's 17498
state-assisted access colleges and universities. For the purposes 17499
of this allocation, "access campuses" includes state-assisted 17500
community colleges, state community colleges, technical colleges, 17501
Shawnee State University, Central State University, Cleveland 17502
State University, the regional campuses of state-assisted 17503
universities, and, where they are organizationally distinct and 17504
identifiable, the community-technical colleges located at the 17505
University of Cincinnati, Youngstown State University, and the 17506
University of Akron. 17507

The purpose of Access Challenge is to reduce the student 17508
share of costs for resident undergraduates enrolled in lower 17509
division undergraduate courses at Ohio's access campuses. The 17510
long-term goal is to make the student share of costs for these 17511
students equivalent to the student share of costs for resident 17512
undergraduate students enrolled throughout Ohio's public colleges 17513
and universities. Access Challenge appropriations shall be used in 17514
both years of the biennium to sustain, as much as possible, the 17515
tuition restraint or tuition reduction that was achieved with 17516
Access Challenge allocations in prior years. 17517

In fiscal year 2006, Access Challenge subsidies shall be 17518
distributed by the Board of Regents to eligible access campuses on 17519
the basis of the average of each campus's share of fiscal year 17520
2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In 17521
fiscal year 2007, Access Challenge subsidies shall be distributed 17522
by the Board of Regents to eligible access campuses on the basis 17523
of the average of each campus's share of fiscal year 2004 and 2005 17524
all-terms subsidy-eligible General Studies FTEs. 17525

For purposes of this calculation, Cleveland State 17526

University's enrollments shall be adjusted by the ratio of the sum 17527
of subsidy-eligible lower-division FTE student enrollments 17528
eligible for access funding to the sum of subsidy-eligible General 17529
Studies FTE student enrollments at Central State University and 17530
Shawnee State University, and for the following universities and 17531
their regional campuses: the Ohio State University, Ohio 17532
University, Kent State University, Bowling Green State University, 17533
Miami University, the University of Cincinnati, the University of 17534
Akron, and Wright State University. 17535

Of the foregoing appropriation item 235-418, Access 17536
Challenge, \$10,172,626 in fiscal year 2006 and ~~\$9,663,995~~ 17537
\$11,413,995 in fiscal year 2007 shall be used by Central State 17538
University to keep undergraduate fees below the statewide average, 17539
consistent with its mission of service to many first-generation 17540
college students from groups historically underrepresented in 17541
higher education and from families with limited incomes. 17542

Sec. 209.93. SOS SECRETARY OF STATE 17543

General Revenue Fund 17544

GRF 050-321 Operating Expenses	\$	2,585,000	\$	2,585,000	17545
GRF 050-403 Election Statistics	\$	103,936	\$	103,936	17546
GRF 050-407 Pollworkers Training	\$	277,997	\$	277,997	17547
GRF 050-409 Litigation	\$	4,652	\$	4,652	17548

Expenditures

TOTAL GRF General Revenue Fund \$ 2,971,585 \$ 2,971,585 17549

General Services Fund Group 17550

4S8 050-610 Board of Voting \$ 7,200 \$ 7,200 17551

Machine Examiners

412 050-609 Notary Commission	\$	685,250	\$	685,249	17552
413 050-601 Information Systems	\$	169,955	\$	169,955	17553
414 050-602 Citizen Education Fund	\$	75,700	\$	55,712	17554
TOTAL General Services Fund Group	\$	938,105	\$	918,116	17555

Federal Special Revenue Fund Group				17556
3AS 050-616 2005 HAVA Voting	\$	37,436,203	\$	0
Machines				17557
3X4 050-612 Ohio Center/Law	\$	41,000	\$	41,000
Related Educational				17558
Grant				
TOTAL FED Federal Special Revenue				17559
Fund Group	\$	37,477,203	\$	41,000
State Special Revenue Fund Group				17561
5N9 050-607 Technology	\$	129,565	\$	129,565
Improvements				17562
599 050-603 Business Services	\$	13,741,745	\$	13,761,734
Operating Expenses				17563
TOTAL SSR State Special Revenue				17564
Fund Group	\$	13,871,310	\$	13,891,299
Holding Account Redistribution Fund Group				17566
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000
Code Refunds				17567
R02 050-606 Corporate/Business	\$	100,000	\$	100,000
Filing Refunds				17568
TOTAL 090 Holding Account				17569
Redistribution Fund Group	\$	165,000	\$	165,000
TOTAL ALL BUDGET FUND GROUPS	\$	55,423,203	\$	17,987,000
BOARD OF VOTING MACHINE EXAMINERS				17572
The foregoing appropriation item 050-610, Board of Voting				17573
Machine Examiners, shall be used to pay for the services and				17574
expenses of the members of the Board of Voting Machine Examiners,				17575
and for other expenses that are authorized to be paid from the				17576
Board of Voting Machine Examiners Fund, which is created in				17577
section 3506.05 of the Revised Code. Moneys not used shall be				17578
returned to the person or entity submitting the equipment for				17579

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 17611
Fund (Fund 3AS) shall be credited to the respective funds and 17612
distributed in accordance with the terms of the grant under which 17613
the money is received. 17614

HOLDING ACCOUNT REDISTRIBUTION GROUP 17615

The foregoing appropriation items 050-605 and 050-606, 17616
Holding Account Redistribution Fund Group, shall be used to hold 17617
revenues until they are directed to the appropriate accounts or 17618
until they are refunded. If it is determined that additional 17619
appropriations are necessary, such amounts are appropriated. 17620

Section 401.11. That existing Sections 203.12.06, 203.24, 17621
203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, 17622
and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly are 17623
hereby repealed. 17624

Section 403.10. That Section 203.99 of Am. Sub. H.B. 66 of 17625
the 126th General Assembly, as most recently amended by Sub. H.B. 17626
245 of the 126th General Assembly, be amended to read as follows: 17627

Sec. 203.99. DEV DEPARTMENT OF DEVELOPMENT 17628

General Revenue Fund 17629

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 17630

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 17631

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 17632

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 17633

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 17634

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 17635

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 17636

		Grants				
GRF 195-415	Economic Development	\$	5,794,975	\$	5,894,975	17637
	Division and Regional Offices					
GRF 195-416	Governor's Office of Appalachia	\$	4,122,372	\$	4,122,372	17638
GRF 195-422	Third Frontier Action Fund	\$	16,790,000	\$	16,790,000	17639
GRF 195-426	Clean Ohio Implementation	\$	300,000	\$	300,000	17640
GRF 195-432	International Trade	\$	4,223,787	\$	4,223,787	17641
GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,227,500	17642
GRF 195-436	Labor/Management Cooperation	\$	811,869	\$	811,869	17643
GRF 195-497	CDBG Operating Match	\$	1,040,956	\$	1,040,956	17644
GRF 195-498	State Match Energy	\$	94,000	\$	94,000	17645
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	17646
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803	17647
GRF 195-507	Travel and Tourism Grants	\$	1,287,500	\$	1,162,500	17648
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0	17649
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	0	\$	13,910,000	17650
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$	0	\$	4,124,400	17651

TOTAL GRF General Revenue Fund	\$	99,797,446	\$	107,491,846	17652
General Services Fund Group					17653
135 195-605 Supportive Services	\$	7,450,000	\$	7,539,686	17654
5AD 195-667 Investment in Training Expansion	\$	5,000,000	\$	5,000,000	17655
5AD 195-668 Worker Guarantee Program	\$	3,000,000	\$	3,000,000	17656
5AD 195-677 Economic Development Contingency	\$	0	\$	10,000,000	17657
685 195-636 General Reimbursements	\$	1,000,000	\$	1,000,000	17658
TOTAL GSF General Services Fund Group	\$	16,450,000	\$	26,539,686	17659 17660
Federal Special Revenue Fund Group					17661
3AE 195-643 Workforce Development Initiatives	\$	5,800,000	\$	5,800,000	17662
3K8 195-613 Community Development Block Grant	\$	65,000,000	\$	65,000,000	17663
3K9 195-611 Home Energy Assistance Block Grant	\$	90,500,000	\$	90,500,000	17664
3K9 195-614 HEAP Weatherization	\$	16,219,478	\$	16,219,478	17665
3L0 195-612 Community Services Block Grant	\$	25,235,000	\$	25,235,000	17666
3V1 195-601 HOME Program	\$	40,000,000	\$	40,000,000	17667
308 195-602 Appalachian Regional Commission	\$	600,660	\$	600,660	17668
308 195-603 Housing and Urban Development	\$	5,000,000	\$	5,000,000	17669
308 195-605 Federal Projects	\$	15,300,249	\$	15,300,249	17670
308 195-609 Small Business Administration	\$	4,296,381	\$	4,296,381	17671
308 195-618 Energy Federal Grants	\$	3,397,659	\$	3,397,659	17672
335 195-610 Oil Overcharge	\$	3,000,000	\$	3,000,000	17673

TOTAL FED Federal Special Revenue				17674
Fund Group	\$	274,349,427	\$ 274,349,427	17675
State Special Revenue Fund Group				17676
4F2 195-639 State Special Projects	\$	290,183	\$ 290,183	17677
4F2 195-676 Promote Ohio	\$	5,228,210	\$ 5,228,210	17678
4S0 195-630 Enterprise Zone	\$	275,000	\$ 275,000	17679
Operating				
4S1 195-634 Job Creation Tax	\$	375,800	\$ 375,800	17680
Credit Operating				
4W1 195-646 Minority Business	\$	2,580,597	\$ 2,580,597	17681
Enterprise Loan				
444 195-607 Water and Sewer	\$	523,775	\$ 523,775	17682
Commission Loans				
450 195-624 Minority Business	\$	53,967	\$ 53,967	17683
Bonding Program				
Administration				
451 195-625 Economic Development	\$	2,358,311	\$ 2,358,311	17684
Financing Operating				
5CA 195-678 Shovel Ready Sites	\$	5,000,000	\$ 5,000,000	17685
5CG 195-679 Alternative Fuel	\$	150,000	\$ 1,150,000	17686
Transportation				
5CV 195-680 Defense Conversion	\$	1,000,000	\$ 0	17687
Assistance				
5CY 195-682 Lung Cancer and Lung	\$	10,000,000	\$ 0	17688
Disease Research				
5M4 195-659 Universal Service	\$	210,000,000	\$ 210,000,000	17689
5M5 195-660 Energy Efficiency Loan	\$	12,000,000	\$ 12,000,000	17690
and Grant				
5X1 195-651 Exempt Facility	\$	25,000	\$ 25,000	17691
Inspection				
611 195-631 Water and Sewer	\$	15,713	\$ 15,713	17692
Administration				
617 195-654 Volume Cap	\$	200,000	\$ 200,000	17693

		Administration				
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000 17694
TOTAL SSR State Special Revenue 17695						
Fund Group			\$	303,076,556	\$	293,076,556 17696
Facilities Establishment Fund Group 17697						
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000 17698
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000 17699
037	195-615	Facilities Establishment	\$	63,931,149	\$	63,931,149 17700
						<u>105,131,149</u>
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000 17701
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000 17702
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000 17703
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000 17704
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000 17705
TOTAL 037 Facilities 17706						
Establishment Fund Group			\$	179,406,149	\$	179,406,149 17707
						<u>220,606,149</u>
Clean Ohio Revitalization Fund 17708						
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000 17709
TOTAL 003 Clean Ohio Revitalization \$ 350,000 \$ 350,000 17710						
Fund						
Third Frontier Research & Development Fund Group 17711						
011	195-686	Third Frontier Operating	\$	713,028	\$	1,932,056 17712

011 195-687	Third Frontier	\$	100,000,000	\$	100,000,000	17713
	Research & Development					
	Projects					
TOTAL 011	Third Frontier Research & Development Fund Group	\$	100,713,028	\$	101,932,056	17714
	Job Ready Site Development Fund Group					17715
012 195-688	Job Ready Site	\$	622,200	\$	746,155	17716
	Operating					
TOTAL 012	Job Ready Site Development Fund Group	\$	622,200	\$	746,155	17717
TOTAL ALL BUDGET FUND GROUPS		\$	974,764,806	\$	983,891,875	17718
					<u>1,025,091,875</u>	

Section 403.11. That existing Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as most recently amended by Sub. H.B. 245 of the 126th General Assembly, is hereby repealed.

Section 405.10. That Section 203.27 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Sub. H.B. 440 of the 126th General Assembly, be amended to read as follows:

Sec. 203.27. AIR AIR QUALITY DEVELOPMENT AUTHORITY

	General Revenue Fund					17727
GRF 898-401	FutureGen Assistance	\$	0	\$	1,000,000	17728
GRF 898-402	Coal Development	\$	568,814	\$	573,814	17729
	Office					
GRF 898-901	Coal R&D General	\$	7,071,100	\$	8,980,800	17730
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	7,639,914	\$	10,554,614	17731
	State Special Revenue Fund Group					17732
5DR 898-606	FutureGen Initiative	\$	0	\$	250,000	17733

TOTAL SSR State Special Revenue	\$	0	\$	250,000	17734
Fund Group					
Agency Fund Group					17735
4Z9 898-602 Small Business	\$	263,165	\$	264,196	17736
Ombudsman					
5A0 898-603 Small Business	\$	71,087	\$	71,087	17737
Assistance					
570 898-601 Operating Expenses	\$	256,875	\$	263,693	17738
TOTAL AGY Agency Fund Group	\$	591,127	\$	598,976	17739
Coal Research/Development Fund					17740
046 898-604 Coal Research and	\$	10,000,000	\$	10,000,000	17741
Development Fund					
TOTAL 046 Coal	\$	10,000,000	\$	10,000,000	17742
Research/Development Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	18,231,041	\$	21,403,590	17743
COAL DEVELOPMENT OFFICE					17744
The foregoing appropriation item GRF 898-402, Coal					17745
Development Office, shall be used for the administrative costs of					17746
the Coal Development Office.					17747
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					17748
The foregoing appropriation item GRF 898-901, Coal R & D					17749
General Obligation Debt Service, shall be used to pay all debt					17750
service and related financing costs at the times they are required					17751
to be made under sections 151.01 and 151.07 of the Revised Code					17752
during the period from July 1, 2005, to June 30, 2007. The Office					17753
of the Sinking Fund or the Director of Budget and Management shall					17754
effectuate the required payments by intrastate transfer voucher.					17755
SCIENCE AND TECHNOLOGY COLLABORATION					17756
The Air Quality Development Authority shall work in close					17757
collaboration with the Department of Development, the Board of					17758

Regents, and the Third Frontier Commission in relation to 17759
appropriation items and programs referred to as Alignment Programs 17760
in the following paragraph, and other technology-related 17761
appropriations and programs in the Department of Development, Air 17762
Quality Development Authority, and the Board of Regents as those 17763
agencies may designate, to ensure implementation of a coherent 17764
state strategy with respect to science and technology. 17765

To the extent permitted by law, the Air Quality Development 17766
Authority shall assure that coal research and development 17767
programs, proposals, and projects consider or incorporate 17768
appropriate collaborations with Third Frontier Project programs 17769
and grantees and with Alignment Programs and grantees. 17770

"Alignment Programs" means: appropriation items 195-401, 17771
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 17772
Third Frontier Action Fund; 898-604, Coal Research and Development 17773
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 17774
Institute of Technology; 235-510, Ohio Supercomputer Center; 17775
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 17776
235-535, Ohio Agricultural Research and Development Center; 17777
235-553, Dayton Area Graduate Studies Institute; 235-554, 17778
Priorities in Collaborative Graduate Education; 235-556, Ohio 17779
Academic Resources Network; and 195-435, Biomedical Research and 17780
Technology Transfer Trust. 17781

Consistent with the recommendations of the Governor's 17782
Commission on Higher Education and the Economy, Alignment Programs 17783
shall be managed and administered (1) to build on existing 17784
competitive research strengths, (2) to encourage new and emerging 17785
discoveries and commercialization of ideas and products that will 17786
benefit the Ohio economy, and (3) to assure improved collaboration 17787
among Alignment Programs, with programs administered by the Third 17788
Frontier Commission, and with other state programs that are 17789
intended to improve economic growth and job creation. 17790

As directed by the Third Frontier Commission, Alignment 17791
Program managers shall report to the Commission or to the Third 17792
Frontier Advisory Board on the contributions of their programs to 17793
achieving the objectives stated in the preceding paragraph. 17794

Each alignment program shall be reviewed annually by the 17795
Third Frontier Commission with respect to its development of 17796
complementary relationships within a combined state science and 17797
technology investment portfolio and its overall contribution to 17798
the state's science and technology strategy, including the 17799
adoption of appropriately consistent criteria for: (1) the 17800
scientific merit of activities supported by the program; (2) the 17801
relevance of the program's activities to commercial opportunities 17802
in the private sector; (3) the private sector's involvement in a 17803
process that continually evaluates commercial opportunities to use 17804
the work supported by the program; and (4) the ability of the 17805
program and recipients of grant funding from the program to engage 17806
in activities that are collaborative, complementary, and efficient 17807
with respect to the expenditure of state funds. Each alignment 17808
program shall provide annual reports to the Third Frontier 17809
Commission discussing existing, planned, or possible 17810
collaborations between programs and recipients of grant funding 17811
related to technology, development, commercialization, and 17812
supporting Ohio's economic development. The annual review by the 17813
Third Frontier Commission shall be a comprehensive review of the 17814
entire state science and technology program portfolio rather than 17815
a review of individual programs. 17816

Applicants for Third Frontier and Alignment Program funding 17817
shall identify their requirements for high-performance computing 17818
facilities and services, including both hardware and software, in 17819
all proposals. If an applicant's requirements exceed approximately 17820
\$100,000 for a proposal, the Ohio Supercomputer Center shall 17821
convene a panel of experts. The panel shall review the proposal to 17822

determine whether the proposal's requirements can be met through 17823
Ohio Supercomputer Center facilities or through other means and 17824
report its conclusion to the Third Frontier Commission. 17825

To ensure that the state receives the maximum benefit from 17826
its investment in the Third Frontier Project and the Third 17827
Frontier Network, organizations receiving Third Frontier awards 17828
and Alignment Program awards shall, as appropriate, be expected to 17829
have a connection to the Third Frontier Network that enables them 17830
and their collaborators to achieve award objectives through the 17831
Third Frontier Network. 17832

FUTUREGEN ASSISTANCE 17833

The foregoing appropriation item GRF 898-401, FutureGen 17834
Assistance, shall be used to make grants for the drilling of a 17835
test well to assist the state's efforts to secure or support the 17836
development and operation of the United States Department of 17837
Energy FutureGen Initiative pursuant to section 3706.01 of the 17838
Revised Code, as amended by this act. 17839

FUTUREGEN INITIATIVE 17840

The foregoing appropriation item 5DR 898-606, FutureGen 17841
Initiative, shall be used to make grants for the drilling of a 17842
test well to assist the state's efforts to secure or support the 17843
development and operation of the United States Department of 17844
Energy FutureGen Initiative pursuant to section 3706.01 of the 17845
Revised Code, as amended by this act. 17846

Section 405.11. That existing Section 203.27 of Am. Sub. H.B. 17847
66 of the 126th General Assembly, as amended by Sub. H.B. 440 of 17848
the 126th General Assembly, is hereby repealed. 17849

Section 405.16. That Section 209.63 of Am. Sub. H.B. 66 of 17850
the 126th General Assembly, as amended by Sub. H.B. 478 and Am. 17851

Sub. H.B. 530, both of the 126th General Assembly, be amended to 17852
read as follows: 17853

Sec. 209.63. BOR BOARD OF REGENTS 17854

General Revenue Fund 17855

GRF 235-321 Operating Expenses \$ 2,897,659 \$ ~~2,966,351~~ 17856
2,991,351

GRF 235-401 Lease Rental Payments \$ 200,619,200 \$ 200,795,300 17857

GRF 235-402 Sea Grants \$ 231,925 \$ 231,925 17858

GRF 235-406 Articulation and \$ 2,900,000 \$ 2,900,000 17859
Transfer

GRF 235-408 Midwest Higher \$ 90,000 \$ 90,000 17860
Education Compact

GRF 235-409 Information System \$ 1,146,510 \$ 1,175,172 17861

GRF 235-414 State Grants and \$ 1,352,811 \$ 1,382,881 17862
Scholarship
Administration

GRF 235-415 Jobs Challenge \$ 9,348,300 \$ 9,348,300 17863

GRF 235-417 Ohio Learning Network \$ 3,119,496 \$ 3,119,496 17864

GRF 235-418 Access Challenge \$ 73,513,302 \$ ~~73,004,671~~ 17865
74,754,671

GRF 235-420 Success Challenge \$ 52,601,934 \$ 52,601,934 17866

GRF 235-428 Appalachian New \$ 1,176,068 \$ 1,176,068 17867
Economy Partnership

GRF 235-433 Economic Growth \$ 20,343,097 \$ 23,186,194 17868
Challenge

GRF 235-434 College Readiness and \$ 6,375,975 \$ 7,655,425 17869
Access

GRF 235-435 Teacher Improvement \$ 2,697,506 \$ 2,697,506 17870
Initiatives

GRF 235-451 Eminent Scholars \$ 0 \$ 1,370,988 17871

GRF 235-455 EnterpriseOhio Network \$ 1,373,941 \$ 1,373,941 17872

GRF 235-474	Area Health Education Centers Program Support	\$ 1,571,756	\$ 1,571,756	17873
GRF 235-501	State Share of Instruction	\$ 1,559,096,031	\$ 1,589,096,031	17874
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	17875
GRF 235-503	Ohio Instructional Grants	\$ 121,151,870	\$ 92,496,969	17876
GRF 235-504	War Orphans Scholarships	\$ 4,672,321	\$ 4,672,321	17877
GRF 235-507	OhioLINK	\$ 6,887,824	\$ 6,887,824	17878
GRF 235-508	Air Force Institute of Technology	\$ 1,925,345	\$ 1,925,345	17879
GRF 235-510	Ohio Supercomputer Center	\$ 4,271,195	\$ 4,271,195	17880
GRF 235-511	Cooperative Extension Service	\$ 25,644,863	\$ 25,644,863	17881
GRF 235-513	Ohio University Voinovich Center	\$ 336,082	\$ 336,082	17882
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,011,271	\$ 3,011,271	17883
GRF 235-518	Capitol Scholarship Program	\$ 125,000	\$ 125,000	17884
GRF 235-519	Family Practice	\$ 4,548,470	\$ 4,548,470	17885
GRF 235-520	Shawnee State Supplement	\$ 1,918,830	1,822,889 <u>2,056,986</u>	17886
GRF 235-521	The Ohio State University Glenn Institute	\$ 286,082	\$ 286,082	17887
GRF 235-524	Police and Fire Protection	\$ 171,959	\$ 171,959	17888

GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	17889
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	17890
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	17891
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	17892
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376	17893
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500	17894
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188	17895
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	17896
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	17897
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	17898
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	17899
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	17900
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	17901
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000	17902
GRF 235-547	School of	\$	450,000	\$	450,000	17903

	International Business				
GRF 235-549	Part-time Student	\$	14,457,721	\$	10,534,617 17904
	Instructional Grants				
GRF 235-552	Capital Component	\$	19,059,866	\$	19,059,866 17905
GRF 235-553	Dayton Area Graduate	\$	2,806,599	\$	2,806,599 17906
	Studies Institute				
GRF 235-554	Priorities in	\$	2,355,548	\$	2,355,548 17907
	Collaborative Graduate				
	Education				
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458 17908
GRF 235-556	Ohio Academic	\$	3,727,223	\$	3,727,223 17909
	Resources Network				
GRF 235-558	Long-term Care	\$	211,047	\$	211,047 17910
	Research				
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015 17911
	University Canadian				
	Studies Center				
GRF 235-563	Ohio College	\$	0	\$	58,144,139 17912
	Opportunity Grant				
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019 17913
	University Clinic				
	Support				
GRF 235-583	Urban University	\$	4,992,937	\$	4,992,937 17914
	Program				
GRF 235-587	Rural University	\$	1,147,889	\$	1,147,889 17915
	Projects				
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435 17916
	Program				
GRF 235-599	National Guard	\$	15,128,472	\$	16,611,063 17917
	Scholarship Program				
GRF 235-909	Higher Education	\$	137,600,300	\$	152,114,100 17918
	General Obligation				
	Debt Service				

TOTAL GRF General Revenue Fund	\$ 2,469,261,760	\$ 2,548,148,872	17919
		<u>2,550,132,969</u>	
General Services Fund Group			17920
220 235-614 Program Approval and Reauthorization	\$ 400,000	\$ 400,000	17921
456 235-603 Sales and Services	\$ 700,000	\$ 900,000	17922
TOTAL GSF General Services Fund Group	\$ 1,100,000	\$ 1,300,000	17923 17924
Federal Special Revenue Fund Group			17925
3H2 235-608 Human Services Project	\$ 1,500,000	\$ 1,500,000	17926
3H2 235-622 Medical Collaboration Network	\$ 3,346,143	\$ 3,346,143	17927
3N6 235-605 State Student Incentive Grants	\$ 2,196,680	\$ 2,196,680	17928
3T0 235-610 National Health Service Corps - Ohio Loan Repayment	\$ 150,001	\$ 150,001	17929
312 235-609 Tech Prep	\$ 183,850	\$ 183,850	17930
312 235-611 Gear-up Grant	\$ 1,370,691	\$ 1,370,691	17931
312 235-612 Carl D. Perkins Grant/Plan Administration	\$ 112,960	\$ 112,960	17932
312 235-615 Professional Development	\$ 523,129	\$ 523,129	17933
312 235-617 Improving Teacher Quality Grant	\$ 2,900,000	\$ 2,900,000	17934
312 235-619 Ohio Supercomputer Center	\$ 6,000,000	\$ 6,000,000	17935
312 235-621 Science Education Network	\$ 1,686,970	\$ 1,686,970	17936
312 235-631 Federal Grants	\$ 250,590	\$ 250,590	17937
TOTAL FED Federal Special Revenue			17938

Fund Group	\$	20,221,014	\$	20,221,014	17939
State Special Revenue Fund Group					17940
4E8 235-602 Higher Educational Facility Commission Administration	\$	55,000	\$	55,000	17941
4P4 235-604 Physician Loan Repayment	\$	476,870	\$	476,870	17942
649 235-607 The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	17943
682 235-606 Nursing Loan Program	\$	893,000	\$	893,000	17944
TOTAL SSR State Special Revenue Fund Group					17945
	\$	2,184,870	\$	2,184,870	17946
TOTAL ALL BUDGET FUND GROUPS	\$	2,492,767,644	\$	2,571,854,756 <u>2,573,838,853</u>	17947

Section 405.17. That existing Section 209.63 of Am. Sub. H.B. 17949
66 of the 126th General Assembly, as amended by Sub. H.B. 478 and 17950
Am. Sub. H.B. 530, both of the 126th General Assembly, is hereby 17951
repealed. 17952

Section 411.10. That Section 212.30 of Am. Sub. H.B. 66 of 17953
the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 17954
126th General Assembly, be amended to read as follows: 17955

Sec. 212.30. DVM STATE VETERINARY MEDICAL BOARD 17956

General Services Fund Group 17957

4K9 888-609 Operating Expenses	\$	293,691	\$	307,000	17958
5BU 888-602 Veterinary Student Loan Program	\$	60,000	\$	60,000	17959
TOTAL GSF General Services Fund Group					17960
	\$	353,691	\$	367,000	17961

TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$	367,000	17962
CASH TRANSFER TO VETERINARY STUDENT LOAN PROGRAM <u>VETERINARIAN</u>					17963
<u>LOAN REPAYMENT</u> FUND (FUND 5BU)					17964
On July 1, 2005, or as soon as possible thereafter, the					17965
Director of Budget and Management shall transfer \$60,000 in cash					17966
from the Occupational Licensing and Regulatory Fund (Fund 4K9) to					17967
the Veterinary Student Loan Program <u>Veterinarian Loan Repayment</u>					17968
Fund (Fund 5BU), which is hereby created <u>in division (B) of</u>					17969
<u>section 4741.46 of the Revised Code</u> . The amount of the transfer is					17970
hereby appropriated.					17971
VETERINARY STUDENT LOAN PROGRAM					17972
The foregoing appropriation item 888-602, Veterinary Student					17973
Loan Program, shall be used by the Veterinary Medical Licensing					17974
Board to implement a student loan repayment program for veterinary					17975
students focusing on large animal populations, public health, or					17976
regulatory veterinary medicine.					17977
Section 411.11. That existing Section 212.30 of Am. Sub. H.B.					17978
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530					17979
of the 126th General Assembly, is hereby repealed.					17980
Section 415.10. That Sections 243.10 and 287.20 of Am. Sub.					17981
H.B. 530 of the 126th General Assembly be amended to read as					17982
follows:					17983
Sec. 243.10. All items set forth in this section are hereby					17984
appropriated out of any moneys in the state treasury to the credit					17985
of the Cultural and Sports Facilities Building Fund (Fund 030)					17986
that are not otherwise appropriated:					17987
				Reappropriations	
AFC CULTURAL FACILITIES COMMISSION					17988
CAP-003 Center of Science and Industry - Toledo	\$			7,542	17989

CAP-033	Woodward Opera House Renovation	\$	1,150,000	17990
CAP-038	Center Exhibit Replacement	\$	816,000	17991
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000	17992
CAP-043	Statewide Site Repairs	\$	200,100	17993
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	17994
CAP-053	Powers Auditorium Improvements	\$	250,000	17995
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	17996
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	17997
CAP-064	Bramley Historic House	\$	75,000	17998
CAP-065	Beck Center for the Cultural Arts	\$	100,000	17999
CAP-066	Delaware County Cultural Arts Center	\$	40,000	18000
CAP-071	Cleveland Institute of Music	\$	1,500,000	18001
CAP-072	West Side Arts Consortium	\$	138,000	18002
CAP-073	Ice Arena Development	\$	5,500,000	18003
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	18004
CAP-075	McKinley Museum Improvements	\$	125,000	18005
CAP-076	Spring Hill Historic Home	\$	125,000	18006
CAP-079	Lorain Palace Civic Theatre	\$	200,000	18007
CAP-080	Great Lakes Historical Society	\$	150,000	18008
CAP-745	Historic Sites and Museums	\$	604,453	18009
CAP-753	Buffington Island State Memorial	\$	73,500	18010
CAP-769	Rankin House State Memorial	\$	192,000	18011
CAP-781	Historical Center Archives/Library	\$	624,000	18012
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	18013
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	18014
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	18015
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	18016
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	18017
CAP-821	Lorain County Historical Society	\$	300,000	18018

CAP-822	Armory Youth Center	\$	40,000	18019
CAP-823	Marion Palace Theatre	\$	1,575,000	18020
CAP-824	McConnellsville Opera House	\$	75,000	18021
CAP-825	Secrest Auditorium	\$	75,000	18022
CAP-826	Renaissance Theatre	\$	700,000	18023
CAP-827	Trumpet in the Land	\$	100,000	18024
CAP-829	Mid-Ohio Valley Players	\$	80,000	18025
CAP-830	The Anchorage	\$	50,000	18026
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	18027
CAP-835	Jamestown Opera House	\$	125,000	18028
CAP-837	Lake County Historical Society	\$	250,000	18029
CAP-839	Hancock Historical Society	\$	75,000	18030
CAP-840	Riversouth Development	\$	1,000,000	18031
CAP-841	Ft. Piqua Hotel	\$	200,000	18032
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000	18033
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	18034
CAP-845	Lima Historic Athletic Field	\$	100,000	18035
CAP-846	Butler Palace Theatre	\$	200,000	18036
CAP-847	Voice Of America Museum	\$	275,000	18037
CAP-848	Oxford Arts Center ADA Project	\$	72,000	18038
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	18039
CAP-850	Westcott House Historic Site	\$	75,000	18040
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	18041
CAP-852	Miami Township Community Amphitheatre	\$	50,000	18042
CAP-853	Western Reserve Historical Society	\$	1,000,000	18043
CAP-854	<u>Cleveland</u> Steamship Mather Museum	\$	100,000	18044
CAP-855	Rock and Roll Hall of Fame	\$	250,000	18045
CAP-858	Strongsville Historic Building	\$	100,000	18046
CAP-859	Arts Castle	\$	100,000	18047

CAP-860	Great Lakes Historical Society	\$	325,000	18048
CAP-861	Ohio Glass Museum	\$	250,000	18049
CAP-863	Ariel Theatre	\$	100,000	18050
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	18051
CAP-867	Ensemble Theatre	\$	450,000	18052
CAP-868	Taft Museum	\$	500,000	18053
CAP-869	Art Academy of Cincinnati	\$	100,000	18054
CAP-870	Riverbend Pavilion Improvements	\$	250,000	18055
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	18056
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	18057
CAP-873	John Bloomfield Home Restoration	\$	115,000	18058
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	18059
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	18060
CAP-876	Art Deco Markay Theatre	\$	200,000	18061
CAP-877	Harvey Wells House	\$	100,000	18062
CAP-879	Broad Street Historical Renovation	\$	300,000	18063
CAP-880	Amherst Historical Society	\$	35,000	18064
CAP-881	COSI - Toledo	\$	1,580,000	18065
CAP-882	Ohio Theatre - Toledo	\$	100,000	18066
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	18067
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	18068
CAP-885	Montgomery County Historical Society Archives	\$	100,000	18069
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	18070
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	18071
CAP-888	Preble County Historical Society	\$	100,000	18072
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	18073
CAP-890	Pro Football Hall of Fame	\$	400,000	18074
CAP-891	Maps Air Museum	\$	15,000	18075
CAP-892	Foundation Community Theatre	\$	50,000	18076

CAP-893	William McKinley Library Restoration	\$	250,000	18077
CAP-896	Richard Howe House	\$	100,000	18078
CAP-897	Ward-Thomas Museum	\$	30,000	18079
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000	18080
			<u>675,000</u>	
CAP-899	Holland Theatre	\$	100,000	18081
CAP-900	Van Wert Historical Society	\$	32,000	18082
CAP-901	Warren County Historical Society	\$	225,000	18083
CAP-902	Marietta Colony Theatre	\$	335,000	18084
CAP-903	West Salem Village Opera House	\$	92,000	18085
CAP-904	Beavercreek Community Theater	\$	100,000	18086
CAP-905	Smith Orr Homestead	\$	100,000	18087
Total Cultural Facilities Commission		\$	39,831,048	18088
			<u>39,431,048</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	39,831,048	18089
			<u>39,431,048</u>	

ICE ARENA DEVELOPMENT 18090

The amount reappropriated for the foregoing appropriation 18091
item CAP-073, Ice Arena Development, is the unencumbered and 18092
unallotted balance, as of June 30, 2006, in appropriation item 18093
CAP-073, Ice Arena Development, which prior to July 1, 2006, was 18094
named "Marina District/Ice Arena Development," plus \$2,000,000. 18095

Notwithstanding any provision of law to the contrary, on July 18096
1, 2006, or as soon thereafter as possible, the Director of Budget 18097
and Management shall transfer \$2,000,000 from CAP-843, Marina 18098
District Amphitheatre and Related Development, which prior to July 18099
1, 2006, was named "Marina District/Ice Arena Development," to 18100
CAP-073, Ice Arena Development. 18101

The foregoing appropriation item CAP-073, Ice Arena 18102
Development, shall ~~by~~ be used by the ~~City of Toledo~~ County of 18103
Lucas for the development of an ice arena in the City of Toledo. 18104

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT 18105

The amount reappropriated for the foregoing appropriation 18106
item CAP-843, Marina District Amphitheatre and Related 18107
Development, is the unencumbered and unallotted balance, as of June 18108
30, 2006, in appropriation item CAP-843, Marina District 18109
Amphitheatre and Related Development, which prior to July 1, 2006, 18110
was named "Marina District/Ice Arena Development," minus 18111
\$2,000,000. 18112

The foregoing appropriation item CAP-843, Marina District 18113
Amphitheatre and Related Development, shall be used by the City of 18114
Toledo for the development of an amphitheatre and related 18115
developments in the Marina District of Toledo. 18116

PACKARD MUSIC HALL RENOVATIONS PROJECT 18117

The amount reappropriated for the foregoing appropriation 18118
item CAP-898, Packard Music Hall Renovation Project, is the 18119
unencumbered and unallotted balance, as of June 30, 2006, in 18120
appropriation item CAP-898, Packard Music Hall Renovation Project, 18121
plus ~~\$975,000~~ \$575,000 of the unencumbered and unallotted balance, 18122
as of June 30, 2006, in appropriation item CAP-063, Robins Theatre 18123
Renovations. 18124

Sec. 287.20. DMH/DMR - MENTAL HEALTH FACILITY IMPROVEMENT 18125
FUND 033 18126

The Treasurer of State is hereby authorized to issue and 18127
sell, in accordance with ~~Section~~ Sections 2i and 16 of Article 18128
VIII, Ohio Constitution, Chapter 154. and particularly section 18129
154.20 of the Revised Code, original obligations in an aggregate 18130
principal amount not to exceed \$5,000,000, in addition to the 18131
original issuance of obligations heretofore authorized by prior 18132
acts of the General Assembly. These authorized obligations shall 18133
be issued and sold from time to time, subject to applicable 18134

constitutional and statutory limitations, as needed to ensure 18135
sufficient moneys to the credit of the Mental Health Facilities 18136
Improvement Fund (Fund 033) to pay costs of capital facilities for 18137
mental hygiene and retardation." 18138

Section 415.11. That existing Sections 243.10 and 287.20 of 18139
Am. Sub. H.B. 530 of the 126th General Assembly are hereby 18140
repealed. 18141

Section 501.10. The item in this section is hereby 18142
appropriated as designated out of any moneys in the state treasury 18143
to the credit of the State Special Revenue Fund Group. For the 18144
appropriation made in this section, that in the first column is 18145
for fiscal year 2006 and that in the second column is for fiscal 18146
year 2007. The appropriation made in this section is in addition 18147
to any other appropriations made for the fiscal years 2006-2007 18148
biennium. 18149

JLE JOINT LEGISLATIVE ETHICS COMMITTEE 18150

State Special Revenue Fund Group 18151

4G7 028-601 Joint Legislative	\$	0	\$	100,000	18152
-------------------------------	----	---	----	---------	-------

Ethics Committee

TOTAL SSR State Special Revenue	\$	0	\$	100,000	18153
---------------------------------	----	---	----	---------	-------

Fund

TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000	18154
------------------------------	----	---	----	---------	-------

Within the limits set forth in this act, the Director of 18155
Budget and Management shall establish accounts indicating the 18156
source and amount of funds for the appropriation made in this 18157
section, and shall determine the form and manner in which the 18158
appropriation accounts shall be maintained. Expenditures from the 18159
appropriation contained in this section shall be accounted for as 18160
though made in H.B. 66 of the 126th General Assembly. 18161

The appropriation made in this section is subject to all 18162

provisions of H.B. 66 of the 126th General Assembly that are 18163
generally applicable to such an appropriation. 18164

Section 501.20. Notwithstanding sections 101.02 and 101.27 of 18165
the Revised Code, the members of the Senate elected majority floor 18166
leader, assistant majority floor leader, and majority whip for the 18167
127th General Assembly shall receive an annual salary that is 18168
equal to the annual salary prescribed under section 101.27 of the 18169
Revised Code for the respective members of the House of 18170
Representatives elected majority floor leader, assistant majority 18171
floor leader, and majority whip for the 127th General Assembly. 18172
The compensation specified in this section for the members of the 18173
Senate elected majority floor leader, assistant majority floor 18174
leader, and majority whip for the 127th General Assembly shall, 18175
for the remainder of fiscal year 2007, be paid from the fiscal 18176
year 2007 appropriations made to the Senate. 18177

Section 503.10. OHIO COMMUNITY SERVICE COUNCIL DEPOSIT 18178

On January 1, 2007, or as soon as possible thereafter, the 18179
Director of the Ohio Community Service Council may certify to the 18180
Director of Budget and Management the amount of cash posted to the 18181
Ohio Community Service Council Programs Fund (Fund 3R7) that 18182
should have been deposited to the OCSC Community Support Fund 18183
(Fund 624). The Director of Budget and Management may transfer 18184
cash up to the amount certified from the Ohio Community Service 18185
Council Programs Fund (Fund 3R7) to the OCSC Community Support 18186
Fund (Fund 624). 18187

Section 503.20. The amendments of this act to sections 154.02 18188
and 154.20 of the Revised Code, Section 22.07 of Am. Sub. H.B. 16 18189
of the 126th General Assembly, and Section 287.20 of Am. Sub. H.B. 18190
530 of the 126th General Assembly apply to any proceedings 18191
commenced after the effective date of those amendments, and, so 18192

far as those amendments support the actions taken, also apply to 18193
any proceedings that on that effective date are pending, in 18194
progress, or completed, and to the securities authorized or issued 18195
or obligations entered into under or pursuant to those 18196
proceedings, notwithstanding the applicable law previously in 18197
effect or any provision to the contrary in a prior resolution, 18198
order, notice, or other proceeding. Any proceedings pending or in 18199
progress on the effective date of those amendments, and securities 18200
sold, issued, and delivered, or obligations entered into under or 18201
pursuant to those proceedings, shall be deemed to have been taken, 18202
and authorized, sold, issued, delivered, and entered into, in 18203
conformity with those amendments. 18204

Section 503.21. The Directors of Mental Health and of Mental 18205
Retardation and Developmental Disabilities shall amend any rules 18206
either Director previously adopted pursuant to section 154.20 of 18207
the Revised Code to the extent necessary to conform to the 18208
amendments of this act to sections 154.02 and 154.20 of the 18209
Revised Code, Section 22.07 of Am. Sub. H.B. 16 of the 126th 18210
General Assembly, and Section 287.20 of Am. Sub. H.B. 530 of the 18211
126th General Assembly. 18212

Section 505.10. The amendment by this act to division (C) of 18213
section 2305.26 of the Revised Code applies to liens filed with 18214
the county recorder before, on, or after the effective date of the 18215
amendment. 18216

Section 507.10. TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE 18217
FUND ENDING BALANCES 18218

Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of 18219
section 131.44 of the Revised Code, the Director of Budget and 18220
Management may transfer up to \$100,000,000 of the fiscal year 2007 18221

General Revenue Fund surplus to the Public School Building Fund 18222
(Fund 021). 18223

Section 507.20. TRANSFER FROM HALF-MILL EQUALIZATION FUND 18224

Notwithstanding division (F) of section 3318.18 of the 18225
Revised Code, between June 1, 2007, and June 30, 2007, the 18226
Director of Budget and Management may transfer up to \$60,000,000 18227
in cash from the Half-Mill Equalization Fund (Fund 5BJ) to the 18228
Public School Building Fund (Fund 021). 18229

Section 509.10. HEALTH EMERGENCY FUND 18230

The Health Emergency Fund (Fund 5EC) is hereby created in the 18231
state treasury. The fund may be used by the Department of Health 18232
to purchase vaccines and antiviral drugs to stockpile for pandemic 18233
flu. The Director of Budget and Management, in consultation with 18234
the Director of Health, shall determine the amount of 18235
appropriation needed. The amount so determined is hereby 18236
appropriated. The Director of Budget and Management may transfer 18237
up to \$17,500,000 in cash from the General Revenue Fund to the 18238
Health Emergency Fund (Fund 5EC) as needed. The Director of Budget 18239
and Management shall submit a letter to the Governor, the 18240
President and Minority Leader of the Senate, and the Speaker and 18241
Minority Leader of the House of Representatives detailing the cash 18242
transfers. 18243

Section 511.10. TANF INITIATIVES 18244

The Department of Job and Family Services, in accordance with 18245
sections 5101.80 and 5101.801 of the Revised Code, shall take the 18246
steps necessary, through interagency agreements, adoption of 18247
rules, or otherwise as determined by the Department, to implement 18248
and administer the Title IV-A programs identified in this section. 18249

STRENGTHENING FAMILIES INITIATIVE 18250

The Department of Job and Family Services shall use up to \$11 million in fiscal year 2007 to reimburse the Governor's Office of Faith-Based and Community Initiatives (GOFBCI) pursuant to section 5101.801 of the Revised Code for projects that are part of the Ohio Strengthening Families Initiative.

TANF EDUCATIONAL AWARDS PROGRAM 18256

The Department of Job and Family Services shall use up to \$30 million in fiscal year 2007 to reimburse the Ohio Board of Regents pursuant to section 5101.801 of the Revised Code for initiatives addressing postsecondary tuition and educational expenses not covered by other grant programs that target low-income students.

ADOPTION PROMOTION 18262

Up to \$5 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide additional support for initiatives aimed at increasing the number of adoptions including recruiting, promoting, and supporting adoptive families.

CHILD CARE SUBSIDY 18268

Up to \$15 million shall be used in fiscal year 2007 for the Title IV-A non-assistance child-care subsidy program pursuant to section 5101.801 of the Revised Code to help additional needy working families with the cost of child care.

EARLY LEARNING QUALITY AND AVAILABILITY 18273

Up to \$5 million shall be used in fiscal year 2007 for TANF 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.

INDEPENDENT LIVING INITIATIVES 18280

Up to \$2.5 million shall be used in fiscal year 2007 for TANF 18281
eligible activities pursuant to section 5101.801 of the Revised 18282
Code to support independent living initiatives, including but not 18283
limited to life-skills training and work supports for older 18284
children in foster care and those who have recently aged-out of 18285
foster care. 18286

HOME ENERGY ASSISTANCE PROGRAM 18287

The Department of Job and Family Services shall use up to \$45 18288
million in fiscal year 2007 to reimburse the Ohio Department of 18289
Development pursuant to section 5101.801 of the Revised Code for 18290
allowable expenditures of the Title IV-A Home Energy Assistance 18291
Program during the 2006-2007 HEAP winter heating season. 18292

FOOD BOXES 18293

Up to \$1.5 million shall be used in fiscal year 2007 to 18294
reimburse the Ohio network of food banks pursuant to section 18295
5101.801 of the Revised Code for purchase of food boxes for 18296
distribution to TANF eligible families on a one-time basis. 18297

TWO-PARENT OHIO WORKS FIRST CASELOAD 18298

Up to \$7 million shall be used in fiscal year 2007 for TANF 18299
eligible activities pursuant to section 5101.801 of the Revised 18300
Code to enhance county operated work and support programs 18301
targeting the two-parent Ohio Works First caseload. 18302

The Department of Job and Family Services shall make TANF 18303
funding available to assist with the programs identified in this 18304
section and provide Title IV-A funds as necessary to implement 18305
these programs. In administering these programs, the state, 18306
county, and private agencies receiving funds from the Department 18307
of Job and Family Services shall comply with the requirements of 18308
the respective interagency agreements, grant agreements, sections 18309
5101.80 and 5101.801 of the Revised Code, Title IV-A of the Social 18310

Security Act, rules adopted by the Department of Job and Family
Services, and other directives from the Department of Job and
Family Services as appropriate. 18311
18312
18313

Section 513.10. FEDERAL JUSTICE PROGRAMS FUNDS 18314

On the effective date of this section, or as soon as possible
thereafter, the Director of Public Safety shall certify the
following to the Director of Budget and Management: 18315
18316
18317

(A) The federal justice program funds to be created in the
accounting system pursuant to the amendment by this act of section
5502.62 of the Revised Code and appropriation items to be created
within those funds. 18318
18319
18320
18321

(B) The amount of cash to be transferred from the Federal
Justice Programs Fund (Fund 3AY) in the Department of Public
Safety to the funds created pursuant to division (A) of this
section. 18322
18323
18324
18325

(C) The amount of appropriation authority to be transferred
from existing appropriation items to the Federal Justice Programs
Fund in the Department of Public Safety to the appropriation items
created pursuant to division (A) of this section. 18326
18327
18328
18329

The Director of Public Safety shall certify only those
amounts required for transfer in order for the department to
comply with the investment earnings retention and distribution
requirements of federal grant awards. 18330
18331
18332
18333

The Director of Budget and Management may create funds in the
accounting system pursuant to section 5502.62 of the Revised Code
upon receiving certification under this section from the Director
of Public Safety. The Director of Budget and Management may
transfer cash and appropriation authority pursuant to the
certification. Any amounts transferred pursuant to the
certification are hereby appropriated. 18334
18335
18336
18337
18338
18339
18340

Section 515.10. Within ninety days after the effective date 18341
of the amendment by this act of section 5709.87 of the Revised 18342
Code, the current owner of record of real property that is subject 18343
to an ongoing exemption previously granted under division 18344
(C)(1)(a) of that section may notify the Tax Commissioner in 18345
writing that the owner elects to discontinue the exemption for the 18346
remainder of its term. Upon receiving such a notification, the 18347
commissioner shall issue an order restoring the property to the 18348
tax list beginning with the year in which the notification was 18349
received. 18350

Section 515.20. It is the intent of the General Assembly that 18351
the amendment to division (P) of section 5739.01 of the Revised 18352
Code is to clarify current law. 18353

Section 520.10. The amendment by this act of sections 133.07, 18354
133.08, 133.20, 307.695, and 5739.09 and the enactment by this act 18355
of section 5709.083 of the Revised Code apply to proceedings 18356
commenced after the effective date of those sections and to any 18357
proceedings commenced or in progress prior to those effective 18358
dates. The authority conferred by those amendments and that 18359
enactment is in addition to, and not in derogation of, any similar 18360
authority conferred by, derived from, or implied by any law, the 18361
Ohio Constitution, a charter, a resolution, or an ordinance. No 18362
inference shall be drawn from those amendments or that enactment 18363
to negate any authority conferred by those sources. 18364

Section 525.10. (A) Pursuant to section 5911.10 of the 18365
Revised Code, the Governor is hereby authorized to execute a deed 18366
in the name of the state conveying to a buyer or buyers to be 18367
determined in the manner provided in division (C) of this section, 18368
and the buyer's or buyers' successors and assigns or heirs and 18369

assigns, all of the state's right, title, and interest in the 18370
following described parcels of real estate that the Adjutant 18371
General has determined are no longer required for armory or 18372
military purposes: 18373

Ashtabula Township. Ashtabula County. State of Ohio 18374

Situated in Ashtabula Township, Ashtabula County, State of Ohio: 18375

Known as being part of the Holmes Tract, and more particularly 18376
described as follows: 18377

Being a parcel of land lying on the left side of the centerline of 18378
survey for State Route 46, Section 27.06, Ashtabula County, Ohio, 18379
made by the Ohio State Department of Highways, and bounded and 18380
described as follows: 18381

Beginning at a point on grantor's southerly property line 165 feet 18382
left of station 1426/04.53; thence northwesterly to a point 160 18383
feet left of station 1429/00; thence continuing northwesterly 18384
parallel with the centerline of survey to a point 160 feet left of 18385
station 1434/00; Thence westerly to a point 175 feet left of 18386
station 1434/79.63; thence westerly to a point 184 feet left of 18387
station 1435/09, said point being in the centerline of County 18388
Highway No. 25 also known as State Road; thence south 0 degrees 18389
16', west along the centerline of State Road a distance of 290 18390
feet to the southwest corner of land conveyed to grantor by 18391
Theodore E. Warren, Trustee, in deed dated January 2, 1952 and 18392
recorded in the deed records of Ashtabula County in deed record 18393
book 469, page 520; thence south 89 degrees 34' east along 18394
grantor's south property line a distance of 532 feet to an iron 18395
pin; thence south 0 degrees 16' west 140.24 feet to an iron pin; 18396
thence south 89 degrees 34' east a distance of 264 feet to the 18397
point of beginning; and containing 2.21 acres, more or less. 18398

Parcel Number: 03-015-00-003-00 18399

Prior Deed Reference: 46-5630 18400

Howey Road Armory 18401

Situate in the City of Columbus, Franklin County, State of Ohio, 18402
and being more fully described as follows: 18403

Said parcel being a part of 80.202 acres acquired from the 18404
Columbus and Southern Ohio Electric Company, December 7, 1951, and 18405
being recorded in Franklin County, Volume 1704, Page 153. 18406

Beginning at an iron pin located at the intersection of the east 18407
right of way of Hiawatha Park Place and the north property line of 18408
the Ohio State Fairgrounds and the east right of way of the North 18409
Freeway, thence north 86 degrees 43'17" east 737.59 feet along the 18410
north property line of the Ohio State Fairgrounds to a point, 18411
thence south 3 degrees 12'14" west 50 feet to a point, thence 18412
south 86 degrees 43'17" east 50 feet to a point, thence north 3 18413
degrees 12'14" east 50 feet to a point in the north property line 18414
of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 18415
17.46 feet to the northeast corner of the Ohio State Fairgrounds, 18416
thence south 3 degrees 12'14" west 1145.00 feet along the east 18417
property line of the Ohio State Fairgrounds to a point at the 18418
intersection of the east right of way of the north freeway, thence 18419
south 25 degrees 55'03" east 695.94 feet along the east right of 18420
way of the North Freeway to a point. Thence south 37 degrees 18421
46'42" east 712.00 feet to the point of beginning containing 9.42 18422
acres, more or less. 18423

Mount Vernon 18424

Situated in the state of Ohio, county of Knox, City of Mount 18425
Vernon and more particularly described as being Lots number Three 18426
Hundred Ninety (390), Three Hundred Ninety One (391) and ten feet 18427
of the east side of Lot Number Four Hundred Seven (407), in 18428
Trimble's Addition to Mount Vernon, County of Knox and the State 18429
of Ohio, as the same are marked on the Plat of said Addition in 18430

the Recorder's Office of Knox County, Ohio in J Book, Volume J, 18431
page 123-124. 18432

Springfield 18433

Situated in the State of Ohio, County of Clark, Township of 18434
Springfield, and described as follows: 18435

Being part of the northwest quarter of Section 3. Township 5, 18436
Range 9, and part of the northeast quarter of Section 9, Township 18437
5, Range 9, between the Miami Rivers Survey. Beginning at a point 18438
in the center line of the Laybourne Road, north 85 degrees 27' 18439
west 370.0 feet from the intersection of said centerline with the 18440
center line of State Route 70 (Springfield and Washington C.H. 18441
Road); thence with the center line of the Laybourne Road, north 85 18442
degrees 57" west, 650.0 feet; thence north 29 degrees 46' east, 18443
248.63 feet to a pipe; thence south 80 degrees 33' east 423.24 18444
feet to the place of beginning, containing 3.20 acres. 18445

And, also to use the following described premises in conjunction 18446
with the grantors herein and under the following terms as are 18447
agreed to by the State of Ohio and the Clark County Fair Board. 18448

Beginning at the intersection of the center lines of the Laybourne 18449
Road and State Route 70; thence with the center line of the 18450
Laybourne Road, north 85 degrees 57' west, 370.0 feet; thence 18451
north 35 degrees 33 west 432.24 feet to a pipe; thence north 80 18452
degrees 33' west 134.22 feet to a pipe; thence north 54 degrees 18453
27' east, 380.0 feet; thence with the center line of State Route 18454
70, south 35 degrees 33' east 754.0 feet to the place of 18455
beginning, containing 4.27 acres. 18456

Urbana 18457

The following described property situated in the State of Ohio, 18458
County of Champagne: 18459

Being part of the Southwest Quarter of Section 19, Town 5, Range 18460

12, in Salem Township and bonded and described as follows: 18461
Beginning at a point in the East line of the Southwest Quarter of 18462
said Section 19. said point being 1044.46 feet, North 7 degrees 5 18463
minutes East, from the Southeast corner of the said Southwest 18464
Quarter of Section 19, Town 5, Range 12; thence North 84 degrees 18465
56 minutes West, 875 feet to a stake; thence South 7 degrees 5 18466
minutes West 225 feet to a stake; thence North 84 degrees 56 18467
minutes West, 425.10 feet to a stake; thence North 67 degrees 5 18468
minutes East, 245 feet to a stake; thence South 84 degrees 56 18469
minutes East, 1300.1 feet to a point in the East line of the said 18470
Southwest Quarter of Section 19; thence South 7 degrees 5 minutes 18471
West, along the East line of the said Southwest Quarter of Section 18472
19, 20 feet to the place of beginning, a total area of 2.791 18473
acres. Subject to the rights of the Department of Highways of the 18474
State of Ohio for highway purposes in and to 120.53 feet taken by 18475
parallel lines off the entire East end of the above described 18476
tract and subject also to the rights of the City of Urbana for 18477
highway purposes in and to approximately 79.47 feet off the West 18478
end of 200 feet taken by parallel lines off the entire East end of 18479
the above described tract. 18480

(B) At the request of the Adjutant General, the Director of 18481
Administrative Services, pursuant to the procedures described in 18482
division (C) of this section, shall assist in the sale of any of 18483
the parcels described in division (A) of this section. 18484

(C) The Adjutant General shall appraise the parcels described 18485
in division (A) of this section or have them appraised by one of 18486
more disinterested persons for a fee to be determined by the 18487
Adjutant General, and shall offer the parcels for sale as follows: 18488

(1) The Adjutant General first shall offer a parcel for sale 18489
at its appraised value to the municipal corporation or township in 18490
which it is located. 18491

(2) If, after sixty days, the municipal corporation or township has not accepted the offer to purchase the parcel at its appraised value or has accepted the offer but has failed to complete the purchase, the Adjutant General shall offer the parcel for sale at its appraised value to the county in which it is located.

(3) If, after sixty days, the county has not accepted the offer to purchase the parcel at its appraised value or has accepted the offer but has failed to complete the purchase, a public auction shall be held, and the parcel shall be sold to the highest bidder at a price acceptable to the Adjutant General. The Adjutant General may reject any and all bids for any reason whatsoever.

The Adjutant General shall advertise each public auction in a newspaper of general circulation within the county in which the parcel is located, once a week for two consecutive weeks before the date of the auction.

The terms of sale of a parcel at a public auction shall be payment of ten per cent of the purchase price, as bid by the highest bidder, in cash, bank draft, or certified check on the date of sale, with the balance payable within sixty days after the date of sale. A purchaser who does not timely complete the conditions of the sale as prescribed in this section shall forfeit to the state the ten per cent of the purchase price paid on the date of the sale as liquidated damages.

If the purchase is not completed and the sale is voided, the Adjutant General may sell the parcel to the second highest bidder at the public auction held pursuant to this section.

(D) Advertising costs, appraisal fees, and other costs of the sale of the parcels described in division (A) of this section shall be paid by the Adjutant General's Department.

(E) Upon the payment of ten per cent of the purchase price of 18523
a parcel described in division (A) of this section in accordance 18524
with division (C)(3) of this section, or upon notice from the 18525
Adjutant General's Department that a parcel of real estate 18526
described in division (A) of this section has been sold to a 18527
municipal corporation, township, or county in accordance with 18528
division (C) of this section, a deed shall be prepared for that 18529
parcel by the Auditor of State, with the assistance of the 18530
Attorney General, be executed by the Governor, countersigned by 18531
the Secretary of State, sealed with the Great Seal of the State, 18532
and presented for recording in the Office of the Auditor of State. 18533
Upon the grantee's payment of the balance of the purchase price, 18534
the deed shall be delivered to the grantee. The grantee shall 18535
present the deed for recording in the office of the county 18536
recorder of the county in which the parcel is located. 18537

(F) The net proceeds of the sales of the parcels described in 18538
division (A) of this section shall be deposited in the State 18539
Treasury to the credit of the Armory Improvements Fund pursuant to 18540
section 5911.10 of the Revised Code. 18541

(G) If a parcel of real estate described in division (A) of 18542
this section is sold to a municipal corporation, township, or 18543
county and that political subdivision sells that parcel within two 18544
years after its purchase, the political subdivision shall pay to 18545
the state, for deposit in the state treasury to the credit of the 18546
Armory Improvements Fund pursuant to section 5911.10 of the 18547
Revised Code, an amount representing one-half of any net profit 18548
derived from that subsequent sale. The net profit shall be 18549
computed by first subtracting the price at which the political 18550
subdivision bought the parcel from the price at which the 18551
political subdivision sold the parcel, and then subtracting from 18552
that remainder the amount of any expenditures the political 18553
subdivision made for improvements to the parcel. 18554

(H) This section expires five years after its effective date. 18555

Section 525.20. (A) The Governor is hereby authorized to 18556
execute a deed in the name of the state conveying to the City of 18557
Columbus, and its successors and assigns, all of the state's 18558
right, title, and interest in the following described real estate: 18559
Situated in the State of Ohio, County of Franklin, and the City of 18560
Columbus, and being a 0.342 acre tract out of the State of Ohio 18561
original 236.26 acre tract of record in Deed Book 1238, Page 468 18562
of the Recorder's Records, Franklin County, Ohio, said 0.342 acre 18563
tract being more particularly described as follows: 18564

Beginning for reference at the intersection of the 18565
centerlines of North High Street (66 feet wide) and Sunnyside Lane 18566
(50 feet wide); 18567

Thence S 2° 35' 13" W, 214.69 feet, in the centerline of 18568
North High Street, to the Place Of Beginning of said 0.342 acre 18569
tract at the southwesterly corner of the William H. Hadler 1.324 18570
acre Parcel X of record in Instrument #200107130160025 and the 18571
northwesterly corner of said 236.26 acre tract; 18572

Thence S 87° 05' 47" E, 48.00 feet, passing an iron pipe set 18573
at 33.00 feet, in the southerly line of said 1.324 acre tract and 18574
in a northerly line of said 236.26 acre tract, to an iron pipe 18575
set; 18576

Thence S 2° 35' 13" W, 310.59 feet, to an iron pipe set in a 18577
southerly line of said 236.26 acre tract and the northerly line of 18578
the Marjorie H. Bradburn 0.1308 acre tract of record in Official 18579
Record 01835, A-07 of said Recorder's Records; 18580

Thence N 87° 19' 07" W, 48.00 feet, passing an iron pipe set 18581
at 15.00 feet, in the southerly line of said 236.26 acre tract and 18582
in the northerly line of said 0.1308 acre tract, to the centerline 18583
of North High Street; 18584

Thence N 2° 35' 13" E, 310.78 feet, in said centerline, to 18585
the Place of Beginning, containing 0.342 acres (or 14,913 square 18586
feet), more or less. 18587

This description is based on the results of a field survey in 18588
March 2005, by Gary L. Elswick, Professional Surveyor #6395. 18589
Bearings are based on Ohio State Plane, South Zone, NAD83. 18590

Gary L. Elswick, Professional Surveyor #6395, 6/28/05. 18591

(B) Consideration for the conveyance of the real estate 18592
described in division (A) of this section is the purchase price of 18593
ten dollars. 18594

(C) Before the execution of the deed described in division 18595
(D) of this section, possession of the real estate described in 18596
division (A) of this section shall be governed by an existing 18597
interim lease between the Ohio Department of Administrative 18598
Services and the City of Columbus. 18599

(D) Upon payment of the purchase price, the Auditor of State, 18600
with the assistance of the Attorney General, shall prepare a deed 18601
to the real estate described in division (A) of this section. The 18602
deed shall state the consideration. The deed shall be executed by 18603
the Governor in the name of the state, countersigned by the 18604
Secretary of State, sealed with the Great Seal of the state, and 18605
presented for recording in the Office of the Auditor of State. The 18606
City of Columbus shall present the deed for recording in the 18607
office of the Franklin County Recorder. 18608

(E) The City of Columbus shall pay the costs of the 18609
conveyance described in division (A) of this section. 18610

(F) This section expires one year after its effective date. 18611

Section 525.30. (A) The Adjutant General has determined that 18612
the following described properties are no longer needed by the 18613
Ohio National Guard for armory or military purposes. The 18614

reversionary language contained in the deeds for those properties 18615
requires that each property revert back to the grantor if the 18616
property ceases to be used for military purposes. The Adjutant 18617
General is hereby authorized to give proper effect to the 18618
reversionary language in the original deeds. 18619

(B) Deeds to implement division (A) of this section shall be 18620
prepared by the Auditor of State with the assistance of the 18621
Attorney General, executed by the Governor, countersigned by the 18622
Secretary of State, sealed with the Great Seal of the State, and 18623
presented for recording in the Office of the Auditor of State. 18624
Each deed shall be delivered to the original grantor of each 18625
property for recording in the office of the appropriate county 18626
recorder. 18627

(C) The Governor is hereby authorized to execute deeds in the 18628
name of the state, granting all of the state's right, title, and 18629
interest in the following described parcels as indicated to 18630
implement division (A) of this section: 18631

PARCEL 1. 18632

Situated in the City of Mount Vernon, in the County of Knox, and 18633
State of Ohio, to-wit: 18634

commencing at a point at the S. W. Corner of Lot #9 in the C. & G. 18635
Cooper Park Addition and thence west a distance of 130 feet on the 18636
north line of Greenwood Avenue extended; thence in a North 18637
Easterly direction a distance of 152 feet to a point on South line 18638
of 12.5 foot City alley extended, said point being 25 feet west of 18639
the N. W. Corner of Lot #9 of said addition; thence continuing in 18640
a North Easterly direction a distance of 139 feet to a point being 18641
25 feet north of N. E. corner of Lot #10 of said addition on West 18642
line of Elm Street extended north; thence south along west line of 18643
Elm Street extended a distance of 25 feet to a point being the N. 18644
E. corner of Lot #10 of said addition; thence west along the South 18645

line of 12.5 foot City alley extended west, a distance of 115.2 18646
feet to a point being the N. W. corner of Lot #9 in said addition; 18647
thence South along west line of Lot #9 in said addition, a 18648
distance of 124, feet to the point of beginning. Estimated to 18649
contain .26 acres. 18650

PARCEL 2.

Situated in the City of Mount Vernon, in the County of Knox, and 18651
State of Ohio, to-wit: 18652
18653

being Lots #9 and #10 in the C. & G. Cooper Park Addition of the 18654
City of Mount Vernon, Ohio. 18655

Reference is made to Deed Book 198 page 614, Knox County, Ohio 18656
Records. 18657

PARCEL 3.

Situated in the City of Mount Vernon, County of Knox and State of 18658
Ohio, to-wit: 18659
18660

the following real estate, situate City of Mount Vernon, County of 18661
Knox, State of Ohio and being described as follows: 18662

Beginning at an iron stake on the West line of Elm Street 18663
extended, said iron stake bears North 5 deg. 30' East 25.0 feet 18664
from the North East corner of Lot 10 in the C. & G. Cooper Park 18665
Addition and said iron stake also marks the North East corner of 18666
0.26 of an acre parcel conveyed to the State of Ohio in Deed 18667
Volume 199, page 376; Running thence from said beginning point 18668
South 85 deg.-23' West a distance of 142.41 feet to the North West 18669
corner of said 0.26 of an acre parcel; thence North 67 deg.-2.' 18670
East a distance of 159.0 feet to an iron stake on the West line of 18671
Elm Street extended; thence South 5 deg.-30' West a distance of 18672
50.0 feet to the point of beginning, containing 0.08 of an acre, 18673
as surveyed May 21, 1970 by Floyd W. Barnes, Surveyor #3917, Ohio. 18674
Prior Deed recorded Volume 198, page 614, Knox County, Ohio, Deed 18675

Records. 18676

Parcels Nos. 1, 2 and 3 shall revert to the City of Mount Vernon. 18677

PARCEL 4. 18678

Situate in the City of Urbana, Champaign County, Ohio, and being 18679
part of the South-West quarter of Section 19, Town 5, Range 12, in 18680
Salem Township, and bonded and described as follows: Beginning at 18681
a point in the East line of the South-West quarter of Section 19, 18682
Town 5, Range 12; said point being 819.46 feet, North 7 degrees-5 18683
minutes East, from the Southeast Corner of the Southwest quarter 18684
of Section 19, Town 5, Range 12. Thence North 84 degrees, 56 18685
minutes West, 875.00 feet to a stake. Thence North 7 degrees-5 18686
minutes East, 225.00 feet to a stake. Thence South 84 degrees-56 18687
minutes East, 875.00 feet to a point in the East line of the said 18688
Southwest quarter of Section 19, Town 5, Range 12. Thence South 7 18689
degrees -5 minutes West, along the East line 4 of the said 18690
Southwest quarter of Section 19, Town 5, Range 12, 225.00 feet to 18691
the place of beginning. Two hundred feet taken by parallel lines 18692
off the entire East end of the above described tract is reserved 18693
by the City of Urbana for highway purposes, making the area of the 18694
land conveyed equal 3.4844 acres. 18695

Parcel No. 4 shall revert to the City of Urbana. 18696

Section 525.40. (A) The Governor is hereby authorized to 18697
execute a deed in the name of the state conveying to a buyer or 18698
buyers to be determined in the manner provided in division (B) of 18699
this section, and the buyer's or buyers' successors and assigns or 18700
heirs and assigns, all of the state's right, title, and interest 18701
in the following described real estate: 18702

Being a parcel of land situated in the Northwest Quarter of 18703
Section 19 Bath Township, Town 3 South, Range 7 East of Allen 18704
County, Ohio, and more particularly described as follows: 18705

Commencing at a Monument Box at the northwest corner of Section 18706
19; thence South 00 degrees 25 minutes 00 seconds West along the 18707
west line of said quarter section, same also being the centerline 18708
of S.R. 65, a distance of 917.46 feet to a point; 18709
thence South 89 degrees 35 minutes 04 seconds East a distance of 18710
90.00 feet to the northwest corner of said parcel and being the 18711
True Place of Beginning; 18712
thence continuing South 89 degrees 35 minutes 04 seconds East a 18713
distance of 59.96 feet to a point; 18714
thence South 42 degrees 41 minutes 05 seconds East a distance of 18715
310.36 feet to a point; 18716
thence South 00 degrees 27 minutes 40 seconds West a distance of 18717
287.14 feet to a point; 18718
thence North 89 degrees 35 minutes 24 seconds West a distance of 18719
186.94 feet to a point; 18720
thence South 00 degrees 24 minutes 16 seconds West a distance of 18721
26.55 feet to a point; 18722
thence North 89 degrees 33 minutes 37 seconds West a distance of 18723
84.87 feet to a point; 18724
thence North 00 degrees 25 minutes 00 seconds East a distance of 18725
540.28 feet to the Place of Beginning, containing 2.708 acres, 18726
more or less. All Corners are marked with iron Pin /w cap. 18727
Excepting therefrom the following parcel of land owned by the Ohio 18728
Power Company and on which the Department of Transportation has an 18729
ongoing easement. Said Ohio Power land is described as follows: 18730
Commencing at a Monument Box at the northwest corner of Section 18731
19; 18732
thence South 00 degrees 25 minutes 00 seconds West along the west 18733
line of said quarter section, same also being the centerline of 18734

S.R. 65, a distance of 917.46 to a point; 18735

thence South 89 degrees 35 minutes 04 seconds East a distance of 18736
100.08 feet to a point on the northeasterly property line of the 18737
Ohio Power Company, said point being the True Place of Beginning; 18738

thence South 38 degrees 04 minutes 60 seconds East along said 18739
northeasterly property line a distance of 420.66 feet to a point; 18740

thence South 00 degrees 27 minutes 40 seconds West a distance of 18741
160.48 feet to a point on the southwesterly line of the Ohio Power 18742
Company; 18743

thence North 38 degrees 05 minutes 00 seconds West along said 18744
southeasterly property line a distance of 436.65 feet to a point; 18745

thence North 00 degrees 25 minutes 00 seconds East a distance of 18746
147.97 feet to a point; 18747

thence South 89 degrees 35 minutes 04 seconds East a distance of 18748
10.08 feet to the Place of Beginning. Said exception contains 18749
1.001 acres, more or less, leaving a net of 1.707 acres, more or 18750
less. 18751

The above description was provided to the Ohio Department of 18752
Administrative Services by the Ohio Department of Transportation. 18753
Description is from a survey dated April 2, 1990 by Jeffrey L. 18754
Waggamer, Reg. Surveyor S-7125. 18755

(B) The Director of Administrative Services shall offer the 18756
real estate described in division (A) of this section, and the 18757
improvements and chattels located on the real estate, for sale "as 18758
is" in their present condition according to the following process: 18759

(1) The Director of Administrative Services shall offer the 18760
real estate to any state entity expressing an interest in 18761
obtaining the real estate. Any state entity expressing an interest 18762
in the real estate shall obtain occupancy and possession through 18763
execution of a Transfer of Jurisdictional Control Affecting 18764

State-Owned Lands document and thereafter assume operational control and financial responsibility of the real estate. 18765
18766

(2) If the Director of Administrative Services provides notice to the Department of Rehabilitation and Correction that no state entity has expressed an interest in acquiring the real estate, the Department of Rehabilitation and Correction shall have the real estate appraised by one or more disinterested persons. 18767
18768
18769
18770
18771

(3) The Director of Administrative Services shall offer the real estate at the appraised value to the Board of County Commissioners of Allen County. 18772
18773
18774

(4) If, after thirty days, the Board of County Commissioners of Allen County has not accepted the offer to purchase the real estate at the appraised value or has accepted the offer but has failed to complete the purchase, the Director of Administrative Services shall offer the real estate at the appraised value to the City of Lima. 18775
18776
18777
18778
18779
18780

(5) If, after thirty days, the City of Lima has not accepted the offer to purchase the real estate at its appraised value or has accepted the offer but has failed to complete the purchase, the Director of Administrative Services shall offer the real estate for sale at public auction. The real estate shall be subject to a minimum bid of not less than two-thirds of the appraised value. 18781
18782
18783
18784
18785
18786
18787

The terms of sale of the real estate at a public auction shall be payment of ten per cent of the purchase price in cash, bank draft, or certified check on the date of sale. A purchaser who does not timely complete the conditions of the sale as prescribed in this section shall forfeit to the state the ten per cent of the purchase price paid on the date of the sale as liquidated damages. 18788
18789
18790
18791
18792
18793
18794

If the purchase is not completed and the public auction sale 18795

is voided, the Director of Administrative Services shall hold a
second public auction, and the real estate shall be sold to the
highest bidder at a price acceptable to the Director of
Administrative Services and the Director of Rehabilitation and
Correction.

If, after a second public auction, the purchase is not
completed and the sale is voided, the Director of Administrative
Services may sell the real estate to the second highest bidder at
the second public auction.

The Director of Administrative Services shall advertise each
public auction in a newspaper of general circulation within Allen
County, once a week for two consecutive weeks before the date of
the auction. The Director of Administrative Services may reject
any and all bids at any auction for any reason whatsoever.

(C) Advertising costs, appraisal fees, and other costs of the
sale of the real estate described in division (A) of this section
shall be paid by the Department of Rehabilitation and Correction.

(D) The real estate described in division (A) of this section
shall be sold as an entire tract and not be subdivided.

(E) Upon the payment of ten per cent of the purchase price of
the real estate described in division (A) of this section in
accordance with division (B)(5) of this section, or upon notice
from the Director of Administrative Services that the real estate
described in division (A) of this section has been sold to a state
entity, to the Board of County Commissioners of Allen County, or
to the City of Lima in accordance with division (B) of this
section, the Auditor of State, with the assistance of the Attorney
General, shall prepare a deed to the real estate described in
division (A) of this section. The deed shall state the
consideration. The deed shall be executed by the Governor in the
name of the state, countersigned by the Secretary of State, sealed

with the Great Seal of the State, and presented for recording in 18827
the Office of the Auditor of State. Upon the grantee's payment of 18828
the balance of the purchase price, the deed shall be delivered to 18829
the grantee. The grantee shall present the deed for recording in 18830
the Office of the Allen County Recorder. 18831

(F) This section expires three years after its effective 18832
date. 18833

Section 525.50. (A) The Governor is hereby authorized to 18834
execute a deed in the name of the state conveying to O'Bleness 18835
Memorial Hospital, and its successors and assigns, all of the 18836
state's right, title, and interest in the following described real 18837
estate: 18838

Situated in the City of Athens, County of Athens, State of Ohio, 18839
and being a part of Section 15, Township 9N, Range 14W, of the 18840
Ohio River Survey, also being a part of Outlot 91 & Outlot 95 of 18841
the City of Athens, and being more particularly described as 18842
follows; 18843

Being a Survey of a part of a parcel conveyed to Ohio Department 18844
of Mental Health, as recorded in Deed Volume 145, Page 638, in the 18845
Athens County Deed Records, and further described as follows; 18846

Commencing at a chiseled 'x' in a concrete sidewalk on the South 18847
Right of Way Line of West Union Street (66' wide), also being the 18848
Northeast corner of Outlot 91, and being the Northeast corner of a 18849
20.169 acre parcel conveyed to Sheltering Arms Hospital 18850
Foundation, Inc., as recorded in Deed Volume 277, Page 648; 18851

Thence, N 84°44'00" W 90.00 feet with the South Right of Way Line 18852
of West Union Street, to a 5/8" o.d. iron pin found marking the 18853
Northeast corner of said parcel conveyed to Ohio Department of 18854
Mental Health of which this description is a part, the same being 18855
the Northwest corner of said 20.169 acre parcel conveyed to 18856

Sheltering Arms Hospital Foundation, Inc.; 18857

Thence, S 05°03'01" W 324.47 feet leaving West Union Street with 18858
the East line of said parcel conveyed to Ohio Department of Mental 18859
Health of which this description is a part, the same being the 18860
West line of said parcel conveyed to Sheltering Arms Hospital 18861
Foundation, Inc., to an iron pin set at the back of curb, and 18862
being the PRINCIPLE PLACE OF BEGINNING of the 1.669 Acre parcel 18863
herein to be described; 18864

Thence, S 05°03'01" W 825.10 feet continuing with said common 18865
boundary line between Ohio Department of Mental Health and 18866
Sheltering Arms Hospital Foundation, Inc., to a 5/8" o.d. iron pin 18867
found; 18868

Thence with a line across said parcel conveyed to Ohio Department 18869
of Mental Health of which this description is a part, with the 18870
following five (5) courses and distances: 18871

1) N 64°00'00" W 96.03 feet to an iron pin set; 18872

2) N 05°03'01" E 786.50 feet to an iron pin set at the back of 18873
curb; 18874

3) N 80°04'57" E 37.84 feet to an angle point; 18875

4) S 82°16'19" E 42.95 feet to an angle point; 18876

5) S 66°00'59" E 10.80 feet to the PRINCIPLE PLACE OF BEGINNING. 18877

Said parcel as surveyed contains 1.669 Acres, more or less, and 18878
subject to all legal easements, restrictions, and covenants of 18879
record. Bearings of the above description are based on the South 18880
Right of Way Line of West Union Street (66' Wide), as being N 18881
84°44'00" W, and is an assumed Meridian used to denote angles 18882
only. Scott A. England P.S. Ohio Registered Surveyor #7452 18883

(B) Consideration for the conveyance of the real estate 18884
described in division (A) of this section is \$340,000.00, and 18885
shall be paid to the state according to the following schedule as 18886

derived by mutual agreement reached between the state and 18887
O'Bleness Memorial Hospital through an executed Offer to Purchase: 18888

(1) O'Bleness Memorial Hospital shall tender a cashier's or 18889
bank check, made payable to the state, in the amount of 18890
\$100,000.00 at the time of closing. 18891

(2) The value of the balance of the purchase price shall be 18892
credited to the state of Ohio, Department of Mental Health, to 18893
offset the cost of services provided by O'Bleness Memorial 18894
Hospital to the Department of Mental Health, as agreed to in a 18895
"Shared Services Agreement" executed by the parties. 18896

(C) The real estate described in division (A) of this section 18897
shall be sold as an entire tract and not in parcels. 18898

(D) Before the execution of the deed described in division 18899
(E) of this section, possession of the real estate described in 18900
division (A) of this section shall be governed by an existing 18901
interim lease between the Ohio Department of Administrative 18902
Services and O'Bleness Memorial Hospital. 18903

(E) Upon payment of \$100,000.00, the Auditor of State, with 18904
the assistance of the Attorney General, shall prepare a deed to 18905
the real estate described in division (A) of this section. The 18906
deed shall state the consideration. The deed shall be executed by 18907
the Governor in the name of the state, countersigned by the 18908
Secretary of State, sealed with the Great Seal of the State, and 18909
presented for recording in the Office of the Auditor of State. 18910
O'Bleness Memorial Hospital shall present the deed for recording 18911
in the Office of the Athens County Recorder. 18912

(F) O'Bleness Memorial Hospital shall pay the costs of the 18913
conveyance described in division (A) of this section. 18914

(G) This section expires one year after its effective date. 18915

Section 525.60. (A) The Governor is hereby authorized to 18916

execute a deed in the name of the state conveying to the City of 18917
Columbus, and its successors and assigns, all of the state's 18918
right, title, and interest in the following described real estate: 18919

Situated in the State of Ohio, County of Franklin, City of 18920
Columbus, Survey No. 1393 of the Virginia Military District, Lot 4 18921
through Lot 16 of George W. Sinks Subdivision of record in Plat 18922
Book 5, Page 198, and being part of those 0.098 acre and 1.966 18923
acre tracts shown in the deed to The State of Ohio of record in 18924
Instrument Number 200104200083861 (all references refer to the 18925
records of the Recorder's Office, Franklin County, Ohio) and 18926
described as follows 18927

Beginning, for reference, at the centerline intersection of 18928
McKinley Avenue with Yale Avenue; 18929

thence North 85° 54' 05" West, with the centerline of said 18930
McKinley Avenue, 25.00 feet, 18931

thence South 04° 05' 55" West, leaving said centerline, 30.00 feet 18932
to an iron pin set at the northeasterly corner of said 1 966 acre 18933
tract, the intersection of the southerly right-of-way line for 18934
McKinley Avenue with the westerly right-of-way line for Yale 18935
Avenue, the true Point of Beginning; 18936

thence South 04° 05' 55" West, with said westerly right-of-way 18937
line, 5.00 feet to an iron pin set; 18938

thence North 85° 54' 05" West, across said 0.098 acre and 1.966 18939
acre tracts, 395.23 feet to an iron pin set in the westerly line 18940
of said 0.098 acre tract and the easterly line of that tract 18941
conveyed to General Maintenance & Engineering Co. of record in 18942
Official Record 34267B19, 18943

thence North 04° 05' 55" East, with said westerly and easterly 18944
line, 5.00 feet to an iron pin set at a common corner thereof, in 18945
said southerly right-of-way line; 18946

thence South 85° 54' 05" East, with said southerly right-of-way 18947
line, passing a 3/4 inch iron pin found at 231.27 feet, 395.23 18948
feet to the True Point of Beginning. Containing 0.045 acre, more 18949
or less, from Auditor's Parcel No. 010-180286. 18950

Subject, however, to all legal rights-of-way and/or easements, if 18951
any, of previous record. 18952

Iron pins set, where indicated, are iron pipes, thirteen 18953
sixteenths (13/16) inch inside diameter, thirty (30) inches long 18954
with a plastic plug placed in the top bearing the initials EMHT 18955
INC. 18956

This description was prepared through the use of existing records 18957
and an actual field survey performed in May 2000 and October 2003. 18958

Bearings are based on the coordinate location of monuments COC 18959
17-83 and COC 18-83. A bearing of North 87° 22' 38" West was held 18960
between said monuments. 18961

(B) Consideration for the conveyance of the real estate 18962
described in division (A) of this section is the purchase price of 18963
\$910.00. 18964

(C) The real estate described in division (A) of this section 18965
shall be sold as an entire tract and not in parcels. 18966

(D) Before the execution of the deed described in division 18967
(E) of this section, possession of the real estate described in 18968
division (A) of this section shall be governed by an existing 18969
interim lease between the Ohio Department of Administrative 18970
Services and the City of Columbus. 18971

(E) Upon payment of the purchase price, the Auditor of State, 18972
with the assistance of the Attorney General, shall prepare a deed 18973
to the real estate described in division (A) of this section. The 18974
deed shall state the consideration. The deed shall be executed by 18975
the Governor in the name of the state, countersigned by the 18976

Secretary of State, sealed with the Great Seal of the State, and 18977
presented for recording in the Office of the Auditor of State. The 18978
City of Columbus shall present the deed for recording in the 18979
Office of the Franklin County Recorder. 18980

(F) The City of Columbus shall pay the costs of the 18981
conveyance described in division (A) of this section. 18982

(G) The net proceeds of the sale of the real estate described 18983
in division (A) of this section shall be deposited in the state 18984
treasury to the credit of the Department of Rehabilitation and 18985
Corrections Fund 148 Services and Agricultural Fund (Appropriation 18986
Line Item 501-602) and shall be used to offset the loss of the 18987
Department's agricultural croplands. 18988

(H) This section expires one year after its effective date. 18989

Section 525.70. (A) The Governor is hereby authorized to 18990
execute a deed in the name of the state conveying to the Warren 18991
County Historical Society, and its successors and assigns, all of 18992
the state's right, title, and interest in the following described 18993
real estate: 18994

Parcel A 18995

Situate in the County of Warren, State of Ohio, and in the Village 18996
of Lebanon and being part of Section number five (5) Town four (4) 18997
Range three (3) bounded and further described as follows: 18998

Beginning at an iron pin in the east line of a tract of land 18999
belonging to Albert French 3.46 chains from the southeast corner 19000
of said French's tract of land and northwest corner to a tract of 19001
land conveyed by Herschel I. Fisher to W. F. Eltzroth; 19002

thence with said French's line N. 4° 30' E. 1.98 chains to a 19003
stone; 19004

thence with another line of said French N. 6° 0'E. 7.17 chains to 19005

an iron pin in the Lebanon and Cincinnati pike (north side) and
northeast corner to said French's tract; 19006
19007

thence S. 68° 41' E. 1.73 chains to a point in Turtlecreek which
point is 5 feet 8 inches north of a concrete retaining wall; 19008
19009

thence S. 58° 0' E. 0.71 chains to a point 2 feet 6 inches south
of a stone wall; 19010
19011

thence S. 83° 45' E. 2.27 chains to a point 6 inches north of the
east end of said stone wall, and corner to a tract of land now
owned by the Village of Lebanon; 19012
19013
19014

thence with the line of said last mentioned tract and with the
west line of Mary C. Martin's tract S. 6° 0' W. 6.31 chains to a
post, being the southwest corner of said Mary C. Martin's tract
and in north line of Milton Keever's lot; 19015
19016
19017
19018

thence with said Keever's line N. 83° 30' W. 0.70 chains to a stake
at the end of a hedge, being the northwest corner of said Keever's
lot; 19019
19020
19021

thence with said hedge and with the west line of said Keever and
W. F. Eltzroth S. 6° 0' W. 1.98 chains to an iron pin in the west
line of W. F. Eltzroth and being the northeast corner to a tract
of land conveyed by Herschel I. Fisher to the said W. F. Eltzroth; 19022
19023
19024
19025

thence N. 83° 30' W. 3.76 chains to the place of beginning
containing 3.75 acres. And being the north part of the tract of
5.05 acres conveyed to Herschel I. Fisher by Samuel W. Probasco by
deed dated August 30, 1905 recorded in Vol. 87 page 507, Warren
County Deed Records. 19026
19027
19028
19029
19030

Together with the rights granted and reserved to Ladora S. Owens,
her heirs and assigns in a certain deed to W. F. Eltzroth, dated
September 23, 1905 and recorded in Vol. 87 page 509 which is as
follows: 19031
19032
19033
19034

The said Ladora S. Owens, her heirs and assigns, is to have the 19035

right to use as a means of ingress and egress to and from said 19036
premises hereby conveyed to her, from and to Orchard Avenue, a 19037
strip of ground 20 feet wide by about 228 feet in length on and 19038
along the east side of the property heretofore conveyed to W. F. 19039
Eltzroth, said strip being a part of the property formerly 19040
conveyed to W. F. Eltzroth as aforesaid, said use however, not to 19041
be exclusive but in conjunction with W. F. Eltzroth and his heirs 19042
and assigns. 19043

This conveyance is made to the State of Ohio solely and 19044
exclusively for museum purposes and to be used for the collection 19045
and preservation of every variety of material illustrative of the 19046
history of this county and of this region, including letters, 19047
diaries, journals, memoranda, pioneer reminiscences, newspapers; 19048
account books, school and church registers, commemorative 19049
addresses, genealogies, biographies, photographs, pictures, 19050
paintings, aboriginal relics, material objects illustrating the 19051
life of pioneers, maps, histories, records, furniture, clothing, 19052
etc. Said museum shall be known as "The Warren County Museum". 19053

Excepting from said Parcel A the following Parcel B: 19054

Parcel B 19055

Situate in the State of Ohio, Warren County and Village of 19056
Lebanon, being a part of Section 5, Township 4 East, Range 3 19057
North, Between the Miami Rivers Survey, being a parcel of land on 19058
the South side of a centerline survey made by the Ohio Department 19059
of Transportation as shown on right-of-way sheet No. 10/28 and 19060
labeled 08548 (0) 5 Ohio BRF-10(73)/Warren-42-10.43, also being a 19061
parcel out of those lands conveyed to the State of Ohio (Ohio 19062
Historical Society) by Deed of Record in Deed Book 162, Page 292, 19063
Recorder's Office, Warren County, Ohio, being a channel easement 19064
across those state owned lands known as the "Glendower Museum", 19065
said easement being more particularly described as follows: 19066

Beginning at an iron pin found at grantor's northwest corner, said 19067
point also being located in an east line of a tract of land 19068
conveyed to Gerald Miller by deed recorded in Official Record 308, 19069
page 181 of the Deed Records of Warren County, Ohio, said point 19070
also being locate forty five and 42/100 (45.42) feet right of 19071
station 5 + 18.04 on the above described centerline of survey; 19072

thence along grantor's north line and Miller's east line and its 19073
eastward extension, South sixty-eight degrees, forty-two minutes 19074
forty-six seconds (68°42'46") East for eighty-nine and 76/100 19075
(89.76) feet to the TRUE POINT OF BEGINNING, said point being 19076
located eighty and 90/100 (80.90) feet right of station 6 + 00.48 19077
on the above described centerline of survey; 19078

thence continuing along grantor's north line, South sixty-eight 19079
degrees forty-two minutes forty-six seconds (68°42' 46") East for 19080
twenty-four and 43/100 (24.43) feet to the west corner of Lot 7 of 19081
Spencer's Subdivision of Lebanon, Ohio as recorded in Plat Book 2, 19082
page 177 of the Plat Records of Warren County, Ohio; 19083

thence continuing along grantor's north line and the south line of 19084
said Lot 7, North fifty-seven degrees, one minute forty-six 19085
seconds (57°01' 46") East for twenty-seven and 00/100 (27.00) 19086
feet; 19087

thence leaving grantor's north line and the south line of said Lot 19088
7, North eighty-five degrees thirty-seven minutes fifty-six 19089
seconds (85°37'56") West for seven and 66/100 (7.66) feet to the 19090
inside face of an existing concrete retaining wall; 19091

thence along the inside face of said concrete retaining wall, 19092
North sixty-four degrees forty-nine minutes fifty-seven seconds 19093
(64°49' 57") West for thirty and 69/100 (30.69) feet; 19094

thence continuing along the inside face of said retaining wall 19095
North forty-five degrees, twelve minutes seventeen seconds (45°12' 19096
17") West for fourteen and 09/100 (14.09) fee to the TRUE POINT OF 19097

BEGINNING. 19098

This description is based on field surveys made by Woolpert 19099
Consultants in April, 1986 and May, 1987, under the direction of 19100
Daryl L. Wells, Ohio Registered Surveyor Number 6932. 19101

It is understood that the strip of land above described contains 19102
0.005 acres, more or less, inclusive of the present road occupies 19103
-0- acres, more or less. 19104

The foregoing is recited from a description submitted by the Ohio 19105
Department of Transportation to the Ohio Department of 19106
Administrative Services, Division of Public Works. Further 19107
reference is made to File No. 4953 on file in the offices of the 19108
Ohio Department of Administrative Services, General Services 19109
Division, Real Estate Services, 4200 Surface Road, Columbus, Ohio 19110
43228-1395. 19111

And, also conveying the following described Parcel C: 19112

Parcel C 19113

Situated in the State of Ohio, County of Warren, and in the 19114
Village of Lebanon, being part of Section 5, T. 4, R. 3, and being 19115
bounded as described as follows: 19116

Beginning at a point in the north line of Orchard Avenue and at 19117
the west line of a 20 foot lane, 19118

thence with said lane N.5° 02' E. 218.36 feet to the South Line of 19119
the Museum property, 19120

thence N. 84° 24'W. 6 feet to a stone, 19121

thence S. 5° 02'E. (passing an iron pin at 66.36 feet), 218.36 19122
feet to a stone, 19123

thence S. 84° 24'E. 6 feet to the place of beginning, containing 19124
.030 acres; 19125

with full rights to use and improve the entire area as an entrance 19126

or driveway, but excepting the title to two portions of the above
described strip of land at approximately the north end and the
middle portions thereof and each of twenty foot length, which, as
follows, are made subject to the following reservations which are
reserved by the grantor for the benefit of herself and her heirs
and assigns, to-wit:

1. The right to cross on foot or with vehicles, the real estate
hereinbefore described on and over a strip 20 feet long from South
to North, and commencing 86 feet North of the South East corner of
the above described real estate. Said grantor, for herself, her
heirs, and assigns, reserving the right of ingress and egress
thereover, from the remainder of grantor's property (lying west of
the above described real estate) to the drive or "20 foot lane"
mentioned in the foregoing description, so that she, her heirs and
assigns, may be able to travel from the remainder of her property
to said drive or lane, and over said drive or lane, and that
persons desiring to enter on the remainder of grantor's premises
above mentioned may travel over said drive and the said 20 foot
strip above mentioned.

2. The right to cross on foot or with vehicles, the real estate
hereinbefore described on and over a strip 20 feet long running
from North to South and commencing 8 feet South of the Northeast
corner of the above described real estate. Said grantor, for
herself, her heirs, and assigns, reserving the right of ingress
and egress thereover, from the remainder of grantor's property
(lying west of the above described real estate) to the drive or
"20 foot lane" mentioned in the foregoing description, so that
she, her heirs and assigns, may be able to travel from the
remainder of her property to said drive or lane, and over said
drive or lane, and that persons desiring to enter on the remainder
of grantor's premises above mentioned may travel over said drive
and the said 20 foot strip above mentioned.

(B) Consideration for the conveyance of the real estate 19159
described in division (A) of this section is \$10.00. 19160

(C) The conveyance of the real estate described in division 19161
(A) of this section is subject to the following conditions and 19162
restrictions: 19163

(1) The Ohio Historical Society, acknowledging the need for 19164
specific capital improvements to the real estate before its 19165
conveyance, shall make full payment for the specific capital 19166
improvements to the Glendower State Memorial (the structure on the 19167
real estate) and its premises, as listed in the Offer to Purchase 19168
Real Estate executed by the Warren County Historical Society, the 19169
Director of Administrative Services, and the Ohio Historical 19170
Society in December 2005. These improvements include replacing the 19171
roof of the structure, painting of wood trim on the structure, and 19172
correcting site drainage problems, including replacing the gas and 19173
water lines. 19174

(2) The Warren County Historical Society shall undertake all 19175
future rehabilitation work and maintain the historic structure 19176
located on the premises in accordance with the "Secretary of the 19177
Interior's Standards for Rehabilitation" as published by the 19178
Department of the Interior. 19179

(3) The Warren County Historical Society shall agree that no 19180
demolition, alterations, or physical or structural changes shall 19181
be made to the architecturally and historically significant 19182
interior or exterior features of the historic structure on the 19183
premises or to the coloring or surfacing of the exterior of the 19184
structure without prior written approval of the Ohio Historic 19185
Society, acting through the Ohio Historic Preservation Office. 19186
Ordinary and necessary repairs and maintenance not materially 19187
affecting the features shall not be considered demolition, 19188
alterations, or physical or structural changes. This restriction 19189

shall be construed to preserve and protect the qualities that
caused the property to be listed on the National Register of
Historic Places.

19190
19191
19192

(4) The Ohio Historical Society shall reserve the right to
inspect the premises at all reasonable times in order to ascertain
compliance with the described restrictions.

19193
19194
19195

(5) The Ohio Historical Society shall be deemed beneficiary
of the described restrictions without regard to whether it is the
owner of any land or interest in land in the vicinity of the
premises and shall have the right to enforce the described
restrictions in any court of competent jurisdiction.

19196
19197
19198
19199
19200

(6) The Ohio Historical Society for good cause, as determined
in its sole discretion, may modify or cancel any of the described
restrictions upon receipt of a written application to the Society
of a request to do so.

19201
19202
19203
19204

(7) The Warren County Historical Society agrees to lease the
premises to the Ohio Cultural Facilities Commission, to enter into
a management agreement with the Ohio Cultural Facilities
Commission for the duration of the term of the lease, and to enter
into a cooperative use agreement with the Ohio Cultural Facilities
Commission.

19205
19206
19207
19208
19209
19210

(D) The real estate described in division (A) of this section
shall be sold as an entire tract and not be subdivided.

19211
19212

(E) Upon payment of the purchase price, the Auditor of State,
with the assistance of the Attorney General, shall prepare a deed
to the real estate described in division (A) of this section. The
deed shall state the consideration, restrictions, and conditions.
The deed shall be executed by the Governor in the name of the
state, countersigned by the Secretary of State, sealed with the
Great Seal of the State, and presented for recording in the Office
of the Auditor of State. The Warren County Historical Society

19213
19214
19215
19216
19217
19218
19219
19220

shall present the deed for recording in the Office of the Warren	19221
County Recorder.	19222
(F) The Warren County Historical Society shall pay the costs	19223
of the conveyance described in division (A) of this section.	19224
(G) This section expires one year after its effective date.	19225
Section 525.80. (A) The Governor is hereby authorized to	19226
execute a deed in the name of the state conveying to the City of	19227
Columbus, and its successors and assigns, all of the state's	19228
right, title, and interest in the following described real estate:	19229
PARCEL 1-WD (4.662 Ac.)	19230
LANE AVENUE	19231
Situated in the State of Ohio, County of Franklin, City of	19232
Columbus, Section 3, Township 1, Range 18, United States Military	19233
Lands, and being a part of lands owned by the State of Ohio (The	19234
Ohio State University), said lands also being described in the	19235
following 8 documents of record:	19236
1. 69 acre tract described in Deed Book 616, Page 399	19237
2. 5.04 acre tract (part of Lot 278 - PB 2 Pg. 203) described in	19238
Deed Book 641, Page 242	19239
3. Tuttle Park Place (Doe Alley) vacated by Ordinance No. 919-75	19240
4. Lots 211 through 252, inclusive, of R.P. Woodruff's	19241
Agricultural Addition, P.B. 2, Pg. 203	19242
5. Neil Avenue vacated by Ordinance No. 919-75	19243
6. Peasley Street Vacated by Ordinance No. 179-66	19244
7. OSU North Urban Renewal, Plat 1, Plat Book 37, Page 56	19245
8. OSU North Urban Renewal, Plat 2, Plat Book 38, Page 94	19246
All records are on file in the Recorder's Office, Franklin County,	19247

Ohio, unless otherwise noted, all stations and offsets reference 19248
the Centerline Survey Plat of Lane Avenue prepared by ms 19249
consultants, inc. for the City of Columbus, said Parcel 1-WD being 19250
more particularly described as follows: 19251

Beginning at a point at the centerline intersection of Olentangy 19252
River Road and West Lane Avenue, being at Centerline Station 19253
50+00.00 (Olentangy River Road Centerline Station 120+00.00); 19254

Thence North $14^{\circ}30'28''$ East, along the centerline of Olentangy 19255
River Road, a distance of 87.57 feet to a point, being at 19256
Centerline Station 120+87.57; 19257

Thence South $75^{\circ}29'32''$ East, a distance of 64.93 feet to a point 19258
on an easterly line of Olentangy River Road, being 64.93 feet 19259
right of Station 120+87.57 (75.05 feet left of West Lane Avenue 19260
Station 50+79.55); 19261

Thence South $59^{\circ}28'15''$ East, within said 69 acre tract, a distance 19262
of 22.58 feet to a point, being 65.00 feet left of Station 19263
51+00.00; 19264

Thence North $51^{\circ}33'30''$ East, continuing within said 69 acre tract, 19265
a distance of 66.93 feet to a point, being 110.00 feet left of 19266
Station 51+50.00; 19267

Thence South $86^{\circ}18'28''$ East, continuing within said 69 acre tract, 19268
a distance of 279.96 feet to a point in the centerline of the 19269
Olentangy River, in the westerly line of a 1.80 acre tract 19270
described in a deed to the City of Columbus of record in Deed Book 19271
3382, Page 600, being 110.00 feet left of Station 54+29.96; 19272

Thence South $40^{\circ}12'42''$ West, along the westerly line of said 1.80 19273
acre tract, the centerline of the Olentangy River, with the 19274
meanders thereof, a distance of 108.57 feet to a point at the 19275
southwest corner of said 1.80 acre tract, in the centerline of 19276
existing right of way of West Lane Avenue, being 22.75 feet left 19277

of Station 53+65.35 19278

Thence South 3°42'42" West, along the centerline of the Olentangy 19279
River, with the meanders thereof, a distance of 30.00 feet to a 19280
point on the southerly line of West Lane Avenue, at the northwest 19281
corner of said 5.04 acre tract, being 7.25 feet right of Station 19282
53+65.34; 19283

Thence South 86°17'18" East, along a southerly line of West Lane 19284
Avenue, a northerly line of said 5.04 acre tract, a distance of 19285
1419.55 feet to a point at the northeast corner of said 5.04 acre 19286
tract, on the westerly line of Tuttle Park Place, being 18.57 feet 19287
right of Station 67+85.02; 19288

Thence South 03°42'42" West, along the easterly line of said 5.04 19289
acre tract, the westerly line of Tuttle Park Place, a distance of 19290
20.00 feet to a point, being 38.57 feet right of Station 67+85.00; 19291

Thence South 86°17'18" East, along the northerly line of Tuttle 19292
Park Place as vacated by said Ordinance No. 919-75, a distance of 19293
60.00 feet to a point on the easterly line of Tuttle Park Place, 19294
the westerly line of Lot 211 of said R.P. Woodruff's Agricultural 19295
Addition, being 38.63 feet right of Station 68+45.00; 19296

Thence North 03°42'42" East, along the easterly line of Tuttle 19297
Park Place, the westerly line of said Lot 211, a distance of 20.00 19298
feet to a point at the northwest corner of said Lot 211, on the 19299
southerly line of West Lane Avenue, being 18.63 feet right of 19300
Station 68+45.02; 19301

Thence South 86°17'18" East, along the southerly line of West Lane 19302
Avenue, the northerly lines of Lots 211 through 231, a distance of 19303
629.89 feet to a point at the northeast corner of said Lot 231, on 19304
the westerly line of Neil Avenue, being 25.11 feet right of 19305
Station 74+75.00; 19306

Thence South 03°42'42" West, along the easterly line of said Lot 19307

231, the westerly line of Neil Avenue a distance of 20.00 feet to 19308
a point, being 45.11 feet right of Station 74+75.00; 19309

Thence South $86^{\circ}17'18''$ East, along the northerly line of Neil 19310
Avenue as vacated by said Ordinance No. 919-75, a distance of 19311
80.00 feet to a point on the easterly line of Neil Avenue, the 19312
westerly line of Lot 233 of said R.P. Woodruff's Agricultural 19313
Addition, being 45.12 feet right of Station 75+55.00; 19314

Thence North $03^{\circ}42'42''$ East, along the easterly line of Neil 19315
Avenue, the westerly line of said Lot 233, a distance of 20.00 19316
feet to a point at the northwest corner of said Lot 233, on the 19317
southerly line of West Lane Avenue, being 25.12 feet right of 19318
Station 75+55.00; 19319

Thence South $86^{\circ}17'18''$ East, along the southerly line of West Lane 19320
Avenue, the northerly lines of Lots 233 through 252, the northerly 19321
lines of said OSU North Urban Renewal, Plat 1 and Plat 2, a 19322
distance of 1350.62 feet to a point at the northeast corner of 19323
said OSU North Urban Renewal, Plat 2, on the westerly line of 19324
North High Street, being 45.40 feet right of Station 89+01.19; 19325

Thence South $08^{\circ}16'08''$ East, along the easterly line of said OSU 19326
North Urban Renewal, Plat 2, the westerly line of North High 19327
Street, a distance of 27.95 feet to a point, being 45.04 feet left 19328
of Station 299+30.00; 19329

Thence passing through said lands owned by The State of Ohio, the 19330
following 36 courses: 19331

1. North $48^{\circ}38'40''$ West, 40.22 feet to a point, being 45.00 feet 19332
right of Station 88+75.00; 19333
2. South $86^{\circ}46'26''$ West, 79.95 feet to a point, being 45.00 feet 19334
right of Station 87+95.05; 19335
3. Along the arc of a curve to the right, having a radius of 19336
999.93 feet, an arc length of 120.97 feet to a point, being 45.00 19337

feet right of Station 86+79.53, said arc being subtended by a	19338
chord bearing North 89°45'37.9" West, a chord distance of 120.89	19339
feet;	19340
4. North 86°17'42" West, 461.03 feet to a point, being 45.00 feet	19341
right of Station 82+18.50;	19342
5. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet	19343
right of Station 82+18.50;	19344
6. North 86°17'42" West, 60.00 feet to a point, being 55.00 feet	19345
right of Station 81+58.50;	19346
7. North 03°42'18" East, 17.00 feet to a point, being 38.00 feet	19347
right of Station 81+58.50;	19348
8. North 86°17'42" West, 80.50 feet to a point, being 38.00 feet	19349
right of Station 80+78.00;	19350
9. South 39°14'34" West, 8.60 feet to a point, being 45.00 feet	19351
right of Station 80+73.00;	19352
10. North 86°17'42" West, 508.00 feet to a point, being 45.00 feet	19353
right of Station 75+65.00;	19354
11. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet	19355
right of Station 75+65.00;	19356
12. North 86°17'42" West, 100.00 feet to a point, being 55.00 feet	19357
right of Station 74+65.00;	19358
13. North 03°42'18" East, 10.00 feet to a point, being 45.00 feet	19359
right of Station 74+65.00;	19360
North 86°17'42" West, 107.57 feet to a point, being 45.00 feet	19361
right of Station 73+57.43;	19362
14. Along the arc of a curve to the left, having a radius of	19363
5684.58 feet, an arc length of 188.26 feet to a point of reverse	19364
curvature, being 45.00 feet right of Station 71+67.68, said arc	19365
being subtended by a chord bearing North 87°14'37.0" West, a chord	19366

distance of 188.25 feet;	19367
15. Along the arc of a curve to the right, having a radius of	19368
5774.58 feet, an arc length of 185.77 feet to a point, being 45.00	19369
feet right of Station 69+83.36, said arc being subtended by a	19370
chord bearing North 87°16'14.6" West, a chord distance of 185.76	19371
feet;	19372
16. North 86°20'57" West, 108.36 feet to a point, being 45.00 feet	19373
right of Station 68+75.00;	19374
17. South 48°39'03" West, 28.28 feet to a point, being 65.00 feet	19375
right of Station 68+65.00;	19376
18. North 86°20'57" West, 85.00 feet to a point, being 65.00 feet	19377
right of Station 67+70.00;	19378
19. North 41°20'57" West, 28.28 feet to a point, being 45.00 feet	19379
right of Station 67+50.00;	19380
20. North 86°20'57" West, 540.00 feet to a point, being 45.00 feet	19381
right of Station 62+10.00;	19382
21. South 03°39'03" West, 20.00 feet to a point, being 65.00 feet	19383
right of Station 62+10.00;	19384
22. North 86°21'38" West, 104.82 feet to a point, being 65.00 feet	19385
right of Station 61+05.00;	19386
23. North 03°29'43" East, 20.00 feet to a point, being 45.00 feet	19387
right of Station 61+05.00;	19388
24. Along the arc of a curve to the left, having a radius of	19389
5684.58 feet, an arc length of 222.11 feet to a point of reverse	19390
curvature, being 45.00 feet right of Station 58+81.13, said arc	19391
being subtended by a chord bearing North 87°37'26.8" West, a chord	19392
distance of 222.10 feet;	19393
25. Along the arc of a curve to the right, having a radius of	19394
5774.58 feet, an arc length of 81.03 feet to a point, being 45.00	19395

feet right of Station 58+00.74, said arc being subtended by a	19396
chord bearing North 88°20'29.4" West, a chord distance of 81.02	19397
feet;	19398
26. North 89°54'24" West, 164.76 feet to a point, being 53.00 feet	19399
right of Station 56+37.56;	19400
27. South 48°58'26" West, 81.01 feet to a point, being 110.00 feet	19401
right of Station 55+80.00;	19402
28. North 86°18'28" West, 506.53 feet to a point on an easterly	19403
line of Olentangy River Road, being 93.07 feet right of Station	19404
119+04.31;	19405
29. North 73°46'29" West, 190.00 feet to a point on a westerly	19406
line of Olentangy River Road, being 96.85 feet left of Station	19407
119+10.00;	19408
30. Thence North 39°34'55" West, 35.28 feet to a point, being	19409
48.00 feet right of Station 48+65.00;	19410
31. Thence North 84°51'39" West, 177.71 feet to a point on a	19411
southerly line of West Lane Avenue, being 46.05 feet right of	19412
Station 46+85.00;	19413
32. North 2°21'58" East, 46.05 feet to a point in the centerline	19414
of West Lane Avenue, being at Centerline Station 46+85.00;	19415
33. Along the centerline of West Lane Avenue, along the arc of a	19416
curve to the right, having a radius of 1762.95 feet, an arc length	19417
of 86.54 feet to a point of tangency, being at Centerline Station	19418
47+71.54, said arc being subtended by a chord bearing South	19419
86°13'40.0" East, a chord distance of 86.53 feet;	19420
34. South 84°49'18" East, along the centerline of West Lane	19421
Avenue, 201.33 feet to a point of curvature, being at Centerline	19422
Station 49+72.87;	19423
35. Along the centerline of West Lane Avenue, along the arc of a	19424
curve to the left, having a radius of 6250.45 feet, an arc length	19425

of 27.13 feet, said arc being subtended by a chord bearing South 19426
84°56'45.2" East, a chord distance of 27.13 feet, to the Place of 19427
Beginning, and containing 4.662 acres of land (1.066 acres of 19428
which is within an easement for the widening of West Lane Avenue 19429
of record in Deed Book 3464, Page 105, and 1.153 acres of which is 19430
within P.R.O., leaving a net take of 2.443 acres). A detail of the 19431
areas split from each Auditor's parcel is attached on the 19432
following page. The bearings for this description are based on a 19433
bearing of North 68°52'08" East from Franklin County control 19434
monument "ASTRO" to control monument "LANE" and are based on the 19435
NAD83 State Plane Coordinate System, Ohio South Zone. 19436

This description was prepared by ms consultants, inc. from an 19437
actual field survey (1995-1999) and existing records 19438

(B) The Governor is hereby authorized to execute a deed of 19439
easement in the name of the state conveying to the City of 19440
Columbus, and its successors and assigns, the following easements: 19441

PARCEL 1-S-1 (0.098 Ac.) 19442

LANE AVENUE 19443

SEWER EASEMENT 19444

Situated in the State of Ohio, County of Franklin, City of 19445
Columbus, Section 3, Township 1, Range 18, United States Military 19446
Lands, and being part of a 69 acre tract described in a deed to 19447
The State of Ohio, of record in Deed Book 616, Page 399, and being 19448
part of a 79.59 acre tract described in a deed to The State of 19449
Ohio, of record in Deed Book 428, Page 192, Recorder's Office, 19450
Franklin County, Ohio, all stations and offsets reference the 19451
Centerline Survey Plat of Lane Avenue prepared by ms consultants, 19452
inc. for the City of Columbus, said Parcel 1-S-1 being more 19453
particularly described as follows: 19454

Commencing for Reference at centerline intersection of Olentangy 19455

River Road and West Lane Avenue, being at Centerline Station 19456
50+00.00; 19457

Thence easterly, along the centerline of West Lane Avenue, along 19458
the arc of a curve to the left, having a radius of 6250.45 feet, 19459
an arc distance of 135.01 feet, said arc being subtended by a 19460
chord bearing South 85°41'22" East, a chord distance of 135.00 19461
feet, to a point of tangency, being at Centerline Station 19462
51+35.01; 19463

Thence South 86°18'28" East, continuing along the centerline of 19464
West Lane Avenue, a distance of 4.30 feet to a point, being at 19465
Centerline Station 51+39.31; 19466

Thence South 3°41'32" West, a distance of 110.00 feet to a point 19467
within said 69 acre tract, being 110.00 feet right of Station 19468
51+39.31, and being the True Place of Beginning; 19469

Thence continuing within said 69 acre tract and said 79.59 acre 19470
tract the following 6 courses: 19471

1. South 5°47'25" West, 59.12 feet to a point, being 169.08 feet 19472
right of Station 51+37.15; 19473
2. South 42°43'05" East, 55.61 feet to a point, being 207.42 feet 19474
right of Station 51+77.43; 19475
3. South 3°41'32" West, 41.42 feet to a point, being 248.84 feet 19476
right of Station 51+77.43; 19477
4. North 42°43'05" West, 97.69 feet to a point, being 181.55 feet 19478
right of Station 51+07.47; 19479
5. North 5°47'25" East, 71.54 feet to a point, being 110.05 feet 19480
right of Station 51+09.74; 19481
6. South 86°18'28" East, 30.02 feet to the True Place of 19482
Beginning, and containing 0.098 acres of land. 19483

The bearings for this description are based on a bearing of North 19484

68°52'08" East from Franklin County control monument "ASTRO" to 19485
control monument "LANE" and are based on the NAD83 State Plane 19486
Coordinate System, Ohio South Zone. 19487

This description was prepared by ms consultants, inc. from an 19488
actual field survey (1995-1999) and existing records. 19489

PARCEL 1-S-2 (0.181 Ac.) 19490

LANE AVENUE 19491

SEWER EASEMENT 19492

Situated in the State of Ohio, County of Franklin, City of 19493
Columbus, Section 3, Township 1, Range 18, United States Military 19494
Lands, and being part of a 5.04 acre tract described in a deed to 19495
The State of Ohio, of record in Deed Book 641, Page 242, 19496
Recorder's Office, Franklin County, Ohio, all stations and offsets 19497
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19498
consultants, inc. for the City of Columbus, said Parcel 1-S-2 19499
being more particularly described as follows: 19500

Beginning for Reference at the centerline intersection of 19501
Olentangy River Road and West Lane Avenue, being at Centerline 19502
Station 50+00.00; 19503

Thence easterly, along the centerline of West Lane Avenue, along 19504
the arc of a curve to the left, having a radius of 6250.45 feet, 19505
an arc distance of 135.01 feet, said arc being subtended by a 19506
chord bearing South 85°41'22" East, a chord distance of 135.00 19507
feet, to a point of tangency, being at Centerline Station 19508
51+35.01; 19509

Thence South 86°18'28" East, continuing along the centerline of 19510
West Lane Avenue, a distance of 502.55 feet to a point, being at 19511
Centerline Station 56+37.56; 19512

Thence South 3°41'32" West, a distance of 53.00 feet to a point 19513
within said 5.04 acre tract, being 53.00 feet right of Station 19514

56+37.56, and being the True Place of Beginning;	19515
Thence continuing within said 5.04 acre tract the following 8	19516
courses:	19517
1. South 89°54'24" East, 35.61 feet to a point, being 50.87 feet	19518
right of Station 56+72.79;	19519
2. South 50°01'11" West, 56.05 feet to a point, being 89.47 feet	19520
right of Station 56+32.57;	19521
3. South 01°30'42" West, 80.00 feet to a point, being 169.41 feet	19522
right of Station 56+35.61;	19523
4. South 50°01'11" West, 170.43 feet to a point, being 287.10 feet	19524
right of Station 55+12.34;	19525
5. North 5°01'11" East, 42.43 feet to a point, being 244.68 feet	19526
right of Station 55+13.32;	19527
6. North 50°01'11" East, 126.91 feet to a point, being 157.05 feet	19528
right of Station 56+05.12;	19529
7. North 01°30'42" East, 69.35 feet to a point, being 87.74 feet	19530
right of Station 56+02.48;	19531
8. North 48°58'26" East, 49.38 feet to the True Place of	19532
Beginning, and containing 0.181 acres of land.	19533
The bearings for this description are based on a bearing of North	19534
68°52'08" East from Franklin County control monument "ASTRO" to	19535
control monument "LANE" and are based on the NAD83 State Plane	19536
Coordinate System, Ohio South Zone.	19537
This description was prepared by ms consultants, inc. from an	19538
actual field survey (1995-1999) and existing records.	19539
PARCEL 1-S-3 (0.018 Ac.)	19540
LANE AVENUE	19541
TEMPORARY CONSTRUCTION EASEMENT	19542

Situated in the State of Ohio, County of Franklin, City of 19543
Columbus, Section 3, Township 1, Range 18, United States Military 19544
Lands, and being part of a 69 acre tract described in a deed to 19545
The State of Ohio, of record in Deed Book 616, Page 399, 19546
Recorder's Office, Franklin County, Ohio, all stations and offsets 19547
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19548
consultants, inc. for the City of Columbus, said Parcel 1-S-3 19549
being more particularly described as follows: 19550

Beginning for Reference at the centerline intersection of 19551
Olentangy River Road and West Lane Avenue, being at Olentangy 19552
River Road Centerline Station 120+00.00; 19553

Thence North $14^{\circ}30'28''$ East, along the centerline of Olentangy 19554
River Road, a distance of 220.89 feet to a point of curvature, 19555
being at Centerline Station 122+20.89; 19556

Thence northerly, along the centerline of Olentangy River Road, 19557
along the arc of a curve to the left, having a radius of 3819.72 19558
feet, an arc distance of 300.53 feet, said arc being subtended by 19559
a chord bearing North $12^{\circ}15'14''$ East, a chord distance of 300.46 19560
feet, to a point of tangency, being at Centerline Station 19561
125+21.43; 19562

Thence North $9^{\circ}59'59''$ East, continuing along the centerline of 19563
Olentangy River Road, a distance of 181.50 feet to a point, being 19564
at Centerline Station 127+02.93; 19565

Thence North $80^{\circ}00'01''$ West, a distance of 70.22 feet to a point 19566
within said 69 acre tract, on the westerly right-of-way line of 19567
Olentangy River Road, being 70.22 feet left of Station 127+02.93, 19568
and being the True Place of Beginning; 19569

Thence continuing within said 69 acre tract the following 4 19570
courses: 19571

1. South $10^{\circ}05'49''$ West, along the westerly right-of-way line of 19572

Olentangy River Road, 24.97 feet to a point, being 70.26 feet left of Station 126+77.96; 19573
19574

2. South 63°18'30" West, 32.17 feet to a point, being 96.06 feet left of Station 126+58.74; 19575
19576

3. North 26°41'30" West, 20.00 feet to a point, being 108.01 feet left of Station 126+74.77; 19577
19578

4. North 63°18'30" East, 47.13 feet to the True Place of Beginning, and containing 0.018 acres of land. 19579
19580

The bearings for this description are based on a bearing of North 68°52'08" East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone. 19581
19582
19583
19584

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records. 19585
19586

(C) Consideration for the conveyance of the real estate described in division (A) of this section and for the conveyance of the easements described in division (B) of this section is the purchase price of \$1,480,000.00, which shall be paid by the City of Columbus in certain roadway enhancements as described in a real estate purchase contract dated May 12, 2003. 19587
19588
19589
19590
19591
19592

(D) Upon completion of the roadway enhancements described in division (C) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section and a deed to the easements described in division (B) of this section. The deeds shall state the consideration. The deeds shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Columbus. The City of Columbus shall 19593
19594
19595
19596
19597
19598
19599
19600
19601
19602

present the deeds for recording in the Office of the Franklin County Recorder. 19603
19604

(E) The City of Columbus shall pay the costs of the conveyances described in divisions (A) and (B) of this section. 19605
19606

(F) This section expires one year after its effective date. 19607

Section 525.90. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Columbus, and its successors and assigns, all of the state's right, title, and interest in the following described real estate: 19608
19609
19610
19611
PARCEL 7-WD (0.010 Ac.) 19612
19613
Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being part of Lots 3, 4, 5, and 6 of the Jacob Weber Place subdivision, of record in Plat Book 17, Pages 28 and 29, said Lots 3, 4, 5, and 6 also being described in a deed to the State of Ohio, of record in Official Record 16902 B17, all records are on file in the Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by ms consultants, inc. for the City of Columbus, said Parcel 7-WD being more particularly described as follows: 19614
19615
19616
19617
19618
19619
19620
19621
19622
19623
19624
19625
Beginning for Reference at the centerline intersection of Tuttle Park Place and West Lane Avenue, being at Centerline Station 68+12.54;
19626
19627
19628
Thence North 86°20'57" West, along the centerline of West Lane Avenue, a distance of 119.68 feet to a point, being at Centerline Station 66+92.86;
19629
19630
19631
19632
Thence North 3°39'03" East, a distance of 41.53 feet to a point at the southeast corner of said Lot 3, the southwest corner of Lot 2 of said Jacob Weber Place subdivision, on the northerly line of West Lane Avenue, being 41.53 feet left of Station 66+92.86

(witness an iron pin found 41.43' left of sta. 66+92.94), and
being the True Place of Beginning;

Thence North 86°17'18" West, along the southerly lines of said
Lots 3, 4, 5, and 6, the northerly line of Lane Avenue, a distance
of 184.44 feet to a point at the southwest corner of said Lot 6,
the southeast corner of Lot 7 of said Jacob Weber Place
subdivision, being 41.73 feet left of Station 65+08.41;

Thence North 3°42'42" East, along the easterly line said Lot 7,
the westerly line of said Lot 6, a distance of 2.27 feet to a
point, being 44.00 feet left of Station 65+08.42;

Thence South 86°20'57" East, passing through said Lots 3, 4, 5,
and 6, a distance of 184.44 feet to a point on the easterly line
of said Lot 3, on the westerly line of said Lot 2, being 44.00
feet left of Station 66+92.86;

Thence South 3°42'42" West, along the easterly line of said Lot 3,
the westerly line of said Lot 2, a distance of 2.47 feet to the
True Place of Beginning, and containing 0.010 acres of land.

The bearings for this description are based on a bearing of North
68°52'08" East from Franklin County control monument "ASTRO" to
control monument "LANE" and are based on the NAD83 State Plane
Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an
actual field survey (1995-1999) and existing records.

(B) Consideration for the conveyance of the real estate
described in division (A) of this section is the purchase price of
\$10,575.00.

(C) Upon payment of the purchase price, the Auditor of State,
with the assistance of the Attorney General, shall prepare a deed
to the real estate described in division (A) of this section. The
deed shall state the consideration. The deed shall be executed by

the Governor in the name of the state, countersigned by the
Secretary of State, sealed with the Great Seal of the State,
presented in the Office of the Auditor of State for recording, and
delivered to the City of Columbus. The City of Columbus shall
present the deed for recording in the Office of the Franklin
County Recorder.

(D) The City of Columbus shall pay the costs of the
conveyance described in division (A) of this section.

(E) The net proceeds of the sale of the real estate described
in division (A) of this section shall be deposited in the Ohio
State University General Fund.

(F) This section expires one year after its effective date.

Section 525.80. (A) The Governor is hereby authorized to
execute a deed in the name of the state conveying to the City of
Columbus, and its successors and assigns, all of the state's
right, title, and interest in the following described real estate:

PARCEL 1-WD (4.662 Ac.)

LANE AVENUE

Situated in the State of Ohio, County of Franklin, City of
Columbus, Section 3, Township 1, Range 18, United States Military
Lands, and being a part of lands owned by the State of Ohio (The
Ohio State University), said lands also being described in the
following 8 documents of record:

1. 69 acre tract described in Deed Book 616, Page 399

2. 5.04 acre tract (part of Lot 278 - PB 2 Pg. 203) described in
Deed Book 641, Page 242

3. Tuttle Park Place (Doe Alley) vacated by Ordinance No. 919-75

4. Lots 211 through 252, inclusive, of R.P. Woodruff's
Agricultural Addition, P.B. 2, Pg. 203

5. Neil Avenue vacated by Ordinance No. 919-75	19692
6. Peasley Street Vacated by Ordinance No. 179-66	19693
7. OSU North Urban Renewal, Plat 1, Plat Book 37, Page 56	19694
8. OSU North Urban Renewal, Plat 2, Plat Book 38, Page 94	19695
All records are on file in the Recorder's Office, Franklin County,	19696
Ohio, unless otherwise noted, all stations and offsets reference	19697
the Centerline Survey Plat of Lane Avenue prepared by ms	19698
consultants, inc. for the City of Columbus, said Parcel 1-WD being	19699
more particularly described as follows:	19700
Beginning at a point at the centerline intersection of Olentangy	19701
River Road and West Lane Avenue, being at Centerline Station	19702
50+00.00 (Olentangy River Road Centerline Station 120+00.00);	19703
Thence North 14°30'28" East, along the centerline of Olentangy	19704
River Road, a distance of 87.57 feet to a point, being at	19705
Centerline Station 120+87.57;	19706
Thence South 75°29'32" East, a distance of 64.93 feet to a point	19707
on an easterly line of Olentangy River Road, being 64.93 feet	19708
right of Station 120+87.57 (75.05 feet left of West Lane Avenue	19709
Station 50+79.55);	19710
Thence South 59°28'15" East, within said 69 acre tract, a distance	19711
of 22.58 feet to a point, being 65.00 feet left of Station	19712
51+00.00;	19713
Thence North 51°33'30" East, continuing within said 69 acre tract,	19714
a distance of 66.93 feet to a point, being 110.00 feet left of	19715
Station 51+50.00;	19716
Thence South 86°18'28" East, continuing within said 69 acre tract,	19717
a distance of 279.96 feet to a point in the centerline of the	19718
Olentangy River, in the westerly line of a 1.80 acre tract	19719
described in a deed to the City of Columbus of record in Deed Book	19720
3382, Page 600, being 110.00 feet left of Station 54+29.96;	19721

Thence South 40°12'42" West, along the westerly line of said 1.80 19722
acre tract, the centerline of the Olentangy River, with the 19723
meanders thereof, a distance of 108.57 feet to a point at the 19724
southwest corner of said 1.80 acre tract, in the centerline of 19725
existing right of way of West Lane Avenue, being 22.75 feet left 19726
of Station 53+65.35 19727

Thence South 3°42'42" West, along the centerline of the Olentangy 19728
River, with the meanders thereof, a distance of 30.00 feet to a 19729
point on the southerly line of West Lane Avenue, at the northwest 19730
corner of said 5.04 acre tract, being 7.25 feet right of Station 19731
53+65.34; 19732

Thence South 86°17'18" East, along a southerly line of West Lane 19733
Avenue, a northerly line of said 5.04 acre tract, a distance of 19734
1419.55 feet to a point at the northeast corner of said 5.04 acre 19735
tract, on the westerly line of Tuttle Park Place, being 18.57 feet 19736
right of Station 67+85.02; 19737

Thence South 03°42'42" West, along the easterly line of said 5.04 19738
acre tract, the westerly line of Tuttle Park Place, a distance of 19739
20.00 feet to a point, being 38.57 feet right of Station 67+85.00; 19740

Thence South 86°17'18" East, along the northerly line of Tuttle 19741
Park Place as vacated by said Ordinance No. 919-75, a distance of 19742
60.00 feet to a point on the easterly line of Tuttle Park Place, 19743
the westerly line of Lot 211 of said R.P. Woodruff's Agricultural 19744
Addition, being 38.63 feet right of Station 68+45.00; 19745

Thence North 03°42'42" East, along the easterly line of Tuttle 19746
Park Place, the westerly line of said Lot 211, a distance of 20.00 19747
feet to a point at the northwest corner of said Lot 211, on the 19748
southerly line of West Lane Avenue, being 18.63 feet right of 19749
Station 68+45.02; 19750

Thence South 86°17'18" East, along the southerly line of West Lane 19751
Avenue, the northerly lines of Lots 211 through 231, a distance of 19752

629.89 feet to a point at the northeast corner of said Lot 231, on
the westerly line of Neil Avenue, being 25.11 feet right of
Station 74+75.00; 19753
19754
19755

Thence South 03°42'42" West, along the easterly line of said Lot
231, the westerly line of Neil Avenue a distance of 20.00 feet to
a point, being 45.11 feet right of Station 74+75.00; 19756
19757
19758

Thence South 86°17'18" East, along the northerly line of Neil
Avenue as vacated by said Ordinance No. 919-75, a distance of
80.00 feet to a point on the easterly line of Neil Avenue, the
westerly line of Lot 233 of said R.P. Woodruff's Agricultural
Addition, being 45.12 feet right of Station 75+55.00; 19759
19760
19761
19762
19763

Thence North 03°42'42" East, along the easterly line of Neil
Avenue, the westerly line of said Lot 233, a distance of 20.00
feet to a point at the northwest corner of said Lot 233, on the
southerly line of West Lane Avenue, being 25.12 feet right of
Station 75+55.00; 19764
19765
19766
19767
19768

Thence South 86°17'18" East, along the southerly line of West Lane
Avenue, the northerly lines of Lots 233 through 252, the northerly
lines of said OSU North Urban Renewal, Plat 1 and Plat 2, a
distance of 1350.62 feet to a point at the northeast corner of
said OSU North Urban Renewal, Plat 2, on the westerly line of
North High Street, being 45.40 feet right of Station 89+01.19; 19769
19770
19771
19772
19773
19774

Thence South 08°16'08" East, along the easterly line of said OSU
North Urban Renewal, Plat 2, the westerly line of North High
Street, a distance of 27.95 feet to a point, being 45.04 feet left
of Station 299+30.00; 19775
19776
19777
19778

Thence passing through said lands owned by The State of Ohio, the
following 36 courses: 19779
19780

1. North 48°38'40" West, 40.22 feet to a point, being 45.00 feet
right of Station 88+75.00; 19781
19782

2. South 86°46'26" West, 79.95 feet to a point, being 45.00 feet right of Station 87+95.05;	19783 19784
3. Along the arc of a curve to the right, having a radius of 999.93 feet, an arc length of 120.97 feet to a point, being 45.00 feet right of Station 86+79.53, said arc being subtended by a chord bearing North 89°45'37.9" West, a chord distance of 120.89 feet;	19785 19786 19787 19788 19789
4. North 86°17'42" West, 461.03 feet to a point, being 45.00 feet right of Station 82+18.50;	19790 19791
5. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet right of Station 82+18.50;	19792 19793
6. North 86°17'42" West, 60.00 feet to a point, being 55.00 feet right of Station 81+58.50;	19794 19795
7. North 03°42'18" East, 17.00 feet to a point, being 38.00 feet right of Station 81+58.50;	19796 19797
8. North 86°17'42" West, 80.50 feet to a point, being 38.00 feet right of Station 80+78.00;	19798 19799
9. South 39°14'34" West, 8.60 feet to a point, being 45.00 feet right of Station 80+73.00;	19800 19801
10. North 86°17'42" West, 508.00 feet to a point, being 45.00 feet right of Station 75+65.00;	19802 19803
11. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet right of Station 75+65.00;	19804 19805
12. North 86°17'42" West, 100.00 feet to a point, being 55.00 feet right of Station 74+65.00;	19806 19807
13. North 03°42'18" East, 10.00 feet to a point, being 45.00 feet right of Station 74+65.00;	19808 19809
North 86°17'42" West, 107.57 feet to a point, being 45.00 feet right of Station 73+57.43;	19810 19811

14. Along the arc of a curve to the left, having a radius of 19812
5684.58 feet, an arc length of 188.26 feet to a point of reverse 19813
curvature, being 45.00 feet right of Station 71+67.68, said arc 19814
being subtended by a chord bearing North $87^{\circ}14'37.0''$ West, a chord 19815
distance of 188.25 feet; 19816

15. Along the arc of a curve to the right, having a radius of 19817
5774.58 feet, an arc length of 185.77 feet to a point, being 45.00 19818
feet right of Station 69+83.36, said arc being subtended by a 19819
chord bearing North $87^{\circ}16'14.6''$ West, a chord distance of 185.76 19820
feet; 19821

16. North $86^{\circ}20'57''$ West, 108.36 feet to a point, being 45.00 feet 19822
right of Station 68+75.00; 19823

17. South $48^{\circ}39'03''$ West, 28.28 feet to a point, being 65.00 feet 19824
right of Station 68+65.00; 19825

18. North $86^{\circ}20'57''$ West, 85.00 feet to a point, being 65.00 feet 19826
right of Station 67+70.00; 19827

19. North $41^{\circ}20'57''$ West, 28.28 feet to a point, being 45.00 feet 19828
right of Station 67+50.00; 19829

20. North $86^{\circ}20'57''$ West, 540.00 feet to a point, being 45.00 feet 19830
right of Station 62+10.00; 19831

21. South $03^{\circ}39'03''$ West, 20.00 feet to a point, being 65.00 feet 19832
right of Station 62+10.00; 19833

22. North $86^{\circ}21'38''$ West, 104.82 feet to a point, being 65.00 feet 19834
right of Station 61+05.00; 19835

23. North $03^{\circ}29'43''$ East, 20.00 feet to a point, being 45.00 feet 19836
right of Station 61+05.00; 19837

24. Along the arc of a curve to the left, having a radius of 19838
5684.58 feet, an arc length of 222.11 feet to a point of reverse 19839
curvature, being 45.00 feet right of Station 58+81.13, said arc 19840
being subtended by a chord bearing North $87^{\circ}37'26.8''$ West, a chord 19841

distance of 222.10 feet;	19842
25. Along the arc of a curve to the right, having a radius of	19843
5774.58 feet, an arc length of 81.03 feet to a point, being 45.00	19844
feet right of Station 58+00.74, said arc being subtended by a	19845
chord bearing North 88°20'29.4" West, a chord distance of 81.02	19846
feet;	19847
26. North 89°54'24" West, 164.76 feet to a point, being 53.00 feet	19848
right of Station 56+37.56;	19849
27. South 48°58'26" West, 81.01 feet to a point, being 110.00 feet	19850
right of Station 55+80.00;	19851
28. North 86°18'28" West, 506.53 feet to a point on an easterly	19852
line of Olentangy River Road, being 93.07 feet right of Station	19853
119+04.31;	19854
29. North 73°46'29" West, 190.00 feet to a point on a westerly	19855
line of Olentangy River Road, being 96.85 feet left of Station	19856
119+10.00;	19857
30. Thence North 39°34'55" West, 35.28 feet to a point, being	19858
48.00 feet right of Station 48+65.00;	19859
31. Thence North 84°51'39" West, 177.71 feet to a point on a	19860
southerly line of West Lane Avenue, being 46.05 feet right of	19861
Station 46+85.00;	19862
32. North 2°21'58" East, 46.05 feet to a point in the centerline	19863
of West Lane Avenue, being at Centerline Station 46+85.00;	19864
33. Along the centerline of West Lane Avenue, along the arc of a	19865
curve to the right, having a radius of 1762.95 feet, an arc length	19866
of 86.54 feet to a point of tangency, being at Centerline Station	19867
47+71.54, said arc being subtended by a chord bearing South	19868
86°13'40.0" East, a chord distance of 86.53 feet;	19869
34. South 84°49'18" East, along the centerline of West Lane	19870
Avenue, 201.33 feet to a point of curvature, being at Centerline	19871

Station 49+72.87; 19872

35. Along the centerline of West Lane Avenue, along the arc of a 19873
curve to the left, having a radius of 6250.45 feet, an arc length 19874
of 27.13 feet, said arc being subtended by a chord bearing South 19875
84°56'45.2" East, a chord distance of 27.13 feet, to the Place of 19876
Beginning, and containing 4.662 acres of land (1.066 acres of 19877
which is within an easement for the widening of West Lane Avenue 19878
of record in Deed Book 3464, Page 105, and 1.153 acres of which is 19879
within P.R.O., leaving a net take of 2.443 acres). A detail of the 19880
areas split from each Auditor's parcel is attached on the 19881
following page. The bearings for this description are based on a 19882
bearing of North 68°52'08" East from Franklin County control 19883
monument "ASTRO" to control monument "LANE" and are based on the 19884
NAD83 State Plane Coordinate System, Ohio South Zone. 19885

This description was prepared by ms consultants, inc. from an 19886
actual field survey (1995-1999) and existing records 19887

(B) The Governor is hereby authorized to execute a deed of 19888
easement in the name of the state conveying to the City of 19889
Columbus, and its successors and assigns, the following easements: 19890

PARCEL 1-S-1 (0.098 Ac.) 19891

LANE AVENUE 19892

SEWER EASEMENT 19893

Situated in the State of Ohio, County of Franklin, City of 19894
Columbus, Section 3, Township 1, Range 18, United States Military 19895
Lands, and being part of a 69 acre tract described in a deed to 19896
The State of Ohio, of record in Deed Book 616, Page 399, and being 19897
part of a 79.59 acre tract described in a deed to The State of 19898
Ohio, of record in Deed Book 428, Page 192, Recorder's Office, 19899
Franklin County, Ohio, all stations and offsets reference the 19900
Centerline Survey Plat of Lane Avenue prepared by ms consultants, 19901

inc. for the City of Columbus, said Parcel 1-S-1 being more 19902
particularly described as follows: 19903

Commencing for Reference at centerline intersection of Olentangy 19904
River Road and West Lane Avenue, being at Centerline Station 19905
50+00.00; 19906

Thence easterly, along the centerline of West Lane Avenue, along 19907
the arc of a curve to the left, having a radius of 6250.45 feet, 19908
an arc distance of 135.01 feet, said arc being subtended by a 19909
chord bearing South 85°41'22" East, a chord distance of 135.00 19910
feet, to a point of tangency, being at Centerline Station 19911
51+35.01; 19912

Thence South 86°18'28" East, continuing along the centerline of 19913
West Lane Avenue, a distance of 4.30 feet to a point, being at 19914
Centerline Station 51+39.31; 19915

Thence South 3°41'32" West, a distance of 110.00 feet to a point 19916
within said 69 acre tract, being 110.00 feet right of Station 19917
51+39.31, and being the True Place of Beginning; 19918

Thence continuing within said 69 acre tract and said 79.59 acre 19919
tract the following 6 courses: 19920

1. South 5°47'25" West, 59.12 feet to a point, being 169.08 feet 19921
right of Station 51+37.15; 19922
2. South 42°43'05" East, 55.61 feet to a point, being 207.42 feet 19923
right of Station 51+77.43; 19924
3. South 3°41'32" West, 41.42 feet to a point, being 248.84 feet 19925
right of Station 51+77.43; 19926
4. North 42°43'05" West, 97.69 feet to a point, being 181.55 feet 19927
right of Station 51+07.47; 19928
5. North 5°47'25" East, 71.54 feet to a point, being 110.05 feet 19929
right of Station 51+09.74; 19930

6. South 86°18'28" East, 30.02 feet to the True Place of 19931
Beginning, and containing 0.098 acres of land. 19932

The bearings for this description are based on a bearing of North 19933
68°52'08" East from Franklin County control monument "ASTRO" to 19934
control monument "LANE" and are based on the NAD83 State Plane 19935
Coordinate System, Ohio South Zone. 19936

This description was prepared by ms consultants, inc. from an 19937
actual field survey (1995-1999) and existing records. 19938

PARCEL 1-S-2 (0.181 Ac.) 19939

LANE AVENUE 19940

SEWER EASEMENT 19941

Situated in the State of Ohio, County of Franklin, City of 19942
Columbus, Section 3, Township 1, Range 18, United States Military 19943
Lands, and being part of a 5.04 acre tract described in a deed to 19944
The State of Ohio, of record in Deed Book 641, Page 242, 19945
Recorder's Office, Franklin County, Ohio, all stations and offsets 19946
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19947
consultants, inc. for the City of Columbus, said Parcel 1-S-2 19948
being more particularly described as follows: 19949

Beginning for Reference at the centerline intersection of 19950
Olentangy River Road and West Lane Avenue, being at Centerline 19951
Station 50+00.00; 19952

Thence easterly, along the centerline of West Lane Avenue, along 19953
the arc of a curve to the left, having a radius of 6250.45 feet, 19954
an arc distance of 135.01 feet, said arc being subtended by a 19955
chord bearing South 85°41'22" East, a chord distance of 135.00 19956
feet, to a point of tangency, being at Centerline Station 19957
51+35.01; 19958

Thence South 86°18'28" East, continuing along the centerline of 19959
West Lane Avenue, a distance of 502.55 feet to a point, being at 19960

Centerline Station 56+37.56; 19961

Thence South 3°41'32" West, a distance of 53.00 feet to a point 19962
within said 5.04 acre tract, being 53.00 feet right of Station 19963
56+37.56, and being the True Place of Beginning; 19964

Thence continuing within said 5.04 acre tract the following 8 19965
courses: 19966

1. South 89°54'24" East, 35.61 feet to a point, being 50.87 feet 19967
right of Station 56+72.79; 19968
2. South 50°01'11" West, 56.05 feet to a point, being 89.47 feet 19969
right of Station 56+32.57; 19970
3. South 01°30'42" West, 80.00 feet to a point, being 169.41 feet 19971
right of Station 56+35.61; 19972
4. South 50°01'11" West, 170.43 feet to a point, being 287.10 feet 19973
right of Station 55+12.34; 19974
5. North 5°01'11" East, 42.43 feet to a point, being 244.68 feet 19975
right of Station 55+13.32; 19976
6. North 50°01'11" East, 126.91 feet to a point, being 157.05 feet 19977
right of Station 56+05.12; 19978
7. North 01°30'42" East, 69.35 feet to a point, being 87.74 feet 19979
right of Station 56+02.48; 19980
8. North 48°58'26" East, 49.38 feet to the True Place of 19981
Beginning, and containing 0.181 acres of land. 19982

The bearings for this description are based on a bearing of North 19983
68°52'08" East from Franklin County control monument "ASTRO" to 19984
control monument "LANE" and are based on the NAD83 State Plane 19985
Coordinate System, Ohio South Zone. 19986

This description was prepared by ms consultants, inc. from an 19987
actual field survey (1995-1999) and existing records. 19988

PARCEL 1-S-3 (0.018 Ac.) 19989

LANE AVENUE	19990
TEMPORARY CONSTRUCTION EASEMENT	19991
Situated in the State of Ohio, County of Franklin, City of	19992
Columbus, Section 3, Township 1, Range 18, United States Military	19993
Lands, and being part of a 69 acre tract described in a deed to	19994
The State of Ohio, of record in Deed Book 616, Page 399,	19995
Recorder's Office, Franklin County, Ohio, all stations and offsets	19996
reference the Centerline Survey Plat of Lane Avenue prepared by ms	19997
consultants, inc. for the City of Columbus, said Parcel 1-S-3	19998
being more particularly described as follows:	19999
Beginning for Reference at the centerline intersection of	20000
Olentangy River Road and West Lane Avenue, being at Olentangy	20001
River Road Centerline Station 120+00.00;	20002
Thence North 14°30'28" East, along the centerline of Olentangy	20003
River Road, a distance of 220.89 feet to a point of curvature,	20004
being at Centerline Station 122+20.89;	20005
Thence northerly, along the centerline of Olentangy River Road,	20006
along the arc of a curve to the left, having a radius of 3819.72	20007
feet, an arc distance of 300.53 feet, said arc being subtended by	20008
a chord bearing North 12°15'14" East, a chord distance of 300.46	20009
feet, to a point of tangency, being at Centerline Station	20010
125+21.43;	20011
Thence North 9°59'59" East, continuing along the centerline of	20012
Olentangy River Road, a distance of 181.50 feet to a point, being	20013
at Centerline Station 127+02.93;	20014
Thence North 80°00'01" West, a distance of 70.22 feet to a point	20015
within said 69 acre tract, on the westerly right-of-way line of	20016
Olentangy River Road, being 70.22 feet left of Station 127+02.93,	20017
and being the True Place of Beginning;	20018
Thence continuing within said 69 acre tract the following 4	20019

courses:	20020
1. South 10°05'49" West, along the westerly right-of-way line of	20021
Olentangy River Road, 24.97 feet to a point, being 70.26 feet left	20022
of Station 126+77.96;	20023
2. South 63°18'30" West, 32.17 feet to a point, being 96.06 feet	20024
left of Station 126+58.74;	20025
3. North 26°41'30" West, 20.00 feet to a point, being 108.01 feet	20026
left of Station 126+74.77;	20027
4. North 63°18'30" East, 47.13 feet to the True Place of	20028
Beginning, and containing 0.018 acres of land.	20029
The bearings for this description are based on a bearing of North	20030
68°52'08" East from Franklin County control monument "ASTRO" to	20031
control monument "LANE" and are based on the NAD83 State Plane	20032
Coordinate System, Ohio South Zone.	20033
This description was prepared by ms consultants, inc. from an	20034
actual field survey (1995-1999) and existing records.	20035
(C) Consideration for the conveyance of the real estate	20036
described in division (A) of this section and for the conveyance	20037
of the easements described in division (B) of this section is the	20038
purchase price of \$1,480,000.00, which shall be paid by the City	20039
of Columbus in certain roadway enhancements as described in a real	20040
estate purchase contract dated May 12, 2003.	20041
(D) Upon completion of the roadway enhancements described in	20042
division (C) of this section, the Auditor of State, with the	20043
assistance of the Attorney General, shall prepare a deed to the	20044
real estate described in division (A) of this section and a deed	20045
to the easements described in division (B) of this section. The	20046
deeds shall state the consideration. The deeds shall be executed	20047
by the Governor in the name of the state, countersigned by the	20048
Secretary of State, sealed with the Great Seal of the State,	20049

presented in the Office of the Auditor of State for recording, and 20050
delivered to the City of Columbus. The City of Columbus shall 20051
present the deeds for recording in the Office of the Franklin 20052
County Recorder. 20053

(E) The City of Columbus shall pay the costs of the 20054
conveyances described in divisions (A) and (B) of this section. 20055

(F) This section expires one year after its effective date. 20056

Section 525.90. (A) The Governor is hereby authorized to 20057
execute a deed in the name of the state conveying to the City of 20058
Columbus, and its successors and assigns, all of the state's 20059
right, title, and interest in the following described real estate: 20060

PARCEL 7-WD (0.010 Ac.) 20061

Situated in the State of Ohio, County of Franklin, City of 20062
Columbus, Section 3, Township 1, Range 18, United States Military 20063
Lands, and being part of Lots 3, 4, 5, and 6 of the Jacob Weber 20064
Place subdivision, of record in Plat Book 17, Pages 28 and 29, 20065
said Lots 3, 4, 5, and 6 also being described in a deed to the 20066
State of Ohio, of record in Official Record 16902 B17, all records 20067
are on file in the Recorder's Office, Franklin County, Ohio, all 20068
stations and offsets reference the Centerline Survey Plat of Lane 20069
Avenue prepared by ms consultants, inc. for the City of Columbus, 20070
said Parcel 7-WD being more particularly described as follows: 20071

Beginning for Reference at the centerline intersection of Tuttle 20072
Park Place and West Lane Avenue, being at Centerline Station 20073
68+12.54; 20074

Thence North 86°20'57" West, along the centerline of West Lane 20075
Avenue, a distance of 119.68 feet to a point, being at Centerline 20076
Station 66+92.86; 20077

Thence North 3°39'03" East, a distance of 41.53 feet to a point at 20078
the southeast corner of said Lot 3, the southwest corner of Lot 2 20079

of said Jacob Weber Place subdivision, on the northerly line of
West Lane Avenue, being 41.53 feet left of Station 66+92.86
(witness an iron pin found 41.43' left of sta. 66+92.94), and
being the True Place of Beginning;

Thence North 86°17'18" West, along the southerly lines of said
Lots 3, 4, 5, and 6, the northerly line of Lane Avenue, a distance
of 184.44 feet to a point at the southwest corner of said Lot 6,
the southeast corner of Lot 7 of said Jacob Weber Place
subdivision, being 41.73 feet left of Station 65+08.41;

Thence North 3°42'42" East, along the easterly line said Lot 7,
the westerly line of said Lot 6, a distance of 2.27 feet to a
point, being 44.00 feet left of Station 65+08.42;

Thence South 86°20'57" East, passing through said Lots 3, 4, 5,
and 6, a distance of 184.44 feet to a point on the easterly line
of said Lot 3, on the westerly line of said Lot 2, being 44.00
feet left of Station 66+92.86;

Thence South 3°42'42" West, along the easterly line of said Lot 3,
the westerly line of said Lot 2, a distance of 2.47 feet to the
True Place of Beginning, and containing 0.010 acres of land.

The bearings for this description are based on a bearing of North
68°52'08" East from Franklin County control monument "ASTRO" to
control monument "LANE" and are based on the NAD83 State Plane
Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an
actual field survey (1995-1999) and existing records.

(B) Consideration for the conveyance of the real estate
described in division (A) of this section is the purchase price of
\$10,575.00.

(C) Upon payment of the purchase price, the Auditor of State,
with the assistance of the Attorney General, shall prepare a deed

to the real estate described in division (A) of this section. The 20110
deed shall state the consideration. The deed shall be executed by 20111
the Governor in the name of the state, countersigned by the 20112
Secretary of State, sealed with the Great Seal of the State, 20113
presented in the Office of the Auditor of State for recording, and 20114
delivered to the City of Columbus. The City of Columbus shall 20115
present the deed for recording in the Office of the Franklin 20116
County Recorder. 20117

(D) The City of Columbus shall pay the costs of the 20118
conveyance described in division (A) of this section. 20119

(E) The net proceeds of the sale of the real estate described 20120
in division (A) of this section shall be deposited in the Ohio 20121
State University General Fund. 20122

(F) This section expires one year after its effective date. 20123

Section 527.10. (A) The Governor is hereby authorized to 20124
execute a deed in the name of the state conveying to a purchaser 20125
or purchasers, and the purchaser's or purchasers' successors and 20126
assigns or heirs and assigns, the state's right, title and 20127
interest in the following described real estate: 20128

Real estate situated in the County of Union, State of Ohio, and in 20129
the Township of Paris, and bounded and described as follows: 20130

Being part of Survey No. 3354, and bounded and described as 20131
follows: 20132

Beginning at a point in the center of the Marysville Milford 20133
Center Road (State Routes Nos. 4 and 36), point being the 20134
northerly corner of the Golda Dennis 0.50 acre tract; thence with 20135
the center line of said road North 44° 30' East 470.6 feet to a 20136
point; thence South 45° 30' East (passing over an iron pin at 30 20137
feet) 388.8 feet to an iron pin; thence South 11° 18' West 283.5 20138
feet to an iron pin; thence South 84° 03' West 317.2 feet to an 20139

iron pin at a corner post; thence with the northerly line of the 20140
said Dennis tract North 43° 28' West (passing over an iron pin at 20141
313 feet) 343 feet to the point of beginning. 20142

Containing 4.988 acres, more or less, but subject to the legal 20143
road right of way. 20144

Being a part of Tract I described in Union County Deed Record 20145
Volume 139 page 309. 20146

LAST DEED REFERENCE: VOLUME 206 PAGE 325, RECORDS OF UNION COUNTY, 20147
OHIO. 20148

(B) Consideration for the conveyance of the real estate 20149
described in division (A) of this section is the purchase price of 20150
\$230,000.00. 20151

(C) Upon payment of the purchase price, the Auditor of State, 20152
with the assistance of the Attorney General, shall prepare a deed 20153
to the real estate described in division (A) of this section. The 20154
deed shall state the consideration. The deed shall be executed by 20155
the Governor in the name of the state, countersigned by the 20156
Secretary of State, sealed with the Great Seal of the State, 20157
presented in the Office of the Auditor of State for recording, and 20158
delivered to the purchaser or purchasers. The purchaser or 20159
purchasers shall present the deed for recording in the Office of 20160
the Union County Recorder. 20161

(D) The purchaser or purchasers shall pay the costs of the 20162
conveyance of the real estate described in division (A) of this 20163
section. 20164

(E) The net proceeds from the sale of the real estate 20165
described in division (A) of this section shall be deposited in 20166
the Ohio State University General Fund. 20167

(F) This section expires one year after its effective date. 20168

Section 527.20. (A) The Governor is hereby authorized to 20169
execute a deed in the name of the state conveying jointly to the 20170
Village of Apple Creek and the Board of Township Trustees of East 20171
Union Township, Wayne County, all of the state's right, title, and 20172
interest in the following described real estate: 20173

Parcel One 20174

Situated in the Township of East Union, County of Wayne, State of 20175
Ohio and known as being a part of the Southeast and Southwest 20176
Quarters of Section 16 and the Northeast and Northwest Quarters of 20177
Section 21, T-16N; R-12W, also known as being a part of lands 20178
conveyed to the State of Ohio in Volume 207, Page 223; Volume 207, 20179
Page 224; Volume 207, Page 228; Volume 207, Pages 226-227; and 20180
Volume 206, Page 454, of Wayne County Deed Records and further 20181
bounded and described as follows: 20182

Beginning at a 1" pipe found at the northwest corner of the 20183
Northwest Quarter of Section 21: 20184

1) Thence N 89° 19' 38" E along the section line and the southerly 20185
line of lands conveyed to Oris Earl and Dorothy Ellen Steiner 20186
in Volume 545; Page 386 of Wayne County Deed Records a 20187
distance of 1363.52 feet to a 1 1/2" pipe found at the 20188
southeast corner of Steiner; 20189

2) Thence N 00° 20' 53" E along the easterly line of said Steiner 20190
a distance of 70.00 feet to a 1" pipe found; 20191

3) Thence S 89° 49' 28" E, 809.75 feet to a 5/8" rebar with I.D. 20192
cap marked "S.J.L., INC." set on the westerly line of lands 20193
conveyed to Wayne County in Volume 720; Page 772 of Wayne 20194
County Deed Records; 20195

4) Thence S 00° 40' 22" E along the westerly line of said Wayne 20196
County a distance of 58.00 feet to a rebar over a stone found 20197
on the section line; 20198

- 5) Thence S 00° 40' 21" E along the westerly line of said Wayne
County a distance of 240.00 feet to a 5/8" rebar found at the
southwest corner thereof; 20199
20200
20201
- 6) Thence N 89° 18' 59" E along the southerly line of said Wayne
County a distance of 550.13 feet to a 5/8" rebar found at the
southeast corner; 20202
20203
20204
- 7) Thence N 00° 59' 39" E along the easterly line of said Wayne
County a distance of 240.00 feet to a rebar over a stone
found on the section line; 20205
20206
20207
- 8) Thence N 00° 23' 47" W along the easterly line of said Wayne
County a distance of 113.44 feet to a 1" pipe found; 20208
20209
- 9) Thence N 89° 18' 10" E along the southerly line of said Wayne
County a distance of 521.12 feet to a 1" pipe found at the
southeasterly corner thereof; 20210
20211
20212
- 10) Thence N 00° 36' 26" E along the easterly line of said Wayne
County a distance of 150.61 feet to a 1" pipe found; 20213
20214
- 11) Thence S 89° 00' 00" E along the southerly line of said Wayne
County a distance of 291.03 feet to a 1" pipe found on the
westerly line of lands conveyed to the Wayne County Fire
Rescue Association in Volume 663; Page 123 of Wayne County
Deed Records; 20215
20216
20217
20218
20219
- 12) Thence S 17° 31' 23" W along the westerly line of said Wayne
County Fire Rescue Association and passing through a 5/8"
rebar found at 268.87 feet on the section line a total
distance of 662.32 feet to a 5/8" rebar found; 20220
20221
20222
20223
- 13) Thence S 62° 13' 08" E, 51.88 feet to a 5/8" rebar found; 20224
- 14) Thence S 05° 53' 22" W along the westerly line of said Wayne
County Fire Rescue Association a distance of 466.73 feet to a
5/8" rebar found at a southwesterly corner thereof; 20225
20226
20227
- 15) Thence S 88° 16' 54" E along the southerly line of said Wayne
20228

County Fire Rescue Association a distance of 327.10 feet to a	20229
5/8" rebar found;	20230
16) Thence S 01° 39' 27" W along the westerly line of said Wayne	20231
County Fire Rescue Association a distance of 442.22 feet to a	20232
5/8" rebar found at the southwesterly corner thereof;	20233
17) Thence S 89° 04' 05" W, 137.09 feet to a 5/8" rebar with I.D.	20234
cap marked "S.J.L., INC." set;	20235
18) Thence S 00° 0' 05" W, 655.89 feet to a 5/8" rebar with I.D.	20236
cap marked "S.J.L., INC." set;	20237
19) Thence N 89° 58' 55" W, 1039.31 feet to a 5/8" rebar with I.D.	20238
cap marked "S.J.L., INC." set;	20239
20) Thence N 00° 01' 05" E, 274.73 feet to a 5/8" rebar with I.D.	20240
cap marked "S.J.L., INC." set;	20241
21) Thence S 86° 58' 55" W, 695.35 feet to a 5/8" rebar with I.D.	20242
cap marked "S.J.L., INC." set at a point of curvature;	20243
22) Thence northwesterly 166.81 feet along the arc of a curve	20244
deflecting to the right, said curve having a radius of 257.00	20245
feet, a central angle of 37° 11' 20" and a chord which bears	20246
N 74° 25' 25" W, 163.90 feet to a 5/8" rebar with I.D. cap	20247
marked "S.J.L., INC." set at a point of reverse curve;	20248
23) Thence northwesterly 60.37 feet along the arc of a curve	20249
deflecting to the left, said curve having a radius of 515.54	20250
feet, a central angle of 06° 42' 35" and a chord which bears	20251
N 59° 11' 02" W, 60.34 feet to a 5/8" rebar with I.D. cap	20252
marked "S.J.L., INC." set;	20253
24) Thence N 62° 32' 20" W, 267.57 feet to a 5/8" rebar with I.D.	20254
cap marked "S.J.L., INC." set at a point of curvature;	20255
25) Thence northwesterly 129.18 feet along the arc of a curve	20256
deflecting to the right, said curve having a radius of 219.70	20257
feet, a central angle of 33° 41' 22" and a chord which bears	20258

N 45° 41' 38" W, 127.33 feet to a 5/8" rebar with I.D. cap	20259
marked "S.J.L., INC." set at a point of reverse curve;	20260
26) Thence northwesterly 225.18 feet along the arc of a curve	20261
deflecting to the left, said curve having a radius of 932.78	20262
feet a central angle of 13° 49' 53" and a chord which bears N	20263
35° 45' 54" W, 224.63 feet to a 5/8" rebar with I.D. cap	20264
marked "S.J.L., INC." set at a point of compound curve;	20265
27) Thence northwesterly 375.09 feet along the arc of a curve	20266
deflecting to the left, said curve having a radius of 267.00	20267
feet, a central angle of 80° 29' 25" and a chord which bears	20268
N 82° 55' 33" W, 345.00 feet to a 5/8" rebar with I.D. cap	20269
marked "S.J.L., INC." set at a point of reverse curve;	20270
28) Thence southwesterly 306.27 feet long the arc of a curve	20271
deflecting to the right, said curve having a radius of	20272
1179.00 feet, a central angle of 14° 53' 02" and a chord	20273
which bears S 64° 16' 16" W, 305.41 feet to a 5/8" rebar with	20274
I.D. cap marked "S.J.L., INC." set;	20275
29) Thence S 71° 42' 47" W, 525.58 feet to a monument spike set on	20276
the section line and centerline of Apple Creek Road (C.R.	20277
44);	20278
30) Thence N 00° 00' 03" W along the section line and centerline	20279
of Apple Creek Road a distance of 1479.67 feet to the place	20280
of beginning and containing within said bounds 130.822 acres	20281
of land of which 1.191 acres are in the Southwest Quarter of	20282
Section 16, 2.861 acres are in the Southeast Quarter of	20283
Section 16, 35.159 acres are in the Northeast Quarter of	20284
Section 21 and 91.611 acres are in the Northwest Quarter of	20285
Section 21, more or less, and subject to all legal highways	20286
and easements of record.	20287
This description was prepared by Virgil D. Landis, P.S. #6551 from	20288
a survey made in April of 2000 by Shaffer, Johnston, Lichtenwalter	20289

& Associates, Inc. Bearings are based on the Section line between 20290
Sections 16 and 21, bearing N 89° 19' 38" E according to record 20291
survey "EE"-429. 20292

See Survey "QQ" Page 528. 20293

Excepting therefrom the following described parcel: 20294

Situated in the Township of East Union, County of Wayne, State of 20295
Ohio and being known as being a part of the Northeast Quarter of 20296
Section 21, T-16N, R-12W and also a part of lands of the State of 20297
Ohio as recorded in Official Record 207, Page 224 and being 20298
further bounded and described as follows: 20299

Commencing at an iron pin and stone found marking the northeast 20300
corner of the Northeast Quarter of Section 21; 20301

Thence S 86°05'34" W, 855.22 feet with the north line of said 20302
Quarter Section to a 5/8" rebar found on the east line of lands of 20303
The Wayne County Fire Rescue Assoc. as recorded in Volume 663, 20304
Page 123; 20305

Thence continuing S 86°05'34"W, 1147.11 feet to a 5/8" rebar found 20306
on the easterly line of the Grantor; 20307

Thence S 14°18'47"W, 388.24 feet with the west line of the Grantor 20308
to a 5/8" rebar found and being the principal place of beginning 20309
of the parcel herein described; 20310

1) Thence S 65°08'56"E with a northerly line of the Grantor a 20311
distance of 50.85 feet to a 5/8" rebar found; 20312

2) Thence S 02°40'46"W with an easterly line of the Grantor a 20313
distance of 471.99 feet to a 5/8" rebar found; 20314

3) Thence N 88°30'30"E, 327.08 feet with a northerly line of the 20315
Grantor a 5/8" rebar found; 20316

4) Thence S 01°32'02"E, 442.22 feet with an easterly line of the 20317
Grantor to a 5/8" rebar found; 20318

5) Thence S 85°51'29"W, 205.84 feet to a 5/8" rebar and cap set;	20319
6) Thence N 07°14'47"W, 112.61 feet to a 5/8" rebar and cap set;	20320
7) Thence N 85°10'27"W, 150.74 feet to a 5/8" rebar and cap set;	20321
8) Thence N 02°28'35"E, 773.07 feet to a 5/8" rebar and cap set;	20322
9) Thence N 30°49'40"W, 51.84 feet to the place of beginning and	20323
containing within said bounds 3.472 acres be the same more or	20324
less.	20325
Subject to all legal highways and easements of record. Basis of	20326
Bearings: Survey "JJ"-276. This description was prepared by Mark	20327
E. Purdy P.S. 7307 from a survey completed in July of 2005.	20328
Survey "SS"-779.	20329
Meaning to convey 127.350 acres	20330
Parcel No. 27-01866.000, 27-01867.000, 27-01876.000,	20331
27-_____.	20332
Parcel Two	20333
Situated in the Township of East Union, County of Wayne and State	20334
of Ohio and known as being a part of the southwest quarter of	20335
Section 21 and a part of the northwest quarter of Section 28,	20336
T-16N; R-12W and being further bounded and described as follows:	20337
Commencing at an iron pin found at the southwest corner of the	20338
southwest quarter of Section 21; thence N 89°42'44" E along the	20339
section line a distance of 691.84 feet to an iron pin set on the	20340
easterly line of the Apple Creek Cemetery and the principal place	20341
of beginning of the parcel herein described;	20342
1) Thence N 0°17'16" W, 70.85 feet to an iron pipe found;	20343
2) Thence N 89°42'44" E 76.56 feet to an iron pipe found;	20344
3) Thence N 01°17'16" W, 70.62 feet to an iron pipe found at the	20345
northeast corner of said cemetery;	20346

4) Thence N 89°42'44" E along the easterly prolongation of the northerly line of said cemetery 150.00 feet to an iron pin set; 20347
20348

5) Thence S 13°49'14" W and passing through an iron pin set at 145.87 feet on the section line a distance of 241.61 feet to a railroad spike set on the centerline of Church Street; 20349
20350
20351

6) Thence S 78°09'04" W along the centerline of Church Street 171.14 feet to a railroad spike set at the southeast corner of the aforementioned cemetery; 20352
20353
20354

7) Thence N 0°17'6" W, 127.15 feet to the place of beginning and containing within said bounds 1.002 acres of land of which 0.554 acre is in the southwest quarter of Section 21 and 0.448 acre is in the northwest quarter of Section 28 be the same more or less but subject to all legal highways. 20355
20356
20357
20358
20359

Survey "JJ"-200. 20360

Prior conveyance: Wayne County Deed Vol. 207, Pages 220, 228. 20361

Parcel No. 27-01877.003, 27-01877.000 20362

(B) Consideration for the conveyance of the real estate described in division (A) of this section is \$420,000.00, as derived by mutual agreement reached between the Director of Administrative Services on behalf of the state, and the Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, through an executed Offer to Purchase. 20363
20364
20365
20366
20367
20368

(C) Before the execution of the deed described in division (E) of this section, possession of the real estate described in division (A) of this section shall be governed by an existing interim lease between the Ohio Department of Administrative Services and the Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County. 20369
20370
20371
20372
20373
20374

(D) The deed described in division (E) of this section shall be subject to the following restrictions: 20375
20376

(1) Until June 1, 2018, the Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, shall limit their usage, conveyance, or lease of the real estate described in division (A) of this section to a public purpose recognized by the Internal Revenue Service.

(2) If the Village of Apple Creek or the Board of Township Trustees of East Union Township, Wayne County, breaches the restriction set forth in division (D)(1) of this section, they shall pay to the state a sum equal to the balance of the capital bond indebtedness of the Ohio Department of Mental Retardation and Developmental Disabilities for the Apple Creek Developmental Center that, at the time of the breach and as determined by the Office of Budget and Management, is attributable to the real estate described in division (A) of this section.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and the restrictions described in division (D) of this section. The deed shall be executed by the Governor in the name of the state, be countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in the Office of the Auditor of State. The Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, shall present the deed for recording in the Office of the Wayne County Recorder.

(F) The Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, shall pay the recordation and all other costs of the conveyance of the real estate described in division (A) of this section.

(G) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in the state

treasury to the credit of Fund 33 Mental Health Improvement Fund. 20408

(H) This section expires one year after its effective date. 20409

Section 527.10. (A) The Governor is hereby authorized to 20410
execute a deed in the name of the state conveying to a purchaser 20411
or purchasers, and the purchaser's or purchasers' successors and 20412
assigns or heirs and assigns, the state's right, title and 20413
interest in the following described real estate: 20414

Real estate situated in the County of Union, State of Ohio, and in 20415
the Township of Paris, and bounded and described as follows: 20416

Being part of Survey No. 3354, and bounded and described as 20417
follows: 20418

Beginning at a point in the center of the Marysville Milford 20419
Center Road (State Routes Nos. 4 and 36), point being the 20420
northerly corner of the Golda Dennis 0.50 acre tract; thence with 20421
the center line of said road North 44° 30' East 470.6 feet to a 20422
point; thence South 45° 30' East (passing over an iron pin at 30 20423
feet) 388.8 feet to an iron pin; thence South 11° 18' West 283.5 20424
feet to an iron pin; thence South 84° 03' West 317.2 feet to an 20425
iron pin at a corner post; thence with the northerly line of the 20426
said Dennis tract North 43° 28' West (passing over an iron pin at 20427
313 feet) 343 feet to the point of beginning. 20428

Containing 4.988 acres, more or less, but subject to the legal 20429
road right of way. 20430

Being a part of Tract I described in Union County Deed Record 20431
Volume 139 page 309. 20432

LAST DEED REFERENCE: VOLUME 206 PAGE 325, RECORDS OF UNION COUNTY, 20433
OHIO. 20434

(B) Consideration for the conveyance of the real estate 20435
described in division (A) of this section is the purchase price of 20436

\$230,000.00. 20437

(C) Upon payment of the purchase price, the Auditor of State, 20438
with the assistance of the Attorney General, shall prepare a deed 20439
to the real estate described in division (A) of this section. The 20440
deed shall state the consideration. The deed shall be executed by 20441
the Governor in the name of the state, countersigned by the 20442
Secretary of State, sealed with the Great Seal of the State, 20443
presented in the Office of the Auditor of State for recording, and 20444
delivered to the purchaser or purchasers. The purchaser or 20445
purchasers shall present the deed for recording in the Office of 20446
the Union County Recorder. 20447

(D) The purchaser or purchasers shall pay the costs of the 20448
conveyance of the real estate described in division (A) of this 20449
section. 20450

(E) The net proceeds from the sale of the real estate 20451
described in division (A) of this section shall be deposited in 20452
the Ohio State University General Fund. 20453

(F) This section expires one year after its effective date. 20454

Section 527.20. (A) The Governor is hereby authorized to 20455
execute a deed in the name of the state conveying jointly to the 20456
Village of Apple Creek and the Board of Township Trustees of East 20457
Union Township, Wayne County, all of the state's right, title, and 20458
interest in the following described real estate: 20459

Parcel One 20460

Situated in the Township of East Union, County of Wayne, State of 20461
Ohio and known as being a part of the Southeast and Southwest 20462
Quarters of Section 16 and the Northeast and Northwest Quarters of 20463
Section 21, T-16N; R-12W, also known as being a part of lands 20464
conveyed to the State of Ohio in Volume 207, Page 223; Volume 207, 20465
Page 224; Volume 207, Page 228; Volume 207, Pages 226-227; and 20466

Volume 206, Page 454, of Wayne County Deed Records and further	20467
bounded and described as follows:	20468
Beginning at a 1" pipe found at the northwest corner of the	20469
Northwest Quarter of Section 21:	20470
1) Thence N 89° 19' 38" E along the section line and the southerly	20471
line of lands conveyed to Oris Earl and Dorothy Ellen Steiner	20472
in Volume 545; Page 386 of Wayne County Deed Records a	20473
distance of 1363.52 feet to a 1 1/2" pipe found at the	20474
southeast corner of Steiner;	20475
2) Thence N 00° 20' 53" E along the easterly line of said Steiner	20476
a distance of 70.00 feet to a 1" pipe found;	20477
3) Thence S 89° 49' 28" E, 809.75 feet to a 5/8" rebar with I.D.	20478
cap marked "S.J.L., INC." set on the westerly line of lands	20479
conveyed to Wayne County in Volume 720; Page 772 of Wayne	20480
County Deed Records;	20481
4) Thence S 00° 40' 22" E along the westerly line of said Wayne	20482
County a distance of 58.00 feet to a rebar over a stone found	20483
on the section line;	20484
5) Thence S 00° 40' 21" E along the westerly line of said Wayne	20485
County a distance of 240.00 feet to a 5/8" rebar found at the	20486
southwest corner thereof;	20487
6) Thence N 89° 18' 59" E along the southerly line of said Wayne	20488
County a distance of 550.13 feet to a 5/8" rebar found at the	20489
southeast corner;	20490
7) Thence N 00° 59' 39" E along the easterly line of said Wayne	20491
County a distance of 240.00 feet to a rebar over a stone	20492
found on the section line;	20493
8) Thence N 00° 23' 47" W along the easterly line of said Wayne	20494
County a distance of 113.44 feet to a 1" pipe found;	20495
9) Thence N 89° 18' 10" E along the southerly line of said Wayne	20496

County a distance of 521.12 feet to a 1" pipe found at the southeasterly corner thereof;	20497 20498
10) Thence N 00° 36' 26" E along the easterly line of said Wayne County a distance of 150.61 feet to a 1" pipe found;	20499 20500
11) Thence S 89° 00' 00" E along the southerly line of said Wayne County a distance of 291.03 feet to a 1" pipe found on the westerly line of lands conveyed to the Wayne County Fire Rescue Association in Volume 663; Page 123 of Wayne County Deed Records;	20501 20502 20503 20504 20505
12) Thence S 17° 31' 23" W along the westerly line of said Wayne County Fire Rescue Association and passing through a 5/8" rebar found at 268.87 feet on the section line a total distance of 662.32 feet to a 5/8" rebar found;	20506 20507 20508 20509
13) Thence S 62° 13' 08" E, 51.88 feet to a 5/8" rebar found;	20510
14) Thence S 05° 53' 22" W along the westerly line of said Wayne County Fire Rescue Association a distance of 466.73 feet to a 5/8" rebar found at a southwesterly corner thereof;	20511 20512 20513
15) Thence S 88° 16' 54" E along the southerly line of said Wayne County Fire Rescue Association a distance of 327.10 feet to a 5/8" rebar found;	20514 20515 20516
16) Thence S 01° 39' 27" W along the westerly line of said Wayne County Fire Rescue Association a distance of 442.22 feet to a 5/8" rebar found at the southwesterly corner thereof;	20517 20518 20519
17) Thence S 89° 04' 05" W, 137.09 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20520 20521
18) Thence S 00° 0' 05" W, 655.89 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20522 20523
19) Thence N 89° 58' 55" W, 1039.31 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20524 20525

20) Thence N 00° 01' 05" E, 274.73 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20526 20527
21) Thence S 86° 58' 55" W, 695.35 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of curvature;	20528 20529
22) Thence northwesterly 166.81 feet along the arc of a curve deflecting to the right, said curve having a radius of 257.00 feet, a central angle of 37° 11' 20" and a chord which bears N 74° 25' 25" W, 163.90 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of reverse curve;	20530 20531 20532 20533 20534
23) Thence northwesterly 60.37 feet along the arc of a curve deflecting to the left, said curve having a radius of 515.54 feet, a central angle of 06° 42' 35" and a chord which bears N 59° 11' 02" W, 60.34 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20535 20536 20537 20538 20539
24) Thence N 62° 32' 20" W, 267.57 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of curvature;	20540 20541
25) Thence northwesterly 129.18 feet along the arc of a curve deflecting to the right, said curve having a radius of 219.70 feet, a central angle of 33° 41' 22" and a chord which bears N 45° 41' 38" W, 127.33 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of reverse curve;	20542 20543 20544 20545 20546
26) Thence northwesterly 225.18 feet along the arc of a curve deflecting to the left, said curve having a radius of 932.78 feet a central angle of 13° 49' 53" and a chord which bears N 35° 45' 54" W, 224.63 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of compound curve;	20547 20548 20549 20550 20551
27) Thence northwesterly 375.09 feet along the arc of a curve deflecting to the left, said curve having a radius of 267.00 feet, a central angle of 80° 29' 25" and a chord which bears N 82° 55' 33" W, 345.00 feet to a 5/8" rebar with I.D. cap	20552 20553 20554 20555

marked "S.J.L., INC." set at a point of reverse curve; 20556

28) Thence southwesterly 306.27 feet long the arc of a curve 20557
deflecting to the right, said curve having a radius of 20558
1179.00 feet, a central angle of 14° 53' 02" and a chord 20559
which bears S 64° 16' 16" W, 305.41 feet to a 5/8" rebar with 20560
I.D. cap marked "S.J.L., INC." set; 20561

29) Thence S 71° 42' 47" W, 525.58 feet to a monument spike set on 20562
the section line and centerline of Apple Creek Road (C.R. 20563
44); 20564

30) Thence N 00° 00' 03" W along the section line and centerline 20565
of Apple Creek Road a distance of 1479.67 feet to the place 20566
of beginning and containing within said bounds 130.822 acres 20567
of land of which 1.191 acres are in the Southwest Quarter of 20568
Section 16, 2.861 acres are in the Southeast Quarter of 20569
Section 16, 35.159 acres are in the Northeast Quarter of 20570
Section 21 and 91.611 acres are in the Northwest Quarter of 20571
Section 21, more or less, and subject to all legal highways 20572
and easements of record. 20573

This description was prepared by Virgil D. Landis, P.S. #6551 from 20574
a survey made in April of 2000 by Shaffer, Johnston, Lichtenwalter 20575
& Associates, Inc. Bearings are based on the Section line between 20576
Sections 16 and 21, bearing N 89° 19' 38" E according to record 20577
survey "EE"-429. 20578

See Survey "QQ" Page 528. 20579

Excepting therefrom the following described parcel: 20580

Situated in the Township of East Union, County of Wayne, State of 20581
Ohio and being known as being a part of the Northeast Quarter of 20582
Section 21, T-16N, R-12W and also a part of lands of the State of 20583
Ohio as recorded in Official Record 207, Page 224 and being 20584
further bounded and described as follows: 20585

Commencing at an iron pin and stone found marking the northeast corner of the Northeast Quarter of Section 21; 20586
20587

Thence S 86°05'34" W, 855.22 feet with the north line of said Quarter Section to a 5/8" rebar found on the east line of lands of The Wayne County Fire Rescue Assoc. as recorded in Volume 663, Page 123; 20588
20589
20590
20591

Thence continuing S 86°05'34"W, 1147.11 feet to a 5/8" rebar found on the easterly line of the Grantor; 20592
20593

Thence S 14°18'47"W, 388.24 feet with the west line of the Grantor to a 5/8" rebar found and being the principal place of beginning of the parcel herein described; 20594
20595
20596

1) Thence S 65°08'56"E with a northerly line of the Grantor a distance of 50.85 feet to a 5/8" rebar found; 20597
20598

2) Thence S 02°40'46"W with an easterly line of the Grantor a distance of 471.99 feet to a 5/8" rebar found; 20599
20600

3) Thence N 88°30'30"E, 327.08 feet with a northerly line of the Grantor a 5/8" rebar found; 20601
20602

4) Thence S 01°32'02"E, 442.22 feet with an easterly line of the Grantor to a 5/8" rebar found; 20603
20604

5) Thence S 85°51'29"W, 205.84 feet to a 5/8" rebar and cap set; 20605

6) Thence N 07°14'47"W, 112.61 feet to a 5/8" rebar and cap set; 20606

7) Thence N 85°10'27"W, 150.74 feet to a 5/8" rebar and cap set; 20607

8) Thence N 02°28'35"E, 773.07 feet to a 5/8" rebar and cap set; 20608

9) Thence N 30°49'40"W, 51.84 feet to the place of beginning and containing within said bounds 3.472 acres be the same more or less. 20609
20610
20611

Subject to all legal highways and easements of record. Basis of Bearings: Survey "JJ"-276. This description was prepared by Mark E. Purdy P.S. 7307 from a survey completed in July of 2005. 20612
20613
20614

Survey "SS"-779.	20615
Meaning to convey 127.350 acres	20616
Parcel No. 27-01866.000, 27-01867.000, 27-01876.000,	20617
27-_____.	20618
Parcel Two	20619
Situated in the Township of East Union, County of Wayne and State	20620
of Ohio and known as being a part of the southwest quarter of	20621
Section 21 and a part of the northwest quarter of Section 28,	20622
T-16N; R-12W and being further bounded and described as follows:	20623
Commencing at an iron pin found at the southwest corner of the	20624
southwest quarter of Section 21; thence N 89°42'44" E along the	20625
section line a distance of 691.84 feet to an iron pin set on the	20626
easterly line of the Apple Creek Cemetery and the principal place	20627
of beginning of the parcel herein described;	20628
1) Thence N 0°17'16" W, 70.85 feet to an iron pipe found;	20629
2) Thence N 89°42'44" E 76.56 feet to an iron pipe found;	20630
3) Thence N 01°17'16" W, 70.62 feet to an iron pipe found at the	20631
northeast corner of said cemetery;	20632
4) Thence N 89°42'44" E along the easterly prolongation of the	20633
northerly line of said cemetery 150.00 feet to an iron pin set;	20634
5) Thence S 13°49'14" W and passing through an iron pin set at	20635
145.87 feet on the section line a distance of 241.61 feet to a	20636
railroad spike set on the centerline of Church Street;	20637
6) Thence S 78°09'04" W along the centerline of Church Street	20638
171.14 feet to a railroad spike set at the southeast corner of the	20639
aforementioned cemetery;	20640
7) Thence N 0°17'6" W, 127.15 feet to the place of beginning and	20641
containing within said bounds 1.002 acres of land of which 0.554	20642
acre is in the southwest quarter of Section 21 and 0.448 acre is	20643

in the northwest quarter of Section 28 be the same more or less 20644
but subject to all legal highways. 20645

Survey "JJ"-200. 20646

Prior conveyance: Wayne County Deed Vol. 207, Pages 220, 228. 20647

Parcel No. 27-01877.003, 27-01877.000 20648

(B) Consideration for the conveyance of the real estate 20649
described in division (A) of this section is \$420,000.00, as 20650
derived by mutual agreement reached between the Director of 20651
Administrative Services on behalf of the state, and the Village of 20652
Apple Creek and the Board of Township Trustees of East Union 20653
Township, Wayne County, through an executed Offer to Purchase. 20654

(C) Before the execution of the deed described in division 20655
(E) of this section, possession of the real estate described in 20656
division (A) of this section shall be governed by an existing 20657
interim lease between the Ohio Department of Administrative 20658
Services and the Village of Apple Creek and the Board of Township 20659
Trustees of East Union Township, Wayne County. 20660

(D) The deed described in division (E) of this section shall 20661
be subject to the following restrictions: 20662

(1) Until June 1, 2018, the Village of Apple Creek and the 20663
Board of Township Trustees of East Union Township, Wayne County, 20664
shall limit their usage, conveyance, or lease of the real estate 20665
described in division (A) of this section to a public purpose 20666
recognized by the Internal Revenue Service. 20667

(2) If the Village of Apple Creek or the Board of Township 20668
Trustees of East Union Township, Wayne County, breaches the 20669
restriction set forth in division (D)(1) of this section, they 20670
shall pay to the state a sum equal to the balance of the capital 20671
bond indebtedness of the Ohio Department of Mental Retardation and 20672
Developmental Disabilities for the Apple Creek Developmental 20673

Center that, at the time of the breach and as determined by the
Office of Budget and Management, is attributable to the real
estate described in division (A) of this section.

20674
20675
20676

(E) Upon payment of the purchase price, the Auditor of State,
with the assistance of the Attorney General, shall prepare a deed
to the real estate described in division (A) of this section. The
deed shall state the consideration and the restrictions described
in division (D) of this section. The deed shall be executed by the
Governor in the name of the state, be countersigned by the
Secretary of State, sealed with the Great Seal of the State, and
presented for recording in the Office of the Auditor of State. The
Village of Apple Creek and the Board of Township Trustees of East
Union Township, Wayne County, shall present the deed for recording
in the Office of the Wayne County Recorder.

20677
20678
20679
20680
20681
20682
20683
20684
20685
20686
20687

(F) The Village of Apple Creek and the Board of Township
Trustees of East Union Township, Wayne County, shall pay the
recordation and all other costs of the conveyance of the real
estate described in division (A) of this section.

20688
20689
20690
20691

(G) The net proceeds of the sale of the real estate described
in division (A) of this section shall be deposited in the state
treasury to the credit of Fund 33 Mental Health Improvement Fund.

20692
20693
20694

(H) This section expires one year after its effective date.

20695

Section 527.30. (A) The Governor is hereby authorized to
execute a deed in the name of the state conveying to the Three
Rivers Fire District, and its successors and assigns, all of the
state's rights, title, and interest in the following described
real estate:

20696
20697
20698
20699
20700

Situated in the Township of Keene, County of Coshocton, State of
Ohio, and being 3.440 acres, more or less, in Lot 19, Plat of
Hamilton's Section, DR 6, page 62, in the Fourth Quarter, Township

20701
20702
20703

6 North, Range 6 West, United States Military Lands, conveyed to 20704
the State of Ohio, DR 283-536 (part), Parcel No. 017-09400062-00 20705
(part), and being more particularly described as follows: 20706

Commencing at a point at Station 111+50, Cos-36-20.74 R/W Plan, 20707
Limited Access, Plat Book 3, page 43; 20708

Thence, N. 13°03'14" E. a distance of 125.00' to a 5/8" rebar set 20709
on the North Line of said Limited Access, said rebar being the 20710
TRUE POINT OF BEGINNING: 20711

Thence, through the property of State of Ohio, DR 283-536 and with 20712
the North Line of said Limited Access, N. 80° 24' 39" W. a 20713
distance of 24.20 to a 5/8" rebar set; 20714

Thence, continuing through the property of State of Ohio, DR 20715
283-536, the following 3 courses: 20716

1. thence, N. 10° 55' 32" E. a distance of 76.65' to a 5/8" rebar 20717
set; 20718

2. thence, N. 69° 10' 06" E. a distance of 746.20' to a 5/8" rebar 20719
set; 20720

3. thence, S. 88° 51' 07" E. a distance of 130.41' to a 5/8" rebar 20721
set on the West right-of-way of State Road 621; 20722

Thence, continuing through the property of State of Ohio, Dr 20723
283-536, and with the West right-of-way line of State Road 621, S 20724
44° 44' 18" W. a distance of 461.28' to a 5/8" rebar set; 20725

Thence, continuing through the property of State of Ohio, DR 20726
283-536, and with the North line of said Limited Access, the 20727
following 2 courses: 20728

1. thence, S. 74° 02' 13" W. a distance of 296.88' to a 5/8" rebar 20729
set; 20730

2. thence, N. 72° 06' 38" W. a distance of 218.95' to the TRUE 20731
POINT OF BEGINNING, containing 3.440 acres, more or less, and is 20732

subject to all easement, rights-of-way, or restrictions, whether recorded or implied. 20733
20734

Bearings are based on Plat Book 3, page 43 and are for angular calculations only. 20735
20736

Prior Instrument Reference: Deed Book 283, page 536 20737

Parcel Number: 017-09400062-00 20738

(B) Consideration for the conveyance of the real estate described in division (A) of this section shall be a purchase price based upon an appraisal and be approved by the Board of Trustees of The Ohio State University. The Board of Trustees shall cause the real estate to be appraised by one or more disinterested persons at a fee determined by the Board of Trustees. Upon the Board of Trustees' approval of the appraised value, the Board of Trustees shall notify the Three Rivers Fire District in writing of the purchase price for the real estate. 20739
20740
20741
20742
20743
20744
20745
20746
20747

(C) Upon the Three Rivers Fire District's payment of the purchase price as determined in accordance with division (B) of this section for the real estate described in division (A) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Three Rivers Fire District. The Three Rivers Fire District shall present the deed for recording in the Office of the Coshocton County Recorder. 20748
20749
20750
20751
20752
20753
20754
20755
20756
20757
20758
20759

(D) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in The Ohio State University's Endowment Fund for the Ohio Agricultural Research and Development Center. 20760
20761
20762
20763

(E) The Three Rivers Fire District shall pay the costs of 20764
conveying the real estate described in division (A) of this 20765
section, including advertising costs, appraisal fees, and other 20766
costs incident to the sale of the real estate. 20767

(F) This section expires one year after its effective date. 20768

Section 527.40. (A) The Governor is hereby authorized to 20769
execute a deed in the name of the state conveying to the Board of 20770
Education of the Columbus City School District, and its successors 20771
and assigns, all of the state's right, title, and interest in the 20772
following described real estate that was intended to have been 20773
conveyed to the Board of Education of the Columbus City School 20774
District, but was omitted from the description of certain of the 20775
real estate conveyed [Parcel No. 21302 (Parcel 1); Instrument No. 20776
200601240015294 in the Office of the Franklin County Recorder] to 20777
the Columbus Board of Education, in Section 6 of Sub. H.B. 139 of 20778
the 126th General Assembly: 20779

Situated in the County of Franklin, in the State of Ohio, and 20780
in the City of Columbus: 20781

Together with all right, title and interest in and to the 20782
(Ten) 10 foot alley vacated by the City of Columbus Ordinance No. 20783
70-54, passed February 8, 1954. 20784

Contained within Parcel No. 21302 20785

(B) The Auditor of State, with the assistance of the Attorney 20786
General, shall prepare a deed to the real estate described in 20787
division (A) of this section. The deed shall be executed by the 20788
Governor in the name of the state, countersigned by the Secretary 20789
of State, sealed with the Great Seal of the State, and presented 20790
for recording in the Office of the Auditor of State. The Board of 20791
Education of the Columbus City School District shall present the 20792
deed for recording in the Office of the Franklin County Recorder. 20793

(C) This section expires one year after its effective date. 20794

Section 527.50. (A) The Governor is hereby authorized to 20795
execute a deed in the name of the state conveying to a purchaser 20796
or purchasers, and the purchaser's or purchasers' heirs and 20797
assigns or successors and assigns, all of the state's right, 20798
title, and interest in the following described real estate: 20799

A parcel of land in the northwest quarter and northeast 20800
quarter of Section 16, Town 3, United States Reserve in the City 20801
of Toledo, Lucas County, Ohio, and being Lot 7 of the Lucas County 20802
Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, 20803
Page 23, Lucas County Recorder's Office. 20804

Commencing at the north quarter corner of said Section 16; 20805

thence North 90 degrees 00 minutes 00 seconds West a distance 20806
of 33.79 feet along the north line of said Section 16, same being 20807
the centerline of Arlington Avenue, as it now exists, to the 20808
centerline of Detroit Avenue, as it now exists; 20809

thence South 26 degrees 18 minutes 17 seconds West a distance 20810
of 1332.31 feet along the said centerline of Detroit Avenue, as it 20811
now exists, to the intersection of said centerline of Detroit 20812
Avenue, as it now exists, with the westerly extension of a 20813
southerly line of said Lucas County Senior Citizens Complex Plat 20814
1; 20815

thence South 89 degrees 31 minutes 02 seconds East a distance 20816
of 55.55 feet along the westerly extension of a southerly line of 20817
said Lucas County Senior Citizens Complex Plat 1, to the easterly 20818
existing right of way line of Detroit Avenue, as it now exists, 20819
said point being a southwesterly corner of said Lucas County 20820
Senior Citizens Complex Plat 1; 20821

thence continuing South 89 degrees 31 minutes 02 seconds East 20822
a distance of 339.49 feet along a southerly line of said Lucas 20823

County Senior Citizens Complex Plat 1 to a point of deflection in
said line; 20824
20825

thence South 29 degrees 34 minutes 55 seconds East a distance 20826
of 248.26 feet along a southwesterly line of said Lucas County 20827
Senior Citizens Complex Plat 1 to a point of deflection in said 20828
line; 20829

thence North 60 degrees 25 minutes 05 seconds East a distance 20830
of 60.00 feet along a southeasterly line of said Lucas County 20831
Senior Citizens Complex Plat 1, to the southerly most corner of 20832
said Lot 7, said point being the TRUE POINT OF BEGINNING; 20833

thence North 29 degrees 34 minutes 55 seconds West a distance 20834
of 94.65 feet along a southwesterly line of said Lot 7, same being 20835
the easterly existing right of way line of Garden Lake Parkway, as 20836
it now exists, to a point; 20837

thence North 00 degrees 07 minutes 29 seconds East a distance 20838
of 102.88 feet along a westerly line of said Lot 7, same being an 20839
easterly line of a parcel of land owned by the State of Ohio as 20840
shown on said plat, to a corner of said Lot 7; 20841

thence North 89 degrees 31 minutes 02 seconds West a distance 20842
of 57.44 feet along a southerly line of said Lot 7, same being a 20843
northerly line of said parcel owned by the State of Ohio, to a 20844
corner of said Lot 7; 20845

thence northerly along a westerly line of said Lot 7, same 20846
being the easterly existing right of way line of Garden Lake 20847
Parkway, as it now exists, along a curve to the right having a 20848
radius of 120.82 feet, a central angle of 47 degrees 34 minutes 48 20849
seconds, an arc distance of 100.33 feet to a point of tangency, 20850
said curve having a chord direction of North 02 degrees 30 minutes 20851
52 seconds East and a chord length of 97.47 feet; 20852

thence North 26 minutes 18 minutes 17 seconds East a distance 20853

of 41.80 feet along a northwesterly line of said Lot 7 and 20854
easterly existing right of way line of Garden Lake Parkway, as it 20855
now exists, to a northwesterly corner of said Lot 7; 20856

thence South 63 degrees 41 minutes 43 seconds East a distance 20857
of 140.74 feet along a northerly line of said Lot 7, same being a 20858
southerly line of Lot 8 in said Lucas County Senior Citizens 20859
Complex Plat 1, to a corner of said Lot 7; 20860

thence North 44 degrees 56 minutes 46 seconds East a distance 20861
of 191.26 feet along an easterly line of said Lot 7, same being a 20862
southerly line of said Lot 8, to a northerly corner of said Lot 7; 20863

thence South 45 degrees 03 minutes 14 seconds East a distance 20864
of 262.84 feet along a northerly line of said lot 7, same being a 20865
southerly line of said Lot 8, to the northeasterly corner of said 20866
Lot 7; 20867

thence South 60 degrees 25 minutes 05 seconds West a distance 20868
of 421.04 feet along a southeasterly line of said Lot 7, same 20869
being a southeasterly line of said Lucas County Senior Citizens 20870
Complex Plat 1, to the TRUE POINT OF BEGINNING. 20871

The above described parcel contains 2.138 acres, more or less 20872
and is currently known as Lucas County Auditor's Number 09-85811 20873
and is subject to any and all leases, easements or restrictions of 20874
record. 20875

This description was prepared by Steven E. Anello and 20876
reviewed by Kenneth E. Ducat, Professional Surveyor Number 6783, 20877
DGL CONSULTING ENGINEERS, LLC, on September 21, 2006. 20878

The above description is based on the plat of Lucas County 20879
Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, 20880
Page 23, Lucas County Recorder's Office. Bearings in this 20881
description are based on those shown on said plat and are used 20882
only for the purpose of describing angular measurements. 20883

(B) The Board of Trustees of the University of Toledo shall negotiate with any potential purchaser or purchasers of the real estate described in division (A) of this section and, in accordance with Chapter 3364. and any other applicable sections of the Revised Code and subject to division (C) of this section, contract for the sale and conveyance of that real estate to the grantee or grantees selected by the Board of Trustees.

(C) Consideration for the conveyance of the real estate described in division (A) of this section shall be a purchase price that is determined by the Board of Trustees of the University of Toledo, but that is at least equal in amount to the appraised value of the real estate as approved by the Board of Trustees. The Board of Trustees shall cause the real estate to be appraised by one or more disinterested persons at a fee determined by the Board of Trustees. Upon the Board of Trustees' approval of the appraised value, the Board of Trustees shall notify the potential grantee or grantees of the real estate in writing of the purchase price for the real estate.

(D) Upon the grantee's or grantees' payment of the purchase price as determined in accordance with division (C) of this section for the real estate described in division (A) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the grantee or grantees. The grantee or grantees shall present the deed for recording in the office of the Lucas County Recorder.

(E) The net proceeds of the sale of the real estate described in division (A) of this section shall be paid to the General Revenue Fund.

(F) Except as otherwise provided in this division, and unless 20916
otherwise specified in the contract for the sale and conveyance of 20917
the real estate described in division (A) of this section, the 20918
Board of Trustees of the University of Toledo shall pay the costs 20919
of the conveyance of the real estate. The grantee or grantees of 20920
the real estate shall pay the appraisal fee for the real estate. 20921

(G) This section shall expire one year after its effective 20922
date. 20923

Section 527.60. That Section 4 of Sub. H.B. 139 of the 126th 20924
General Assembly is hereby repealed. 20925

Section 606.03. The items of law of which the sections of law 20926
contained in this act are composed, and their applications, are 20927
independent and severable. If any item of law that constitutes the 20928
whole or part of a section of law contained in this act, or if any 20929
application of any item of law that constitutes the whole or part 20930
of a section of law contained in this act, is held invalid, the 20931
invalidity does not affect other items of law or applications of 20932
items of law that can be given effect without the invalid item of 20933
law or application. 20934

Section 609.03. An item of law that composes the whole or 20935
part of a section of law contained in this act that makes, or that 20936
provides for funding of, an appropriation or reappropriation of 20937
money has no effect after June 30, 2008, unless its context 20938
clearly indicates otherwise. 20939

Section 612.03. Except as otherwise specifically provided in 20940
this act, the amendment or enactment of the sections of law 20941
contained in this act, and the items of law of which the 20942
amendments or enactments are composed, are subject to the 20943
referendum. Therefore, under Ohio Constitution, Article II, 20944

Section 1c and section 1.471 of the Revised Code, the amendments 20945
or enactments, and the items of law of which the amendments or 20946
enactments are composed, take effect on the ninety-first day after 20947
this act is filed with the Secretary of State. If, however, a 20948
referendum petition is filed against any such amendment or 20949
enactment, or against any item of law of which any such amendment 20950
or enactment is composed, the amendment or enactment, or item, 20951
unless rejected at the referendum, takes effect at the earliest 20952
time permitted by law. 20953

Section 615.03. The amendment or enactment by this act of the 20954
sections of law listed in this section, and the items of law of 20955
which the amendments or enactments are composed, are not subject 20956
to the referendum. Therefore, under Ohio Constitution, Article II, 20957
Section 1d and section 1.471 of the Revised Code, the amendments 20958
or enactments, and the items of law of which the amendments or 20959
enactments are composed, go into immediate effect when this act 20960
becomes law. 20961

Sections 3333.34, 3706.01, 5111.88, 5119.611, 5727.84, and 20962
5919.31 of the Revised Code. 20963

The version of section 5502.62 of the Revised Code resulting 20964
from Section 101.01 of this act. 20965

Sections 203.12.06, 203.24, 203.27, 203.57, 203.81, 203.99, 20966
206.33, 206.66.06, 209.54, 209.63, 209.63.03, 209.63.30, 209.93, 20967
and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly. 20968

Sections 110.07, 110.08, 110.09, 235.60.70, 401.10, 401.11, 20969
405.10, 405.11, 405.16, 405.17, 411.10, 411.11, 501.10, 501.20, 20970
503.10, 507.10, 507.20, 509.10, 511.10, and 513.10 of this act. 20971

Sections 615.03, 615.09, and 623.03 of this act. 20972

Section 615.09. The amendment or enactment by this act of the 20973

sections of law listed in this section are not subject to the 20974
referendum. Therefore, under Ohio Constitution, Article II, 20975
Section 1d and section 1.471 of the Revised Code, the amendments 20976
or enactments, and the items of law of which amendments or 20977
enactments are composed, go into effect as specified in this 20978
section. 20979

Section 4919.76 of the Revised Code takes effect January 1, 20980
2007. 20981

The version of section 5502.62 of the Revised Code resulting 20982
from Sections 110.07 and 110.08 of this act takes effect April 1, 20983
2007. 20984

Section 618.03. The amendment or enactment by this act of the 20985
sections of law listed in this section provides for or is 20986
essential to implementation of a tax levy. Therefore, under Ohio 20987
Constitution, Article II, Section 1d, the amendments and 20988
enactments, and the items of which the amendments and enactments 20989
are composed, are not subject to the referendum and go into 20990
immediate effect when this act becomes law. 20991

Sections 133.07, 133.08, 133.20, 307.695, 5701.11, 5709.083, 20992
and 5739.09 of the Revised Code. 20993

Section 618.03 of this act. 20994

Section ____. (A) Except as otherwise provided in division (B) 20995
of this section, the amendments by this act to section 340.03 of 20996
the Revised Code are subject to the referendum. Therefore, under 20997
Ohio Constitution, Article II, Section 1c and section 1.471 of the 20998
Revised Code, the amendments take effect on the ninety-first day 20999
after this act is filed with the Secretary of State. If, however, 21000
a referendum petition is filed against the amendments, the 21001
amendments, unless rejected at the referendum, take effect at the 21002

earliest time permitted by law. 21003

(B) The amendments to division (A)(1)(c) of section 340.03 of 21004
the Revised Code beginning with the strike through of 21005
"Eligibility" and continuing through the third paragraph of that 21006
division created by the amendments and the amendments to division 21007
(A)(8)(a) of section 340.03 of the Revised Code are not subject to 21008
the referendum. Therefore, under Ohio Constitution, Article II, 21009
Section 1d and section 1.471 of the Revised Code, the amendments 21010
go into immediate effect. 21011

Section 621.03. The amendment of section 101.83 of the 21012
Revised Code is not intended to supersede the earlier repeal, with 21013
delayed effective date, of that section. 21014

Section 623.03. The General Assembly, applying the principle 21015
stated in division (B) of section 1.52 of the Revised Code that 21016
amendments are to be harmonized if reasonably capable of 21017
simultaneous operation, finds that the following sections, 21018
presented in this act as composites of the sections as amended by 21019
the acts indicated, are the resulting versions of the sections in 21020
effect prior to the effective date of the sections as presented in 21021
this act: 21022

Section 131.02 of the Revised Code as amended by both Sub. 21023
H.B. 390 and Am. Sub. H.B. 530 of the 126th General Assembly. 21024

Section 181.52 (5502.62) of the Revised Code as amended by 21025
both Sub. H.B. 4 and Am. Sub. H.B. 66 of the 126th General 21026
Assembly. 21027

Section 209.63 of Am. Sub. H.B. 66 of the 126th General 21028
Assembly, as amended by both Sub. H.B. 478 and Am. Sub. H.B. 530 21029
of the 126th General Assembly. 21030

The finding in this section takes effect at the same time as 21031
the section referenced in the finding takes effect. 21032