

## As Passed by the House

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 699

Representatives Calvert, Peterson, Flowers, McGregor, J., Hartnett,  
Chandler, Stewart, D., Skindell, Patton, S., Ujvagi, Carmichael, Collier,  
Combs, Core, Evans, C., Evans, D., Faber, Fende, Hagan, Koziura, Law,  
Mitchell, Reinhard, Schaffer, Seaver, Seitz, Setzer, White, J., Woodard

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### 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 24  
Code; to amend Section 206.09.84 of Am. Sub. H.B. 25  
66 of the 126th General Assembly, as subsequently 26  
amended, and to amend Section 206.09.84 of Am. 27  
Sub. H.B. 66 of the 126th General Assembly, for 28  
the purpose of codifying it as section 3310.41 of 29  
the Revised Code; to amend Section 22.07 of Am. 30  
Sub. H.B. 16 of the 126th General Assembly; to 31  
amend Sections 203.12.06, 203.24, 203.57, 203.81, 32  
206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, 33  
and 209.93 of Am. Sub. H.B. 66 of the 126th 34  
General Assembly; to amend Sections 203.27, 35  
203.99, 209.63, and 212.30 of Am. Sub. H.B. 66 of 36  
the 126th General Assembly, as subsequently 37  
amended; to amend Sections 243.10 and 287.20 of 38  
Am. Sub. H.B. 530 of the 126th General Assembly; 39  
to amend the version of section 5502.62 of the 40  
Revised Code that is scheduled to take effect 41  
April 1, 2007; and to repeal Section 4 of Sub. 42  
H.B. 139 of the 126th General Assembly to make 43  
capital and other appropriations and to provide 44  
authorization and conditions for the operation of 45  
state programs. 46

**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, 47  
101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 122.171, 48  
126.11, 131.02, 133.021, 133.07, 133.08. 133.20, 151.01, 151.09, 49  
151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 152.26, 50

154.02, 154.20, 164.04, 169.13, 176.05, 307.695, 333.02, 333.04, 51  
340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 1702.01, 1702.08, 52  
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

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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,  
..... County, Ohio"; "COMMON PLEAS COURT,  
..... County, Ohio"; or "PROBATE COURT,  
..... County, Ohio."

(Insert the name of the proper county.)

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

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

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

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

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

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

The seal of each benevolent institution shall consist of the  
coat of arms of the state within a circle one and one-fourth

inches in diameter and shall be surrounded by the proper name of  
the institution. 172  
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The seals of all other state, county, and municipal agencies,  
divisions, boards and commissions shall consist of the coat of  
arms of the state within a circle one and one-fourth inches in  
diameter and shall be surrounded by the proper name of the office. 174  
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All seals mentioned in this section shall contain the words  
and devices mentioned in this section and no other. 178  
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**Sec. 9.37.** (A) As used in this section, "public official"  
means any elected or appointed officer, employee, or agent of the  
state, any state institution of higher education, any political  
subdivision, board, commission, bureau, or other public body  
established by law. "State institution of higher education" means  
any state university or college as defined in division (A)(1) of  
section 3345.12 of the Revised Code, community college, state  
community college, university branch, or technical college. 180  
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(B) Except as provided in division (F) of this section, any  
public official may make by direct deposit of funds by electronic  
transfer, if the payee provides a written authorization  
designating a financial institution and an account number to which  
the payment is to be credited, any payment such public official is  
permitted or required by law in the performance of official duties  
to make by issuing a check or warrant. 188  
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(C) Such public official may contract with a financial  
institution for the services necessary to make direct deposits and  
draw lump-sum checks or warrants payable to that institution in  
the amount of the payments to be transferred. 195  
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(D) Before making any direct deposit as authorized under this  
section, the public official shall ascertain that the account from  
which the payment is to be made contains sufficient funds to cover 199  
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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 the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.	295 296 297
(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney of Franklin county or by the attorney general.	298 299 300 301 302
(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.	303 304 305
(F) This section does not apply to or affect either of the following:	306 307
(1) All meetings of the joint legislative ethics committee created under section 101.34 of the Revised Code other than a meeting that is held for any of the following purposes:	308 309 310
(a) To consider the adoption, amendment, or <del>recession</del> <u>rescission</u> of any rule that the joint legislative ethics committee is authorized to adopt pursuant to division (B)(11) of section 101.34, division (E) of section 101.78, division (B) of section 102.02, or division (E) of section 121.68 of the Revised Code;	311 312 313 314 315
(b) To discuss and consider changes to any administrative operation of the joint legislative ethics committee other than any matter described in division (G) of section 121.22 of the Revised Code;	316 317 318 319
(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 advisory opinion, written opinion, or decision relative to a	322 323

complaint is not a rule.

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

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In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee, and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective

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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 387  
the committee. 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  
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 retirement system decision to  
which the engagement relates;

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

(B) In addition to the initial registration statement  
required by division (A) of this section, each retirement system  
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 retirement  
system 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 101.93 of the Revised Code and any details of financial  
transactions required to be filed by section 101.94 of the Revised  
Code.

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

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

updated registration statement filed under division (B) of this  
section.

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(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.

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(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.

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(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.

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(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.

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Any person so notified by the joint committee shall, not later  
than fifteen days after receiving the notice, file a registration  
statement or an amended registration statement that contains all  
of the required information. If any person who receives a notice  
under this division fails to file a registration statement or such  
an amended registration statement within this fifteen-day period,  
the joint committee shall assess a late filing fee equal to twelve  
dollars and fifty cents per day, up to a maximum fee of one  
hundred dollars, upon that person. The joint committee may waive  
the late filing fee for good cause shown.

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

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

(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 694  
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~~  
~~amendment~~ June 30, 2006.

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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.

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(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.

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(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.

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(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.

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(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.

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(I) The commission may accept any donation, gift, bequest, or  
devise for the governor's residence or as an endowment for the

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maintenance and care of the garden on the grounds of the 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 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 848  
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.

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

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

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

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

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

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

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(ii) The related member will remain subject to the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied

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

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

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

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

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

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

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

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

(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 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 1224  
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  
respect to which the credit is granted.

(c) Is engaged at the project site primarily as a  
manufacturer or is providing significant corporate administrative  
functions;

(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.

(3) "Full-time employment position" means a position of  
employment for consideration for at least an average of  
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, or is  
employed in such position for consideration for such time, but is  
on active duty reserve or Ohio national guard service.

(4) "Manufacturer" has the same meaning as in section  
5739.011 of the Revised Code.

(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.

(6) "Applicable corporation" means a corporation satisfying  
all of the following:

(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.

(ii) Sales and licensing of software generated at least six hundred million dollars in revenue during the taxable year immediately preceding the tax year the corporation is first entitled to claim the credit provided under division (B) of this section.

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

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

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

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

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

(10)(a) "Applicable difference" means the difference between the tax for the tax year under Chapter 5733. of the Revised Code applying the law in effect for that tax year, and the tax for that tax year if section 5733.042 of the Revised Code applied as that

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

(20) Securities issued for the purpose of paying the costs of 2171  
acquiring, constructing, reconstructing, renovating, 2172  
rehabilitating, expanding, adding to, equipping, furnishing, or 2173  
otherwise improving an arena, convention center, or a combination 2174  
of an arena and convention center under section 307.695 of the 2175  
Revised Code. 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

(5) An arena, a convention center, or a combination of an 2197  
arena and convention center under section 307.695 of the Revised 2198  
Code. 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
<b>Sec. 133.20.</b> (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: <del>sports</del>	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  
any accounts in that fund, including all moneys and investments,  
and earnings from investments, credited and to be credited to that  
fund and accounts as and to the extent provided in the applicable  
bond proceedings.

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

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

rehabilitation, remodeling, renovation, enlargement, improvement, 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.

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

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

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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. The total Not more than two hundred million 2853  
dollars principal amount of obligations issued under this section 2854  
shall not exceed two hundred million dollars for conservation 2855  
purposes may be outstanding at any one time. Not more than fifty 2856  
million dollars principal amount of obligations, plus the 2857  
principal amount of obligations that in any prior fiscal year 2858  
could have been, but were not issued within the 2859  
fifty-million-dollar fiscal year limit, may be issued in any 2860  
fiscal year. 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 state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

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

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

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

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

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

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

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

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

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

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. <del>The total</del> <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, including options and rights of first refusal to acquire;

(B) ~~Acquire~~ Assess, plan, acquire, 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;

(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;

(D) Enter into contracts and execute all instruments necessary in the conduct of its business;

(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;

(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;

(G)(1) Manage, allocate space in, 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~~;~~.

(2) With respect to any other capital facility, manage, 3391  
allocate space in, and have general custodial care and supervision 3392  
of the facility if it contains at least two hundred thousand 3393  
square feet of space. A state agency or governmental entity that 3394  
receives the authority's management, general custodial care, and 3395  
supervision services, or the department of administrative 3396  
services, shall pay the authority for those services. The 3397  
authority and the department of administrative services, state 3398  
agency, or governmental entity shall enter into an agreement that 3399  
specifies the payment amount. 3400

(H) Pledge, hypothecate, or otherwise encumber all or such 3401  
portion as it determines of the available receipts to the payment 3402  
of bond service charges on obligations or series of obligations 3403  
issued pursuant to Chapter 152. of the Revised Code and for the 3404  
establishment and maintenance of any reserves, as provided in the 3405  
bond resolution, and make other provisions therein with respect to 3406  
such available receipts as authorized by Chapter 152. of the 3407  
Revised Code, which shall be controlling notwithstanding any other 3408  
provisions of law pertaining thereto, and enter into trust 3409  
agreements or indentures for the benefit of holders of its 3410  
obligations; 3411

(I) Borrow money or accept advances, loans, gifts, grants, 3412  
devises, or bequests from, and enter into contracts or agreements 3413  
with, any federal agency or other governmental or private source, 3414  
and hold and apply advances, loans, gifts, grants, devises, or 3415  
bequests according to the terms thereof. Such advances, loans, 3416  
gifts, grants, or devises of real estate may be in fee simple or 3417  
of any lesser estate and may be subject to any reasonable 3418  
reservations. Any advances or loans received from any federal or 3419  
other governmental or private source may be repaid in accordance 3420  
with the terms of such advance or loan. 3421

(J) Enter into lawful arrangements with the appropriate 3422

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  
action taken by a vote of the committee.

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

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(3) In districts three, four, eight, twelve, and nineteen,  
the district committee shall consist of nine members appointed as  
follows: two members shall be appointed by the board of county  
commissioners or by the chief executive officer of the county; two  
members shall be appointed by the chief executive officer of the  
most populous municipal corporation located within the district;  
two members shall be appointed by a majority of the other chief  
executive officers of the municipal corporations located in the  
district; two members shall be appointed by a majority of the  
boards of township trustees located in the district; 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.

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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  
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(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  
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(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  
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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
<b>Sec. 176.05.</b> (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.

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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.

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(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:

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(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.

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

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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
<del>(I)</del> (J) Administrative;	4873
<del>(J)</del> (K) Referral and information;	4874
<del>(K)</del> (L) Residential;	4875
<del>(L)</del> (M) Training;	4876
<del>(M)</del> (N) Substance abuse;	4877
<del>(N)</del> (O) Service and program evaluation;	4878
<del>(O)</del> (P) Community support system;	4879
<del>(P)</del> (Q) Case management;	4880
<del>(Q)</del> (R) Residential housing;	4881
<del>(R)</del> (S) Other services approved by the board and the director of mental health.	4882 4883
<b>Sec. 340.12.</b> 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  
a township for at least a six-month period within a five-year  
period prior to the creation of a district, but "parcel of land"  
does not include streets or public ways and sewer, water, and  
other utility lines whether owned in fee or otherwise.

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

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

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

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

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

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

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

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

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

- (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;
- (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;
- (iii) A description of the area or areas to be designated as the district;
- (iv) The signature of a representative of each of the contracting parties.
- (b) The following documents shall be filed with the petition:
- (i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;
- (ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;
- (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;
- (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.
- (2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution

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 referendum or initiative proceeding within a district shall be conducted in the same manner as is required for such proceedings within a municipal corporation pursuant to sections 731.28 to 731.40 of the Revised Code.

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

(H) The powers and authorizations granted pursuant to this section or section 715.71 of the Revised Code are in addition to and not in derogation of all other powers granted to municipal corporations and townships pursuant to law. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a municipal corporation may exercise all of the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a township may exercise all of the powers of a township, and may perform all the functions and duties of a

township, within the district, pursuant to and to the extent 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 5420  
nonprofit corporation. 5421

(D) "State" means the United States; any state, territory, 5422  
insular possession, or other political subdivision of the United 5423  
States, including the District of Columbia; any foreign country or 5424  
nation; and any province, territory, or other political 5425  
subdivision of a foreign country or nation. 5426

(E) "Articles" includes original articles of incorporation, 5427  
agreements of merger or consolidation if and only to the extent 5428  
that articles of incorporation are adopted or amended in the 5429  
agreements, amended articles, and amendments to any of these, and, 5430  
in the case of a corporation created before September 1, 1851, the 5431  
special charter and any amendments to it made by special act of 5432  
the ~~General Assembly~~ general assembly or pursuant to general law. 5433

(F) "Incorporator" means a person who signed the original 5434  
articles of incorporation. 5435

(G) "Member" means one having membership rights and 5436  
privileges in a corporation in accordance with its articles or 5437  
regulations. 5438

(H) "Voting member" means a member possessing voting rights, 5439  
either generally or in respect of the particular question 5440  
involved, as the case may be. 5441

(I) "Person" includes, but is not limited to, a nonprofit 5442  
corporation, a business corporation, a partnership, an 5443  
unincorporated society or association, and two or more persons 5444  
having a joint or common interest. 5445

(J) The location of the "principal office" of a corporation 5446  
is the place named as such in its articles. 5447

(K) "Directors" means the persons vested with the authority 5448  
to conduct the affairs of the corporation irrespective of the 5449



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

(11) The method by which voting members may change the regulations; 5570  
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(12) Providing for the use of authorized communications equipment. 5572  
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(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, by mail, or, if permitted, by proxy. 5574  
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(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  
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(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  
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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:

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(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;

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(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.

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(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.

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**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~~

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~~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  
sum of the amount calculated under division (C)(1) of this section  
for the students in the district's category one special education  
ADM and the amount calculated under division (C)(4) of this  
section.

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

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

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

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

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

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

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

The department of education shall annually determine the  
average efficient transportation use cost per student in  
accordance with the principles stated in division (D)(2) of this



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

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

FISCAL YEAR	PERCENTAGE
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  
subsidy if both of the following apply:

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

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

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

(per rough mile subsidy X total rough road miles) X  
density multiplier

where:

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

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

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

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

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

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 7195  
in division (C)(2)(a)(i) of this section; 7196

(ii) "Hourly rate" and "phase-in percentage" have the same 7197  
meanings as in division (C)(1)(a) of this section; 7198

(iii) "Level two hours" equals 50 hours. 7199

(3) If the district's poverty index is greater than or equal 7200  
to 1.50, calculate the district's level three amount for 7201  
small-group academic intervention for impoverished students as 7202  
follows: 7203

(a) If the district's poverty index is greater than or equal 7204  
to 1.50 but less than 2.50: 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 7210  
(the district's poverty student count times 3) divided by 10; 7211

(ii) "Hourly rate," "level one hours," and "phase-in 7212  
percentage" have the same meanings as in division (C)(1)(a) of 7213  
this section; 7214

(iii) "Level three hours" equals 135 hours. 7215

(b) If the district's poverty index is greater than or equal 7216  
to 2.50: 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 7221  
in division (C)(3)(a)(i) of this section; 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

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \times \text{formula amount}$$

7297  
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  
increasing the amount of instructional attention received per  
pupil in kindergarten through third grade, either by reducing the  
ratio of students to instructional personnel or by increasing the  
amount of instruction and curriculum-related activities by  
extending the length of the school day or the school year.

School districts may implement a reduction of the ratio of  
students to instructional personnel through any or all of the  
following methods:

(a) Reducing the number of students in a classroom taught by  
a single teacher;

(b) Employing full-time educational aides or educational  
paraprofessionals issued a permit or license under section  
3319.088 of the Revised Code;

(c) Instituting a team-teaching method that will result in a  
lower student-teacher ratio in a classroom.

Districts may extend the school day either by increasing the  
amount of time allocated for each class, increasing the number of  
classes provided per day, offering optional academic-related  
after-school programs, providing curriculum-related extra  
curricular activities, or establishing tutoring or remedial  
services for students who have demonstrated an educational need.  
In accordance with section 3319.089 of the Revised Code, a  
district extending the school day pursuant to this division may  
utilize a participant of the work experience program who has a  
child enrolled in a public school in that district and who is  
fulfilling the work requirements of that program by volunteering  
or working in that public school. If the work experience program  
participant is compensated, the school district may use the funds  
distributed under this section for all or part of the  
compensation.

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  
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(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  
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(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  
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(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  
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(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  
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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;

(6) Public improvements that are undertaken by, or under  
contract for, a political subdivision of the state, the total  
overall project cost of which is estimated to be less than four  
hundred fifty thousand dollars. Beginning on January 1, 2008, the  
director of commerce shall adjust that amount annually according  
to the average increase or decrease for each of the two years  
immediately preceding the adjustment as set forth in the United  
States department of commerce, bureau of the census implicit price  
deflator for construction.

**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 9194  
amount greater than one thousand dollars during the two-year 9195  
period immediately preceding the date of the appointment of the 9196  
administrator. 9197

The administrator shall hold no other public office and shall 9198  
devote full time to the duties of administrator. Before entering 9199  
upon the duties of the office, the administrator shall take an 9200  
oath of office as required by sections 3.22 and 3.23 of the 9201  
Revised Code, and shall file in the office of the secretary of 9202  
state, a bond signed by the administrator and by surety approved 9203  
by the governor, for the sum of fifty thousand dollars payable to 9204  
the state, conditioned upon the faithful performance of the 9205  
administrator's duties. 9206

(B) The administrator is responsible for the management of 9207  
the bureau of workers' compensation and for the discharge of all 9208  
administrative duties imposed upon the administrator in this 9209  
chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised 9210  
Code, and in the discharge thereof shall do all of the following: 9211

(1) Establish the overall administrative policy of the bureau 9212  
for the purposes of this chapter and Chapters 4123., 4127., 4131., 9213  
and 4167. of the Revised Code, and perform all acts and exercise 9214  
all authorities and powers, discretionary and otherwise that are 9215  
required of or vested in the bureau or any of its employees in 9216  
this chapter and Chapters 4123., 4127., 4131., and 4167. of the 9217  
Revised Code, except the acts and the exercise of authority and 9218  
power that is required of and vested in the oversight commission 9219  
or the industrial commission pursuant to those chapters. The 9220  
treasurer of state shall honor all warrants signed by the 9221  
administrator, or by one or more of the administrator's employees, 9222  
authorized by the administrator in writing, or bearing the 9223  
facsimile signature of the administrator or such employee under 9224  
sections 4123.42 and 4123.44 of the Revised Code. 9225

(2) Employ, direct, and supervise all employees required in 9226  
connection with the performance of the duties assigned to the 9227  
bureau by this chapter and Chapters 4123., 4127., 4131., and 4167. 9228  
of the Revised Code, and may establish job classification plans 9229  
and compensation for all employees of the bureau provided that 9230  
this grant of authority shall not be construed as affecting any 9231  
employee for whom the state employment relations board has 9232  
established an appropriate bargaining unit under section 4117.06 9233  
of the Revised Code. All positions of employment in the bureau are 9234  
in the classified civil service except those employees the 9235  
administrator may appoint to serve at the administrator's pleasure 9236  
in the unclassified civil service pursuant to section 124.11 of 9237  
the Revised Code. The administrator shall fix the salaries of 9238  
employees the administrator appoints to serve at the 9239  
administrator's pleasure, including the chief operating officer, 9240  
staff physicians, and other senior management personnel of the 9241  
bureau and shall establish the compensation of staff attorneys of 9242  
the bureau's legal section and their immediate supervisors, and 9243  
take whatever steps are necessary to provide adequate compensation 9244  
for other staff attorneys. 9245

The administrator may appoint a person ~~holding~~ who holds a 9246  
certified position in the classified service within the bureau to 9247  
~~any state~~ a position in the unclassified service ~~of~~ within the 9248  
bureau ~~of workers' compensation~~. A person ~~so~~ appointed pursuant to 9249  
this division to a position in the unclassified service shall 9250  
retain the right to resume the position and status held by the 9251  
person in the classified service immediately prior to the person's 9252  
appointment in the unclassified service. ~~If the position the~~ 9253  
~~person previously held has been filled or placed in the~~ 9254  
~~unclassified service, or is otherwise unavailable, the person~~ 9255  
~~shall be appointed to a position in the classified service within~~ 9256  
~~the bureau that the department of administrative services~~ 9257

~~certifies is comparable in compensation to the position the person~~ 9258  
~~previously held. Reinstatement, regardless of the number of~~ 9259  
~~positions the person held in the unclassified service. An~~ 9260  
~~employee's right to resume a position in the classified service~~ 9261  
~~may only be exercised when the administrator demotes the employee~~ 9262  
~~to a pay range lower than the employee's current pay range or~~ 9263  
~~revokes the employee's appointment to the unclassified service. An~~ 9264  
~~employee forfeits the right to resume a position in the classified~~ 9265  
~~service when the employee is removed from the position in the~~ 9266  
~~unclassified service due to incompetence, inefficiency,~~ 9267  
~~dishonesty, drunkenness, immoral conduct, insubordination,~~ 9268  
~~discourteous treatment of the public, neglect of duty, violation~~ 9269  
~~of this chapter or Chapter 124., 4123., 4127., 4131., or 4167. of~~ 9270  
~~the Revised Code, violation of the rules of the director of~~ 9271  
~~administrative services or the administrator of workers'~~ 9272  
~~compensation, any other failure of good behavior, any other acts~~ 9273  
~~of misfeasance, malfeasance, or nonfeasance in office, or~~ 9274  
~~conviction of a felony. An employee also forfeits the right to~~ 9275  
~~resume a position in the classified service upon transfer to a~~ 9276  
~~different agency.~~ 9277

Reinstatement to a position in the classified service shall 9278  
be to a position substantially equal to that position in the 9279  
classified service held previously, as certified by the department 9280  
of administrative services. If the position the person previously 9281  
held in the classified service has been placed in the unclassified 9282  
service or is otherwise unavailable, the person shall be appointed 9283  
to a position in the classified service within the bureau that the 9284  
director of administrative services certifies is comparable in 9285  
compensation to the position the person previously held in the 9286  
classified service. Service in the position in the unclassified 9287  
service shall be counted as service in the position in the 9288  
classified service held by the person immediately prior to the 9289  
person's appointment in the unclassified service. When a person is 9290

reinstated to a position in the classified service as provided in 9291  
this ~~section~~ division, the person is entitled to all rights, 9292  
status, and benefits accruing to the position during the person's 9293  
time of service in the position in the unclassified service. 9294

(3) Reorganize the work of the bureau, its sections, 9295  
departments, and offices to the extent necessary to achieve the 9296  
most efficient performance of its functions and to that end may 9297  
establish, change, or abolish positions and assign and reassign 9298  
duties and responsibilities of every employee of the bureau. All 9299  
persons employed by the commission in positions that, after 9300  
November 3, 1989, are supervised and directed by the administrator 9301  
under this section are transferred to the bureau in their 9302  
respective classifications but subject to reassignment and 9303  
reclassification of position and compensation as the administrator 9304  
determines to be in the interest of efficient administration. The 9305  
civil service status of any person employed by the commission is 9306  
not affected by this section. Personnel employed by the bureau or 9307  
the commission who are subject to Chapter 4117. of the Revised 9308  
Code shall retain all of their rights and benefits conferred 9309  
pursuant to that chapter as it presently exists or is hereafter 9310  
amended and nothing in this chapter or Chapter 4123. of the 9311  
Revised Code shall be construed as eliminating or interfering with 9312  
Chapter 4117. of the Revised Code or the rights and benefits 9313  
conferred under that chapter to public employees or to any 9314  
bargaining unit. 9315

(4) Provide offices, equipment, supplies, and other 9316  
facilities for the bureau. 9317

(5) Prepare and submit to the oversight commission 9318  
information the administrator considers pertinent or the oversight 9319  
commission requires, together with the administrator's 9320  
recommendations, in the form of administrative rules, for the 9321  
advice and consent of the oversight commission, for 9322

classifications of occupations or industries, for premium rates 9323  
and contributions, for the amount to be credited to the surplus 9324  
fund, for rules and systems of rating, rate revisions, and merit 9325  
rating. The administrator shall obtain, prepare, and submit any 9326  
other information the oversight commission requires for the prompt 9327  
and efficient discharge of its duties. 9328

(6) Keep the accounts required by division (A) of section 9329  
4123.34 of the Revised Code and all other accounts and records 9330  
necessary to the collection, administration, and distribution of 9331  
the workers' compensation funds and shall obtain the statistical 9332  
and other information required by section 4123.19 of the Revised 9333  
Code. 9334

(7) Exercise the investment powers vested in the 9335  
administrator by section 4123.44 of the Revised Code in accordance 9336  
with the investment objectives, policies, and criteria established 9337  
by the oversight commission pursuant to section 4121.12 of the 9338  
Revised Code and in consultation with the chief investment officer 9339  
of the bureau of workers' compensation. The administrator shall 9340  
not engage in any prohibited investment activity specified by the 9341  
oversight commission pursuant to division (G)(6) of section 9342  
4121.12 of the Revised Code and shall not invest in any type of 9343  
investment specified in ~~division~~ divisions (G)(6)(a) to (j) of 9344  
that section. All business shall be transacted, all funds 9345  
invested, all warrants for money drawn and payments made, and all 9346  
cash and securities and other property held, in the name of the 9347  
bureau, or in the name of its nominee, provided that nominees are 9348  
authorized by the administrator solely for the purpose of 9349  
facilitating the transfer of securities, and restricted to the 9350  
administrator and designated employees. 9351

(8) Make contracts for and supervise the construction of any 9352  
project or improvement or the construction or repair of buildings 9353  
under the control of the bureau. 9354

(9) Purchase supplies, materials, equipment, and services; 9355  
make contracts for, operate, and superintend the telephone, other 9356  
telecommunication, and computer services for the use of the 9357  
bureau; and make contracts in connection with office reproduction, 9358  
forms management, printing, and other services. Notwithstanding 9359  
sections 125.12 to 125.14 of the Revised Code, the administrator 9360  
may transfer surplus computers and computer equipment directly to 9361  
an accredited public school within the state. The computers and 9362  
computer equipment may be repaired or refurbished prior to the 9363  
transfer. 9364

(10) Separately from the budget the industrial commission 9365  
submits, prepare and submit to the director of budget and 9366  
management a budget for each biennium. The budget submitted shall 9367  
include estimates of the costs and necessary expenditures of the 9368  
bureau in the discharge of any duty imposed by law. 9369

(11) As promptly as possible in the course of efficient 9370  
administration, decentralize and relocate such of the personnel 9371  
and activities of the bureau as is appropriate to the end that the 9372  
receipt, investigation, determination, and payment of claims may 9373  
be undertaken at or near the place of injury or the residence of 9374  
the claimant and for that purpose establish regional offices, in 9375  
such places as the administrator considers proper, capable of 9376  
discharging as many of the functions of the bureau as is 9377  
practicable so as to promote prompt and efficient administration 9378  
in the processing of claims. All active and inactive lost-time 9379  
claims files shall be held at the service office responsible for 9380  
the claim. A claimant, at the claimant's request, shall be 9381  
provided with information by telephone as to the location of the 9382  
file pertaining to the claimant's claim. The administrator shall 9383  
ensure that all service office employees report directly to the 9384  
director for their service office. 9385

(12) Provide a written binder on new coverage where the 9386



administrator considers it to be in the best interest of the risk. 9387  
The administrator, or any other person authorized by the 9388  
administrator, shall grant the binder upon submission of a request 9389  
for coverage by the employer. A binder is effective for a period 9390  
of thirty days from date of issuance and is nonrenewable. Payroll 9391  
reports and premium charges shall coincide with the effective date 9392  
of the binder. 9393

(13) Set standards for the reasonable and maximum handling 9394  
time of claims payment functions, ensure, by rules, the impartial 9395  
and prompt treatment of all claims and employer risk accounts, and 9396  
establish a secure, accurate method of time stamping all incoming 9397  
mail and documents hand delivered to bureau employees. 9398

(14) Ensure that all employees of the bureau follow the 9399  
orders and rules of the commission as such orders and rules relate 9400  
to the commission's overall adjudicatory policy-making and 9401  
management duties under this chapter and Chapters 4123., 4127., 9402  
and 4131. of the Revised Code. 9403

(15) Manage and operate a data processing system with a 9404  
common data base for the use of both the bureau and the commission 9405  
and, in consultation with the commission, using electronic data 9406  
processing equipment, shall develop a claims tracking system that 9407  
is sufficient to monitor the status of a claim at any time and 9408  
that lists appeals that have been filed and orders or 9409  
determinations that have been issued pursuant to section 4123.511 9410  
or 4123.512 of the Revised Code, including the dates of such 9411  
filings and issuances. 9412

(16) Establish and maintain a medical section within the 9413  
bureau. The medical section shall do all of the following: 9414

(a) Assist the administrator in establishing standard medical 9415  
fees, approving medical procedures, and determining eligibility 9416  
and reasonableness of the compensation payments for medical, 9417

hospital, and nursing services, and in establishing guidelines for 9418  
payment policies which recognize usual, customary, and reasonable 9419  
methods of payment for covered services; 9420

(b) Provide a resource to respond to questions from claims 9421  
examiners for employees of the bureau; 9422

(c) Audit fee bill payments; 9423

(d) Implement a program to utilize, to the maximum extent 9424  
possible, electronic data processing equipment for storage of 9425  
information to facilitate authorizations of compensation payments 9426  
for medical, hospital, drug, and nursing services; 9427

(e) Perform other duties assigned to it by the administrator. 9428

(17) Appoint, as the administrator determines necessary, 9429  
panels to review and advise the administrator on disputes arising 9430  
over a determination that a health care service or supply provided 9431  
to a claimant is not covered under this chapter or Chapter 4123. 9432  
of the Revised Code or is medically unnecessary. If an individual 9433  
health care provider is involved in the dispute, the panel shall 9434  
consist of individuals licensed pursuant to the same section of 9435  
the Revised Code as such health care provider. 9436

(18) Pursuant to section 4123.65 of the Revised Code, approve 9437  
applications for the final settlement of claims for compensation 9438  
or benefits under this chapter and Chapters 4123., 4127., and 9439  
4131. of the Revised Code as the administrator determines 9440  
appropriate, except in regard to the applications of self-insuring 9441  
employers and their employees. 9442

(19) Comply with section 3517.13 of the Revised Code, and 9443  
except in regard to contracts entered into pursuant to the 9444  
authority contained in section 4121.44 of the Revised Code, comply 9445  
with the competitive bidding procedures set forth in the Revised 9446  
Code for all contracts into which the administrator enters 9447

provided that those contracts fall within the type of contracts 9448  
and dollar amounts specified in the Revised Code for competitive 9449  
bidding and further provided that those contracts are not 9450  
otherwise specifically exempt from the competitive bidding 9451  
procedures contained in the Revised Code. 9452

(20) Adopt, with the advice and consent of the oversight 9453  
commission, rules for the operation of the bureau. 9454

(21) Prepare and submit to the oversight commission 9455  
information the administrator considers pertinent or the oversight 9456  
commission requires, together with the administrator's 9457  
recommendations, in the form of administrative rules, for the 9458  
advice and consent of the oversight commission, for the health 9459  
partnership program and the qualified health plan system, as 9460  
provided in sections 4121.44, 4121.441, and 4121.442 of the 9461  
Revised Code. 9462

(C) The administrator, with the advice and consent of the 9463  
senate, shall appoint a chief operating officer who has 9464  
significant experience in the field of workers' compensation 9465  
insurance or other similar insurance industry experience if the 9466  
administrator does not possess such experience. The chief 9467  
operating officer shall not commence the chief operating officer's 9468  
duties until after the senate consents to the chief operating 9469  
officer's appointment. The chief operating officer shall serve in 9470  
the unclassified civil service of the state. 9471

**Sec. 4503.068.** On or before the second Monday in September of 9472  
each year, the county treasurer shall total the amount by which 9473  
the taxes levied in that year were reduced pursuant to section 9474  
4503.067 of the Revised Code, and certify that amount to the tax 9475  
commissioner. Within ninety days of the receipt of the 9476  
certification, the commissioner shall certify that amount to the 9477  
~~auditor~~ director of ~~state budget and management~~ and the ~~auditor~~ 9478

director shall make two payments from the general revenue fund in 9479  
favor of the county treasurer. One shall be in the full amount by 9480  
which taxes were reduced. The other shall be in an amount equal to 9481  
two per cent of such amount and shall be a payment to the county 9482  
auditor and county treasurer for the costs of administering 9483  
sections 4503.064 to 4503.069 of the Revised Code. 9484

Immediately upon receipt of the payment in the full amount by 9485  
which taxes were reduced, the full amount of the payment shall be 9486  
distributed among the taxing districts in the county as though it 9487  
had been received as taxes under section 4503.06 of the Revised 9488  
Code from each person for whom taxes were reduced under sections 9489  
4503.064 to 4503.069 of the Revised Code. 9490

**Sec. 4710.02.** (A) Subject to division (C) of this section, a 9491  
person engaged in debt adjusting shall do ~~both~~ all of the 9492  
following: 9493

(1) Unless specifically instructed otherwise by a debtor, 9494  
disburse to the appropriate creditors all funds received from the 9495  
debtor, less any contributions not prohibited by division (B) of 9496  
this section, within thirty days of receipt of the funds from the 9497  
debtor; 9498

(2) Maintain a separate trust account for the receipt of any 9499  
funds from debtors and the disbursement of the funds to creditors 9500  
on behalf of the debtors; 9501

(3) Charge or accept only reasonable fees or contributions in 9502  
accordance with division (B) of this section; 9503

(4) Establish and implement a policy that allows for the 9504  
waiver or discontinuation of fees or contributions not prohibited 9505  
by division (B) of this section if the debtor is unable to pay 9506  
such fees or contributions. 9507

(B) If fees or contributions for engaging in providing debt 9508

adjusting services are charged or accepted, directly or 9509  
indirectly, no person providing or engaged in debt adjusting shall 9510  
do any of the following: 9511

(1) ~~Accept a~~ Charge or accept a fee or contribution exceeding 9512  
seventy-five dollars from a debtor residing in this state for an 9513  
initial consultation or initial set up of a debt management plan 9514  
or similar plan; 9515

(2) ~~Accept a~~ Charge or accept consultation ~~contribution fees~~ 9516  
or contributions exceeding one hundred dollars per calendar year 9517  
from a debtor residing in this state; 9518

(3) ~~Accept~~ Charge or accept a periodic fee or contribution 9519  
from a debtor residing in this state for administering a debt 9520  
management plan or similar plan, which fee or contribution exceeds 9521  
eight and one-half per cent of the amount paid by the debtor each 9522  
month for distribution to the debtor's creditors or thirty 9523  
dollars, whichever is greater. 9524

(C) Division (A) or (B) of this section does not prohibit a 9525  
person engaged in debt adjusting for a debtor who is residing in 9526  
this state from charging the debtor a reasonable fee for 9527  
insufficient funds transactions that is in addition to fees or 9528  
contributions not prohibited by division (B) of this section. 9529

(D) Any person that engages in debt adjusting, annually, 9530  
shall arrange for and undergo an audit conducted by an 9531  
independent, third party, certified public accountant of the 9532  
person's business, including any trust funds deposited and 9533  
distributed to creditors on behalf of debtors. Both of the 9534  
following apply to an audit described in this division: 9535

(1) The person shall file the results of the audit and the 9536  
auditor's opinion with the consumer protection division of the 9537  
attorney general. 9538

(2) The attorney general shall make available a summary of 9539

the results of the audit and the auditor's opinion upon written  
request of a person and payment of a fee not exceeding the cost of  
copying the summary and opinion.

(E) A person engaged in debt adjusting shall obtain and  
maintain at all times insurance coverage for employee dishonesty,  
depositor's forgery, and computer fraud in the amount of ten per  
cent of the monthly average for the immediate preceding six months  
of the aggregate amount of all deposits made with the person by  
all debtors. The insurance coverage shall comply with all of the  
following:

(1) The insurance coverage is not less than one hundred  
thousand dollars.

(2) The insurance coverage includes a deductible that does  
not exceed ten per cent of the face amount of the policy coverage.

(3) The insurance coverage is issued by an insurer rated at  
least A- or its equivalent by a nationally recognized rating  
organization.

(4) The insurance coverage provides that thirty days advance  
written notice be given to the consumer protection division of the  
attorney general before coverage is terminated.

(F)(1) No person engaged in debt adjusting shall fail to  
comply with division (A) of this section or shall violate division  
(B) of this section.

(2) No person engaged in debt adjusting shall fail to comply  
with divisions (D) and (E) of this section.

**Sec. 4728.03.** (A) As used in this section, "experience and  
fitness in the capacity involved" means that the applicant for a  
precious metals dealer's license has had sufficient financial  
responsibility, reputation, and experience in the business of  
precious metals dealer, or a related business, to act as a

precious metals dealer in compliance with this chapter. 9570

(B)(1) The division of financial institutions in the 9571  
department of commerce may grant a precious metals dealer's 9572  
license to any person of good character, having experience and 9573  
fitness in the capacity involved, who demonstrates a net worth of 9574  
at least ten thousand dollars and the ability to maintain that net 9575  
worth during the licensure period. The superintendent of financial 9576  
institutions shall compute the applicant's net worth according to 9577  
generally accepted accounting principles. 9578

(2) In place of the demonstration of net worth required by 9579  
division (B)(1) of this section, an applicant may obtain a surety 9580  
bond issued by a surety company authorized to do business in this 9581  
state if all of the following conditions are met: 9582

(a) A copy of the surety bond is filed with the division; 9583

(b) The bond is in favor of any person, and of the state for 9584  
the benefit of any person, injured by any violation of this 9585  
chapter; 9586

(c) The bond is in the amount of not less than ten thousand 9587  
dollars. 9588

(3) Before granting a license under this division, the 9589  
division shall determine that the applicant meets the requirements 9590  
of division (B)(1) or (2) of this section. 9591

(C) The division shall require an applicant for a precious 9592  
metals dealer's license to pay to the division a nonrefundable, 9593  
initial investigation fee of two hundred dollars which shall be 9594  
for the exclusive use of the state. The license fee for a precious 9595  
metals dealer's license and the renewal fee shall be determined by 9596  
the superintendent, provided that the fee may not exceed three 9597  
hundred dollars. A license issued by the division shall expire on 9598  
the last day of June next following the date of its issuance. 9599  
Fifty per cent of license fees shall be for the use of the state, 9600

and fifty per cent shall be paid to the municipal corporation, or  
if outside the limits of any municipal corporation, to the county  
in which the office of the licensee is located. All portions of  
license fees payable to municipal corporations or counties shall  
be paid as they accrue, by the treasurer of state, on vouchers  
issued by the ~~auditor~~ director of ~~state~~ budget and management.

(D) Every such license shall be renewed annually by the last  
day of June according to the standard renewal procedure of  
~~sections~~ Chapter 4745. of the Revised Code. No license shall be  
granted to any person not a resident of or the principal office of  
which is not located in the municipal corporation or county  
designated in such license, unless, and until such applicant  
shall, in writing and in due form, to be first approved by and  
filed with the division, appoint an agent, a resident of the  
state, and city or county where the office is to be located, upon  
whom all judicial and other process, or legal notice, directed to  
the applicant may be served; and in case of the death, removal  
from the state, or any legal disability or any disqualification of  
any agent, service of process or notice may be made upon the  
superintendent.

(E) The division may, pursuant to Chapter 119. of the Revised  
Code, upon notice to the licensee and after giving the licensee  
reasonable opportunity to be heard, revoke or suspend any license,  
if the licensee or the licensee's officers, agents, or employees  
violate this chapter. Whenever, for any cause, the license is  
revoked or suspended, the division shall not issue another license  
to the licensee nor to the husband or wife of the licensee, nor to  
any copartnership or corporation of which the licensee is an  
officer, nor to any person employed by the licensee, until the  
expiration of at least one year from the date of revocation of the  
license.

(F) In conducting an investigation to determine whether an



applicant satisfies the requirements for licensure under this 9633  
section, the superintendent may request that the superintendent of 9634  
the bureau of criminal identification and investigation 9635  
investigate and determine whether the bureau has procured any 9636  
information pursuant to section 109.57 of the Revised Code 9637  
pertaining to the applicant. 9638

If the superintendent of financial institutions determines 9639  
that conducting an investigation to determine whether an applicant 9640  
satisfies the requirements for licensure under this section will 9641  
require procuring information outside the state, then, in addition 9642  
to the fee established under division (C) of this section, the 9643  
superintendent may require the applicant to pay any of the actual 9644  
expenses incurred by the division to conduct such an 9645  
investigation, provided that the superintendent shall assess the 9646  
applicant a total no greater than one thousand dollars for such 9647  
expenses. The superintendent may require the applicant to pay in 9648  
advance of the investigation, sufficient funds to cover the 9649  
estimated cost of the actual expenses. If the superintendent 9650  
requires the applicant to pay investigation expenses, the 9651  
superintendent shall provide to the applicant an itemized 9652  
statement of the actual expenses incurred by the division to 9653  
conduct the investigation. 9654

(G)(1) Except as otherwise provided in division (G)(2) of 9655  
this ~~sections~~ section a precious metals dealer licensed under this 9656  
section shall maintain a net worth of at least ten thousand 9657  
dollars, computed as required under division (B)(1) of this 9658  
section, for as long as the licensee holds a valid precious metals 9659  
dealer's license issued pursuant to this section. 9660

(2) A licensee who obtains a surety bond under division 9661  
(B)(2) of this section is exempt from the requirement of division 9662  
(G)(1) of this section, but shall maintain the bond for at least 9663  
two years after the date on which the licensee ceases to conduct 9664

business in this state.

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**Sec. 4733.14.** The state board of registration for professional engineers and surveyors shall, upon payment of the registration fee, register and issue a certificate showing initial registration of an applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a registered professional engineer, the certificate shall authorize the practice of "professional engineering," and in the case of a registered professional surveyor, the certificate shall authorize the practice of "professional surveying." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairperson and the secretary of the board under seal of the board.

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Registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, or of a registered professional surveyor, while the registration remains unrevoked or unexpired.

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Each registrant may, upon completing registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "registered professional engineer," or "registered professional surveyor," provided, however, that any registered surveyor's seal obtained prior to the amendment of this section effective April 4, 1985, 140 Ohio Laws 4092, shall remain as a legal seal for any registrant who was registered as a "registered surveyor." Plans, specifications, plats, reports, and all other engineering or surveying work products issued by a registrant shall be stamped with the seal ~~or bear a computer-generated seal in accordance with this section,~~ and be signed and dated by the registrant or bear a computer-generated seal and electronic signature and date, but no person shall stamp, seal, or sign any documents after the

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registration of the registrant named thereon has expired or the 9696  
registration has been revoked or suspended, unless the 9697  
registration has been renewed or reissued. 9698

~~Except when documents are transmitted electronically to 9699  
clients or to governmental agencies, computer generated seals may 9700  
be used on final original drawings on the condition that a 9701  
handwritten signature and date is placed adjacent to or across the 9702  
seal. Plans, specifications, plats, reports, and all other 9703  
engineering or surveying work products that are transmitted 9704  
electronically to a client or a governmental agency shall have the 9705  
computer generated seal removed from the electronic file before 9706  
transmittal. An electronic transmission with no computer generated 9707  
seal shall have the following inserted in place of the signature 9708  
and date: "This document was originally issued by 9709  
..... (name of registrant) on ..... (date). 9710  
This document is not considered a sealed document." 9711~~

**Sec. 4763.03.** (A) In addition to any other duties imposed on 9712  
the real estate appraiser board under this chapter, the board 9713  
shall: 9714

(1) Adopt rules, in accordance with Chapter 119. of the 9715  
Revised Code, in furtherance of this chapter, including, but not 9716  
limited to, all of the following: 9717

(a) Defining, with respect to state-certified general real 9718  
estate appraisers, state-certified residential real estate 9719  
appraisers, and state-licensed residential real estate appraisers, 9720  
the type of educational experience, appraisal experience, and 9721  
other equivalent experience that satisfy the requirements of this 9722  
chapter. The rules shall require that all appraisal experience 9723  
performed after January 1, 1996, meet the uniform standards of 9724  
professional practice established by the appraisal foundation. 9725

(b) Establishing the examination specifications for 9726

state-certified general real estate appraisers, state-certified 9727  
residential real estate appraisers, and state-licensed residential 9728  
real estate appraisers; 9729

(c) Relating to disciplinary proceedings conducted in 9730  
accordance with section 4763.11 of the Revised Code, including 9731  
rules governing the reinstatement of certificates, registrations, 9732  
and licenses that have been suspended pursuant to those 9733  
proceedings; 9734

(d) Identifying any additional information to be included on 9735  
the forms specified in division (C) of section 4763.12 of the 9736  
Revised Code, provided that the rules shall not require any less 9737  
information than is required in that division; 9738

(e) Establishing the fees set forth in section 4763.09 of the 9739  
Revised Code; 9740

(f) Establishing the amount of the assessment required by 9741  
division (A)(2) of section 4763.05 of the Revised Code. The board 9742  
annually shall determine the amount due from each applicant for an 9743  
initial certificate, registration, and license in an amount that 9744  
will maintain the real estate appraiser recovery fund at the level 9745  
specified in division (A) of section 4763.16 of the Revised Code. 9746  
The board may, if the fund falls below that amount, require 9747  
current certificate holders, registrants, and licensees to pay an 9748  
additional assessment. 9749

(g) ~~Defining, with respect to state-registered real estate~~ 9750  
~~appraiser assistants, the educational and experience requirements~~ 9751  
~~of pursuant to~~ division (C)(1)(d) of section 4763.05 of the 9752  
Revised Code; 9753

(h) Establishing a real estate appraiser assistant program 9754  
for the registration of real estate appraiser assistants. 9755

(2) ~~Provide or procure appropriate examination questions and~~ 9756

~~answers for~~ Prescribe by rule the requirements for the 9757  
examinations required by division (D) of section 4763.05 of the 9758  
Revised Code, ~~and establish the criteria for successful completion~~ 9759  
~~of those examinations;~~ 9760

(3) Periodically review the standards for preparation and 9761  
reporting of real estate appraisals provided in this chapter and 9762  
adopt rules explaining and interpreting those standards; 9763

(4) Hear appeals, pursuant to Chapter 119. of the Revised 9764  
Code, from decisions and orders the superintendent of real estate 9765  
issues pursuant to this chapter; 9766

(5) Request the initiation by the superintendent of 9767  
investigations of violations of this chapter or the rules adopted 9768  
pursuant thereto, as the board determines appropriate; 9769

(6) Determine the appropriate disciplinary actions to be 9770  
taken against certificate holders, registrants, and licensees 9771  
under this chapter as provided in section 4763.11 of the Revised 9772  
Code. 9773

(B) In addition to any other duties imposed on the 9774  
superintendent of real estate under this chapter, the 9775  
superintendent shall: 9776

(1) Prescribe the form and content of all applications 9777  
required by this chapter; 9778

(2) Receive applications for certifications, registrations, 9779  
and licenses and renewal thereof under this chapter and establish 9780  
the procedures for processing, approving, and disapproving those 9781  
applications; 9782

(3) Retain records and all application materials submitted to 9783  
the superintendent; 9784

(4) Establish the time and place for conducting the 9785  
examinations required by division (D) of section 4763.05 of the 9786

Revised Code;	9787
(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;	9788 9789 9790
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	9791 9792
(7) Administer this chapter;	9793
(8) Issue all orders necessary to implement this chapter;	9794
(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;	9795 9796 9797 9798 9799 9800
(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.	9801 9802 9803 9804 9805 9806 9807 9808 9809 9810 9811
(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;	9812 9813 9814 9815
(12) Administer the real estate appraiser recovery fund;	9816

(13) Conduct the examinations required by division (D) of 9817  
section 4763.05 of the Revised Code at least four times per year. 9818

(C) The superintendent may do all of the following: 9819

(1) In connection with investigations and audits under 9820  
division (B) of this section, subpoena witnesses as provided in 9821  
section 4763.04 of the Revised Code; 9822

(2) Apply to the appropriate court to enjoin any violation of 9823  
this chapter. Upon a showing by the superintendent that any person 9824  
has violated or is about to violate this chapter, the court shall 9825  
grant an injunction, restraining order, or other appropriate 9826  
relief, or any combination thereof. 9827

(D) All information that is obtained by investigators and 9828  
auditors performing investigations or conducting inspections, 9829  
audits, and other inquiries pursuant to division (B)(10) of this 9830  
section, from certificate holders, registrants, licensees, 9831  
complainants, or other persons, and all reports, documents, and 9832  
other work products that arise from that information and that are 9833  
prepared by the investigators, auditors, or other personnel of the 9834  
department of commerce, shall be held in confidence by the 9835  
superintendent, the investigators and auditors, and other 9836  
personnel of the department. 9837

(E) This section does not prevent the division of real estate 9838  
and professional licensing from releasing information relating to 9839  
certificate holders, registrants, and licensees to the 9840  
superintendent of financial institutions for purposes relating to 9841  
the administration of sections 1322.01 to 1322.12 of the Revised 9842  
Code, to the superintendent of insurance for purposes relating to 9843  
the administration of Chapter 3953. of the Revised Code, to the 9844  
attorney general, or to local law enforcement agencies and local 9845  
prosecutors. Information released by the division pursuant to this 9846  
section remains confidential. 9847

(F) Any rule the board adopts shall not exceed the 9848  
requirements specified in federal law or regulations. 9849

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 9850  
an initial state-certified general real estate appraiser 9851  
certificate, an initial state-certified residential real estate 9852  
appraiser certificate, an initial state-licensed residential real 9853  
estate appraiser license, or an initial state-registered real 9854  
estate appraiser assistant registration in writing to the 9855  
superintendent of real estate on a form the superintendent 9856  
prescribes. The application shall include the address of the 9857  
applicant's principal place of business and all other addresses at 9858  
which the applicant currently engages in the business of preparing 9859  
real estate appraisals and the address of the applicant's current 9860  
residence. The superintendent shall retain the applicant's current 9861  
residence address in a separate record which shall not constitute 9862  
a public record for purposes of section 149.03 of the Revised 9863  
Code. The application shall indicate whether the applicant seeks 9864  
certification as a general real estate appraiser or as a 9865  
residential real estate appraiser, licensure as a residential real 9866  
estate appraiser, or registration as a real estate appraiser 9867  
assistant and be accompanied by the prescribed examination and 9868  
certification, registration, or licensure fees set forth in 9869  
section 4763.09 of the Revised Code. The application also shall 9870  
include a fingerprint of the applicant; a pledge, signed by the 9871  
applicant, that the applicant will comply with the standards set 9872  
forth in this chapter; and a statement that the applicant 9873  
understands the types of misconduct for which disciplinary 9874  
proceedings may be initiated against the applicant pursuant to 9875  
this chapter. 9876

(b) Upon the filing of an application and payment of any 9877  
examination and certification, registration, or licensure fees, 9878



the superintendent of real estate shall request the superintendent 9879  
of the bureau of criminal identification and investigation, or a 9880  
vendor approved by the bureau, to conduct a criminal records check 9881  
based on the applicant's fingerprints in accordance with division 9882  
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 9883  
division (J) of section 121.08 of the Revised Code, the 9884  
superintendent of real estate shall request that criminal record 9885  
information from the federal bureau of investigation be obtained 9886  
as part of the criminal records check. Any fee required under 9887  
division (C)(3) of section 109.572 of the Revised Code shall be 9888  
paid by the applicant. 9889

(2) For purposes of providing funding for the real estate 9890  
appraiser recovery fund established by section 4763.16 of the 9891  
Revised Code, the real estate appraiser board shall levy an 9892  
assessment against each person issued an initial certificate, 9893  
registration, or license and against current licensees, 9894  
registrants, and certificate holders, as required by board rule. 9895  
The assessment is in addition to the application and examination 9896  
fees for initial applicants required by division (A)(1) of this 9897  
section and the renewal fees required for current certificate 9898  
holders, registrants, and licensees. The superintendent of real 9899  
estate shall deposit the assessment into the state treasury to the 9900  
credit of the real estate appraiser recovery fund. The assessment 9901  
for initial certificate holders, registrants, and licensees shall 9902  
be paid prior to the issuance of a certificate, registration, or 9903  
license, and for current certificate holders, registrants, and 9904  
licensees, at the time of renewal. 9905

(B) An applicant for an initial general real estate appraiser 9906  
certificate, residential real estate appraiser certificate, or 9907  
residential real estate appraiser license shall possess ~~at least~~ 9908  
~~thirty months~~ of experience in real estate appraisal, ~~or any~~ 9909  
~~equivalent experience the board prescribes. An applicant for a~~ 9910

~~residential real estate appraiser certificate or residential real estate appraiser license shall possess at least two years of experience in real estate appraisal, or any equivalent experience as the board prescribes by rule.~~ In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

~~(C)(1) Except as provided in division (C)(2) of this section,~~ An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, truthful, and of good reputation and shall present satisfactory evidence to the superintendent ~~of the following, as appropriate:~~

~~(a) If the applicant is seeking a state certified general real estate appraiser certificate, that the applicant has successfully completed at least one hundred sixty 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;~~

~~(b) If the applicant is seeking a state certified residential real estate appraiser certificate, that the applicant has successfully completed at least one hundred five classroom hours~~

~~of courses in subjects related to real estate appraisal, including 9943  
at least one course devoted exclusively to federal, state, and 9944  
municipal fair housing law, presented by a nationally recognized 9945  
appraisal organization, an institution of higher education, a 9946  
career school registered by the state board of career colleges and 9947  
schools, or any other organization that represents the interests 9948  
of financial institutions or real estate brokers, appraisers, or 9949  
agents and that provides appraisal education, plus fifteen 9950  
classroom hours related to standards of professional practice and 9951  
the provisions of this chapter; 9952~~

~~(c) If the applicant is seeking a state licensed residential 9953  
real estate appraiser license, that the applicant has successfully 9954  
completed at least seventy five classroom hours of courses in 9955  
subjects related to real estate appraisal, including at least one 9956  
course devoted exclusively to federal, state, and municipal fair 9957  
housing law, presented by a nationally recognized appraisal 9958  
organization, an institution of higher education, a career school 9959  
registered by the state board of career colleges and schools, a 9960  
state or federal commission or agency, or any other organization 9961  
that represents the interests of financial institutions or real 9962  
estate brokers, appraisers, or agents and that provides appraisal 9963  
education, plus fifteen classroom hours related to standards of 9964  
professional practice and the provisions of this chapter; 9965~~

~~(d) If the applicant is seeking a state registered real 9966  
estate appraiser assistant registration, that the applicant has 9967  
successfully completed at least seventy five classroom hours of 9968  
courses in subjects related to real estate appraisal, including at 9969  
least one course devoted exclusively to federal, state, and 9970  
municipal fair housing law, presented by a nationally recognized 9971  
appraisal organization, an institution of higher education, a 9972  
career school registered by the state board of career colleges and 9973  
schools, or any other organization that represents the interests 9974~~

~~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,~~

<del>and the economic concepts applicable to real estate;</del>	10007
<del>(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;</del>	10008
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<del>(3) Understanding of the standards for the development and communication of real estate appraisals as provided in this chapter and the rules adopted thereunder;</del>	10012
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<del>(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;</del>	10015
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<del>(5) Knowledge of other principles and procedures as appropriate for the certification or license;</del>	10019
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<del>(6) Basic understanding of real estate law;</del>	10021
<del>(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></del>	10022
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(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.	10026
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(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	10034
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licensed in another state if all of the following apply: 10037

(a) The temporary registration is to perform an appraisal 10038  
assignment that is part of a federally related transaction. 10039

(b) The appraiser's business in this state is of a temporary 10040  
nature. 10041

(c) The appraiser registers with the board pursuant to this 10042  
division. 10043

An appraiser who is certified or licensed in another state 10044  
shall register with the board for temporary practice before 10045  
performing an appraisal assignment in this state in connection 10046  
with a federally related transaction. 10047

The board shall adopt rules relating to registration for the 10048  
temporary recognition of certification and licensure of appraisers 10049  
from another state. The registration for temporary recognition of 10050  
certified or licensed appraisers from another state shall not 10051  
authorize completion of more than one appraisal assignment in this 10052  
state. The board shall not issue more than two registrations for 10053  
temporary practice to any one applicant in any calendar year. 10054

(3) In addition to any other information required to be 10055  
submitted with the nonresident applicant's or appraiser's 10056  
application for a certificate, registration, license, or temporary 10057  
recognition of a certificate or license, each nonresident 10058  
applicant or appraiser shall submit a statement consenting to the 10059  
service of process upon the nonresident applicant or appraiser by 10060  
means of delivering that process to the secretary of state if, in 10061  
an action against the applicant, certificate holder, registrant, 10062  
or licensee arising from the applicant's, certificate holder's, 10063  
registrant's, or licensee's activities as a certificate holder, 10064  
registrant, or licensee, the plaintiff, in the exercise of due 10065  
diligence, cannot effect personal service upon the applicant, 10066  
certificate holder, registrant, or licensee. 10067

(F) The superintendent shall not issue a certificate, 10068  
registration, or license to, or recognize on a temporary basis an 10069  
appraiser from another state that is a corporation, partnership, 10070  
or association. This prohibition shall not be construed to prevent 10071  
a certificate holder or licensee from signing an appraisal report 10072  
on behalf of a corporation, partnership, or association. 10073

(G) Every person licensed, registered, or certified under 10074  
this chapter shall notify the superintendent, on a form provided 10075  
by the superintendent, of a change in the address of the 10076  
licensee's, registrant's, or certificate holder's principal place 10077  
of business or residence within thirty days of the change. If a 10078  
licensee's, registrant's, or certificate holder's license, 10079  
registration, or certificate is revoked or not renewed, the 10080  
licensee, registrant, or certificate holder immediately shall 10081  
return the annual and any renewal certificate, registration, or 10082  
license to the superintendent. 10083

(H)(1) The superintendent shall not issue a certificate, 10084  
registration, or license to any person, or recognize on a 10085  
temporary basis an appraiser from another state, who does not meet 10086  
applicable minimum criteria for state certification, registration, 10087  
or licensure prescribed by federal law or rule. 10088

(2) The superintendent shall not issue a general real estate 10089  
appraiser certificate, residential real estate appraiser 10090  
certificate, residential real estate appraiser license, or real 10091  
estate appraiser assistant registration to any person who has been 10092  
convicted of or pleaded guilty to any criminal offense involving 10093  
theft, receiving stolen property, embezzlement, forgery, fraud, 10094  
passing bad checks, money laundering, or drug trafficking, or any 10095  
criminal offense involving money or securities, including a 10096  
violation of an existing or former law of this state, any other 10097  
state, or the United States that substantially is equivalent to 10098  
such an offense. However, if the applicant has pleaded guilty to 10099

or been convicted of such an offense, the superintendent shall not  
consider the offense if the applicant has proven to the  
superintendent, by a preponderance of the evidence, that the  
applicant's activities and employment record since the conviction  
show that the applicant is honest, truthful, and of good  
reputation, and there is no basis in fact for believing that the  
applicant will commit such an offense again.

**Sec. 4763.06.** (A) A person licensed, registered, or certified  
under this chapter may obtain a renewal certificate, registration,  
or license by filing a renewal application with and paying the  
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.~~



(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 the Revised Code in order to regain certification or licensure, except that a certificate holder, registrant, or licensee may, within three months after the expiration of the certificate holder's, registrant's, or licensee's certificate, registration, or license, renew the certificate, registration, or license without having to comply with section 4763.05 of the Revised Code by payment of all fees for renewal and payment of the late filing fee set forth in section 4763.09 of the Revised Code. A certificate holder, registrant, or licensee who applies for late renewal of the certificate holder's, registrant's, or licensee's certificate, registration, or license may engage in all activities permitted by the certification, registration, or license being renewed for the three-month period following the certificate's, registration's, or license's normal expiration date.

**Sec. 4919.76.** The public utilities commission ~~of Ohio~~ shall adopt rules applicable to motor carrier registration ~~under the single state insurance registration program. The rules shall be~~ consistent with and equivalent in scope, coverage, and content to the registration rules specified by the federal motor carrier safety administration or interstate commerce commission in accordance with the "Intermodal Surface Transportation Efficiency Act of 1991," 105 Stat. 2146, 49 U.S.C.A. 11506, whichever is applicable.

**Sec. 5107.12.** An assistance group seeking to participate in the Ohio works first program shall apply to a county department of job and family services using an application containing information the director of job and family services requires

pursuant to rules adopted under section 5107.05 of the Revised 10163  
Code and any additional information the county department 10164  
requires. If cash assistance under the program is to be paid by 10165  
the ~~auditor~~ director of ~~state~~ budget and management through the 10166  
medium of direct deposit as provided by section 329.03 of the 10167  
Revised Code, the application shall be accompanied by information 10168  
the ~~auditor~~ director needs to make direct deposits. 10169

When a county department receives an application for 10170  
participation in Ohio works first, it shall promptly make an 10171  
investigation and record of the circumstances of the applicant in 10172  
order to ascertain the facts surrounding the application and to 10173  
obtain such other information as may be required. Upon the 10174  
completion of the investigation, the county department shall 10175  
determine whether the applicant is eligible to participate, the 10176  
amount of cash assistance the applicant should receive, and the 10177  
approximate date when participation shall begin. The amount of 10178  
cash assistance so determined shall be certified to the department 10179  
of job and family services in such form as the department shall 10180  
prescribe. Warrants, direct deposits, or debit cards shall be 10181  
delivered or made payable in the manner the department may 10182  
prescribe. 10183

To the extent required by rules adopted under section 5107.05 10184  
of the Revised Code, a participant of Ohio works first shall 10185  
notify the county department immediately upon the receipt or 10186  
possession of additional income not previously reported to the 10187  
county department. Any failure to so notify a county department 10188  
shall be regarded as prima-facie evidence of an intent to defraud. 10189

**Sec. 5111.88.** (A) As used in sections 5111.88 to 5111.8817 of 10190  
the Revised Code: 10191

"Administrative agency" means the department of job and 10192  
family services or, if the department assigns the day-to-day 10193

administration of the ICF/MR conversion pilot program to the 10194  
department of mental retardation and developmental disabilities 10195  
pursuant to section 5111.887 of the Revised Code, the department 10196  
of mental retardation and developmental disabilities. 10197

"ICF/MR conversion pilot program" means the medicaid waiver 10198  
component authorized by a waiver sought under division (B)(1) of 10199  
this section. 10200

"ICF/MR services" means intermediate care facility for the 10201  
mentally retarded services covered by the medicaid program that an 10202  
intermediate care facility for the mentally retarded provides to a 10203  
resident of the facility who is a medicaid recipient eligible for 10204  
medicaid-covered intermediate care facility for the mentally 10205  
retarded services. 10206

"Intermediate care facility for the mentally retarded" has 10207  
the same meaning as in section 5111.20 of the Revised Code. 10208

"Medicaid waiver component" has the same meaning as in 10209  
section 5111.85 of the Revised Code. 10210

(B) ~~By July 1, 2006, or as soon thereafter as practical, but~~ 10211  
~~not~~ Not later than ~~January 1~~ June 30, 2007, the director of job 10212  
and family services shall, after consulting with and receiving 10213  
input from the ICF/MR conversion advisory council, submit both of 10214  
the following to the United States secretary of health and human 10215  
services: 10216

(1) An application for a waiver authorizing the ICF/MR 10217  
conversion pilot program under which intermediate care facilities 10218  
for the mentally retarded, other than such facilities operated by 10219  
the department of mental retardation and developmental 10220  
disabilities, may volunteer to convert in whole or in part from 10221  
providing intermediate care facility for the mentally retarded 10222  
services to providing home and community-based services and 10223  
individuals with mental retardation or a developmental disability 10224

who are eligible for ICF/MR services may volunteer to receive 10225  
instead home and community-based services; 10226

(2) An amendment to the state medicaid plan to authorize the 10227  
director, beginning on the first day that the ICF/MR conversion 10228  
pilot program begins implementation under section 5111.882 of the 10229  
Revised Code and except as provided by section 5111.8811 of the 10230  
Revised Code, to refuse to enter into or amend a medicaid provider 10231  
agreement with the operator of an intermediate care facility for 10232  
the mentally retarded if the provider agreement or amendment would 10233  
authorize the operator to receive medicaid payments for more 10234  
intermediate care facility for the mentally retarded beds than the 10235  
operator receives on the day before that day. 10236

(C) The director shall notify the governor, speaker and 10237  
minority leader of the house of representatives, and president and 10238  
minority leader of the senate when the director submits the 10239  
application for the ICF/MR conversion pilot program under division 10240  
(B)(1) of this section and the amendment to the state medicaid 10241  
plan under division (B)(2) of this section. The director is not 10242  
required to submit the application and the amendment at the same 10243  
time. 10244

**Sec. 5115.06.** Assistance under the disability financial 10245  
assistance program may be given by warrant, direct deposit, or, if 10246  
provided by the director of job and family services pursuant to 10247  
section 5101.33 of the Revised Code, by electronic benefit 10248  
transfer. It shall be inalienable whether by way of assignment, 10249  
charge, or otherwise, and is exempt from attachment, garnishment, 10250  
or other like process. 10251

Any direct deposit shall be made to a financial institution 10252  
and account designated by the recipient. If disability financial 10253  
assistance is to be paid by the ~~auditor~~ director of ~~state budget~~ 10254  
and management through direct deposit, the application for 10255

assistance shall be accompanied by information the ~~auditor~~ 10256  
director needs to make direct deposits. 10257

The director of job and family services may adopt rules for 10258  
designation of financial institutions and accounts. 10259

No financial institution shall impose any charge for direct 10260  
deposit of disability financial assistance payments that it does 10261  
not charge all customers for similar services. 10262

**Sec. 5119.071.** ~~Any~~ An appointing ~~officer~~ authority may 10263  
appoint a person ~~holding~~ who holds a certified position in the 10264  
classified service ~~of~~ within the department of mental health to 10265  
~~any~~ a position in the unclassified service ~~of~~ within the 10266  
department. A person ~~so~~ appointed pursuant to this section to a 10267  
position in the unclassified service shall retain the right to 10268  
resume the position and status held by ~~him~~ the person in the 10269  
classified service immediately prior to ~~his~~ the person's 10270  
appointment. ~~If the position the person previously held has been~~ 10271  
~~placed in the unclassified service under this section, he shall be~~ 10272  
~~appointed to a position in the classified service that the~~ 10273  
~~director of administrative services certifies is comparable in~~ 10274  
~~compensation to the position the person previously held.~~ 10275  
Reinstatement to the position in the unclassified service, 10276  
regardless of the number of positions the person held in the 10277  
unclassified service. An employee's right to resume a position in 10278  
the classified service may only be exercised when an appointing 10279  
authority demotes the employee to a pay range lower than the 10280  
employee's current pay range or revokes the employee's appointment 10281  
to the unclassified service. An employee forfeits the right to 10282  
resume a position in the classified service when the employee is 10283  
removed from the position in the unclassified service due to 10284  
incompetence, inefficiency, dishonesty, drunkenness, immoral 10285  
conduct, insubordination, discourteous treatment of the public, 10286

neglect of duty, violation of this chapter or Chapter 124. of the 10287  
Revised Code, violation of the rules of the director of 10288  
administrative services or the director of mental health, any 10289  
other failure of good behavior, any other acts of misfeasance, 10290  
malfeasance, or nonfeasance in office, or conviction of a felony. 10291  
An employee also forfeits the right to resume a position in the 10292  
classified service upon transfer to a different agency. 10293

Reinstatement to a position in the classified service shall 10294  
be to a position substantially equal to that position in the 10295  
classified service held previously, as certified by the director 10296  
of administrative services. If the position the person previously 10297  
held in the classified service has been placed in the unclassified 10298  
service or is otherwise unavailable, the person shall be appointed 10299  
to a position in the classified service within the department that 10300  
the director of administrative services certifies is comparable in 10301  
compensation to the position the person previously held in the 10302  
classified service. Service in the position in the unclassified 10303  
service shall be counted as service in the position in the 10304  
classified service held by the person immediately prior to ~~his~~ the 10305  
person's appointment to the position in the unclassified service. 10306  
When a person is reinstated to a position in the classified 10307  
service as provided in this section, ~~he~~ the person is entitled to 10308  
all rights, status, and ~~emoluments~~ benefits accruing to the 10309  
position in the classified service during the person's time of ~~his~~ 10310  
service in the position in the unclassified service. 10311

**Sec. 5119.611.** (A) ~~A board of alcohol, drug addiction, and~~ 10312  
~~mental health services may not contract with a community mental~~ 10313  
~~health agency under division (A)(8)(a) of section 340.03 of the~~ 10314  
~~Revised Code to provide community mental health services included~~ 10315  
~~in the board's community mental health plan unless the services~~ 10316  
~~are certified by the director of mental health under this section.~~ 10317

A community mental health agency that seeks ~~the director's~~ 10318  
certification of its community mental health services shall submit 10319  
an application to the director of mental health. On receipt of the 10320  
application, the director may visit and shall evaluate the agency 10321  
to determine whether its services satisfy the standards 10322  
established by rules adopted under division ~~(C)~~(D) of this 10323  
section. The director shall make the evaluation, and, if the 10324  
director visits the agency, shall make the visit, in cooperation 10325  
with the board of alcohol, drug addiction, and mental health 10326  
services with which the agency seeks to contract under division 10327  
(A)(8)(a) of section 340.03 of the Revised Code. 10328

~~If the director determines that a community mental health~~ 10329  
~~agency's services satisfy the standards~~ Subject to divisions (B) 10330  
and (C) of this section, the director shall certify ~~the a~~ 10331  
community mental health agency's services that the director 10332  
determines satisfy the standards. 10333

If the director determines that a community mental health 10334  
agency's services do not satisfy the standards, the director shall 10335  
identify the areas of noncompliance, specify what action is 10336  
necessary to satisfy the standards, and offer technical assistance 10337  
to the board of alcohol, drug addiction, and mental health 10338  
services so that the board may assist the agency in satisfying the 10339  
standards. The director shall give the agency a reasonable time 10340  
within which to demonstrate that its services satisfy the 10341  
standards or to bring the services into compliance with the 10342  
standards. If the director concludes that the services continue to 10343  
fail to satisfy the standards, the director may request that the 10344  
board reallocate the funds for the community mental health 10345  
services the agency was to provide to another community mental 10346  
health agency whose community mental health services satisfy the 10347  
standards. If the board does not reallocate those funds in a 10348  
reasonable period of time, the director may withhold state and 10349

federal funds for the community mental health services and 10350  
allocate those funds directly to a community mental health agency 10351  
whose community mental health services satisfy the standards. 10352

(B) Each community mental health agency seeking certification 10353  
of its community mental health services under this section shall 10354  
pay a fee for the certification review required by this section. 10355  
Fees shall be paid into the sale of goods and services fund 10356  
created pursuant to section 5119.161 of the Revised Code. 10357

(C) The director may certify a community mental health 10358  
service only if the service is for individuals whose focus of 10359  
treatment is a mental disorder according to the edition of the 10360  
American psychiatric association's diagnostic and statistical 10361  
manual of mental disorders that is current at the time the 10362  
director issues the certification, including such services for 10363  
individuals who have a mental disorder and a co-occurring 10364  
substance use disorder, substance induced disorder, chronic 10365  
dementing organic mental disorder, mental retardation, or 10366  
developmental disability. The director may not certify a service 10367  
that is for individuals whose focus of treatment is solely a 10368  
substance use disorder, substance-induced disorder, chronic 10369  
dementing organic mental disorder, mental retardation, or 10370  
developmental disability. 10371

(D) The director shall adopt rules in accordance with Chapter 10372  
119. of the Revised Code to implement this section. The rules 10373  
shall do all of the following: 10374

(1) Establish certification standards for community mental 10375  
health services, including assertive community treatment and 10376  
intensive home-based mental health services, that are consistent 10377  
with nationally recognized applicable standards and facilitate 10378  
participation in federal assistance programs. The rules shall 10379  
include as certification standards only requirements that improve 10380



the quality of services or the health and safety of clients of 10381  
community mental health services. The standards shall address at a 10382  
minimum all of the following: 10383

- (a) Reporting major unusual incidents to the director; 10384
- (b) Procedures for applicants for and clients of community 10385  
mental health services to file grievances and complaints; 10386
- (c) Seclusion; 10387
- (d) Restraint; 10388
- (e) Development of written policies addressing the rights of 10389  
clients, including all of the following: 10390
  - (i) The right to a copy of the written policies addressing 10391  
client rights; 10392
  - (ii) The right at all times to be treated with consideration 10393  
and respect for the client's privacy and dignity; 10394
  - (iii) The right to have access to the client's own 10395  
psychiatric, medical, or other treatment records unless access is 10396  
specifically restricted in the client's treatment plan for clear 10397  
treatment reasons; 10398
  - (iv) The right to have a client rights officer provided by 10399  
the agency or board of alcohol, drug addiction, and mental health 10400  
services advise the client of the client's rights, including the 10401  
client's rights under Chapter 5122. of the Revised Code if the 10402  
client is committed to the agency or board. 10403

(2) Establish standards for qualifications of mental health 10404  
professionals as defined in section 340.02 of the Revised Code and 10405  
personnel who provide the community mental health services; 10406

(3) Establish the process for certification of community 10407  
mental health services; 10408

(4) Set the amount of certification review fees based on a 10409

portion of the cost of performing the review; 10410

(5) Specify the type of notice and hearing to be provided 10411  
prior to a decision on whether to reallocate funds. 10412

~~(D) The rules adopted under division (C)(1) of this section 10413  
to establish certification standards for assertive community 10414  
treatment and intensive home-based mental health services shall be 10415  
adopted not later than July 1, 2004. 10416~~

**Sec. 5120.03.** (A) The Subject to division (C) of this 10417  
section, the director of rehabilitation and correction, ~~by~~ 10418  
~~executive order and with the approval of the governor,~~ may change 10419  
the purpose for which any institution or place under the control 10420  
of the department of rehabilitation and correction, is being used. 10421  
The director may designate a new or another use for such 10422  
institution, if the change of use and new designation has for its 10423  
objective, improvement in the classification, segregation, care, 10424  
education, cure, or rehabilitation of persons subject to the 10425  
control of the department. 10426

(B) The director of rehabilitation and correction, by 10427  
executive order, issued on or before December 31, 1988, shall 10428  
eliminate the distinction between penal institutions and 10429  
reformatory institutions. Notwithstanding any provision of the 10430  
Revised Code or the Administrative Code to the contrary, upon the 10431  
issuance of the executive order, any distinction made between the 10432  
types of prisoners sentenced to or otherwise assigned to the 10433  
institutions under the control of the department shall be 10434  
discontinued. 10435

(C) The director ~~may~~ shall contract under section 9.06 of the 10436  
Revised Code for the private operation and management of a 10437  
facility not less than two facilities under the control of the 10438  
department, unless the contractor managing and operating a 10439

facility is not in substantial compliance with the material terms 10440  
and conditions of its contract and no other person or entity is 10441  
willing and able to satisfy the obligations of the contract. All 10442  
inmates assigned to a facility operated and managed by a private 10443  
contractor remain inmates in the care and custody of the 10444  
department. The statutes, rules, and policies of the department 10445  
may apply to the private contractor and any inmate assigned to a 10446  
facility operated and managed by a private contractor as agreed to 10447  
in the contract entered into under section 9.06 of the Revised 10448  
Code. 10449

**Sec. 5123.08.** ~~Any~~ An appointing officer may appoint a person 10450  
~~holding who holds~~ a certified position in the classified service 10451  
~~of~~ within the department of mental retardation and developmental 10452  
disabilities to ~~any~~ a position in the unclassified service ~~of~~ 10453  
within the department. A person ~~so~~ appointed pursuant to this 10454  
section to a position in the unclassified service shall retain the 10455  
right to resume the position and status held by ~~him~~ the person in 10456  
the classified service immediately prior to ~~his~~ the person's 10457  
appointment. ~~If the position the person previously held has been~~ 10458  
~~placed in the unclassified service under this section, he shall be~~ 10459  
~~appointed to a position in the classified service that the~~ 10460  
~~director of administrative services certifies is comparable in~~ 10461  
~~compensation to the position the person previously held.~~ 10462  
Reinstatement to the position in the unclassified service, 10463  
regardless of the number of positions the person held in the 10464  
unclassified service. An employee's right to resume a position in 10465  
the classified service may only be exercised when an appointing 10466  
authority demotes the employee to a pay range lower than the 10467  
employee's current pay range or revokes the employee's appointment 10468  
to the unclassified service. An employee forfeits the right to 10469  
resume a position in the classified service when the employee is 10470  
removed from the position in the unclassified service due to 10471

incompetence, inefficiency, dishonesty, drunkenness, immoral 10472  
conduct, insubordination, discourteous treatment of the public, 10473  
neglect of duty, violation of this chapter or Chapter 124. of the 10474  
Revised Code, the rules of the director of mental retardation and 10475  
developmental disabilities or the director of administrative 10476  
services, any other failure of good behavior, any other acts of 10477  
misfeasance, malfeasance, or nonfeasance in office, or conviction 10478  
of a felony. An employee also forfeits the right to resume a 10479  
position in the classified service upon transfer to a different 10480  
agency. 10481

Reinstatement to a position in the classified service shall 10482  
be to a position substantially equal to that position in the 10483  
classified service held previously, as certified by the director 10484  
of administrative services. If the position the person previously 10485  
held in the classified service has been placed in the unclassified 10486  
service or is otherwise unavailable, the person shall be appointed 10487  
to a position in the classified service within the department that 10488  
the director of administrative services certifies is comparable in 10489  
compensation to the position the person previously held in the 10490  
classified service. Service in the position in the unclassified 10491  
service shall be counted as service in the position in the 10492  
classified service held by the person immediately prior to ~~his~~ the 10493  
person's appointment to the position in the unclassified service. 10494  
When a person is reinstated to a position in the classified 10495  
service as provided in this section, ~~he~~ the person is entitled to 10496  
all rights, status, and ~~emoluments~~ benefits accruing to the 10497  
position in the classified service during the time of ~~his~~ the 10498  
person's service in the position in the unclassified service. 10499

**Sec. 5139.02.** (A)(1) As used in this section, "managing 10500  
officer" means the assistant director, a deputy director, an 10501  
assistant deputy director, a superintendent, a regional 10502  
administrator, a deputy superintendent, or the superintendent of 10503

schools of the department of youth services, a member of the 10504  
release authority, the chief of staff to the release authority, 10505  
and the victims administrator of the office of victim services. 10506

(2) Each division established by the director of youth 10507  
services shall consist of managing officers and other employees, 10508  
including those employed in institutions and regions as necessary 10509  
to perform the functions assigned to them. The director, assistant 10510  
director, or appropriate deputy director or managing officer of 10511  
the department shall supervise the work of each division and 10512  
determine general policies governing the exercise of powers vested 10513  
in the department and assigned to each division. The appropriate 10514  
managing officer or deputy director is responsible to the director 10515  
or assistant director for the organization, direction, and 10516  
supervision of the work of the division or unit and for the 10517  
exercise of the powers and the performance of the duties of the 10518  
department assigned to it and, with the director's approval, may 10519  
establish bureaus or other administrative units within the 10520  
department. 10521

(B) The director shall appoint all managing officers, who 10522  
shall be in the unclassified civil service. ~~If the~~ The director 10523  
~~appoints a~~ may appoint a person who holds a certified position in 10524  
the classified service within the department to a position as a 10525  
managing officer within the department. A person appointed 10526  
pursuant to this division to a position as a managing officer from 10527  
~~within the classified service of the department, the person so~~ 10528  
~~appointed retains~~ shall retain the right to resume the position 10529  
and status held by the person in the classified service 10530  
immediately prior to the person's appointment as managing officer- 10531  
~~If such a person is removed from the position as managing officer,~~ 10532  
~~the person shall be reinstated, regardless of the number of~~ 10533  
positions the person held in the unclassified service. A managing 10534  
officer's right to resume a position in the classified service may 10535

only be exercised when the director demotes the managing officer 10536  
to a pay range lower than the managing officer's current pay range 10537  
or revokes the managing officer's appointment to the position of 10538  
managing officer. A managing officer forfeits the right to resume 10539  
a position in the classified service when the managing officer is 10540  
removed from the position of managing officer due to incompetence, 10541  
inefficiency, dishonesty, drunkenness, immoral conduct, 10542  
insubordination, discourteous treatment of the public, neglect of 10543  
duty, violation of this chapter or Chapter 124. of the Revised 10544  
Code, the rules of the director of youth services or the director 10545  
of administrative services, any other failure of good behavior, 10546  
any other acts of misfeasance, malfeasance, or nonfeasance in 10547  
office, or conviction of a felony. A managing officer also 10548  
forfeits the right to resume a position in the classified service 10549  
upon transfer to a different agency. 10550

Reinstatement to a position in the classified service shall 10551  
be to the position held in the classified service immediately 10552  
prior to appointment as managing officer, or to another position 10553  
certified by the director, with the approval of the department of 10554  
administrative services, as being substantially equal to that 10555  
position. Any person holding the position of managing officer on 10556  
the effective date of this section is entitled to resume the 10557  
position and status held in the classified service of the 10558  
department of youth services immediately prior to appointment as a 10559  
managing officer If the position the person previously held in the 10560  
classified service immediately prior to appointment as a managing 10561  
officer has been placed in the unclassified service or is 10562  
otherwise unavailable, the person shall be appointed to a position 10563  
in the classified service within the department that the director 10564  
of administrative services certifies is comparable in compensation 10565  
to the position the person previously held in the classified 10566  
service. Service as a managing officer shall be counted as service 10567  
in the position in the classified service held by the reinstated 10568

person ~~held~~ immediately prior to the person's appointment as a 10569  
managing officer. If a person is reinstated to a position in the 10570  
classified service under this division, the person shall be 10571  
returned to the pay range and step to which the person had been 10572  
assigned at the time of the appointment as managing officer. 10573  
Longevity, where applicable, shall be calculated pursuant to the 10574  
provisions of section 124.181 of the Revised Code. 10575

(C) Each person appointed as a managing officer shall have 10576  
received special training and shall have experience in the type of 10577  
work that the person's division is required to perform. Each 10578  
managing officer, under the supervision of the director, has 10579  
entire charge of the division, institution, unit, or region for 10580  
which the managing officer is appointed and, with the director's 10581  
approval, shall appoint necessary employees and may remove them 10582  
for cause. 10583

**Sec. 5502.62.** (A) There is hereby created in the department 10584  
of public safety a division of criminal justice services. The 10585  
director of public safety, with the concurrence of the governor, 10586  
shall appoint an executive director of the division of criminal 10587  
justice services. The executive director shall be the head of the 10588  
division. The executive director shall serve at the pleasure of 10589  
the director of public safety. To carry out the duties assigned 10590  
under this section and to comply with sections 5502.63 to 5502.66 10591  
of the Revised Code, the executive director, subject to the 10592  
direction and control of the director of public safety, may 10593  
appoint and maintain any necessary staff and may enter into any 10594  
necessary contracts and other agreements. The executive director 10595  
of the division, and all professional and technical personnel 10596  
employed within the division who are not public employees as 10597  
defined in section 4117.01 of the Revised Code, shall be in the 10598  
unclassified civil service, and all other persons employed within 10599  
the division shall be in the classified civil service. 10600

(B) Subject to division (F) of this section and subject to 10601  
divisions (D) to (F) of section 5120.09 of the Revised Code 10602  
insofar as those divisions relate to federal criminal justice acts 10603  
that the governor requires the department of rehabilitation and 10604  
correction to administer, the division of criminal justice 10605  
services shall do all of the following: 10606

(1) Serve as the state criminal justice services agency and 10607  
perform criminal justice system planning in the state, including 10608  
any planning that is required by any federal law; 10609

(2) Collect, analyze, and correlate information and data 10610  
concerning the criminal justice system in the state; 10611

(3) Cooperate with and provide technical assistance to state 10612  
departments, administrative planning districts, metropolitan 10613  
county criminal justice services agencies, criminal justice 10614  
coordinating councils, agencies, offices, and departments of the 10615  
criminal justice system in the state, and other appropriate 10616  
organizations and persons; 10617

(4) Encourage and assist agencies, offices, and departments 10618  
of the criminal justice system in the state and other appropriate 10619  
organizations and persons to solve problems that relate to the 10620  
duties of the division; 10621

(5) Administer within the state any federal criminal justice 10622  
acts that the governor requires it to administer; 10623

(6) Administer funds received under the "Family Violence 10624  
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10625  
10401, as amended, with all powers necessary for the adequate 10626  
administration of those funds, including the authority to 10627  
establish a family violence prevention and services program; 10628

(7) Implement the state comprehensive plans; 10629

(8) Audit grant activities of agencies, offices, 10630



organizations, and persons that are financed in whole or in part 10631  
by funds granted through the division; 10632

(9) Monitor or evaluate the performance of criminal justice 10633  
system projects and programs in the state that are financed in 10634  
whole or in part by funds granted through the division; 10635

(10) Apply for, allocate, disburse, and account for grants 10636  
that are made available pursuant to federal criminal justice acts, 10637  
or made available from other federal, state, or private sources, 10638  
to improve the criminal justice system in the state. ~~Except as~~ 10639  
~~otherwise provided in this division, all money from such federal~~ 10640  
~~grants shall, if the terms under which the money is received~~ 10641  
~~require that the money be deposited into an interest-bearing fund~~ 10642  
~~or account, be deposited in the state treasury to the credit of~~ 10643  
~~the federal program purposes fund, which is hereby created. All~~ 10644  
~~investment earnings of the federal program purposes fund shall be~~ 10645  
~~credited to the fund. All money from such federal grants that~~ 10646  
require that the money be deposited into an interest-bearing fund 10647  
or account, that are intended to provide funding to ~~local~~ criminal 10648  
justice programs, and that require that investment earnings be 10649  
distributed for program purposes shall be deposited in the state 10650  
treasury to the credit of the federal justice programs ~~fund~~ funds, 10651  
which ~~is~~ are hereby created. A separate fund shall be established 10652  
each federal fiscal year. All investment earnings of ~~the~~ a federal 10653  
justice programs fund shall be credited to ~~the~~ that fund and 10654  
distributed in accordance with the terms of the grant under which 10655  
the money is received. 10656

(11) Contract with federal, state, and local agencies, 10657  
foundations, corporations, businesses, and persons when necessary 10658  
to carry out the duties of the division; 10659

(12) Oversee the activities of metropolitan county criminal 10660  
justice services agencies, administrative planning districts, and 10661

criminal justice coordinating councils in the state; 10662

(13) Advise the director of public safety, general assembly, 10663  
and governor on legislation and other significant matters that 10664  
pertain to the improvement and reform of criminal and juvenile 10665  
justice systems in the state; 10666

(14) Prepare and recommend legislation to the director of 10667  
public safety, general assembly, and governor for the improvement 10668  
of the criminal and juvenile justice systems in the state; 10669

(15) Assist, advise, and make any reports that are requested 10670  
or required by the governor, director of public safety, attorney 10671  
general, or general assembly; 10672

(16) Develop and maintain the Ohio incident-based reporting 10673  
system in accordance with division (C) of this section; 10674

(17) Subject to the approval of the director of public 10675  
safety, adopt rules pursuant to Chapter 119. of the Revised Code. 10676

(C) The ~~office~~ division of criminal justice services shall 10677  
develop and maintain the Ohio incident-based reporting system to 10678  
facilitate the sharing of information with the federal bureau of 10679  
investigation and participating law enforcement agencies in Ohio. 10680  
The Ohio incident-based reporting system shall be known as OIBRS. 10681  
In connection with OIBRS, the ~~office~~ division shall do all of the 10682  
following: 10683

(1) Collect and organize statistical data for reporting to 10684  
the national incident-based reporting system operated by the 10685  
federal bureau of investigation for the purpose of securing 10686  
federal criminal justice grants; 10687

(2) Analyze and highlight mapping data for participating law 10688  
enforcement agencies; 10689

(3) Distribute data and analyses to participating law 10690  
enforcement agencies; 10691

(4) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;

(5) Provide assistance, advice, and reports requested by the governor, the general assembly, or the federal bureau of investigation;

(6) Require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system general revenue funds through the office to participate in OIBRS or in the uniform crime reporting program of the federal bureau of investigation. An agency that submits OIBRS data to the Ohio local law enforcement information sharing network shall be considered to be in compliance with division (C)(6) of this section if both of the following apply:

(a) The Ohio local law enforcement information sharing network is capable of collecting OIBRS data.

(b) The ~~office~~ division of criminal justice services has the ability to extract the OIBRS data for reporting to the national incident-based reporting system in the manner required by the federal bureau of investigation.

(D) Upon the request of the director of public safety or governor, the division of criminal justice services may do any of the following:

(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;

(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate

organizations and persons;	10722
(3) Encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division.	10723 10724 10725 10726
(E) Divisions (B), (C), and (D) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.	10727 10728 10729
(F) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency or to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio.	10730 10731 10732 10733 10734
<b>Sec. 5537.01.</b> As used in this chapter:	10735
(A) "Commission" means the Ohio turnpike commission created by section 5537.02 of the Revised Code or, if that commission is abolished, the board, body, officer, or commission succeeding to the principal functions thereof or to which the powers given by this chapter to the commission are given by law.	10736 10737 10738 10739 10740
(B) "Project" or "turnpike project" means any express or limited access highway, super highway, or motorway constructed, operated, or improved, under the jurisdiction of the commission and pursuant to this chapter, at a location or locations reviewed by the turnpike <del>oversight</del> <u>legislative review</u> committee and approved by the governor, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, those portions of connecting public roads that serve interchanges and are determined by the commission and the director of transportation to be necessary for the safe merging of traffic between the turnpike project and those public roads, toll booths,	10741 10742 10743 10744 10745 10746 10747 10748 10749 10750 10751

service facilities, and administration, storage, and other 10752  
buildings, property, and facilities that the commission considers 10753  
necessary for the operation or policing of the project, together 10754  
with all property and rights which may be acquired by the 10755  
commission for the construction, maintenance, or operation of the 10756  
project, and includes any sections or extensions of a turnpike 10757  
project designated by the commission as such for the particular 10758  
purpose. Each turnpike project shall be separately designated, by 10759  
name or number, and may be constructed, improved, or extended in 10760  
such sections as the commission may from time to time determine. 10761  
Construction includes the improvement and renovation of a 10762  
previously constructed project, including additional interchanges, 10763  
whether or not the project was initially constructed by the 10764  
commission. 10765

(C) "Cost," as applied to construction of a turnpike project, 10766  
includes the cost of construction, including bridges over or under 10767  
existing highways and railroads, acquisition of all property 10768  
acquired by the commission for the construction, demolishing or 10769  
removing any buildings or structures on land so acquired, 10770  
including the cost of acquiring any lands to which the buildings 10771  
or structures may be moved, site clearance, improvement, and 10772  
preparation, diverting public roads, interchanges with public 10773  
roads, access roads to private property, including the cost of 10774  
land or easements therefor, all machinery, furnishings, and 10775  
equipment, communications facilities, financing expenses, interest 10776  
prior to and during construction and for one year after completion 10777  
of construction, traffic estimates, indemnity and surety bonds and 10778  
premiums on insurance, title work and title commitments, 10779  
insurance, and guarantees, engineering, feasibility studies, and 10780  
legal expenses, plans, specifications, surveys, estimates of cost 10781  
and revenues, other expenses necessary or incident to determining 10782  
the feasibility or practicability of constructing or operating a 10783  
project, administrative expenses, and any other expense that may 10784

be necessary or incident to the construction of the project, the 10785  
financing of the construction, and the placing of the project in 10786  
operation. Any obligation or expense incurred by the department of 10787  
transportation with the approval of the commission for surveys, 10788  
borings, preparation of plans and specifications, and other 10789  
engineering services in connection with the construction of a 10790  
project, or by the federal government with the approval of the 10791  
commission for any public road projects which must be reimbursed 10792  
as a condition to the exercise of any of the powers of the 10793  
commission under this chapter, shall be regarded as a part of the 10794  
cost of the project and shall be reimbursed to the state or the 10795  
federal government, as the case may be, from revenues, state 10796  
taxes, or the proceeds of bonds as authorized by this chapter. 10797

(D) "Owner" includes all persons having any title or interest 10798  
in any property authorized to be acquired by the commission under 10799  
this chapter. 10800

(E) "Revenues" means all tolls, service revenues, investment 10801  
income on special funds, rentals, gifts, grants, and all other 10802  
moneys coming into the possession of or under the control of the 10803  
commission by virtue of this chapter, except the proceeds from the 10804  
sale of bonds. "Revenues" does not include state taxes. 10805

(F) "Public roads" means all public highways, roads, and 10806  
streets in the state, whether maintained by a state agency or any 10807  
other governmental agency. 10808

(G) "Public utility facilities" means tracks, pipes, mains, 10809  
conduits, cables, wires, towers, poles, and other equipment and 10810  
appliances of any public utility. 10811

(H) "Financing expenses" means all costs and expenses 10812  
relating to the authorization, issuance, sale, delivery, 10813  
authentication, deposit, custody, clearing, registration, 10814  
transfer, exchange, fractionalization, replacement, payment, and 10815

servicing of bonds including, without limitation, costs and 10816  
expenses for or relating to publication and printing, postage, 10817  
delivery, preliminary and final official statements, offering 10818  
circulars, and informational statements, travel and 10819  
transportation, underwriters, placement agents, investment 10820  
bankers, paying agents, registrars, authenticating agents, 10821  
remarketing agents, custodians, clearing agencies or corporations, 10822  
securities depositories, financial advisory services, 10823  
certifications, audits, federal or state regulatory agencies, 10824  
accounting and computation services, legal services and obtaining 10825  
approving legal opinions and other legal opinions, credit ratings, 10826  
redemption premiums, and credit enhancement facilities. 10827

(I) "Bond proceedings" means the resolutions, trust 10828  
agreements, certifications, notices, sale proceedings, leases, 10829  
lease-purchase agreements, assignments, credit enhancement 10830  
facility agreements, and other agreements, instruments, and 10831  
documents, as amended and supplemented, or any one or more or any 10832  
combination thereof, authorizing, or authorizing or providing for 10833  
the terms and conditions applicable to, or providing for the 10834  
security or sale or award or liquidity of, bonds, and includes the 10835  
provisions set forth or incorporated in those bonds and bond 10836  
proceedings. 10837

(J) "Bond service charges" means principal, including any 10838  
mandatory sinking fund or mandatory redemption requirements for 10839  
the retirement of bonds, and interest and any redemption premium 10840  
payable on bonds, as those payments come due and are payable to 10841  
the bondholder or to a person making payment under a credit 10842  
enhancement facility of those bond service charges to a 10843  
bondholder. 10844

(K) "Bond service fund" means the applicable fund created by 10845  
the bond proceedings for and pledged to the payment of bond 10846  
service charges on bonds provided for by those proceedings, 10847

including all moneys and investments, and earnings from 10848  
investments, credited and to be credited to that fund as provided 10849  
in the bond proceedings. 10850

(L) "Bonds" means bonds, notes, including notes anticipating 10851  
bonds or other notes, commercial paper, certificates of 10852  
participation, or other evidences of obligation, including any 10853  
interest coupons pertaining thereto, issued by the commission 10854  
pursuant to this chapter. 10855

(M) "Net revenues" means revenues lawfully available to pay 10856  
both current operating expenses of the commission and bond service 10857  
charges in any fiscal year or other specified period, less current 10858  
operating expenses of the commission and any amount necessary to 10859  
maintain a working capital reserve for that period. 10860

(N) "Pledged revenues" means net revenues, moneys and 10861  
investments, and earnings on those investments, in the applicable 10862  
bond service fund and any other special funds, and the proceeds of 10863  
any bonds issued for the purpose of refunding prior bonds, all as 10864  
lawfully available and by resolution of the commission committed 10865  
for application as pledged revenues to the payment of bond service 10866  
charges on particular issues of bonds. 10867

(O) "Service facilities" means service stations, restaurants, 10868  
and other facilities for food service, roadside parks and rest 10869  
areas, parking, camping, tenting, rest, and sleeping facilities, 10870  
hotels or motels, and all similar and other facilities providing 10871  
services to the traveling public in connection with the use of a 10872  
turnpike project and owned, leased, licensed, or operated by the 10873  
commission. 10874

(P) "Service revenues" means those revenues of the commission 10875  
derived from its ownership, leasing, licensing, or operation of 10876  
service facilities. 10877

(Q) "Special funds" means the applicable bond service fund 10878



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

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

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

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

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

other agreements and arrangements for payment and reimbursement of 10910  
the person providing the credit enhancement facility and the 10911  
security for that payment and reimbursement. 10912

(V) "Person" has the same meaning as in section 1.59 of the 10913  
Revised Code and, unless the context otherwise provides, also 10914  
includes any governmental agency and any combination of those 10915  
persons. 10916

(W) "Refund" means to fund and retire outstanding bonds, 10917  
including advance refunding with or without payment or redemption 10918  
prior to stated maturity. 10919

(X) "Governmental agency" means any state agency, federal 10920  
agency, political subdivision, or other local, interstate, or 10921  
regional governmental agency, and any combination of those 10922  
agencies. 10923

(Y) "Property" has the same meaning as in section 1.59 of the 10924  
Revised Code, and includes interests in property. 10925

(Z) "Administrative agent," "agent," "commercial paper," 10926  
"floating rate interest structure," "indexing agent," "interest 10927  
rate hedge," "interest rate period," "put arrangement," and 10928  
"remarketing agent" have the same meanings as in section 9.98 of 10929  
the Revised Code. 10930

(AA) "Outstanding," as applied to bonds, means outstanding in 10931  
accordance with the terms of the bonds and the applicable bond 10932  
proceedings. 10933

(BB) "Ohio turnpike system" or "system" means all existing 10934  
and future turnpike projects constructed, operated, and maintained 10935  
under the jurisdiction of the commission. 10936

**Sec. 5537.02.** (A) There is hereby created a commission to be 10937  
known as the "Ohio turnpike commission." The commission is a body 10938  
both corporate and politic, constituting an instrumentality of the 10939

state, and the exercise by it of the powers conferred by this 10940  
chapter in the construction, operation, and maintenance of the 10941  
Ohio turnpike system are and shall be held to be essential 10942  
governmental functions of the state, but the commission shall not 10943  
be immune from liability by reason thereof. The commission is 10944  
subject to all provisions of law generally applicable to state 10945  
agencies which do not conflict with this chapter. 10946

(B)(1) The commission shall consist of ~~seven~~ nine members as 10947  
follows: 10948

(a) Four members appointed by the governor with the advice 10949  
and consent of the senate, no more than two of whom shall be 10950  
members of the same political party; 10951

(b) The director of transportation ~~who, the director of~~ 10952  
budget and management, and the director of development, each of 10953  
whom shall be a member ex officio without compensation; 10954

(c) One member of the senate, appointed by the president of 10955  
the senate, who shall represent either a district in which is 10956  
located or through which passes a portion of a turnpike project 10957  
that is part of the Ohio turnpike system or a district located in 10958  
the vicinity of a turnpike project that is part of the Ohio 10959  
turnpike system; 10960

(d) One member of the house of representatives, appointed by 10961  
the speaker of the house of representatives, who shall represent 10962  
either a district in which is located or through which passes a 10963  
portion of a turnpike project that is part of the Ohio turnpike 10964  
system or a district located in the vicinity of a turnpike project 10965  
that is part of the Ohio turnpike system. 10966

(2) The members appointed by the governor shall be residents 10967  
of the state, shall have been qualified electors therein for a 10968  
period of at least five years next preceding their appointment, 10969  
and shall serve terms of eight years commencing on the first day 10970

of July and ending on the thirtieth day of June. Those members 10971  
appointed by the president of the senate or the speaker of the 10972  
house of representatives shall serve a term of the remainder of 10973  
the general assembly during which the senator or representative is 10974  
appointed. Each appointed member shall hold office from the date 10975  
of appointment until the end of the term for which the member was 10976  
appointed. If a commission member dies or resigns, or if a 10977  
senator, or representative, ~~or the director of transportation~~ who 10978  
is a member of the commission ceases to be a senator, or 10979  
representative, ~~or the director of transportation~~ if an ex officio 10980  
member ceases to hold the applicable office, the vacancy shall be 10981  
filled in the same manner as provided in division (B)(1) of this 10982  
section. Any member who fills a vacancy occurring prior to the end 10983  
of the term for which the member's predecessor was appointed 10984  
shall, if appointed by the governor, hold office for the remainder 10985  
of such term or, if appointed by the president of the senate or 10986  
the speaker of the house of representatives, shall hold office for 10987  
the remainder of the term or for a shorter period of time as 10988  
determined by the president or the speaker. Any member appointed 10989  
by the governor shall continue in office subsequent to the 10990  
expiration date of the member's term until the member's successor 10991  
takes office, or until a period of sixty days has elapsed, 10992  
whichever occurs first. A member of the commission is eligible for 10993  
reappointment. Each member of the commission appointed by the 10994  
governor, before entering upon ~~his~~ the member's duties, shall take 10995  
an oath as provided by Section 7 of Article XV, Ohio Constitution. 10996  
The governor, the president of the senate, or the speaker of the 10997  
house of representatives, may at any time remove their respective 10998  
appointees to the commission for misfeasance, nonfeasance, or 10999  
malfeasance in office. 11000

(3)(a) A member of the commission who is appointed by the 11001  
president of the senate or the speaker of the house of 11002

representatives shall not participate in any vote of the 11003  
commission. Serving as an appointed member of the commission under 11004  
divisions (B)(1)(c), (1)(d), or (2) of this section does not 11005  
constitute grounds for resignation from the senate or the house of 11006  
representatives under section 101.26 of the Revised Code. 11007

(b) The director of budget and management and the director of 11008  
development shall not participate in any vote of the commission. 11009

(C) The voting members of the commission shall elect one of 11010  
the appointed voting members as chairperson and another as 11011  
vice-chairperson, and shall appoint a secretary-treasurer who need 11012  
not be a member of the commission. Three of the voting members of 11013  
the commission constitute a quorum, and the affirmative vote of 11014  
three voting members is necessary for any action taken by the 11015  
commission. No vacancy in the membership of the commission impairs 11016  
the rights of a quorum to exercise all the rights and perform all 11017  
the duties of the commission. 11018

(D) Each member of the commission appointed by the governor 11019  
shall give a surety bond to the commission in the penal sum of 11020  
twenty-five thousand dollars and the secretary-treasurer shall 11021  
give such a bond in at least the penal sum of fifty thousand 11022  
dollars. The commission may require any of its officers or 11023  
employees to file surety bonds including a blanket bond as 11024  
provided in section 3.06 of the Revised Code. Each such bond shall 11025  
be in favor of the commission and shall be conditioned upon the 11026  
faithful performance of the duties of the office, executed by a 11027  
surety company authorized to transact business in this state, 11028  
approved by the governor, and filed in the office of the secretary 11029  
of state. The costs of the surety bonds shall be paid or 11030  
reimbursed by the commission from revenues. Each member of the 11031  
commission appointed by the governor shall receive an annual 11032  
salary of five thousand dollars, payable in monthly installments. 11033  
Each member shall be reimbursed for the member's actual expenses 11034

necessarily incurred in the performance of the member's duties. 11035  
All costs and expenses incurred by the commission in carrying out 11036  
this chapter shall be payable solely from revenues and state 11037  
taxes, and no liability or obligation shall be incurred by the 11038  
commission beyond the extent to which revenues have been provided 11039  
for pursuant to this chapter. 11040

**Sec. 5537.03.** In order to remove present and anticipated 11041  
handicaps and potential hazards on the congested highways in this 11042  
state, to facilitate vehicular traffic throughout the state, to 11043  
promote the agricultural, commercial, recreational, tourism, and 11044  
industrial development of the state, and to provide for the 11045  
general welfare by the construction, improvement, and maintenance 11046  
of modern express highways embodying safety devices, including 11047  
without limitation center divisions, ample shoulder widths, 11048  
longsight distances, multiple lanes in each direction, and grade 11049  
separations at intersections with other public roads and 11050  
railroads, the Ohio turnpike commission, subject to section 11051  
5537.26 of the Revised Code, may construct, maintain, repair, and 11052  
operate a system of turnpike projects at locations that are 11053  
reviewed by the turnpike ~~oversight~~ legislative review committee 11054  
and approved by the governor, and in accordance with alignment and 11055  
design standards that are approved by the director of 11056  
transportation, and issue revenue bonds of this state, payable 11057  
solely from pledged revenues, to pay the cost of those projects. 11058  
The turnpikes and turnpike projects authorized by this chapter are 11059  
hereby or shall be made part of the Ohio turnpike system. 11060

**Sec. 5537.10.** This chapter provides an additional and 11061  
alternative method for doing the things and taking the actions 11062  
authorized by this chapter. This chapter shall be regarded as 11063  
supplemental and additional to powers conferred by other laws, and 11064  
shall not be regarded as in derogation of any powers existing on 11065

or after September 1, 1949. ~~The~~ Except for section 126.11 of the 11066  
Revised Code, the issuance of bonds under this chapter need not 11067  
comply with any other law applicable to the issuance of bonds. 11068

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 11069  
be maintained and kept in good condition and repair by the Ohio 11070  
turnpike commission. The Ohio turnpike system shall be policed and 11071  
operated by a force of police, toll collectors, and other 11072  
employees and agents that the commission employs or contracts for. 11073  
11074

(B) All public or private property damaged or destroyed in 11075  
carrying out the powers granted by this chapter shall be restored 11076  
or repaired and placed in its original condition, as nearly as 11077  
practicable, or adequate compensation or consideration made 11078  
therefor out of moneys provided under this chapter. 11079

(C) All governmental agencies may lease, lend, grant, or 11080  
convey to the commission at its request, upon terms that the 11081  
proper authorities of the governmental agencies consider 11082  
reasonable and fair and without the necessity for an 11083  
advertisement, order of court, or other action or formality, other 11084  
than the regular and formal action of the authorities concerned, 11085  
any property that is necessary or convenient to the effectuation 11086  
of the purposes of the commission, including public roads and 11087  
other property already devoted to public use. 11088

(D) Each bridge constituting part of a turnpike project shall 11089  
be inspected at least once each year by a professional engineer 11090  
employed or retained by the commission. 11091

(E) On or before the first day of July in each year, the 11092  
commission shall make an annual report of its activities for the 11093  
preceding calendar year to the governor and the general assembly. 11094  
Each such report shall set forth a complete operating and 11095  
financial statement covering the commission's operations during 11096

the year. The commission shall cause an audit of its books and  
accounts to be made at least once each year by certified public  
accountants, and the cost thereof may be treated as a part of the  
cost of operations of the commission. The auditor of state, at  
least once a year and without previous notice to the commission,  
shall audit the accounts and transactions of the commission.

(F) The commission shall submit a copy of its annual audit by  
the auditor of state and its proposed annual budget for each  
calendar or fiscal year to the governor, the presiding officers of  
each house of the general assembly, the director of budget and  
management, and the legislative service commission no later than  
the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate  
standing committee or subcommittee of the senate and house of  
representatives that is primarily responsible for considering  
transportation budget matters, the commission shall appear at  
least one time before each committee or subcommittee during the  
period when that committee or subcommittee is considering the  
biennial appropriations for the department of transportation and  
shall provide testimony outlining its budgetary results for the  
last two calendar years, including a comparison of budget and  
actual revenue and expenditure amounts. The commission also shall  
address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before  
adopting its annual budget, the commission shall submit a copy of  
its proposed annual budget to the governor, the presiding officers  
of each house of the general assembly, the director of budget and  
management, and the legislative service commission. The office of  
budget and management shall review the proposed budget and may  
provide recommendations to the commission for its consideration.

**Sec. 5537.24.** (A) There is hereby created a turnpike



~~oversight~~ legislative review committee consisting of six members 11128  
as follows: 11129

(1) Three members of the senate, no more than two of whom 11130  
shall be members of the same political party, one of whom shall be 11131  
the chairperson of the committee dealing primarily with highway 11132  
matters, one of whom shall be appointed by the president of the 11133  
senate, and one of whom shall be appointed by the minority leader 11134  
of the senate. 11135

Both the senate member who is appointed by the president of 11136  
the senate and the senate member appointed by the minority leader 11137  
of the senate shall represent either districts in which is located 11138  
or through which passes a portion of a turnpike project that is 11139  
part of the Ohio turnpike system or districts located in the 11140  
vicinity of a turnpike project that is part of the Ohio turnpike 11141  
system. 11142

The president of the senate shall make the president of the 11143  
senate's appointment to the committee first, followed by the 11144  
minority leader of the senate, and they shall make their 11145  
appointments in such a manner that their two appointees represent 11146  
districts that are located in different areas of the state. If the 11147  
chairperson of the senate committee dealing primarily with highway 11148  
matters represents a district in which is located or through which 11149  
passes a portion of a turnpike project that is part of the Ohio 11150  
turnpike system or a district located in the vicinity of a 11151  
turnpike project that is part of the Ohio turnpike system, the 11152  
president of the senate and the minority leader of the senate 11153  
shall make their appointments in such a manner that their two 11154  
appointees and the chairperson of the senate committee dealing 11155  
primarily with highway matters all represent districts that are 11156  
located in different areas of the state. 11157

(2) Three members of the house of representatives, no more 11158  
than two of whom shall be members of the same political party, one 11159

of whom shall be the chairperson of the house of representatives 11160  
committee dealing primarily with highway matters, one of whom 11161  
shall be appointed by the speaker of the house of representatives, 11162  
and one of whom shall be appointed by the minority leader of the 11163  
house of representatives. 11164

Both the house of representatives member who is appointed by 11165  
the speaker of the house of representatives and the house of 11166  
representatives member appointed by the minority leader of the 11167  
house of representatives shall represent either districts in which 11168  
is located or through which passes a portion of a turnpike project 11169  
that is part of the Ohio turnpike system or districts located in 11170  
the vicinity of a turnpike project that is part of the Ohio 11171  
turnpike system. 11172

The speaker of the house of representatives shall make the 11173  
speaker of the house of representative's appointment to the 11174  
committee first, followed by the minority leader of the house of 11175  
representatives, and they shall make their appointments in such a 11176  
manner that their two appointees represent districts that are 11177  
located in different areas of the state. If the chairperson of the 11178  
house of representatives committee dealing primarily with highway 11179  
matters represents a district in which is located or through which 11180  
passes a portion of a turnpike project that is part of the Ohio 11181  
turnpike system or a district located in the vicinity of a 11182  
turnpike project that is part of the Ohio turnpike system, the 11183  
speaker of the house of representatives and the minority leader of 11184  
the house of representatives shall make their appointments in such 11185  
a manner that their two appointees and the chairperson of the 11186  
house of representatives committee dealing primarily with highway 11187  
matters all represent districts that are located in different 11188  
areas of the state. 11189

The chairperson of the house of representatives committee 11190  
shall serve as the chairperson of the turnpike oversight 11191

legislative review committee for the year 1996. Thereafter, the 11192  
chair annually shall alternate between, first, the chairperson of 11193  
the senate committee and then the chairperson of the house of 11194  
representatives committee. 11195

(B) Each member of the turnpike ~~oversight~~ legislative review 11196  
committee who is a member of the general assembly shall serve a 11197  
term of the remainder of the general assembly during which the 11198  
member is appointed or is serving as chairperson of the specified 11199  
senate or house committee. In the event of the death or 11200  
resignation of a committee member who is a member of the general 11201  
assembly, or in the event that a member ceases to be a senator or 11202  
representative, or in the event that the chairperson of the senate 11203  
committee dealing primarily with highway matters or the 11204  
chairperson of the house of representatives committee dealing 11205  
primarily with highway matters ceases to hold that position, the 11206  
vacancy shall be filled through an appointment by the president of 11207  
the senate or the speaker of the house of representatives or 11208  
minority leader of the senate or house of representatives, as 11209  
applicable. Any member appointed to fill a vacancy occurring prior 11210  
to the end of the term for which the member's predecessor was 11211  
appointed shall hold office for the remainder of the term or for a 11212  
shorter period of time as determined by the president or the 11213  
speaker. A member of the committee is eligible for reappointment. 11214

(C) The turnpike ~~oversight~~ legislative review committee shall 11215  
meet at least quarterly and may meet at the call of its 11216  
chairperson, or upon the written request to the chairperson of not 11217  
fewer than four members of the committee. ~~At least three of the~~ 11218  
~~quarterly meetings~~ Meetings shall be held at sites ~~located along a~~ 11219  
~~turnpike project as~~ that are determined solely by the chairperson 11220  
of the committee. At each meeting, the Ohio turnpike commission 11221  
shall make a report to the committee on commission matters, 11222  
including but not limited to financial and budgetary matters and 11223

proposed and on-going construction, maintenance, repair, and 11224  
operational projects of the commission. 11225

The committee, by the affirmative vote of at least four of 11226  
its members, may submit written recommendations to the commission, 11227  
either at meetings held pursuant to this section or at any other 11228  
time, describing new turnpike projects or new interchanges located 11229  
on existing projects that the committee believes the commission 11230  
should consider constructing. 11231

(D) The members of the turnpike ~~oversight~~ legislative review 11232  
committee who are members of the general assembly shall serve 11233  
without compensation, but shall be reimbursed by the commission 11234  
for their actual and necessary expenses incurred in the discharge 11235  
of their official duties as committee members. Serving as a member 11236  
of the turnpike ~~oversight~~ legislative review committee does not 11237  
constitute grounds for resignation from the senate or house of 11238  
representatives under section 101.26 of the Revised Code. 11239

**Sec. 5537.26.** (A) Except as provided in division (D) of this 11240  
section, no increase by the Ohio turnpike commission in the toll 11241  
rate structure that is applicable to vehicles operating on a 11242  
turnpike project shall become effective unless the commission 11243  
complies with the notice and hearing requirements prescribed in 11244  
division (B) of this section, and the commission shall not take 11245  
any action that expands, has the effect of expanding, or will to 11246  
any degree at any time in the future have the effect of expanding 11247  
the sphere of responsibility of the commission beyond the Ohio 11248  
turnpike, unless the commission complies with the notice and 11249  
hearing requirements prescribed in division (B) of this section. 11250

(B) Not less than ninety days prior to the date on which the 11251  
commission votes to increase any part of the toll rate structure 11252  
that is applicable to vehicles operating on a turnpike project, 11253  
and not less than ninety days prior to the date on which the 11254

commission votes to take an action that expands, has the effect of 11255  
expanding, or will to any degree at any time in the future have 11256  
the effect of expanding the sphere of responsibility of the 11257  
commission beyond the Ohio turnpike, the commission shall ~~commence~~ 11258  
do both of the following: 11259

(1) Send notice to the governor and the presiding officers 11260  
and minority leaders of the senate and house of representatives 11261  
that details the proposed increase to the toll rate structure or 11262  
the expansion of the sphere of responsibility of the commission 11263  
beyond the Ohio turnpike, including a description of and a 11264  
justification for the increase or expansion; 11265

(2) Commence holding public hearings on the proposed increase 11266  
in the toll rate structure or the proposed action. If the 11267  
commission is proposing an increase in the toll rate structure 11268  
that is applicable to vehicles operating on a turnpike project, it 11269  
shall hold not less than three public hearings in three 11270  
geographically diverse locations in this state that are in the 11271  
immediate vicinity of the affected project. If the commission is 11272  
proposing to take an action that expands, has the effect of 11273  
expanding, or will to any degree at any time in the future have 11274  
the effect of expanding the sphere of responsibility of the 11275  
commission beyond the Ohio turnpike, it shall hold not less than 11276  
three public hearings in three locations in the immediate vicinity 11277  
where the expanded responsibilities would arise. 11278

The commission shall hold the third or, if it holds more than 11279  
three hearings, the last hearing of any set of hearings required 11280  
to be held under this section not less than thirty days prior to 11281  
the date on which it votes to increase part of the toll rate 11282  
structure that is applicable to vehicles operating on a turnpike 11283  
project or to take an action that expands, has the effect of 11284  
expanding, or will to any degree at any time in the future have 11285  
the effect of expanding the sphere of responsibility of the 11286

commission beyond the Ohio turnpike. 11287

The commission shall inform the public of all the hearings 11288  
required to be held under this section by causing a notice to be 11289  
published in a newspaper of general circulation in the county in 11290  
which each hearing is to be held, not less than once per week for 11291  
two weeks prior to the date of the hearing. 11292

(C) If the commission does not comply with the notice and 11293  
hearing requirements contained in division (B) of this section and 11294  
votes for an increase in the toll rate structure that is 11295  
applicable to vehicles operating on a turnpike project, the 11296  
increase in the toll rate structure shall not take effect, any 11297  
attempt by the commission to implement the increase in the toll 11298  
rate structure is void, and, if necessary, the attorney general 11299  
shall file an action in the court of common pleas of the county in 11300  
which the principal office of the commission is located to enjoin 11301  
the commission from implementing the increase. The commission 11302  
shall not implement any increase until it complies with division 11303  
(B) of this section. 11304

If the commission does not comply with the notice and hearing 11305  
requirements contained in division (B) of this section and votes 11306  
to take an action that expands, has the effect of expanding, or 11307  
will to any degree at any time in the future have the effect of 11308  
expanding the sphere of responsibility of the commission beyond 11309  
the Ohio turnpike, the commission shall not take the proposed 11310  
action and, if necessary, the attorney general shall file an 11311  
action in the court of common pleas of the county in which the 11312  
principal office of the commission is located to enjoin the 11313  
commission from taking the proposed action. The commission shall 11314  
not take the proposed action until it complies with the notice and 11315  
hearing requirements prescribed in division (B) of this section. 11316

(D) Divisions (A) to (C) of this section do not apply to any 11317

decrease made to the toll rate structure by the commission. The 11318  
commission may implement a temporary decrease in the toll rate 11319  
structure only if it does not exceed eighteen months in duration. 11320  
Prior to instituting any decrease to the toll rate structure, the 11321  
commission shall ~~hold~~ do both of the following: 11322

(1) Not less than five days prior to any public meeting under 11323  
division (D)(2) of this section, send notice to the governor and 11324  
the presiding officers and minority leaders of the senate and 11325  
house of representatives that details the proposed decrease to the 11326  
toll rate structure; 11327

(2) Hold a public meeting to explain to members of the 11328  
traveling public the reasons for the upcoming decrease, to inform 11329  
them of any benefits and any negative consequences, and to give 11330  
them the opportunity to express their opinions as to the relative 11331  
merits or drawbacks of each toll decrease. The commission shall 11332  
inform the public of the meeting by causing a notice to be 11333  
published in newspapers of general circulation in Cuyahoga, Lucas, 11334  
Mahoning, Trumbull, Williams, and Summit counties not less than 11335  
five days prior to the meeting. The commission shall not be 11336  
required to hold any public hearing or meeting upon the expiration 11337  
of any temporary decrease in the toll rate structure, so long as 11338  
it implements the same toll rate structure that was in effect 11339  
immediately prior to the temporary decrease. 11340

(E) As used in this section, "Ohio turnpike" means the toll 11341  
freeway that is under the jurisdiction of the commission and runs 11342  
in an easterly and westerly direction across the entire northern 11343  
portion of this state between its borders with the state of 11344  
Pennsylvania in the east and the state of Indiana in the west, and 11345  
carries the interstate highway designations of interstate 11346  
seventy-six, interstate eighty, and interstate eighty-ninety. 11347

**Sec. 5537.27.** The Ohio turnpike commission, the director of 11348

transportation or the director's designee, and another person 11349  
designated by the governor shall establish a procedure whereby a 11350  
political subdivision or other government agency or agencies may 11351  
submit a written application to the commission, requesting the 11352  
commission to construct and operate a project within the 11353  
boundaries of the subdivision, agency, or agencies making the 11354  
request. The procedure shall include a requirement that the 11355  
commission send a written reply to the subdivision, agency, or 11356  
agencies, explaining the disposition of the request. The procedure 11357  
established pursuant to this section shall not become effective 11358  
unless it is approved by the commission and by the director or the 11359  
director's designee and the designee of the governor, and shall 11360  
require submission of the proposed project to the turnpike 11361  
~~oversight~~ legislative review committee if the project must be 11362  
approved by the governor. 11363

**Sec. 5537.28.** (A) Notwithstanding any other provision of law, 11364  
on and after the effective date of this section, the Ohio turnpike 11365  
commission shall not expend any toll revenues that are generated 11366  
by an existing turnpike project to fund in any manner or to any 11367  
degree the construction, operation, maintenance, or repair of 11368  
another turnpike project the location of which must be reviewed by 11369  
the turnpike ~~oversight~~ legislative review committee and approved 11370  
by the governor. 11371

In paying the cost of such a project, the commission may 11372  
issue bonds and bond anticipation notes as permitted by this 11373  
chapter, and may accept moneys from any source to pay the cost of 11374  
any portion of the project, including, but not limited to, the 11375  
federal government, any department or agency of this state, and 11376  
any political subdivision or other government agency. Each such 11377  
project shall be constructed, operated, maintained, and repaired 11378  
entirely with funds generated by that project or otherwise 11379  
specifically acquired for that project from sources permitted by 11380



this chapter. 11381

(B) The commission shall not expend any toll revenues 11382  
generated by the Ohio turnpike to pay any amount of the principal 11383  
amount of, or interest due on, any bonds or bond anticipation 11384  
notes issued by the commission to pay any portion of the cost of 11385  
another turnpike project the location of which must be reviewed by 11386  
the turnpike ~~oversight~~ legislative review committee and approved 11387  
by the governor. The commission shall not expend any toll revenues 11388  
generated by any turnpike project to pay any amount of the 11389  
principal amount of, or interest due on, any bonds or bond 11390  
anticipation notes issued by the commission to pay any portion of 11391  
the cost of a new turnpike project the location of which must be 11392  
reviewed by the turnpike ~~oversight~~ legislative review committee 11393  
and approved by the governor or the cost of the operation, repair, 11394  
improvement, maintenance, or reconstruction of any turnpike 11395  
project other than the project that generated those toll revenues. 11396

(C) As used in this section: 11397

(1) "Ohio turnpike" has the same meaning as in division (E) 11398  
of section 5537.26 of the Revised Code; 11399

(2) "Another turnpike project" does not include 11400  
infrastructure improvements on the Ohio turnpike or on connecting 11401  
roadways within one mile of an Ohio turnpike interchange. 11402

**Sec. 5701.11.** ~~(A)~~ The effective date referred to in this 11403  
section is the effective date of this section as amended by H.B. 11404  
699 of the 126th general assembly. 11405

(A) Except as provided under division (B) of this section, 11406  
any reference in Title LVII of the Revised Code to the Internal 11407  
Revenue Code, to the Internal Revenue Code "as amended," to other 11408  
laws of the United States, or to other laws of the United States, 11409  
"as amended" means the Internal Revenue Code or other laws of the 11410

United States as they exist on ~~the effective date of this section~~ 11411  
~~as enacted by H.B. 530 of the 126th general assembly~~ the effective 11412  
date. This section does not apply to any reference to the Internal 11413  
Revenue Code or to other laws of the United States as of a date 11414  
certain specifying the day, month, and year. 11415

(B)(1) For purposes of applying section 5733.04, 5745.01, or 11416  
5747.01 of the Revised Code to a taxpayer's taxable year ending in 11417  
~~2005~~ 2006, and ~~also to the subsequent taxable year if it ends~~ 11418  
~~before the effective date of this section~~ before the effective 11419  
date, a taxpayer may irrevocably elect to incorporate the 11420  
provisions of the Internal Revenue Code or other laws of the 11421  
United States that are in effect for federal income tax purposes 11422  
for ~~those taxable years~~ that taxable year if those provisions 11423  
differ from the provisions that would otherwise be incorporated 11424  
into section 5733.04, 5745.01, or 5747.01 of the Revised Code for 11425  
~~those taxable years~~ that taxable year under division (A) of this 11426  
section. The filing of a report or return by the taxpayer for ~~the~~ 11427  
~~taxable year ending in 2005 that incorporates~~ that taxable year 11428  
incorporating the provisions of the Internal Revenue Code or other 11429  
laws of the United States applicable for federal income tax 11430  
purposes to ~~that taxable year~~ that taxable year, without 11431  
adjustments to reverse the effects of any differences between 11432  
those provisions and the provisions that would otherwise be 11433  
incorporated under division (A) of this section, constitutes the 11434  
making of an irrevocable election under this division for ~~that~~ 11435  
~~taxable year and for the subsequent taxable year if it ends before~~ 11436  
~~the effective date of this section~~ that taxable year. 11437

(2) Elections under prior versions of division (B)(1) of this 11438  
section remain in effect for the taxable years to which they 11439  
apply. 11440

**Sec. 5709.083.** Real and personal property comprising a 11441

project undertaken, financed, operated, or maintained by an 11442  
eligible county under section 307.695 of the Revised Code is 11443  
exempt from taxation so long as the project remains owned by the 11444  
eligible county. 11445

As used in this section, "eligible county" and "project" have 11446  
the same meanings as in section 307.695 of the Revised Code. 11447

**Sec. 5709.87.** (A) As used in this section: 11448

(1) "Improvement," "building," "fixture," and "structure" 11449  
have the same meanings as in section 5701.02 of the Revised Code. 11450

(2) "Applicable standards," "property," "remedy," and 11451  
"remedial activities" have the same meanings as in section 3746.01 11452  
of the Revised Code. 11453

(B) The director of environmental protection, after issuing a 11454  
covenant not to sue for property under section 3746.12 of the 11455  
Revised Code and determining that remedies or remedial activities 11456  
have commenced or been completed at that property to the 11457  
satisfaction of the director, shall certify to the tax 11458  
commissioner and to the director of development that such a 11459  
covenant has been issued and such remedies or remedial activities 11460  
have occurred at that property. The certification shall be in such 11461  
form as is agreed upon by the directors of environmental 11462  
protection and development and the tax commissioner and shall 11463  
include a description of the property in sufficient detail for the 11464  
tax commissioner and director of development to determine the 11465  
boundaries of the property entitled to exemption from taxation 11466  
under this section. 11467

(C)(1)(a) Upon receipt by the tax commissioner of a 11468  
certification for property under division (B) of this section, the 11469  
commissioner shall issue an order granting an exemption from real 11470  
property taxation of the increase in the assessed value of land 11471

constituting property that is described in the certification, and 11472  
of the increase in the assessed value of improvements, buildings, 11473  
fixtures, and structures situated on that land at the time the 11474  
order is issued as indicated on the current tax lists. The 11475  
exemption shall commence on the first day of the tax year 11476  
including the day on which the order is issued and shall end on 11477  
the last day of the tenth tax year after issuance of the order. 11478  
The order shall include a description of the property and the tax 11479  
years for which the property is to be exempted from taxation. The 11480  
commissioner shall send copies of the exemption order to the owner 11481  
of record of the property to which the exemption applies and to 11482  
the county auditor of each county in which any portion of that 11483  
property is located. 11484

(b) Within sixty days after receiving the commissioner's 11485  
order, the owner of record of the property may notify the 11486  
commissioner in writing that the owner does not want the exemption 11487  
from real property taxation provided under division (C)(1) of this 11488  
section to apply. Upon receiving such a notification from the 11489  
property owner of record, the commissioner shall issue a 11490  
subsequent order rescinding the previously granted exemption. 11491

(2) The director of development shall maintain a record of 11492  
certifications received under this section for purposes of section 11493  
5709.88 of the Revised Code. 11494

(D) Any sale or other transfer of the property does not 11495  
affect an exemption granted under division (C) of this section. 11496  
The exemption shall continue in effect thereafter for the full 11497  
period stated in the exemption order. 11498

(E) If at any time the director revokes a covenant not to sue 11499  
under Chapter 3746. of the Revised Code and rules adopted under it 11500  
for property concerning which the commissioner has issued an 11501  
exemption order under division (C) of this section, the director 11502  
shall so notify the commissioner and the legislative authority of 11503

the municipal corporation and county in which the property is 11504  
located. The commissioner immediately shall rescind the exemption 11505  
order and shall so notify the owner of record of the property and 11506  
the county auditor of each county in which any portion of the 11507  
property is located. 11508

Upon revocation of the ~~covenant~~ covenant not to sue, the 11509  
owner of record shall pay the amount of taxes that would have been 11510  
charged against the property had the property not been exempted 11511  
from taxation for the period beginning with commencement of the 11512  
exemption and ending with the date of revocation of the covenant 11513  
not to sue. The county auditor shall return the property to the 11514  
tax list and enter on the tax list the amount so payable as 11515  
current taxes charged against the property. Taxes required to be 11516  
paid pursuant to this section are payable in full on the first 11517  
succeeding day on which the first one-half of taxes is required to 11518  
be paid under section 323.12 of the Revised Code. If such taxes 11519  
are not paid in full when due, a penalty shall be charged, and 11520  
interest shall accrue on those taxes, as provided in section 11521  
323.121 of the Revised Code. In cases of underpayment or 11522  
nonpayment, the deficiency shall be collected as otherwise 11523  
provided for the collection of delinquent real property taxes. 11524

Sec. 5713.051. (A) As used in this section: 11525

(1) "Oil" means all grades of crude oil. 11526

(2) "Gas" means all forms of natural gas. 11527

(3) "Well" means an oil or gas well or an oil and gas well. 11528

(4) "M.C.F." means one thousand cubic feet. 11529

(5) "Commonly metered wells" means two or more wells that 11530  
share the same meter. 11531

(6) "Total production" means the total amount of oil, 11532  
measured in barrels, and the total amount of gas, measured in 11533

M.C.F., of all oil and gas actually produced and sold from a 11534  
single well that is developed and producing on the tax lien date. 11535  
For commonly metered wells, "total production" means the total 11536  
amount of oil, measured in barrels, and the total amount of gas, 11537  
measured in M.C.F., of all oil and gas actually produced and sold 11538  
from the commonly metered wells divided by the number of the 11539  
commonly metered wells. 11540

(7) "Flush production" means total production from a single 11541  
well during the first twelve calendar months during not more than 11542  
two consecutive calendar years after a well first begins to 11543  
produce. For commonly metered wells, "flush production" means 11544  
total production during the first twelve calendar months during 11545  
not more than two consecutive calendar years after a well first 11546  
begins to produce from all wells with flush production divided by 11547  
the number of those wells. 11548

(8) "Production through secondary recovery methods" means 11549  
total production from a single well where mechanically induced 11550  
pressure, such as air, nitrogen, carbon dioxide, or water 11551  
pressure, is used to stimulate and maintain production in the oil 11552  
and gas reservoir, exclusive of any flush production. For commonly 11553  
metered wells, "production through secondary recovery methods" 11554  
means total production from all wells with production through 11555  
secondary recovery methods divided by the number of the those 11556  
wells. 11557

(9) "Stabilized production" means total production reduced, 11558  
if applicable, by the greater of forty-two and one-half per cent 11559  
of flush production or fifty per cent of production through 11560  
secondary recovery methods. 11561

(10) "Average daily production" means stabilized production 11562  
divided by three hundred sixty-five, provided the well was in 11563  
production at the beginning of the calendar year. If the well was 11564

not in production at the beginning of the calendar year, "average 11565  
daily production" means stabilized production divided by the 11566  
number of days beginning with the day the well went into 11567  
production in the calendar year and ending with the thirty-first 11568  
day of December. 11569

(11) "Gross price" means the unweighted average price per 11570  
barrel of oil or the average price per M.C.F. of gas produced from 11571  
Ohio wells and first sold during the five-year period ending with 11572  
the calendar year immediately preceding the tax lien date, as 11573  
reported by the department of natural resources. 11574

(12) "Average annual decline rate" means the amount of yearly 11575  
decline in oil and gas production of a well after flush production 11576  
has ended. For the purposes of this section, the average annual 11577  
decline rate is thirteen per cent. 11578

(13) "Gross revenue" means the gross revenue from a well 11579  
during a ten-year discount period with production assumed to be 11580  
one barrel of oil or one M.C.F. of gas during the first year of 11581  
production and declining at the annual average annual decline rate 11582  
during the remaining nine years of the ten-year discount period, 11583  
as follows: 11584

(a) First year: one barrel or one M.C.F. multiplied by gross 11585  
price; 11586

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 11587  
gross price; 11588

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by 11589  
gross price; 11590

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by 11591  
gross price; 11592

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by 11593  
gross price; 11594

<u>(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by</u>	11595
<u>gross price;</u>	11596
<u>(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by</u>	11597
<u>gross price;</u>	11598
<u>(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by</u>	11599
<u>gross price;</u>	11600
<u>(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by</u>	11601
<u>gross price;</u>	11602
<u>(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by</u>	11603
<u>gross price.</u>	11604
<u>(14) "Average royalty expense" means the annual cost of</u>	11605
<u>royalties paid by all working interest owners in a well. For the</u>	11606
<u>purposes of this section, the average royalty expense is fifteen</u>	11607
<u>per cent of annual gross revenue.</u>	11608
<u>(15) "Average operating expense" means the annual cost of</u>	11609
<u>operating and maintaining a producing well after it first begins</u>	11610
<u>production. For the purposes of this section, the average</u>	11611
<u>operating expense is forty per cent of annual gross revenue.</u>	11612
<u>(16) "Average capital recovery expense" means the annual</u>	11613
<u>capitalized investment cost of a developed and producing well. For</u>	11614
<u>the purposes of this section, average capital recovery expense is</u>	11615
<u>thirty per cent of annual gross revenue.</u>	11616
<u>(17) "Discount rate" means the rate used to determine the</u>	11617
<u>present net worth of one dollar during each year of the ten-year</u>	11618
<u>discount period assuming the net income stream projected for each</u>	11619
<u>year of the ten-year discount period is received at the half-year</u>	11620
<u>point. For the purposes of this section, the discount rate equals</u>	11621
<u>thirteen per cent plus the rate per annum prescribed by division</u>	11622
<u>(B) of section 5703.47 of the Revised Code and determined by the</u>	11623
<u>tax commissioner in October of the calendar year immediately</u>	11624



preceding the tax lien date.

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(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.

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(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:

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(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

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(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and average capital recovery expense.

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(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.

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(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.

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(1) For wells for which average daily production of gas is eight M.C.F. or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of gas from the well multiplied by the net present value of one M.C.F. of gas, where: 11656  
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(a) Net present value of one M.C.F. of gas = 365 x the sum of [net income for each year of the discount period x discount rate factor for that year] for all years in the discount period; and 11661  
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(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and average capital recovery expense. 11664  
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(2) For wells for which average daily production of gas is less than eight M.C.F. in the calendar year preceding the tax lien date, the true value in money equals the average daily production of the well in the calendar year preceding the tax lien date multiplied by fifty per cent of the net present value of one M.C.F. as computed under division (C)(1) of this section. 11668  
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**Sec. 5725.31.** (A) As used in this section: 11674

(1) "Eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code. 11675  
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(2) "Tax assessed under this chapter" means, in the case of a dealer in intangibles, the tax assessed under sections 5725.13 to 5725.17 of the Revised Code and, in the case of a domestic insurance company, the taxes assessed under sections 5725.18 to 5725.26 of the Revised Code. 11677  
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(3) "Taxpayer" means a dealer in intangibles or a domestic insurance company subject to a tax assessed under this chapter. 11682  
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(4) "Credit period" means, in the case of a dealer in intangibles, the calendar year ending on the thirty-first day of 11684  
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December next preceding the day the report is required to be 11686  
returned under section 5725.14 of the Revised Code and, in the 11687  
case of a domestic insurance company, the calendar year ending on 11688  
the thirty-first day of December next preceding the day the annual 11689  
statement is required to be returned under section 5725.18 or 11690  
5725.181 of the Revised Code. 11691

(B) There is hereby allowed a nonrefundable credit against 11692  
the tax imposed under this chapter for a taxpayer for which a tax 11693  
credit certificate is issued under section 5733.42 of the Revised 11694  
Code. The credit may be claimed for credit periods beginning on or 11695  
after January 1, 2003, and ending on or before December 31, ~~2006~~ 11696  
2007. The amount of the credit for the credit period beginning on 11697  
January 1, 2003, shall equal one-half of the average of the 11698  
eligible training costs paid or incurred by the taxpayer during 11699  
calendar years 1998, 1999, and 2000, not to exceed one thousand 11700  
dollars for each eligible employee on account of whom eligible 11701  
training costs were paid or incurred by the taxpayer. The amount 11702  
of the credit for the credit period beginning on January 1, 2004, 11703  
shall equal one-half of the average of the eligible training costs 11704  
paid or incurred by the taxpayer during calendar years 2002, 2003, 11705  
and 2004, not to exceed one thousand dollars for each eligible 11706  
employee on account of whom eligible training costs were paid or 11707  
incurred by the taxpayer. The amount of the credit for the credit 11708  
period beginning on January 1, 2005, shall equal one-half of the 11709  
average of the eligible training costs paid or incurred by the 11710  
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 11711  
one thousand dollars for each eligible employee on account of whom 11712  
eligible training costs were paid or incurred by the taxpayer. The 11713  
amount of the credit for the credit period beginning on January 1, 11714  
2006, shall equal one-half of the average of the eligible training 11715  
costs paid or incurred by the taxpayer during calendar years 2004, 11716  
2005, and 2006, not to exceed one thousand dollars for each 11717

eligible employee on account of whom eligible training costs were 11718  
paid or incurred by the taxpayer. The amount of the credit for the 11719  
credit period beginning on January 1, 2007, shall equal one-half 11720  
of the average of the eligible training costs paid or incurred by 11721  
the taxpayer during calendar years 2005, 2006, and 2007, not to 11722  
exceed one thousand dollars for each eligible employee on account 11723  
of whom eligible training costs were paid or incurred by the 11724  
taxpayer. 11725

The credit claimed by a taxpayer each credit period shall not 11726  
exceed one hundred thousand dollars. 11727

A taxpayer shall apply to the director of job and family 11728  
services for a tax credit certificate in the manner prescribed by 11729  
division (C) of section 5733.42 of the Revised Code. Divisions (C) 11730  
to (H) of that section govern the tax credit allowed by this 11731  
section, except that "credit period" shall be substituted for "tax 11732  
year with respect to a calendar year" wherever that phrase appears 11733  
in those divisions and that a taxpayer under this section shall be 11734  
considered a taxpayer for the purposes of that section. 11735

A taxpayer may carry forward the credit allowed under this 11736  
section to the extent that the credit exceeds the taxpayer's tax 11737  
due for the credit period. The taxpayer may carry the excess 11738  
credit forward for three credit periods following the credit 11739  
period for which the credit is first claimed under this section. 11740  
The credit allowed by this section is in addition to any credit 11741  
allowed under section 5729.031 of the Revised Code. 11742

**Sec. 5727.84.** (A) As used in this section and sections 11743  
5727.85, 5727.86, and 5727.87 of the Revised Code: 11744

(1) "School district" means a city, local, or exempted 11745  
village school district. 11746

(2) "Joint vocational school district" means a joint 11747

vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(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 11780  
district under division (N) of section 3317.024 and section 11781  
3317.16 of the Revised Code. However, when calculating state 11782  
education aid for a joint vocational school district for fiscal 11783  
years 2006 and 2007, include the amount computed for the district 11784  
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th general 11785  
assembly, as subsequently amended. 11786

(6) "State education aid offset" means the amount determined 11787  
for each school district or joint vocational school district under 11788  
division (A)(1) of section 5727.85 of the Revised Code. 11789

~~(6)~~(7) "Recognized valuation" has the same meaning as in 11790  
section 3317.02 of the Revised Code. 11791

~~(7)~~(8) "Electric company tax value loss" means the amount 11792  
determined under division (D) of this section. 11793

~~(8)~~(9) "Natural gas company tax value loss" means the amount 11794  
determined under division (E) of this section. 11795

~~(9)~~(10) "Tax value loss" means the sum of the electric 11796  
company tax value loss and the natural gas company tax value loss. 11797

~~(10)~~(11) "Fixed-rate levy" means any tax levied on property 11798  
other than a fixed-sum levy. 11799

~~(11)~~(12) "Fixed-rate levy loss" means the amount determined 11800  
under division (G) of this section. 11801

~~(12)~~(13) "Fixed-sum levy" means a tax levied on property at 11802  
whatever rate is required to produce a specified amount of tax 11803  
money or levied in excess of the ten-mill limitation to pay debt 11804  
charges, and includes school district emergency levies imposed 11805  
pursuant to section 5705.194 of the Revised Code. 11806

~~(13)~~(14) "Fixed-sum levy loss" means the amount determined 11807  
under division (H) of this section. 11808

~~(14)~~(15) "Consumer price index" means the consumer price 11809

index (all items, all urban consumers) prepared by the bureau of 11810  
labor statistics of the United States department of labor. 11811

(B) The kilowatt-hour tax receipts fund is hereby created in 11812  
the state treasury and shall consist of money arising from the tax 11813  
imposed by section 5727.81 of the Revised Code. All money in the 11814  
kilowatt-hour tax receipts fund shall be credited as follows: 11815

(1) Fifty-nine and nine hundred seventy-six one-thousandths 11816  
per cent, shall be credited to the general revenue fund. 11817

(2) Two and six hundred forty-six one-thousandths per cent 11818  
shall be credited to the local government fund, for distribution 11819  
in accordance with section 5747.50 of the Revised Code. 11820

(3) Three hundred seventy-eight one-thousandths per cent 11821  
shall be credited to the local government revenue assistance fund, 11822  
for distribution in accordance with section 5747.61 of the Revised 11823  
Code. 11824

(4) Twenty-five and four-tenths per cent shall be credited to 11825  
the school district property tax replacement fund, which is hereby 11826  
created in the state treasury for the purpose of making the 11827  
payments described in section 5727.85 of the Revised Code. 11828

(5) Eleven and six-tenths per cent shall be credited to the 11829  
local government property tax replacement fund, which is hereby 11830  
created in the state treasury for the purpose of making the 11831  
payments described in section 5727.86 of the Revised Code. 11832

(C) The natural gas tax receipts fund is hereby created in 11833  
the state treasury and shall consist of money arising from the tax 11834  
imposed by section 5727.811 of the Revised Code. All money in the 11835  
fund shall be credited as follows: 11836

(1) Sixty-eight and seven-tenths per cent shall be credited 11837  
to the school district property tax replacement fund for the 11838  
purpose of making the payments described in section 5727.85 of the 11839

Revised Code. 11840

(2) Thirty-one and three-tenths per cent shall be credited to 11841  
the local government property tax replacement fund for the purpose 11842  
of making the payments described in section 5727.86 of the Revised 11843  
Code. 11844

(D) Not later than January 1, 2002, the tax commissioner 11845  
shall determine for each taxing district its electric company tax 11846  
value loss, which is the sum of the applicable amounts described 11847  
in divisions (D)(1) to (3) of this section: 11848

(1) The difference obtained by subtracting the amount 11849  
described in division (D)(1)(b) from the amount described in 11850  
division (D)(1)(a) of this section. 11851

(a) The value of electric company and rural electric company 11852  
tangible personal property as assessed by the tax commissioner for 11853  
tax year 1998 on a preliminary assessment, or an amended 11854  
preliminary assessment if issued prior to March 1, 1999, and as 11855  
apportioned to the taxing district for tax year 1998; 11856

(b) The value of electric company and rural electric company 11857  
tangible personal property as assessed by the tax commissioner for 11858  
tax year 1998 had the property been apportioned to the taxing 11859  
district for tax year 2001, and assessed at the rates in effect 11860  
for tax year 2001. 11861

(2) The difference obtained by subtracting the amount 11862  
described in division (D)(2)(b) from the amount described in 11863  
division (D)(2)(a) of this section. 11864

(a) The three-year average for tax years 1996, 1997, and 1998 11865  
of the assessed value from nuclear fuel materials and assemblies 11866  
assessed against a person under Chapter 5711. of the Revised Code 11867  
from the leasing of them to an electric company for those 11868  
respective tax years, as reflected in the preliminary assessments; 11869



(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this

section, as assessed by the tax commissioner for tax year 1999 on 11901  
a preliminary assessment, or an amended preliminary assessment if 11902  
issued prior to March 1, 2000, and apportioned to the taxing 11903  
district for tax year 1999; 11904

(b) The value of all natural gas company tangible personal 11905  
property, other than property described in division (E)(2) of this 11906  
section, as assessed by the tax commissioner for tax year 1999 had 11907  
the property been apportioned to the taxing district for tax year 11908  
2001, and assessed at the rates in effect for tax year 2001. 11909

(2) The difference in the value of current gas obtained by 11910  
subtracting the amount described in division (E)(2)(b) from the 11911  
amount described in division (E)(2)(a) of this section. 11912

(a) The three-year average assessed value of current gas as 11913  
assessed by the tax commissioner for tax years 1997, 1998, and 11914  
1999 on a preliminary assessment, or an amended preliminary 11915  
assessment if issued prior to March 1, 2001, and as apportioned in 11916  
the taxing district for those respective years; 11917

(b) The three-year average assessed value from current gas 11918  
under division (E)(2)(a) of this section for tax years 1997, 1998, 11919  
and 1999, as reflected in the preliminary assessment, using an 11920  
assessment rate of twenty-five per cent. 11921

(F) The tax commissioner may request that natural gas 11922  
companies, electric companies, and rural electric companies file a 11923  
report to help determine the tax value loss under divisions (D) 11924  
and (E) of this section. The report shall be filed within thirty 11925  
days of the commissioner's request. A company that fails to file 11926  
the report or does not timely file the report is subject to the 11927  
penalty in section 5727.60 of the Revised Code. 11928

(G) Not later than January 1, 2002, the tax commissioner 11929  
shall determine for each school district, joint vocational school 11930  
district, and local taxing unit its fixed-rate levy loss, which is 11931

the sum of its electric company tax value loss multiplied by the 11932  
tax rate in effect in tax year 1998 for fixed-rate levies and its 11933  
natural gas company tax value loss multiplied by the tax rate in 11934  
effect in tax year 1999 for fixed-rate levies. 11935

(H) Not later than January 1, 2002, the tax commissioner 11936  
shall determine for each school district, joint vocational school 11937  
district, and local taxing unit its fixed-sum levy loss, which is 11938  
the amount obtained by subtracting the amount described in 11939  
division (H)(2) of this section from the amount described in 11940  
division (H)(1) of this section: 11941

(1) The sum of the electric company tax value loss multiplied 11942  
by the tax rate in effect in tax year 1998, and the natural gas 11943  
company tax value loss multiplied by the tax rate in effect in tax 11944  
year 1999, for fixed-sum levies for all taxing districts within 11945  
each school district, joint vocational school district, and local 11946  
taxing unit. For the years 2002 through 2006, this computation 11947  
shall include school district emergency levies that existed in 11948  
1998 in the case of the electric company tax value loss, and 1999 11949  
in the case of the natural gas company tax value loss, and all 11950  
other fixed-sum levies that existed in 1998 in the case of the 11951  
electric company tax value loss and 1999 in the case of the 11952  
natural gas company tax value loss and continue to be charged in 11953  
the tax year preceding the distribution year. For the years 2007 11954  
through 2016 in the case of school district emergency levies, and 11955  
for all years after 2006 in the case of all other fixed-sum 11956  
levies, this computation shall exclude all fixed-sum levies that 11957  
existed in 1998 in the case of the electric company tax value loss 11958  
and 1999 in the case of the natural gas company tax value loss, 11959  
but are no longer in effect in the tax year preceding the 11960  
distribution year. For the purposes of this section, an emergency 11961  
levy that existed in 1998 in the case of the electric company tax 11962  
value loss, and 1999 in the case of the natural gas company tax 11963

value loss, continues to exist in a year beginning on or after 11964  
January 1, 2007, but before January 1, 2017, if, in that year, the 11965  
board of education levies a school district emergency levy for an 11966  
annual sum at least equal to the annual sum levied by the board in 11967  
tax year 1998 or 1999, respectively, less the amount of the 11968  
payment certified under this division for 2002. 11969

(2) The total taxable value in tax year 1999 less the tax 11970  
value loss in each school district, joint vocational school 11971  
district, and local taxing unit multiplied by one-fourth of one 11972  
mill. 11973

If the amount computed under division (H) of this section for 11974  
any school district, joint vocational school district, or local 11975  
taxing unit is greater than zero, that amount shall equal the 11976  
fixed-sum levy loss reimbursed pursuant to division (E) of section 11977  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 11978  
of the Revised Code, and the one-fourth of one mill that is 11979  
subtracted under division (H)(2) of this section shall be 11980  
apportioned among all contributing fixed-sum levies in the 11981  
proportion of each levy to the sum of all fixed-sum levies within 11982  
each school district, joint vocational school district, or local 11983  
taxing unit. 11984

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 11985  
section, in computing the tax value loss, fixed-rate levy loss, 11986  
and fixed-sum levy loss, the tax commissioner shall use the 11987  
greater of the 1998 tax rate or the 1999 tax rate in the case of 11988  
levy losses associated with the electric company tax value loss, 11989  
but the 1999 tax rate shall not include for this purpose any tax 11990  
levy approved by the voters after June 30, 1999, and the tax 11991  
commissioner shall use the greater of the 1999 or the 2000 tax 11992  
rate in the case of levy losses associated with the natural gas 11993  
company tax value loss. 11994

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum levy loss has territory.

**Sec. 5729.07.** As used in this section:

(A) "Eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code.

(B) "Credit period" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5729.02 of the Revised Code.

There is hereby allowed a nonrefundable credit against the tax imposed under this chapter for a foreign insurance company for which a tax credit certificate is issued under section 5733.42 of the Revised Code. The credit may be claimed for credit periods beginning on or after January 1, 2003, and ending on or before December 31, ~~2006~~ 2007. The amount of the credit for the credit period beginning on January 1, 2003, shall equal one-half of the average of the eligible training costs paid or incurred by the company during calendar years 1998, 1999, and 2000, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the company. The

amount of the credit for the credit period beginning on January 1, 12025  
2004, shall equal one-half of the average of the eligible training 12026  
costs paid or incurred by the company during calendar years 2002, 12027  
2003, and 2004, not to exceed one thousand dollars for each 12028  
eligible employee on account of whom eligible training costs were 12029  
paid or incurred by the company. The amount of the credit for the 12030  
credit period beginning on January 1, 2005, shall equal one-half 12031  
of the average of the eligible training costs paid or incurred by 12032  
the company during calendar years 2003, 2004, and 2005, not to 12033  
exceed one thousand dollars for each eligible employee on account 12034  
of whom eligible training costs were paid or incurred by the 12035  
company. The amount of the credit for the credit period beginning 12036  
on January 1, 2006, shall equal one-half of the average of the 12037  
eligible training costs paid or incurred by the company during 12038  
calendar years 2004, 2005, and 2006, not to exceed one thousand 12039  
dollars for each eligible employee on account of whom eligible 12040  
training costs were paid or incurred by the company. The amount of 12041  
the credit for the credit period beginning on January 1, 2007, 12042  
shall equal one-half of the average of the eligible training costs 12043  
paid or incurred by the company during calendar years 2005, 2006, 12044  
and 2007, not to exceed one thousand dollars for each eligible 12045  
employee on account of whom eligible training costs were paid or 12046  
incurred by the company. 12047

The credit claimed by a company for each credit period shall 12048  
not exceed one hundred thousand dollars. 12049

A foreign insurance company shall apply to the director of 12050  
job and family services for a tax credit certificate in the manner 12051  
prescribed by division (C) of section 5733.42 of the Revised Code. 12052  
Divisions (C) to (H) of that section govern the tax credit allowed 12053  
by this section, except that "credit period" shall be substituted 12054  
for "tax year with respect to a calendar year" wherever that 12055  
phrase appears in those divisions and that the company shall be 12056

considered a taxpayer for the purposes of those divisions. 12057

A foreign insurance company may carry forward the credit 12058  
allowed under this section to the extent that the credit exceeds 12059  
the company's tax due for the credit period. The company may carry 12060  
the excess credit forward for three credit periods following the 12061  
credit period for which the credit is first claimed under this 12062  
section. The credit allowed by this section is in addition to any 12063  
credit allowed under section 5729.031 of the Revised Code. 12064

The reduction in the tax due under this chapter to the extent 12065  
of the credit allowed by this section does not increase the amount 12066  
of the tax otherwise due under section 5729.06 of the Revised 12067  
Code. 12068

**Sec. 5733.42.** (A) As used in this section: 12069

(1) "Eligible training program" means a program to provide 12070  
job skills to eligible employees who are unable effectively to 12071  
function on the job due to skill deficiencies or who would 12072  
otherwise be displaced because of their skill deficiencies or 12073  
inability to use new technology, or to provide job skills to 12074  
eligible employees that enable them to perform other job duties 12075  
for the taxpayer. Eligible training programs do not include 12076  
executive, management, or personal enrichment training programs, 12077  
or training programs intended exclusively for personal career 12078  
development. 12079

(2) "Eligible employee" means an individual who is employed 12080  
in this state by a taxpayer and has been so employed by the same 12081  
taxpayer for at least one hundred eighty consecutive days before 12082  
the day an application for the credit is filed under this section. 12083  
"Eligible employee" does not include any employee for which a 12084  
credit is claimed pursuant to division (A)(5) of section 5709.65 12085  
of the Revised Code for all or any part of the same year, an 12086

employee who is not a full-time employee, or executive or 12087  
managerial personnel, except for the immediate supervisors of 12088  
nonexecutive, nonmanagerial personnel. 12089

(3) "Eligible training costs" means: 12090

(a) Direct instructional costs, such as instructor salaries, 12091  
materials and supplies, textbooks and manuals, videotapes, and 12092  
other instructional media and training equipment used exclusively 12093  
for the purpose of training eligible employees; 12094

(b) Wages paid to eligible employees for time devoted 12095  
exclusively to an eligible training program during normal paid 12096  
working hours. 12097

(4) "Full-time employee" means an individual who is employed 12098  
for consideration for at least thirty-five hours per week, or who 12099  
renders any other standard of service generally accepted by custom 12100  
or specified by contract as full-time employment. 12101

(5) "Partnership" includes a limited liability company formed 12102  
under Chapter 1705. of the Revised Code or under the laws of 12103  
another state, provided that the company is not classified for 12104  
federal income tax purposes as an association taxable as a 12105  
corporation. 12106

(B) There is hereby allowed a nonrefundable credit against 12107  
the tax imposed by section 5733.06 of the Revised Code for 12108  
taxpayers for which a tax credit certificate is issued under 12109  
division (C) of this section. The credit may be claimed for tax 12110  
years 2004, 2005, 2006, ~~and~~ 2007, and 2008. The amount of the 12111  
credit for tax year 2004 shall equal one-half of the average of 12112  
the eligible training costs paid or incurred by the taxpayer 12113  
during calendar years 1999, 2000, and 2001, not to exceed one 12114  
thousand dollars for each eligible employee on account of whom 12115  
eligible training costs were paid or incurred by the taxpayer 12116  
during those calendar years. The amount of the credit for tax year 12117



2005 shall equal one-half of the average of the eligible training 12118  
costs paid or incurred by the taxpayer during calendar years 2002, 12119  
2003, and 2004, not to exceed one thousand dollars for each 12120  
eligible employee on account of whom eligible training costs were 12121  
paid or incurred by the taxpayer during those calendar years. The 12122  
amount of the credit for tax year 2006 shall equal one-half of the 12123  
average of the eligible training costs paid or incurred by the 12124  
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 12125  
one thousand dollars for each eligible employee on account of whom 12126  
eligible training costs were paid or incurred by the taxpayer 12127  
during those calendar years. The amount of the credit for tax year 12128  
2007 shall equal one-half of the average of the eligible training 12129  
costs paid or incurred by the taxpayer during calendar years 2004, 12130  
2005, and 2006, not to exceed one thousand dollars for each 12131  
eligible employee on account of whom eligible training costs were 12132  
paid or incurred by the taxpayer during those calendar years. The 12133  
amount of the credit for tax year 2008 shall equal one-half of the 12134  
average of the eligible training costs paid or incurred by the 12135  
taxpayer during calendar years 2005, 2006, and 2007, not to exceed 12136  
one thousand dollars for each eligible employee on account of whom 12137  
eligible training costs were paid or incurred by the taxpayer 12138  
during those calendar years. 12139

The credit claimed by a taxpayer each tax year shall not 12140  
exceed one hundred thousand dollars. 12141

(C) A taxpayer who proposes to conduct an eligible training 12142  
program may apply to the director of job and family services for a 12143  
tax credit certificate under this section. The taxpayer may apply 12144  
for such a certificate for tax years 2004, 2005, 2006, ~~and~~ 2007, 12145  
and 2008 subject to division (L) of this section. The director 12146  
shall prescribe the form of the application, which shall require a 12147  
detailed description of the proposed training program. The 12148  
director may require applicants to remit an application fee with 12149

each application filed with the director. The fee shall not exceed 12150  
the reasonable and necessary expenses incurred by the director in 12151  
receiving, reviewing, and approving such applications and issuing 12152  
tax credit certificates. Proceeds from fees shall be used solely 12153  
for the purpose of receiving, reviewing, and approving such 12154  
applications and issuing such certificates. 12155

After receipt of an application, the director shall authorize 12156  
a credit under this section by issuing a tax credit certificate, 12157  
in the form prescribed by the director, if the director determines 12158  
all of the following: 12159

(1) The proposed training program is an eligible training 12160  
program under this section; 12161

(2) The proposed training program is economically sound and 12162  
will benefit the people of this state by improving workforce 12163  
skills and strengthening the economy of this state; 12164

(3) Receiving the tax credit is a major factor in the 12165  
taxpayer's decision to go forward with the training program; 12166

(4) Authorization of the credit is consistent with division 12167  
(H) of this section. 12168

The credit also is allowed for a taxpayer that is a partner 12169  
in a partnership that pays or incurs eligible training costs. Such 12170  
a taxpayer shall determine the taxpayer's credit amount in the 12171  
manner prescribed by division (K) of this section. 12172

(D) If the director of job and family services denies an 12173  
application for a tax credit certificate, the director shall send 12174  
notice of the denial and the reason for denial to the applicant by 12175  
certified mail, return receipt requested. If the director 12176  
determines that an authorized training program, as actually 12177  
conducted, fails to meet the requirements of this section or to 12178  
comply with any condition set forth in the authorization, the 12179  
director may reduce the amount of the tax credit previously 12180

granted. If the director reduces a tax credit, the director shall  
send notice of the reduction and the reason for the reduction to  
the taxpayer by certified mail, return receipt requested, and  
shall certify the reduction to the tax commissioner or, in the  
case of the reduction of a credit claimed by an insurance company,  
the superintendent of insurance. The tax commissioner or  
superintendent of insurance shall reduce the credit that may be  
claimed by the taxpayer accordingly. Within sixty days after  
receiving a notice of denial or notice of reduction of the tax  
credit, an applicant or taxpayer may request, in writing, a  
hearing before the director to review the denial or reduction.  
Within sixty days after receiving a request that is filed within  
the prescribed time, the director shall hold such a hearing at a  
location to be determined by the director. Within thirty days  
after the hearing is adjourned, the director shall issue a  
redetermination affirming, reversing, or modifying the denial or  
reduction of the tax credit and send notice of the redetermination  
to the applicant or taxpayer by certified mail, return receipt  
requested, and shall issue a notice of the redetermination to the  
tax commissioner or superintendent of insurance. If an applicant  
or taxpayer is aggrieved by the director's redetermination, the  
applicant or taxpayer may appeal the redetermination to the board  
of tax appeals in the manner prescribed by section 5717.02 of the  
Revised Code.

(E) A taxpayer to which a tax credit certificate is issued  
shall retain records indicating the eligible training costs it  
pays or incurs for the eligible training program for which the  
certificate is issued for four years following the end of the tax  
year for which the credit is claimed. Such records shall be open  
to inspection by the director of job and family services upon the  
director's request during business hours.

Financial statements and other information submitted by an

applicant to the director of job and family services for a tax 12213  
credit under this section, and any information taken for any 12214  
purpose from such statements or information, are not public 12215  
records subject to section 149.43 of the Revised Code. However, 12216  
the director of job and family services, the tax commissioner, or 12217  
superintendent of insurance may make use of the statements and 12218  
other information for purposes of issuing public reports or in 12219  
connection with court proceedings concerning tax credits allowed 12220  
under this section and sections 5725.31, 5729.07, and 5747.39 of 12221  
the Revised Code. 12222

(F) The director of job and family services, in accordance 12223  
with Chapter 119. of the Revised Code, shall adopt rules necessary 12224  
to implement this section and sections 5725.31, 5729.07, and 12225  
5747.39 of the Revised Code. The rules shall be adopted after 12226  
consultation with the tax commissioner and the superintendent of 12227  
insurance. The rules shall require that if a taxpayer to which a 12228  
tax credit certificate is issued under any of those sections 12229  
permanently relocates or transfers employees trained under the tax 12230  
credit certificate to another state or country within two years of 12231  
receiving the certificate, the taxpayer shall repay the total 12232  
amount of the tax credit received by the taxpayer for any 12233  
employees permanently relocated or transferred. At the time the 12234  
director gives public notice under division (A) of section 119.03 12235  
of the Revised Code of the adoption of the rules, the director 12236  
shall submit copies of the proposed rules to the chairpersons and 12237  
ranking minority members of the standing committees in the senate 12238  
and the house of representatives to which legislation on economic 12239  
development matters are customarily referred. 12240

(G) On or before the thirtieth day of September of 2001, 12241  
2003, 2004, 2005, 2006, ~~and~~ 2007, and 2008 the director of job and 12242  
family services shall submit a report to the governor, the 12243  
president of the senate, and the speaker of the house of 12244

representatives on the tax credit program under this section and 12245  
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 12246  
report shall include information on the number of training 12247  
programs that were authorized under those sections during the 12248  
preceding calendar year, a description of each authorized training 12249  
program, the dollar amounts of the credits granted, and an 12250  
estimate of the impact of the credits on the economy of this 12251  
state. 12252

(H) The aggregate amount of credits authorized under this 12253  
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 12254  
Code shall not exceed twenty million dollars per calendar year. No 12255  
more than ten million dollars in credits per calendar year shall 12256  
be authorized for persons engaged primarily in manufacturing. No 12257  
less than five million dollars in credits per calendar year shall 12258  
be set aside for persons engaged primarily in activities other 12259  
than manufacturing and having fewer than five hundred employees. 12260  
Subject to such limits, the director of job and family services 12261  
shall adopt a rule under division (F) of this section that 12262  
establishes criteria and procedures for distribution of the 12263  
credits. 12264

(I) A nonrefundable credit allowed under this section shall 12265  
be claimed in the order required under section 5733.98 of the 12266  
Revised Code. 12267

(J) The taxpayer may carry forward any credit amount in 12268  
excess of its tax due after allowing for any other credits that 12269  
precede the credit under this section in the order required under 12270  
section 5733.98 of the Revised Code. The excess credit may be 12271  
carried forward for three years following the tax year for which 12272  
it is first claimed under this section. 12273

(K) A taxpayer that is a partner in a partnership on the last 12274  
day of the third calendar year of the three-year period during 12275  
which the partnership pays or incurs eligible training costs may 12276

claim a credit under this section for the tax year immediately 12277  
following that calendar year. The amount of a partner's credit 12278  
equals the partner's interest in the partnership on the last day 12279  
of such calendar year multiplied by the credit available to the 12280  
partnership as computed by the partnership. 12281

(L) The director of job and family services shall not 12282  
authorize any credits under this section and sections 5725.31, 12283  
5729.07, and 5747.39 of the Revised Code for eligible training 12284  
costs paid or incurred after December 31, ~~2006~~ 2007. 12285

**Sec. 5739.01.** As used in this chapter: 12286

(A) "Person" includes individuals, receivers, assignees, 12287  
trustees in bankruptcy, estates, firms, partnerships, 12288  
associations, joint-stock companies, joint ventures, clubs, 12289  
societies, corporations, the state and its political subdivisions, 12290  
and combinations of individuals of any form. 12291

(B) "Sale" and "selling" include all of the following 12292  
transactions for a consideration in any manner, whether absolutely 12293  
or conditionally, whether for a price or rental, in money or by 12294  
exchange, and by any means whatsoever: 12295

(1) All transactions by which title or possession, or both, 12296  
of tangible personal property, is or is to be transferred, or a 12297  
license to use or consume tangible personal property is or is to 12298  
be granted; 12299

(2) All transactions by which lodging by a hotel is or is to 12300  
be furnished to transient guests; 12301

(3) All transactions by which: 12302

(a) An item of tangible personal property is or is to be 12303  
repaired, except property, the purchase of which would not be 12304  
subject to the tax imposed by section 5739.02 of the Revised Code; 12305

- (b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 12306  
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- (c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 12312  
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- (d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided; 12314  
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- (e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An affiliated group means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. 12317  
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- (f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service; 12332  
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- (g) Landscaping and lawn care service is or is to be 12336

provided;	12337
(h) Private investigation and security service is or is to be provided;	12338 12339
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	12340 12341
(j) Building maintenance and janitorial service is or is to be provided;	12342 12343
(k) Employment service is or is to be provided;	12344
(l) Employment placement service is or is to be provided;	12345
(m) Exterminating service is or is to be provided;	12346
(n) Physical fitness facility service is or is to be provided;	12347 12348
(o) Recreation and sports club service is or is to be provided- <u>i</u>	12349 12350
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	12351 12352
(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.	12353 12354 12355 12356 12357 12358 12359 12360
(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	12361 12362 12363 12364 12365



transportation provided by a citizen of the United States holding 12366  
a certificate of public convenience and necessity issued under 49 12367  
U.S.C. 41102; 12368

(s) On and after August 1, 2003, motor vehicle towing service 12369  
is or is to be provided. As used in this division, "motor vehicle 12370  
towing service" means the towing or conveyance of a wrecked, 12371  
disabled, or illegally parked motor vehicle. 12372

(t) On and after August 1, 2003, snow removal service is or 12373  
is to be provided. As used in this division, "snow removal 12374  
service" means the removal of snow by any mechanized means, but 12375  
does not include the providing of such service by a person that 12376  
has less than five thousand dollars in sales of such service 12377  
during the calendar year. 12378

(4) All transactions by which printed, imprinted, 12379  
overprinted, lithographic, multilithic, blueprinted, photostatic, 12380  
or other productions or reproductions of written or graphic matter 12381  
are or are to be furnished or transferred; 12382

(5) The production or fabrication of tangible personal 12383  
property for a consideration for consumers who furnish either 12384  
directly or indirectly the materials used in the production of 12385  
fabrication work; and include the furnishing, preparing, or 12386  
serving for a consideration of any tangible personal property 12387  
consumed on the premises of the person furnishing, preparing, or 12388  
serving such tangible personal property. Except as provided in 12389  
section 5739.03 of the Revised Code, a construction contract 12390  
pursuant to which tangible personal property is or is to be 12391  
incorporated into a structure or improvement on and becoming a 12392  
part of real property is not a sale of such tangible personal 12393  
property. The construction contractor is the consumer of such 12394  
tangible personal property, provided that the sale and 12395  
installation of carpeting, the sale and installation of 12396

agricultural land tile, the sale and erection or installation of 12397  
portable grain bins, or the provision of landscaping and lawn care 12398  
service and the transfer of property as part of such service is 12399  
never a construction contract. 12400

As used in division (B)(5) of this section: 12401

(a) "Agricultural land tile" means fired clay or concrete 12402  
tile, or flexible or rigid perforated plastic pipe or tubing, 12403  
incorporated or to be incorporated into a subsurface drainage 12404  
system appurtenant to land used or to be used directly in 12405  
production by farming, agriculture, horticulture, or floriculture. 12406  
The term does not include such materials when they are or are to 12407  
be incorporated into a drainage system appurtenant to a building 12408  
or structure even if the building or structure is used or to be 12409  
used in such production. 12410

(b) "Portable grain bin" means a structure that is used or to 12411  
be used by a person engaged in farming or agriculture to shelter 12412  
the person's grain and that is designed to be disassembled without 12413  
significant damage to its component parts. 12414

(6) All transactions in which all of the shares of stock of a 12415  
closely held corporation are transferred, if the corporation is 12416  
not engaging in business and its entire assets consist of boats, 12417  
planes, motor vehicles, or other tangible personal property 12418  
operated primarily for the use and enjoyment of the shareholders; 12419

(7) All transactions in which a warranty, maintenance or 12420  
service contract, or similar agreement by which the vendor of the 12421  
warranty, contract, or agreement agrees to repair or maintain the 12422  
tangible personal property of the consumer is or is to be 12423  
provided; 12424

(8) The transfer of copyrighted motion picture films used 12425  
solely for advertising purposes, except that the transfer of such 12426  
films for exhibition purposes is not a sale. 12427

(9) On and after August 1, 2003, all transactions by which 12428  
tangible personal property is or is to be stored, except such 12429  
property that the consumer of the storage holds for sale in the 12430  
regular course of business. 12431

Except as provided in this section, "sale" and "selling" do 12432  
not include transfers of interest in leased property where the 12433  
original lessee and the terms of the original lease agreement 12434  
remain unchanged, or professional, insurance, or personal service 12435  
transactions that involve the transfer of tangible personal 12436  
property as an inconsequential element, for which no separate 12437  
charges are made. 12438

(C) "Vendor" means the person providing the service or by 12439  
whom the transfer effected or license given by a sale is or is to 12440  
be made or given and, for sales described in division (B)(3)(i) of 12441  
this section, the telecommunications service vendor that provides 12442  
the nine hundred telephone service; if two or more persons are 12443  
engaged in business at the same place of business under a single 12444  
trade name in which all collections on account of sales by each 12445  
are made, such persons shall constitute a single vendor. 12446

Physicians, dentists, hospitals, and veterinarians who are 12447  
engaged in selling tangible personal property as received from 12448  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 12449  
articles, are vendors. Veterinarians who are engaged in 12450  
transferring to others for a consideration drugs, the dispensing 12451  
of which does not require an order of a licensed veterinarian or 12452  
physician under federal law, are vendors. 12453

(D)(1) "Consumer" means the person for whom the service is 12454  
provided, to whom the transfer effected or license given by a sale 12455  
is or is to be made or given, to whom the service described in 12456  
division (B)(3)(f) or (i) of this section is charged, or to whom 12457  
the admission is granted. 12458

(2) Physicians, dentists, hospitals, and blood banks operated 12459  
by nonprofit institutions and persons licensed to practice 12460  
veterinary medicine, surgery, and dentistry are consumers of all 12461  
tangible personal property and services purchased by them in 12462  
connection with the practice of medicine, dentistry, the rendition 12463  
of hospital or blood bank service, or the practice of veterinary 12464  
medicine, surgery, and dentistry. In addition to being consumers 12465  
of drugs administered by them or by their assistants according to 12466  
their direction, veterinarians also are consumers of drugs that 12467  
under federal law may be dispensed only by or upon the order of a 12468  
licensed veterinarian or physician, when transferred by them to 12469  
others for a consideration to provide treatment to animals as 12470  
directed by the veterinarian. 12471

(3) A person who performs a facility management, or similar 12472  
service contract for a contractee is a consumer of all tangible 12473  
personal property and services purchased for use in connection 12474  
with the performance of such contract, regardless of whether title 12475  
to any such property vests in the contractee. The purchase of such 12476  
property and services is not subject to the exception for resale 12477  
under division (E)(1) of this section. 12478

(4)(a) In the case of a person who purchases printed matter 12479  
for the purpose of distributing it or having it distributed to the 12480  
public or to a designated segment of the public, free of charge, 12481  
that person is the consumer of that printed matter, and the 12482  
purchase of that printed matter for that purpose is a sale. 12483

(b) In the case of a person who produces, rather than 12484  
purchases, printed matter for the purpose of distributing it or 12485  
having it distributed to the public or to a designated segment of 12486  
the public, free of charge, that person is the consumer of all 12487  
tangible personal property and services purchased for use or 12488  
consumption in the production of that printed matter. That person 12489  
is not entitled to claim exemption under division (B)(42)(f) of 12490

section 5739.02 of the Revised Code for any material incorporated 12491  
into the printed matter or any equipment, supplies, or services 12492  
primarily used to produce the printed matter. 12493

(c) The distribution of printed matter to the public or to a 12494  
designated segment of the public, free of charge, is not a sale to 12495  
the members of the public to whom the printed matter is 12496  
distributed or to any persons who purchase space in the printed 12497  
matter for advertising or other purposes. 12498

(5) A person who makes sales of any of the services listed in 12499  
division (B)(3) of this section is the consumer of any tangible 12500  
personal property used in performing the service. The purchase of 12501  
that property is not subject to the resale exception under 12502  
division (E)(1) of this section. 12503

(6) A person who engages in highway transportation for hire 12504  
is the consumer of all packaging materials purchased by that 12505  
person and used in performing the service, except for packaging 12506  
materials sold by such person in a transaction separate from the 12507  
service. 12508

(E) "Retail sale" and "sales at retail" include all sales, 12509  
except those in which the purpose of the consumer is to resell the 12510  
thing transferred or benefit of the service provided, by a person 12511  
engaging in business, in the form in which the same is, or is to 12512  
be, received by the person. 12513

(F) "Business" includes any activity engaged in by any person 12514  
with the object of gain, benefit, or advantage, either direct or 12515  
indirect. "Business" does not include the activity of a person in 12516  
managing and investing the person's own funds. 12517

(G) "Engaging in business" means commencing, conducting, or 12518  
continuing in business, and liquidating a business when the 12519  
liquidator thereof holds itself out to the public as conducting 12520  
such business. Making a casual sale is not engaging in business. 12521

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 12522  
(3) of this section, means the total amount of consideration, 12523  
including cash, credit, property, and services, for which tangible 12524  
personal property or services are sold, leased, or rented, valued 12525  
in money, whether received in money or otherwise, without any 12526  
deduction for any of the following: 12527

(i) The vendor's cost of the property sold; 12528

(ii) The cost of materials used, labor or service costs, 12529  
interest, losses, all costs of transportation to the vendor, all 12530  
taxes imposed on the vendor, including the tax imposed under 12531  
Chapter 5751. of the Revised Code, and any other expense of the 12532  
vendor; 12533

(iii) Charges by the vendor for any services necessary to 12534  
complete the sale; 12535

(iv) On and after August 1, 2003, delivery charges. As used 12536  
in this division, "delivery charges" means charges by the vendor 12537  
for preparation and delivery to a location designated by the 12538  
consumer of tangible personal property or a service, including 12539  
transportation, shipping, postage, handling, crating, and packing. 12540

(v) Installation charges; 12541

(vi) Credit for any trade-in. 12542

(b) "Price" includes consideration received by the vendor 12543  
from a third party, if the vendor actually receives the 12544  
consideration from a party other than the consumer, and the 12545  
consideration is directly related to a price reduction or discount 12546  
on the sale; the vendor has an obligation to pass the price 12547  
reduction or discount through to the consumer; the amount of the 12548  
consideration attributable to the sale is fixed and determinable 12549  
by the vendor at the time of the sale of the item to the consumer; 12550  
and one of the following criteria is met: 12551

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this

section, any discount allowed by an automobile manufacturer to its 12582  
employee, or to the employee of a supplier, on the purchase of a 12583  
new motor vehicle from a new motor vehicle dealer in this state. 12584

(2) In the case of a sale of any new motor vehicle by a new 12585  
motor vehicle dealer, as defined in section 4517.01 of the Revised 12586  
Code, in which another motor vehicle is accepted by the dealer as 12587  
part of the consideration received, "price" has the same meaning 12588  
as in division (H)(1) of this section, reduced by the credit 12589  
afforded the consumer by the dealer for the motor vehicle received 12590  
in trade. 12591

(3) In the case of a sale of any watercraft or outboard motor 12592  
by a watercraft dealer licensed in accordance with section 12593  
1547.543 of the Revised Code, in which another watercraft, 12594  
watercraft and trailer, or outboard motor is accepted by the 12595  
dealer as part of the consideration received, "price" has the same 12596  
meaning as in division (H)(1) of this section, reduced by the 12597  
credit afforded the consumer by the dealer for the watercraft, 12598  
watercraft and trailer, or outboard motor received in trade. As 12599  
used in this division, "watercraft" includes an outdrive unit 12600  
attached to the watercraft. 12601

(I) "Receipts" means the total amount of the prices of the 12602  
sales of vendors, provided that cash discounts allowed and taken 12603  
on sales at the time they are consummated are not included, minus 12604  
any amount deducted as a bad debt pursuant to section 5739.121 of 12605  
the Revised Code. "Receipts" does not include the sale price of 12606  
property returned or services rejected by consumers when the full 12607  
sale price and tax are refunded either in cash or by credit. 12608

(J) "Place of business" means any location at which a person 12609  
engages in business. 12610

(K) "Premises" includes any real property or portion thereof 12611  
upon which any person engages in selling tangible personal 12612



property at retail or making retail sales and also includes any 12613  
real property or portion thereof designated for, or devoted to, 12614  
use in conjunction with the business engaged in by such person. 12615

(L) "Casual sale" means a sale of an item of tangible 12616  
personal property that was obtained by the person making the sale, 12617  
through purchase or otherwise, for the person's own use and was 12618  
previously subject to any state's taxing jurisdiction on its sale 12619  
or use, and includes such items acquired for the seller's use that 12620  
are sold by an auctioneer employed directly by the person for such 12621  
purpose, provided the location of such sales is not the 12622  
auctioneer's permanent place of business. As used in this 12623  
division, "permanent place of business" includes any location 12624  
where such auctioneer has conducted more than two auctions during 12625  
the year. 12626

(M) "Hotel" means every establishment kept, used, maintained, 12627  
advertised, or held out to the public to be a place where sleeping 12628  
accommodations are offered to guests, in which five or more rooms 12629  
are used for the accommodation of such guests, whether the rooms 12630  
are in one or several structures. 12631

(N) "Transient guests" means persons occupying a room or 12632  
rooms for sleeping accommodations for less than thirty consecutive 12633  
days. 12634

(O) "Making retail sales" means the effecting of transactions 12635  
wherein one party is obligated to pay the price and the other 12636  
party is obligated to provide a service or to transfer title to or 12637  
possession of the item sold. "Making retail sales" does not 12638  
include the preliminary acts of promoting or soliciting the retail 12639  
sales, other than the distribution of printed matter which 12640  
displays or describes and prices the item offered for sale, nor 12641  
does it include delivery of a predetermined quantity of tangible 12642  
personal property or transportation of property or personnel to or 12643

from a place where a service is performed, regardless of whether 12644  
the vendor is a delivery vendor. 12645

(P) "Used directly in the rendition of a public utility 12646  
service" means that property that is to be incorporated into and 12647  
will become a part of the consumer's production, transmission, 12648  
transportation, or distribution system and that retains its 12649  
classification as tangible personal property after such 12650  
incorporation; fuel or power used in the production, transmission, 12651  
transportation, or distribution system; and tangible personal 12652  
property used in the repair and maintenance of the production, 12653  
transmission, transportation, or distribution system, including 12654  
only such motor vehicles as are specially designed and equipped 12655  
for such use. Tangible personal property and services used 12656  
primarily in providing highway transportation for hire are not 12657  
used directly in the rendition of a public utility service. In 12658  
this definition, "public utility" includes a citizen of the United 12659  
States holding, and required to hold, a certificate of public 12660  
convenience and necessity issued under 49 U.S.C. 41102. 12661

(Q) "Refining" means removing or separating a desirable 12662  
product from raw or contaminated materials by distillation or 12663  
physical, mechanical, or chemical processes. 12664

(R) "Assembly" and "assembling" mean attaching or fitting 12665  
together parts to form a product, but do not include packaging a 12666  
product. 12667

(S) "Manufacturing operation" means a process in which 12668  
materials are changed, converted, or transformed into a different 12669  
state or form from which they previously existed and includes 12670  
refining materials, assembling parts, and preparing raw materials 12671  
and parts by mixing, measuring, blending, or otherwise committing 12672  
such materials or parts to the manufacturing process. 12673  
"Manufacturing operation" does not include packaging. 12674

(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 to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 12706  
together with verification thereof, or providing access to 12707  
computer equipment for the purpose of processing data. 12708

(b) "Computer services" means providing services consisting 12709  
of specifying computer hardware configurations and evaluating 12710  
technical processing characteristics, computer programming, and 12711  
training of computer programmers and operators, provided in 12712  
conjunction with and to support the sale, lease, or operation of 12713  
taxable computer equipment or systems. 12714

(c) "Electronic information services" means providing access 12715  
to computer equipment by means of telecommunications equipment for 12716  
the purpose of either of the following: 12717

(i) Examining or acquiring data stored in or accessible to 12718  
the computer equipment; 12719

(ii) Placing data into the computer equipment to be retrieved 12720  
by designated recipients with access to the computer equipment. 12721

(d) "Automatic data processing, computer services, or 12722  
electronic information services" shall not include personal or 12723  
professional services. 12724

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 12725  
section, "personal and professional services" means all services 12726  
other than automatic data processing, computer services, or 12727  
electronic information services, including but not limited to: 12728

(a) Accounting and legal services such as advice on tax 12729  
matters, asset management, budgetary matters, quality control, 12730  
information security, and auditing and any other situation where 12731  
the service provider receives data or information and studies, 12732  
alters, analyzes, interprets, or adjusts such material; 12733

(b) Analyzing business policies and procedures; 12734

(c) Identifying management information needs; 12735

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	12736 12737 12738
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	12739 12740 12741 12742
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	12743 12744 12745
(g) Testing of business procedures;	12746
(h) Training personnel in business procedure applications;	12747
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	12748 12749 12750 12751 12752 12753
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	12754 12755
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	12756 12757
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	12758 12759 12760
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;	12761 12762 12763 12764 12765

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare 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;	12796 12797
(f) Internet access service;	12798
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	12799 12800 12801 12802 12803 12804 12805 12806
(h) Ancillary service;	12807
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	12808 12809
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	12810 12811 12812 12813 12814
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	12815 12816 12817 12818 12819
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	12820 12821 12822
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	12823 12824
(d) "Vertical service" means an ancillary service that is	12825

offered in connection with one or more telecommunications 12826  
services, which offers advanced calling features that allow 12827  
customers to identify callers and manage multiple calls and call 12828  
connections, including conference bridging service. 12829

(e) "Voice mail service" means an ancillary service that 12830  
enables the customer to store, send, or receive recorded messages. 12831  
"Voice mail service" does not include any vertical services that 12832  
the customer may be required to have in order to utilize the voice 12833  
mail service. 12834

(3) "900 service" means an inbound toll telecommunications 12835  
service purchased by a subscriber that allows the subscriber's 12836  
customers to call in to the subscriber's prerecorded announcement 12837  
or live service, and which is typically marketed under the name 12838  
"900" service and any subsequent numbers designated by the federal 12839  
communications commission. "900 service" does not include the 12840  
charge for collection services provided by the seller of the 12841  
telecommunications service to the subscriber, or services or 12842  
products sold by the subscriber to the subscriber's customer. 12843

(4) "Prepaid calling service" means the right to access 12844  
exclusively telecommunications services, which must be paid for in 12845  
advance and which enables the origination of calls using an access 12846  
number or authorization code, whether manually or electronically 12847  
dialed, and that is sold in predetermined units of dollars of 12848  
which the number declines with use in a known amount. 12849

(5) "Prepaid wireless calling service" means a 12850  
telecommunications service that provides the right to utilize 12851  
mobile telecommunications service as well as other 12852  
non-telecommunications services, including the download of digital 12853  
products delivered electronically, and content and ancillary 12854  
services, that must be paid for in advance and that is sold in 12855  
predetermined units of dollars of which the number declines with 12856



use in a known amount. 12857

(6) "Value-added non-voice data service" means a 12858  
telecommunications service in which computer processing 12859  
applications are used to act on the form, content, code, or 12860  
protocol of the information or data primarily for a purpose other 12861  
than transmission, conveyance, or routing. 12862

(7) "Coin-operated telephone service" means a 12863  
telecommunications service paid for by inserting money into a 12864  
telephone accepting direct deposits of money to operate. 12865

(8) "Customer" has the same meaning as in section 5739.034 of 12866  
the Revised Code. 12867

(BB) "Laundry and dry cleaning services" means removing soil 12868  
or dirt from towels, linens, articles of clothing, or other fabric 12869  
items that belong to others and supplying towels, linens, articles 12870  
of clothing, or other fabric items. "Laundry and dry cleaning 12871  
services" does not include the provision of self-service 12872  
facilities for use by consumers to remove soil or dirt from 12873  
towels, linens, articles of clothing, or other fabric items. 12874

(CC) "Magazines distributed as controlled circulation 12875  
publications" means magazines containing at least twenty-four 12876  
pages, at least twenty-five per cent editorial content, issued at 12877  
regular intervals four or more times a year, and circulated 12878  
without charge to the recipient, provided that such magazines are 12879  
not owned or controlled by individuals or business concerns which 12880  
conduct such publications as an auxiliary to, and essentially for 12881  
the advancement of the main business or calling of, those who own 12882  
or control them. 12883

(DD) "Landscaping and lawn care service" means the services 12884  
of planting, seeding, sodding, removing, cutting, trimming, 12885  
pruning, mulching, aerating, applying chemicals, watering, 12886  
fertilizing, and providing similar services to establish, promote, 12887

or control the growth of trees, shrubs, flowers, grass, ground  
cover, and other flora, or otherwise maintaining a lawn or  
landscape grown or maintained by the owner for ornamentation or  
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 12920  
capitalized tangible personal property, and leased personal 12921  
property that would be capitalized if purchased, used by a person 12922  
primarily to perform research and development. Tangible personal 12923  
property primarily used in testing, as defined in division (A)(4) 12924  
of section 5739.011 of the Revised Code, or used for recording or 12925  
storing test results, is not qualified research and development 12926  
equipment unless such property is primarily used by the consumer 12927  
in testing the product, equipment, or manufacturing process being 12928  
created, designed, or formulated by the consumer in the research 12929  
and development activity or in recording or storing such test 12930  
results. 12931

(II) "Building maintenance and janitorial service" means 12932  
cleaning the interior or exterior of a building and any tangible 12933  
personal property located therein or thereon, including any 12934  
services incidental to such cleaning for which no separate charge 12935  
is made. However, "building maintenance and janitorial service" 12936  
does not include the providing of such service by a person who has 12937  
less than five thousand dollars in sales of such service during 12938  
the calendar year. 12939

(JJ) "Employment service" means providing or supplying 12940  
personnel, on a temporary or long-term basis, to perform work or 12941  
labor under the supervision or control of another, when the 12942  
personnel so supplied receive their wages, salary, or other 12943  
compensation from the provider of the service. "Employment 12944  
service" does not include: 12945

(1) Acting as a contractor or subcontractor, where the 12946  
personnel performing the work are not under the direct control of 12947  
the purchaser. 12948

(2) Medical and health care services. 12949

(3) Supplying personnel to a purchaser pursuant to a contract 12950

of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis. 12951  
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(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 12954  
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(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 12956  
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(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure. 12959  
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 12964  
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization. 12971  
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(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing

series sanctioned by one or more motor racing sanctioning 13013  
organizations. A "motor racing vehicle" means a vehicle for which 13014  
the chassis, engine, and parts are designed exclusively for motor 13015  
racing, and does not include a stock or production model vehicle 13016  
that may be modified for use in racing. For the purposes of this 13017  
division: 13018

(1) A "competitive professional racing event" is a motor 13019  
vehicle racing event sanctioned by one or more motor racing 13020  
sanctioning organizations, at which aggregate cash prizes in 13021  
excess of eight hundred thousand dollars are awarded to the 13022  
competitors. 13023

(2) "Full-time employee" means an individual who is employed 13024  
for consideration for thirty-five or more hours a week, or who 13025  
renders any other standard of service generally accepted by custom 13026  
or specified by contract as full-time employment. 13027

(UU)(1) "Lease" or "rental" means any transfer of the 13028  
possession or control of tangible personal property for a fixed or 13029  
indefinite term, for consideration. "Lease" or "rental" includes 13030  
future options to purchase or extend, and agreements described in 13031  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 13032  
the amount of consideration may be increased or decreased by 13033  
reference to the amount realized upon the sale or disposition of 13034  
the property. "Lease" or "rental" does not include: 13035

(a) A transfer of possession or control of tangible personal 13036  
property under a security agreement or a deferred payment plan 13037  
that requires the transfer of title upon completion of the 13038  
required payments; 13039

(b) A transfer of possession or control of tangible personal 13040  
property under an agreement that requires the transfer of title 13041  
upon completion of required payments and payment of an option 13042  
price that does not exceed the greater of one hundred dollars or 13043

one per cent of the total required payments; 13044

(c) Providing tangible personal property along with an 13045  
operator for a fixed or indefinite period of time, if the operator 13046  
is necessary for the property to perform as designed. For purposes 13047  
of this division, the operator must do more than maintain, 13048  
inspect, or set-up the tangible personal property. 13049

(2) "Lease" and "rental," as defined in division (UU) of this 13050  
section, shall not apply to leases or rentals that exist before 13051  
June 26, 2003. 13052

(3) "Lease" and "rental" have the same meaning as in division 13053  
(UU)(1) of this section regardless of whether a transaction is 13054  
characterized as a lease or rental under generally accepted 13055  
accounting principles, the Internal Revenue Code, Title XIII of 13056  
the Revised Code, or other federal, state, or local laws. 13057

(VV) "Mobile telecommunications service" has the same meaning 13058  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 13059  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 13060  
on and after August 1, 2003, includes related fees and ancillary 13061  
services, including universal service fees, detailed billing 13062  
service, directory assistance, service initiation, voice mail 13063  
service, and vertical services, such as caller ID and three-way 13064  
calling. 13065

(WW) "Certified service provider" has the same meaning as in 13066  
section 5740.01 of the Revised Code. 13067

(XX) "Satellite broadcasting service" means the distribution 13068  
or broadcasting of programming or services by satellite directly 13069  
to the subscriber's receiving equipment without the use of ground 13070  
receiving or distribution equipment, except the subscriber's 13071  
receiving equipment or equipment used in the uplink process to the 13072  
satellite, and includes all service and rental charges, premium 13073  
channels or other special services, installation and repair 13074

service charges, and any other charges having any connection with 13075  
the provision of the satellite broadcasting service. 13076

(YY) "Tangible personal property" means personal property 13077  
that can be seen, weighed, measured, felt, or touched, or that is 13078  
in any other manner perceptible to the senses. For purposes of 13079  
this chapter and Chapter 5741. of the Revised Code, "tangible 13080  
personal property" includes motor vehicles, electricity, water, 13081  
gas, steam, and prewritten computer software. 13082

(ZZ) "Direct mail" means printed material delivered or 13083  
distributed by United States mail or other delivery service to a 13084  
mass audience or to addressees on a mailing list provided by the 13085  
consumer or at the direction of the consumer when the cost of the 13086  
items are not billed directly to the recipients. "Direct mail" 13087  
includes tangible personal property supplied directly or 13088  
indirectly by the consumer to the direct mail vendor for inclusion 13089  
in the package containing the printed material. "Direct mail" does 13090  
not include multiple items of printed material delivered to a 13091  
single address. 13092

(AAA) "Computer" means an electronic device that accepts 13093  
information in digital or similar form and manipulates it for a 13094  
result based on a sequence of instructions. 13095

(BBB) "Computer software" means a set of coded instructions 13096  
designed to cause a computer or automatic data processing 13097  
equipment to perform a task. 13098

(CCC) "Delivered electronically" means delivery of computer 13099  
software from the seller to the purchaser by means other than 13100  
tangible storage media. 13101

(DDD) "Prewritten computer software" means computer software, 13102  
including prewritten upgrades, that is not designed and developed 13103  
by the author or other creator to the specifications of a specific 13104  
purchaser. The combining of two or more prewritten computer 13105



software programs or prewritten portions thereof does not cause 131106  
the combination to be other than prewritten computer software. 131107  
"Prewritten computer software" includes software designed and 131108  
developed by the author or other creator to the specifications of 131109  
a specific purchaser when it is sold to a person other than the 131110  
purchaser. If a person modifies or enhances computer software of 131111  
which the person is not the author or creator, the person shall be 131112  
deemed to be the author or creator only of such person's 131113  
modifications or enhancements. Prewritten computer software or a 131114  
prewritten portion thereof that is modified or enhanced to any 131115  
degree, where such modification or enhancement is designed and 131116  
developed to the specifications of a specific purchaser, remains 131117  
prewritten computer software; provided, however, that where there 131118  
is a reasonable, separately stated charge or an invoice or other 131119  
statement of the price given to the purchaser for the modification 131120  
or enhancement, the modification or enhancement shall not 131121  
constitute prewritten computer software. 131122

(EEE)(1) "Food" means substances, whether in liquid, 131123  
concentrated, solid, frozen, dried, or dehydrated form, that are 131124  
sold for ingestion or chewing by humans and are consumed for their 131125  
taste or nutritional value. "Food" does not include alcoholic 131126  
beverages, dietary supplements, soft drinks, or tobacco. 131127

(2) As used in division (EEE)(1) of this section: 131128

(a) "Alcoholic beverages" means beverages that are suitable 131129  
for human consumption and contain one-half of one per cent or more 131130  
of alcohol by volume. 131131

(b) "Dietary supplements" means any product, other than 131132  
tobacco, that is intended to supplement the diet and that is 131133  
intended for ingestion in tablet, capsule, powder, softgel, 131134  
gelcap, or liquid form, or, if not intended for ingestion in such 131135  
a form, is not represented as conventional food for use as a sole 131136

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 contains one or more of the following dietary ingredients:

- (i) A vitamin;
- (ii) A mineral;
- (iii) An herb or other botanical;
- (iv) An amino acid;
- (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;
- (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.

(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.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(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.

(GGG) "Prescription" means an order, formula, or recipe

issued in any form of oral, written, electronic, or other means of 13167  
transmission by a duly licensed practitioner authorized by the 13168  
laws of this state to issue a prescription. 13169

(HHH) "Durable medical equipment" means equipment, including 13170  
repair and replacement parts for such equipment, that can 13171  
withstand repeated use, is primarily and customarily used to serve 13172  
a medical purpose, generally is not useful to a person in the 13173  
absence of illness or injury, and is not worn in or on the body. 13174  
"Durable medical equipment" does not include mobility enhancing 13175  
equipment. 13176

(III) "Mobility enhancing equipment" means equipment, 13177  
including repair and replacement parts for such equipment, that is 13178  
primarily and customarily used to provide or increase the ability 13179  
to move from one place to another and is appropriate for use 13180  
either in a home or a motor vehicle, that is not generally used by 13181  
persons with normal mobility, and that does not include any motor 13182  
vehicle or equipment on a motor vehicle normally provided by a 13183  
motor vehicle manufacturer. "Mobility enhancing equipment" does 13184  
not include durable medical equipment. 13185

(JJJ) "Prosthetic device" means a replacement, corrective, or 13186  
supportive device, including repair and replacement parts for the 13187  
device, worn on or in the human body to artificially replace a 13188  
missing portion of the body, prevent or correct physical deformity 13189  
or malfunction, or support a weak or deformed portion of the body. 13190  
As used in this division, "prosthetic device" does not include 13191  
corrective eyeglasses, contact lenses, or dental prosthesis. 13192

(KKK)(1) "Fractional aircraft ownership program" means a 13193  
program in which persons within an affiliated group sell and 13194  
manage fractional ownership program aircraft, provided that at 13195  
least one hundred airworthy aircraft are operated in the program 13196  
and the program meets all of the following criteria: 13197

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.	13198 13199 13200
(b) Each program aircraft is owned or possessed by at least one fractional owner.	13201 13202
(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.	13203 13204 13205
(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.	13206 13207
(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.	13208 13209 13210
(2) As used in division (KKK)(1) of this section:	13211
(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.	13212 13213
(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.	13214 13215 13216 13217
(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.	13218 13219 13220 13221 13222 13223 13224
(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under	13225 13226 13227

division (KKK)(1)(e) of this section, and offered by the program 13228  
manager to the fractional owners, including, at a minimum, the 13229  
establishment and implementation of safety guidelines; the 13230  
coordination of the scheduling of the program aircraft and crews; 13231  
program aircraft maintenance; program aircraft insurance; crew 13232  
training for crews employed, furnished, or contracted by the 13233  
program manager or the fractional owner; the satisfaction of 13234  
record-keeping requirements; and the development and use of an 13235  
operations manual and a maintenance manual for the fractional 13236  
aircraft ownership program. 13237

(e) "Program manager" means the person that offers management 13238  
services to fractional owners pursuant to a management services 13239  
agreement under division (KKK)(1)(e) of this section. 13240

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 13241  
resolution adopted by a majority of the members of the board, levy 13242  
an excise tax not to exceed three per cent on transactions by 13243  
which lodging by a hotel is or is to be furnished to transient 13244  
guests. The board shall establish all regulations necessary to 13245  
provide for the administration and allocation of the tax. The 13246  
regulations may prescribe the time for payment of the tax, and may 13247  
provide for the imposition of a penalty or interest, or both, for 13248  
late payments, provided that the penalty does not exceed ten per 13249  
cent of the amount of tax due, and the rate at which interest 13250  
accrues does not exceed the rate per annum prescribed pursuant to 13251  
section 5703.47 of the Revised Code. Except as provided in 13252  
divisions (A)(2), (3), (4), and (5) of this section, the 13253  
regulations shall provide, after deducting the real and actual 13254  
costs of administering the tax, for the return to each municipal 13255  
corporation or township that does not levy an excise tax on the 13256  
transactions, a uniform percentage of the tax collected in the 13257  
municipal corporation or in the unincorporated portion of the 13258

township from each transaction, not to exceed thirty-three and 13259  
one-third per cent. The remainder of the revenue arising from the 13260  
tax shall be deposited in a separate fund and shall be spent 13261  
solely to make contributions to the convention and visitors' 13262  
bureau operating within the county, including a pledge and 13263  
contribution of any portion of the remainder pursuant to an 13264  
agreement authorized by section 307.695 of the Revised Code, 13265  
provided that if the board of county commissioners of an eligible 13266  
county as defined in section 307.695 of the Revised Code adopts a 13267  
resolution amending a resolution levying a tax under this division 13268  
to provide that the revenue from the tax shall be used by the 13269  
board as described in division (H) of section 307.695 of the 13270  
Revised Code, the remainder of the revenue shall be used as 13271  
described in the resolution making that amendment. Except as 13272  
provided in division (A)(2), (3), (4), or (5) or (H) of this 13273  
section, on and after May 10, 1994, a board of county 13274  
commissioners may not levy an excise tax pursuant to this division 13275  
in any municipal corporation or township located wholly or partly 13276  
within the county that has in effect an ordinance or resolution 13277  
levying an excise tax pursuant to division (B) of this section. 13278  
The board of a county that has levied a tax under division (C) of 13279  
this section may, by resolution adopted within ninety days after 13280  
July 15, 1985, by a majority of the members of the board, amend 13281  
the resolution levying a tax under this division to provide for a 13282  
portion of that tax to be pledged and contributed in accordance 13283  
with an agreement entered into under section 307.695 of the 13284  
Revised Code. A tax, any revenue from which is pledged pursuant to 13285  
such an agreement, shall remain in effect at the rate at which it 13286  
is imposed for the duration of the period for which the revenue 13287  
from the tax has been so pledged. 13288

The board of county commissioners of an eligible county as 13289  
defined in section 307.695 of the Revised Code may, by resolution 13290

adopted by a majority of the members of the board, amend a 13291  
resolution levying a tax under this division to provide that the 13292  
revenue from the tax shall be used by the board as described in 13293  
division (H) of section 307.695 of the Revised Code, in which case 13294  
the tax shall remain in effect at the rate at which it was imposed 13295  
for the duration of any agreement entered into by the board under 13296  
section 307.695 of the Revised Code, the duration during which any 13297  
securities issued by the board under that section are outstanding, 13298  
or the duration of the period during which the board owns a 13299  
project as defined in section 307.695 of the Revised Code, 13300  
whichever duration is longest. 13301

(2) A board of county commissioners that levies an excise tax 13302  
under division (A)(1) of this section on June 30, 1997, at a rate 13303  
of three per cent, and that has pledged revenue from the tax to an 13304  
agreement entered into under section 307.695 of the Revised Code, 13305  
~~may~~ or, in the case of the board of county commissioners of an 13306  
eligible county as defined in section 307.695 of the Revised Code, 13307  
has amended a resolution levying a tax under division (C) of this 13308  
section to provide that proceeds from the tax shall be used by the 13309  
board as described in division (H) of section 307.695 of the 13310  
Revised Code, may, at any time by a resolution adopted by a 13311  
majority of the members of the board, amend the resolution levying 13312  
that a tax under division (A)(1) of this section to provide for an 13313  
increase in the rate of ~~the~~ that tax up to ~~five~~ seven per cent on 13314  
each transaction; to provide that revenue from the increase in the 13315  
rate shall be used as described in division (H) of section 307.695 13316  
of the Revised Code or be spent solely to make contributions to 13317  
the convention and visitors' bureau operating within the county to 13318  
be used specifically for promotion, advertising, and marketing of 13319  
the region in which the county is located; and to provide that the 13320  
rate in excess of the three per cent levied under division (A)(1) 13321  
of this section shall remain in effect at the rate at which it is 13322

imposed for the duration of the period during which any agreement 13323  
is in effect that was entered into under section 307.695 of the 13324  
Revised Code by the board of county commissioners levying a tax 13325  
under division (A)(1) of this section; ~~and to, the duration of the~~ 13326  
period during which any securities issued by the board under 13327  
division (I) of section 307.695 of the Revised Code are 13328  
outstanding, or the duration of the period during which the board 13329  
owns a project as defined in section 307.695 of the Revised Code, 13330  
whichever duration is longest. The amendment also shall provide 13331  
that no portion of that revenue need be returned to townships or 13332  
municipal corporations as would otherwise be required under 13333  
division (A)(1) of this section. 13334

(3) A board of county commissioners that levies a tax under 13335  
division (A)(1) of this section on March 18, 1999, at a rate of 13336  
three per cent may, by resolution adopted not later than 13337  
forty-five days after March 18, 1999, amend the resolution levying 13338  
the tax to provide for all of the following: 13339

(a) That the rate of the tax shall be increased by not more 13340  
than an additional four per cent on each transaction; 13341

(b) That all of the revenue from the increase in the rate 13342  
shall be pledged and contributed to a convention facilities 13343  
authority established by the board of county commissioners under 13344  
Chapter 351. of the Revised Code on or before November 15, 1998, 13345  
and used to pay costs of constructing, maintaining, operating, and 13346  
promoting a facility in the county, including paying bonds, or 13347  
notes issued in anticipation of bonds, as provided by that 13348  
chapter; 13349

(c) That no portion of the revenue arising from the increase 13350  
in rate need be returned to municipal corporations or townships as 13351  
otherwise required under division (A)(1) of this section; 13352

(d) That the increase in rate shall not be subject to 13353



diminution by initiative or referendum or by law while any bonds, 13354  
or notes in anticipation of bonds, issued by the authority under 13355  
Chapter 351. of the Revised Code to which the revenue is pledged, 13356  
remain outstanding in accordance with their terms, unless 13357  
provision is made by law or by the board of county commissioners 13358  
for an adequate substitute therefor that is satisfactory to the 13359  
trustee if a trust agreement secures the bonds. 13360

Division (A)(3) of this section does not apply to the board 13361  
of county commissioners of any county in which a convention center 13362  
or facility exists or is being constructed on November 15, 1998, 13363  
or of any county in which a convention facilities authority levies 13364  
a tax pursuant to section 351.021 of the Revised Code on that 13365  
date. 13366

As used in division (A)(3) of this section, "cost" and 13367  
"facility" have the same meanings as in section 351.01 of the 13368  
Revised Code, and "convention center" has the same meaning as in 13369  
section 307.695 of the Revised Code. 13370

(4) A board of county commissioners that levies a tax under 13371  
division (A)(1) of this section on June 30, 2002, at a rate of 13372  
three per cent may, by resolution adopted not later than September 13373  
30, 2002, amend the resolution levying the tax to provide for all 13374  
of the following: 13375

(a) That the rate of the tax shall be increased by not more 13376  
than an additional three and one-half per cent on each 13377  
transaction; 13378

(b) That all of the revenue from the increase in rate shall 13379  
be pledged and contributed to a convention facilities authority 13380  
established by the board of county commissioners under Chapter 13381  
351. of the Revised Code on or before May 15, 2002, and be used to 13382  
pay costs of constructing, expanding, maintaining, operating, or 13383  
promoting a convention center in the county, including paying 13384

bonds, or notes issued in anticipation of bonds, as provided by 13385  
that chapter; 13386

(c) That no portion of the revenue arising from the increase 13387  
in rate need be returned to municipal corporations or townships as 13388  
otherwise required under division (A)(1) of this section; 13389

(d) That the increase in rate shall not be subject to 13390  
diminution by initiative or referendum or by law while any bonds, 13391  
or notes in anticipation of bonds, issued by the authority under 13392  
Chapter 351. of the Revised Code to which the revenue is pledged, 13393  
remain outstanding in accordance with their terms, unless 13394  
provision is made by law or by the board of county commissioners 13395  
for an adequate substitute therefor that is satisfactory to the 13396  
trustee if a trust agreement secures the bonds. 13397

As used in division (A)(4) of this section, "cost" has the 13398  
same meaning as in section 351.01 of the Revised Code, and 13399  
"convention center" has the same meaning as in section 307.695 of 13400  
the Revised Code. 13401

(5)(a) As used in division (A)(5) of this section: 13402

(i) "Port authority" means a port authority created under 13403  
Chapter 4582. of the Revised Code. 13404

(ii) "Port authority military-use facility" means port 13405  
authority facilities on which or adjacent to which is located an 13406  
installation of the armed forces of the United States, a reserve 13407  
component thereof, or the national guard and at least part of 13408  
which is made available for use, for consideration, by the armed 13409  
forces of the United States, a reserve component thereof, or the 13410  
national guard. 13411

(b) For the purpose of contributing revenue to pay operating 13412  
expenses of a port authority that operates a port authority 13413  
military-use facility, the board of county commissioners of a 13414

county that created, participated in the creation of, or has 13415  
joined such a port authority may do one or both of the following: 13416

(i) Amend a resolution previously adopted under division 13417  
(A)(1) of this section to designate some or all of the revenue 13418  
from the tax levied under the resolution to be used for that 13419  
purpose, notwithstanding that division; 13420

(ii) Amend a resolution previously adopted under division 13421  
(A)(1) of this section to increase the rate of the tax by not more 13422  
than an additional two per cent and use the revenue from the 13423  
increase exclusively for that purpose. 13424

(c) If a board of county commissioners amends a resolution to 13425  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 13426  
of this section, the board also may amend the resolution to 13427  
specify that the increase in rate of the tax does not apply to 13428  
"hotels," as otherwise defined in section 5739.01 of the Revised 13429  
Code, having fewer rooms used for the accommodation of guests than 13430  
a number of rooms specified by the board. 13431

(B)(1) The legislative authority of a municipal corporation 13432  
or the board of trustees of a township that is not wholly or 13433  
partly located in a county that has in effect a resolution levying 13434  
an excise tax pursuant to division (A)(1) of this section may, by 13435  
ordinance or resolution, levy an excise tax not to exceed three 13436  
per cent on transactions by which lodging by a hotel is or is to 13437  
be furnished to transient guests. The legislative authority of the 13438  
municipal corporation or the board of trustees of the township 13439  
shall deposit at least fifty per cent of the revenue from the tax 13440  
levied pursuant to this division into a separate fund, which shall 13441  
be spent solely to make contributions to convention and visitors' 13442  
bureaus operating within the county in which the municipal 13443  
corporation or township is wholly or partly located, and the 13444  
balance of that revenue shall be deposited in the general fund. 13445

The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. 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. The levy of a tax under this division is in addition to any tax imposed on the same transaction by a municipal corporation or a township as authorized by division (A) of section 5739.08 of the Revised Code.

(2) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That the increase in rate shall not be subject to

diminution by initiative or referendum or by law while any bonds, 13477  
or notes in anticipation of bonds, issued by the authority under 13478  
Chapter 351. of the Revised Code to which the revenue is pledged, 13479  
remain outstanding in accordance with their terms, unless 13480  
provision is made by law, by the board of county commissioners, or 13481  
by the legislative authority, for an adequate substitute therefor 13482  
that is satisfactory to the trustee if a trust agreement secures 13483  
the bonds. 13484

As used in division (B)(2) of this section, "cost" has the 13485  
same meaning as in section 351.01 of the Revised Code, and 13486  
"convention center" has the same meaning as in section 307.695 of 13487  
the Revised Code. 13488

(C) For the ~~purpose of making the payments authorized by~~ 13489  
purposes described in section 307.695 of the Revised Code ~~to~~ 13490  
~~construct and equip a convention center in the county~~ and to cover 13491  
the costs of administering the tax, a board of county 13492  
commissioners of a county where a tax imposed under division 13493  
(A)(1) of this section is in effect may, by resolution adopted 13494  
within ninety days after July 15, 1985, by a majority of the 13495  
members of the board, levy an additional excise tax not to exceed 13496  
three per cent on transactions by which lodging by a hotel is or 13497  
is to be furnished to transient guests. The tax authorized by this 13498  
division shall be in addition to any tax that is levied pursuant 13499  
to division (A) of this section, but it shall not apply to 13500  
transactions subject to a tax levied by a municipal corporation or 13501  
township pursuant to the authorization granted by division (A) of 13502  
section 5739.08 of the Revised Code. The board shall establish all 13503  
regulations necessary to provide for the administration and 13504  
allocation of the tax. The regulations may prescribe the time for 13505  
payment of the tax, and may provide for the imposition of a 13506  
penalty or interest, or both, for late payments, provided that the 13507  
penalty does not exceed ten per cent of the amount of tax due, and 13508

the rate at which interest accrues does not exceed the rate per 13509  
annum prescribed pursuant to section 5703.47 of the Revised Code. 13510  
All revenues arising from the tax shall be expended in accordance 13511  
with section 307.695 of the Revised Code. The board of county 13512  
commissioners of an eligible county as defined in section 307.695 13513  
of the Revised Code may, by resolution adopted by a majority of 13514  
the members of the board, amend the resolution levying a tax under 13515  
this division to provide that the revenue from the tax shall be 13516  
used by the board as described in division (H) of section 307.695 13517  
of the Revised Code. A tax imposed under this division shall 13518  
remain in effect at the rate at which it is imposed for the 13519  
duration of the period ~~for which the revenue from the tax has been~~ 13520  
~~pledged pursuant to that section~~ during which any agreement 13521  
entered into by the board under section 307.695 of the Revised 13522  
Code is in effect, the duration of the period during which any 13523  
securities issued by the board under division (I) of section 13524  
307.695 of the Revised Code are outstanding, or the duration of 13525  
the period during which the board owns a project as defined in 13526  
section 307.695 of the Revised Code, whichever duration is 13527  
longest. 13528

(D) For the purpose of providing contributions under division 13529  
(B)(1) of section 307.671 of the Revised Code to enable the 13530  
acquisition, construction, and equipping of a port authority 13531  
educational and cultural facility in the county and, to the extent 13532  
provided for in the cooperative agreement authorized by that 13533  
section, for the purpose of paying debt service charges on bonds, 13534  
or notes in anticipation of bonds, described in division (B)(1)(b) 13535  
of that section, a board of county commissioners, by resolution 13536  
adopted within ninety days after December 22, 1992, by a majority 13537  
of the members of the board, may levy an additional excise tax not 13538  
to exceed one and one-half per cent on transactions by which 13539  
lodging by a hotel is or is to be furnished to transient guests. 13540  
The excise tax authorized by this division shall be in addition to 13541

any tax that is levied pursuant to divisions (A), (B), and (C) of 13542  
this section, to any excise tax levied pursuant to section 5739.08 13543  
of the Revised Code, and to any excise tax levied pursuant to 13544  
section 351.021 of the Revised Code. The board of county 13545  
commissioners shall establish all regulations necessary to provide 13546  
for the administration and allocation of the tax that are not 13547  
inconsistent with this section or section 307.671 of the Revised 13548  
Code. The regulations may prescribe the time for payment of the 13549  
tax, and may provide for the imposition of a penalty or interest, 13550  
or both, for late payments, provided that the penalty does not 13551  
exceed ten per cent of the amount of tax due, and the rate at 13552  
which interest accrues does not exceed the rate per annum 13553  
prescribed pursuant to section 5703.47 of the Revised Code. All 13554  
revenues arising from the tax shall be expended in accordance with 13555  
section 307.671 of the Revised Code and division (D) of this 13556  
section. The levy of a tax imposed under this division may not 13557  
commence prior to the first day of the month next following the 13558  
execution of the cooperative agreement authorized by section 13559  
307.671 of the Revised Code by all parties to that agreement. The 13560  
tax shall remain in effect at the rate at which it is imposed for 13561  
the period of time described in division (C) of section 307.671 of 13562  
the Revised Code for which the revenue from the tax has been 13563  
pledged by the county to the corporation pursuant to that section, 13564  
but, to any extent provided for in the cooperative agreement, for 13565  
no lesser period than the period of time required for payment of 13566  
the debt service charges on bonds, or notes in anticipation of 13567  
bonds, described in division (B)(1)(b) of that section. 13568

(E) For the purpose of paying the costs of acquiring, 13569  
constructing, equipping, and improving a municipal educational and 13570  
cultural facility, including debt service charges on bonds 13571  
provided for in division (B) of section 307.672 of the Revised 13572  
Code, and for any additional purposes determined by the county in 13573

the resolution levying the tax or amendments to the resolution, 13574  
including subsequent amendments providing for paying costs of 13575  
acquiring, constructing, renovating, rehabilitating, equipping, 13576  
and improving a port authority educational and cultural performing 13577  
arts facility, as defined in section 307.674 of the Revised Code, 13578  
and including debt service charges on bonds provided for in 13579  
division (B) of section 307.674 of the Revised Code, the 13580  
legislative authority of a county, by resolution adopted within 13581  
ninety days after June 30, 1993, by a majority of the members of 13582  
the legislative authority, may levy an additional excise tax not 13583  
to exceed one and one-half per cent on transactions by which 13584  
lodging by a hotel is or is to be furnished to transient guests. 13585  
The excise tax authorized by this division shall be in addition to 13586  
any tax that is levied pursuant to divisions (A), (B), (C), and 13587  
(D) of this section, to any excise tax levied pursuant to section 13588  
5739.08 of the Revised Code, and to any excise tax levied pursuant 13589  
to section 351.021 of the Revised Code. The legislative authority 13590  
of the county shall establish all regulations necessary to provide 13591  
for the administration and allocation of the tax. The regulations 13592  
may prescribe the time for payment of the tax, and may provide for 13593  
the imposition of a penalty or interest, or both, for late 13594  
payments, provided that the penalty does not exceed ten per cent 13595  
of the amount of tax due, and the rate at which interest accrues 13596  
does not exceed the rate per annum prescribed pursuant to section 13597  
5703.47 of the Revised Code. All revenues arising from the tax 13598  
shall be expended in accordance with section 307.672 of the 13599  
Revised Code and this division. The levy of a tax imposed under 13600  
this division shall not commence prior to the first day of the 13601  
month next following the execution of the cooperative agreement 13602  
authorized by section 307.672 of the Revised Code by all parties 13603  
to that agreement. The tax shall remain in effect at the rate at 13604  
which it is imposed for the period of time determined by the 13605  
legislative authority of the county, but not to exceed fifteen 13606



years. 13607

(F) The legislative authority of a county that has levied a 13608  
tax under division (E) of this section may, by resolution adopted 13609  
within one hundred eighty days after January 4, 2001, by a 13610  
majority of the members of the legislative authority, amend the 13611  
resolution levying a tax under that division to provide for the 13612  
use of the proceeds of that tax, to the extent that it is no 13613  
longer needed for its original purpose as determined by the 13614  
parties to a cooperative agreement amendment pursuant to division 13615  
(D) of section 307.672 of the Revised Code, to pay costs of 13616  
acquiring, constructing, renovating, rehabilitating, equipping, 13617  
and improving a port authority educational and cultural performing 13618  
arts facility, including debt service charges on bonds provided 13619  
for in division (B) of section 307.674 of the Revised Code, and to 13620  
pay all obligations under any guaranty agreements, reimbursement 13621  
agreements, or other credit enhancement agreements described in 13622  
division (C) of section 307.674 of the Revised Code. The 13623  
resolution may also provide for the extension of the tax at the 13624  
same rate for the longer of the period of time determined by the 13625  
legislative authority of the county, but not to exceed an 13626  
additional twenty-five years, or the period of time required to 13627  
pay all debt service charges on bonds provided for in division (B) 13628  
of section 307.672 of the Revised Code and on port authority 13629  
revenue bonds provided for in division (B) of section 307.674 of 13630  
the Revised Code. All revenues arising from the amendment and 13631  
extension of the tax shall be expended in accordance with section 13632  
307.674 of the Revised Code, this division, and division (E) of 13633  
this section. 13634

(G) For purposes of a tax levied by a county, township, or 13635  
municipal corporation under this section or section 5739.08 of the 13636  
Revised Code, a board of county commissioners, board of township 13637  
trustees, or the legislative authority of a municipal corporation 13638

may adopt a resolution or ordinance at any time specifying that  
"hotel," as otherwise defined in section 5739.01 of the Revised  
Code, includes establishments in which fewer than five rooms are  
used for the accommodation of guests. The resolution or ordinance  
may apply to a tax imposed pursuant to this section prior to the  
adoption of the resolution or ordinance if the resolution or  
ordinance so states, but the tax shall not apply to transactions  
by which lodging by such an establishment is provided to transient  
guests prior to the adoption of the resolution or ordinance.

(H)(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 or more according to the most recent  
federal decennial census 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 they are no longer needed for their original purpose  
as defined by a cooperative agreement entered into under section  
307.671 of the Revised Code, shall be deposited into the county  
general revenue fund. 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 authority of the county, but not to exceed an  
additional forty years.

(3) 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 by a majority of the  
members of the legislative authority, increase the rate of the tax  
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.

(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.

(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, 13702  
corporation, or entity. Notwithstanding any contrary provision of 13703  
section 351.04 of the Revised Code, if a tax is levied by a county 13704  
under division (H) of this section, the board of county 13705  
commissioners of that county may determine the manner of 13706  
selection, the qualifications, the number, and terms of office of 13707  
the members of the board of directors of any convention facilities 13708  
authority, corporation, or other entity described in division 13709  
(H)(5) of this section. 13710

(6)(a) No amount collected from a tax levied, extended, or 13711  
required to be deposited in the county general fund under division 13712  
(H) of this section may be used for any purpose other than paying 13713  
the direct and indirect costs of constructing, improving, 13714  
expanding, equipping, financing, or operating a convention center 13715  
and for the real and actual costs of administering the tax, 13716  
unless, prior to the adoption of the resolution of the legislative 13717  
authority of the county authorizing the levy, extension, increase, 13718  
or deposit, the county and the mayor of the most populous 13719  
municipal corporation in that county have entered into an 13720  
agreement as to the use of such amounts, provided that such 13721  
agreement has been approved by a majority of the mayors of the 13722  
other municipal corporations in that county. The agreement shall 13723  
provide that the amounts to be used for purposes other than paying 13724  
the convention center or administrative costs described in 13725  
division (H)(6)(a) of this section be used only for the direct and 13726  
indirect costs of capital improvements, including the financing of 13727  
capital improvements. 13728

(b) If the county in which the tax is levied has an 13729  
association of mayors and city managers, the approval of that 13730  
association of an agreement described in division (H)(6)(a) of 13731  
this section shall be considered to be the approval of the 13732  
majority of the mayors of the other municipal corporations for 13733

purposes of that division. 13734

(7) Each year, the auditor of state shall conduct an audit of 13735  
the uses of any amounts collected from taxes levied, extended, or 13736  
deposited under division (H) of this section and shall prepare a 13737  
report of the auditor of state's findings. The auditor of state 13738  
shall submit the report to the legislative authority of the county 13739  
that has levied, extended, or deposited the tax, the speaker of 13740  
the house of representatives, the president of the senate, and the 13741  
leaders of the minority parties of the house of representatives 13742  
and the senate. 13743

(I)(1) As used in this division: 13744

(a) "Convention facilities authority" has the same meaning as 13745  
in section 351.01 of the Revised Code. 13746

(b) "Convention center" has the same meaning as in section 13747  
307.695 of the Revised Code. 13748

(2) Notwithstanding any contrary provision of division (D) of 13749  
this section, the legislative authority of a county with a 13750  
population of one million two hundred thousand or more according 13751  
to the most recent federal decennial census or the most recent 13752  
annual population estimate published or released by the United 13753  
States census bureau at the time the resolution is adopted placing 13754  
the levy on the ballot, that has levied a tax under division (D) 13755  
of this section may, by resolution adopted by a majority of the 13756  
members of the legislative authority, provide for the extension of 13757  
such levy and may provide that the proceeds of that tax, to the 13758  
extent that the proceeds are no longer needed for their original 13759  
purpose as defined by a cooperative agreement entered into under 13760  
section 307.671 of the Revised Code and after deducting the real 13761  
and actual costs of administering the tax, shall be used for 13762  
paying the direct and indirect costs of constructing, improving, 13763  
expanding, equipping, financing, or operating a convention center. 13764

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 authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax 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 shall 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 used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before July 1, 2008, 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 used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving,

expanding, equipping, financing, or operating a convention center. 13797

(5) Any amount collected from a tax levied or extended under 13798  
division (I) of this section may be contributed to a convention 13799  
facilities authority created before July 1, 2005, but no amount 13800  
collected from a tax levied or extended under division (I) of this 13801  
section may be contributed to a convention facilities authority, 13802  
corporation, or other entity created after July 1, 2005, unless 13803  
the mayor of the municipal corporation in which the convention 13804  
center is to be operated by that convention facilities authority, 13805  
corporation, ~~or, or~~ other entity has consented to the creation of 13806  
that convention facilities authority, corporation, or entity. 13807

**Sec. 5741.101.** The amount of any refund to be certified to 13808  
the treasurer ~~and auditor~~ of state and the director of budget and 13809  
management pursuant to section 5741.10 of the Revised Code may be 13810  
reduced by the amount the person claiming the refund is indebted 13811  
to the state for any tax or fee administered by the tax 13812  
commissioner that is paid to the state or to the clerk of courts 13813  
pursuant to section 4505.06 of the Revised Code, or any charge, 13814  
penalty, or interest arising from such a tax or fee. If the amount 13815  
refundable is less than the amount of the debt, it may be applied 13816  
in partial satisfaction of the debt. If the amount refundable is 13817  
greater than the amount of the debt, the amount remaining after 13818  
satisfaction of the debt shall be refunded. If the person has more 13819  
than one such debt, any debt subject to section 5739.33 or 13820  
division (G) of section 5747.07 of the Revised Code shall be 13821  
satisfied first. This section applies only to debts that have 13822  
become final. 13823

**Sec. 5747.39.** (A) As used in this section, "eligible 13824  
employee" and "eligible training costs" have the same meanings as 13825  
in section 5733.42 of the Revised Code, and "pass-through entity" 13826

includes a sole proprietorship. 13827

(B)(1) For taxable years beginning in 2003, 2004, 2005, ~~and~~ 13828  
2006, and 2007 there is hereby allowed a nonrefundable credit 13829  
against the tax imposed by section 5747.02 of the Revised Code for 13830  
a taxpayer that is an investor in a pass-through entity for which 13831  
a tax credit certificate is issued under section 5733.42 of the 13832  
Revised Code. For the taxable year beginning in 2003, the amount 13833  
of eligible training costs for which a credit may be claimed by 13834  
all taxpayers that are investors in an entity shall equal one-half 13835  
of the average of the eligible training costs incurred by the 13836  
entity during calendar years 1999, 2000, and 2001, but shall not 13837  
exceed one thousand dollars for each eligible employee on account 13838  
of whom such costs were paid or incurred by the entity. The amount 13839  
of a taxpayer's credit for the taxpayer's taxable year beginning 13840  
in 2003 shall equal the taxpayer's interest in the entity on 13841  
December 31, 2001, multiplied by the credit available to the 13842  
entity as computed by the entity. 13843

(2) For the taxable year beginning in 2004, the amount of the 13844  
eligible training costs for which a credit may be claimed by all 13845  
taxpayers that are investors in an entity shall equal one-half of 13846  
the average of the eligible training costs incurred by the entity 13847  
during calendar years 2002, 2003, and 2004, but shall not exceed 13848  
one thousand dollars for each eligible employee on account of whom 13849  
such costs were paid or incurred by the entity. The amount of a 13850  
taxpayer's credit for the taxpayer's taxable year beginning in 13851  
2004 shall equal the taxpayer's interest in the entity on December 13852  
31, 2004, multiplied by the credit available to the entity as 13853  
computed by the entity. 13854

(3) For the taxable year beginning in 2005, the amount of the 13855  
eligible training costs for which a credit may be claimed by all 13856  
taxpayers that are investors in an entity shall equal one-half of 13857



the average of the eligible training costs incurred by the entity 13858  
during calendar years 2003, 2004, and 2005, but shall not exceed 13859  
one thousand dollars for each eligible employee on account of whom 13860  
such costs were paid or incurred by the entity. The amount of a 13861  
taxpayer's credit for the taxpayer's taxable year beginning in 13862  
2005 shall equal the taxpayer's interest in the entity on December 13863  
31, 2005, multiplied by the credit available to the entity as 13864  
computed by the entity. 13865

(4) For the taxable year beginning in 2006, the amount of the 13866  
eligible training costs for which a credit may be claimed by all 13867  
taxpayers that are investors in an entity shall equal one-half of 13868  
the average of the eligible training costs incurred by the entity 13869  
during calendar years 2004, 2005, and 2006, but shall not exceed 13870  
one thousand dollars for each eligible employee on account of whom 13871  
such costs were paid or incurred by the entity. The amount of a 13872  
taxpayer's credit for the taxpayer's taxable year beginning in 13873  
2006 shall equal the taxpayer's interest in the entity on December 13874  
31, 2006, multiplied by the credit available to the entity as 13875  
computed by the entity. 13876

(5) For the taxable year beginning in 2007, the amount of the 13877  
eligible training costs for which a credit may be claimed by all 13878  
taxpayers that are investors in an entity shall equal one-half of 13879  
the average of the eligible training costs incurred by the entity 13880  
during calendar years 2005, 2006, and 2007, but shall not exceed 13881  
one thousand dollars for each eligible employee on account of whom 13882  
such costs were paid or incurred by the entity. The amount of a 13883  
taxpayer's credit for the taxpayer's taxable year beginning in 13884  
2007 shall equal the taxpayer's interest in the entity on December 13885  
31, 2007, multiplied by the credit available to the entity as 13886  
computed by the entity. 13887

(6) The total amount of credits that may be claimed by all 13888  
such taxpayers with respect to each pass-through entity for each 13889

taxable year shall not exceed one hundred thousand dollars. 13890

(C) The credit shall be claimed in the order prescribed by 13891  
section 5747.98 of the Revised Code. A taxpayer may carry forward 13892  
the credit to the extent that the taxpayer's credit exceeds the 13893  
taxpayer's tax due after allowing for any other credits that 13894  
precede the credit allowed by this section in the order prescribed 13895  
by section 5747.98 of the Revised Code. The taxpayer may carry the 13896  
excess credit forward for three taxable years following the 13897  
taxable year for which the taxpayer first claims the credit under 13898  
this section. 13899

(D) A pass-through entity shall apply to the director of job 13900  
and family services for a tax credit certificate in the manner 13901  
prescribed by division (C) of section 5733.42 of the Revised Code. 13902  
Divisions (C) to (H) of that section govern the tax credit allowed 13903  
by this section, except that "taxable year" shall be substituted 13904  
for "tax year" wherever that phrase appears in those divisions, 13905  
and that "pass-through entity" shall be substituted for "taxpayer" 13906  
wherever "taxpayer" appears in those divisions. 13907

**Sec. 5748.01.** As used in this chapter: 13908

(A) "School district income tax" means an income tax adopted 13909  
under one of the following: 13910

(1) Former section 5748.03 of the Revised Code as it existed 13911  
prior to its repeal by Amended Substitute House Bill No. 291 of 13912  
the 115th general assembly; 13913

(2) Section 5748.03 of the Revised Code as enacted in 13914  
Substitute Senate Bill No. 28 of the 118th general assembly; 13915

(3) Section 5748.08 of the Revised Code as enacted in Amended 13916  
Substitute Senate Bill No. 17 of the 122nd general assembly; 13917

(4) Section 5748.021 of the Revised Code; 13918

(5) Section 5748.081 of the Revised Code. 13919

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.	13920 13921
(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.	13922 13923
(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.	13924 13925
(E) "Taxable income" means:	13926
(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:	13927 13928
(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;	13929 13930 13931 13932 13933 13934
(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.	13935 13936 13937 13938 13939 13940 13941 13942
(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.	13943 13944 13945
(F) Except as provided in section 5747.25 of the Revised Code, "resident" of the school district means:	13946 13947
(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	13948 13949

or a portion of the taxable year and who, during all or a portion  
of such period of state residency, is domiciled in the school  
district or lives in and maintains a permanent place of abode in  
the school district;

(2) An estate of a decedent who, at the time of death, was  
domiciled in the school district.

(G) "School district income" means:

(1) With respect to an individual, the portion of the taxable  
income of an individual that is received by the individual during  
the portion of the taxable year that the individual is a resident  
of the school district and the school district income tax is in  
effect in that school district. An individual may have school  
district income with respect to more than one school district.

(2) With respect to an estate, the taxable income of the  
estate for the portion of the taxable year that the school  
district income tax is in effect in that school district.

(H) "Taxpayer" means an individual or estate having school  
district income upon which a school district income tax is  
imposed.

(I) "School district purposes" means any of the purposes for  
which a tax may be levied pursuant to section 5705.21 of the  
Revised Code.

Sec. 5748.021. A board of education that levies a tax under  
section 5748.02 of the Revised Code 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  
declare, at any time, by a resolution adopted by a majority of its  
members, the necessity of raising annually a specified amount of  
money for school district purposes by replacing the existing 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 13980  
Revised Code. The specified amount of money to be raised annually 13981  
may be the same as, or more or less than, the amount of money 13982  
raised annually by the existing tax. 13983

The board shall certify a copy of the resolution to the tax 13984  
commissioner not later than the eighty-fifth day before the date 13985  
of the election at which the board intends to propose the 13986  
replacement to the electors of the school district. Not later than 13987  
the tenth day after receiving the resolution, the tax commissioner 13988  
shall estimate the tax rate that would be required in the school 13989  
district annually to raise the amount of money specified in the 13990  
resolution. The tax commissioner shall certify the estimate to the 13991  
board. 13992

Upon receipt of the tax commissioner's estimate, the board 13993  
may propose, by a resolution adopted by a majority of its members, 13994  
to replace the existing tax on the school district income of 13995  
individuals and estates as defined in divisions (G) and (E)(1)(a) 13996  
and (2) of section 5748.01 of the Revised Code with the levy of an 13997  
annual tax on the school district income of individuals as defined 13998  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 13999  
Revised Code. In the resolution, the board shall specify the rate 14000  
of the replacement tax, whether the replacement tax is to be 14001  
levied for a specified number of years or for a continuing time, 14002  
the specific school district purposes for which the replacement 14003  
tax is to be levied, the date on which the replacement tax will 14004  
begin to be levied, the date of the election at which the question 14005  
of the replacement is to be submitted to the electors of the 14006  
school district, that the existing tax will cease to be levied and 14007  
the replacement tax will begin to be levied if the replacement is 14008  
approved by a majority of the electors voting on the replacement, 14009  
and that if the replacement is not approved by a majority of the 14010

electors voting on the replacement the existing tax will remain in effect under its original authority for the remainder of its previously approved term. The resolution goes into immediate effect upon its adoption. Publication of the resolution is not necessary, and the information that will be provided in the notice of election is sufficient notice. At least seventy-five days before the date of the election at which the question of the replacement will be submitted to the electors of the school district, the board shall certify a copy of the resolution to the board of elections.

The replacement tax shall have the same specific school district purposes as the existing tax, and its rate shall be the same as the tax commissioner's estimate rounded to the nearest one-fourth of one per cent. The replacement tax shall begin to be levied on the first day of January of the year following the year in which the question of the replacement is submitted to and approved by the electors of the school district or on the first day of January of a later year, as specified in the resolution. The date of the election shall be the date of an otherwise scheduled primary, general, or special election.

The board of elections shall make arrangements to submit the question of the replacement to the electors of the school district on the date specified in the resolution. The board of elections shall publish notice of the election on the question of the replacement in one or more newspapers of general circulation in the school district once a week for four consecutive weeks. The notice shall set forth the question to be submitted to the electors and the time and place of the election thereon.

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the

ballot shall be substantially as follows:

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"Shall the existing tax of ..... (state the rate) on the  
school district income of individuals and estates imposed by .....  
(state the name of the school district) be replaced by a tax of  
..... (state the rate) on the earned income of individuals  
residing in the school district for ..... (state the number of  
years the tax is to be in effect or that it will be in effect for  
a continuing time), beginning ..... (state the date the new tax  
will take effect), for the purpose of ..... (state the specific  
school district purposes of the tax)? If the new tax is not  
approved, the existing tax will remain in effect under its  
original authority, for the remainder of its previously approved  
term.

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	<u>For replacing the existing tax with the new tax</u>
	<u>Against replacing the existing tax with the new tax</u>

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"

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The board of elections shall conduct and canvass the election  
in the same manner as regular elections in the school district for  
the election of county officers. The board shall certify the  
results of the election to the board of education and to the tax  
commissioner. If a majority of the electors voting on the question  
vote in favor of the replacement, the existing tax shall cease to  
be levied, and the replacement tax shall begin to be levied, on  
the date specified in the ballot question. If a majority of the  
electors voting on the question vote against the replacement, the  
existing tax shall continue to be levied under its original  
authority, for the remainder of its previously approved term.

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A board of education may not submit the question of replacing  
a tax more than twice in a calendar year. If a board submits the  
question more than once, one of the elections at which the

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question is submitted shall be on the date of a general election. 14072

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." 14073  
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**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. 14078  
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**Sec. 5751.01.** As used in this chapter: 14092

(A) "Person" means, but is not limited to, individuals, 14093  
combinations of individuals of any form, receivers, assignees, 14094  
trustees in bankruptcy, firms, companies, joint-stock companies, 14095  
business trusts, estates, partnerships, limited liability 14096  
partnerships, limited liability companies, associations, joint 14097  
ventures, clubs, societies, for-profit corporations, S 14098  
corporations, qualified subchapter S subsidiaries, qualified 14099  
subchapter S trusts, trusts, entities that are disregarded for 14100  
federal income tax purposes, and any other entities. "Person" does 14101



not include nonprofit organizations or the state, its agencies,  
its instrumentalities, and its political subdivisions.

(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.

(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.

(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.

(E) "Excluded person" means any of the following:

(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;

(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:

(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;

(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 14132  
section and whose denominator is the total taxable gross receipts 14133  
that can be directly attributed to any activity; 14134

(c) Except for any differences resulting from the use of an 14135  
accrual basis method of accounting for purposes of determining 14136  
gross receipts under this chapter and the use of the cash basis 14137  
method of accounting for purposes of determining gross receipts 14138  
under section 5727.24 of the Revised Code, the gross receipts 14139  
directly attributed to the activity of a natural gas company shall 14140  
be determined in a manner consistent with division (D) of section 14141  
5727.03 of the Revised Code. 14142

As used in division (E)(2) of this section, "combined 14143  
company" and "public utility" have the same meanings as in section 14144  
5727.01 of the Revised Code. 14145

(3) A financial institution, as defined in section 5725.01 of 14146  
the Revised Code, that paid the corporation franchise tax charged 14147  
by division (D) of section 5733.06 of the Revised Code based on 14148  
one or more taxable years that include the entire tax period under 14149  
this chapter; 14150

(4) A dealer in intangibles, as defined in section 5725.01 of 14151  
the Revised Code, that paid the dealer in intangibles tax levied 14152  
by division (D) of section 5707.03 of the Revised Code based on 14153  
one or more measurement periods that include the entire tax period 14154  
under this chapter; 14155

(5) A financial holding company as defined in the "Bank 14156  
Holding Company Act," 12 U.S.C. 1841(p); 14157

(6) A bank holding company as defined in the "Bank Holding 14158  
Company Act," 12 U.S.C. 1841(a); 14159

(7) A savings and loan holding company as defined in the 14160  
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 14161

only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);

(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.

For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all

persons having such an interest in the organization; 14193

(d) In the case of multiple ownership, the ownership 14194  
interests of more than one person may be aggregated to meet the 14195  
fifty per cent ownership tests in this division only when each 14196  
such owner is described in division (E)(3), (5), (6), or (7) of 14197  
this section and is engaged in activities permissible for a 14198  
financial holding company under 12 U.S.C. 1843(k) or is a person 14199  
directly or indirectly owned by one or more insurance companies 14200  
described in division (E)(9) of this section that is authorized to 14201  
do the business of insurance in this state; 14202

(9) A domestic insurance company or foreign insurance 14203  
company, as defined in section 5725.01 of the Revised Code, that 14204  
paid the insurance company premiums tax imposed by section 5725.18 14205  
or Chapter 5729. of the Revised Code based on one or more 14206  
measurement periods that include the entire tax period under this 14207  
chapter; 14208

(10) A person that solely facilitates or services one or more 14209  
securitizations or similar transactions for any person described 14210  
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 14211  
For purposes of this division, "securitization" means transferring 14212  
one or more assets to one or more persons and then issuing 14213  
securities backed by the right to receive payment from the asset 14214  
or assets so transferred. 14215

(11) Except as otherwise provided in this division, a 14216  
pre-income tax trust as defined in division (FF)(4) of section 14217  
5747.01 of the Revised Code and any pass-through entity of which 14218  
such pre-income tax trust owns or controls, directly, indirectly, 14219  
or constructively through related interests, more than five per 14220  
cent of the ownership or equity interests. If the pre-income tax 14221  
trust has made a qualifying pre-income tax trust election under 14222  
division (FF)(3) of section 5747.01 of the Revised Code, then the 14223

trust and the pass-through entities of which it owns or controls, 14224  
directly, indirectly, or constructively through related interests, 14225  
more than five per cent of the ownership or equity interests, 14226  
shall not be excluded persons for purposes of the tax imposed 14227  
under section 5751.02 of the Revised Code. 14228

(F) Except as otherwise provided in divisions (F)(2), (3), 14229  
and (4) of this section, "gross receipts" means the total amount 14230  
realized by a person, without deduction for the cost of goods sold 14231  
or other expenses incurred, that contributes to the production of 14232  
gross income of the person, including the fair market value of any 14233  
property and any services received, and any debt transferred or 14234  
forgiven as consideration. 14235

(1) The following are examples of gross receipts: 14236

(a) Amounts realized from the sale, exchange, or other 14237  
disposition of the taxpayer's property to or with another; 14238

(b) Amounts realized from the taxpayer's performance of 14239  
services for another; 14240

(c) Amounts realized from another's use or possession of the 14241  
taxpayer's property or capital; 14242

(d) Any combination of the foregoing amounts. 14243

(2) "Gross receipts" excludes the following amounts: 14244

(a) Interest income except interest on credit sales; 14245

(b) Dividends and distributions from corporations, and 14246  
distributive or proportionate shares of receipts and income from a 14247  
pass-through entity as defined under section 5733.04 of the 14248  
Revised Code; 14249

(c) Receipts from the sale, exchange, or other disposition of 14250  
an asset described in section 1221 or 1231 of the Internal Revenue 14251  
Code, without regard to the length of time the person held the 14252  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 14253

receipts from hedging transactions also are excluded to the extent 14254  
the transactions are entered into primarily to protect a financial 14255  
position, such as managing the risk of exposure to (i) foreign 14256  
currency fluctuations that affect assets, liabilities, profits, 14257  
losses, equity, or investments in foreign operations; (ii) 14258  
interest rate fluctuations; or (iii) commodity price fluctuations. 14259  
As used in division (F)(2)(c) of this section, "hedging 14260  
transaction" has the same meaning as used in section 1221 of the 14261  
Internal Revenue Code and also includes transactions accorded 14262  
hedge accounting treatment under statement of financial accounting 14263  
standards number 133 of the financial accounting standards board. 14264  
For the purposes of division (F)(2)(c) of this section, the actual 14265  
transfer of title of real or tangible personal property to another 14266  
person is not a hedging transaction. 14267

(d) Proceeds received attributable to the repayment, 14268  
maturity, or redemption of the principal of a loan, bond, mutual 14269  
fund, certificate of deposit, or marketable instrument; 14270

(e) The principal amount received under a repurchase 14271  
agreement or on account of any transaction properly characterized 14272  
as a loan to the person; 14273

(f) Contributions received by a trust, plan, or other 14274  
arrangement, any of which is described in section 501(a) of the 14275  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 14276  
1, Subchapter (D) of the Internal Revenue Code applies; 14277

(g) Compensation, whether current or deferred, and whether in 14278  
cash or in kind, received or to be received by an employee, former 14279  
employee, or the employee's legal successor for services rendered 14280  
to or for an employer, including reimbursements received by or for 14281  
an individual for medical or education expenses, health insurance 14282  
premiums, or employee expenses, or on account of a dependent care 14283  
spending account, legal services plan, any cafeteria plan 14284  
described in section 125 of the Internal Revenue Code, or any 14285

similar employee reimbursement;	14286
(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;	14287 14288 14289
(i) Proceeds received on the account of payments from life insurance policies;	14290 14291
(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;	14292 14293 14294 14295 14296 14297 14298 14299
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	14300 14301 14302
(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;	14303 14304 14305
(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;	14306 14307 14308 14309 14310 14311 14312 14313 14314 14315

(n) Pension reversions;	14316
(o) Contributions to capital;	14317
(p) Sales or use taxes collected as a vendor or an	14318
out-of-state seller on behalf of the taxing jurisdiction from a	14319
consumer or other taxes the taxpayer is required by law to collect	14320
directly from a purchaser and remit to a local, state, or federal	14321
tax authority;	14322
(q) In the case of receipts from the sale of cigarettes or	14323
tobacco products by a wholesale dealer, retail dealer,	14324
distributor, manufacturer, or seller, all as defined in section	14325
5743.01 of the Revised Code, an amount equal to the federal and	14326
state excise taxes paid by any person on or for such cigarettes or	14327
tobacco products under subtitle E of the Internal Revenue Code or	14328
Chapter 5743. of the Revised Code;	14329
(r) In the case of receipts from the sale of motor fuel by a	14330
licensed motor fuel dealer, licensed retail dealer, or licensed	14331
permissive motor fuel dealer, all as defined in section 5735.01 of	14332
the Revised Code, an amount equal to federal and state excise	14333
taxes paid by any person on such motor fuel under section 4081 of	14334
the Internal Revenue Code or Chapter 5735. of the Revised Code;	14335
(s) In the case of receipts from the sale of beer or	14336
intoxicating liquor, as defined in section 4301.01 of the Revised	14337
Code, by a person holding a permit issued under Chapter 4301. or	14338
4303. of the Revised Code, an amount equal to federal and state	14339
excise taxes paid by any person on or for such beer or	14340
intoxicating liquor under subtitle E of the Internal Revenue Code	14341
or Chapter 4301. or 4305. of the Revised Code;	14342
(t) Receipts realized by a new motor vehicle dealer or used	14343
motor vehicle dealer, as defined in section 4517.01 of the Revised	14344
Code, from the sale or other transfer of a motor vehicle, as	14345
defined in that section, to another motor vehicle dealer for the	14346



purpose of resale by the transferee motor vehicle dealer, but only 14347  
if the sale or other transfer was based upon the transferee's need 14348  
to meet a specific customer's preference for a motor vehicle; 14349

(u) Receipts from a financial institution described in 14350  
division (E)(3) of this section for services provided to the 14351  
financial institution in connection with the issuance, processing, 14352  
servicing, and management of loans or credit accounts, if such 14353  
financial institution and the recipient of such receipts have at 14354  
least fifty per cent of their ownership interests owned or 14355  
controlled, directly or constructively through related interests, 14356  
by common owners; 14357

(v) Receipts realized from administering anti-neoplastic 14358  
drugs and other cancer chemotherapy, biologicals, therapeutic 14359  
agents, and supportive drugs in a physician's office to patients 14360  
with cancer; 14361

(w) Funds received or used by a mortgage broker that is not a 14362  
dealer in intangibles, other than fees or other consideration, 14363  
pursuant to a table-funding mortgage loan or warehouse-lending 14364  
mortgage loan. Terms used in division (F)(2)(w) of this section 14365  
have the same meanings as in section 1322.01 of the Revised Code, 14366  
except "mortgage broker" means a person assisting a buyer in 14367  
obtaining a mortgage loan for a fee or other consideration paid by 14368  
the buyer or a lender, or a person engaged in table-funding or 14369  
warehouse-lending mortgage loans that are first lien mortgage 14370  
loans. 14371

(x) Property, money, and other amounts received by a 14372  
professional employer organization, as defined in section 4125.01 14373  
of the Revised Code, from a client employer, as defined in that 14374  
section, in excess of the administrative fee charged by the 14375  
professional employer organization to the client employer; 14376

(y) In the case of amounts retained as commissions by a 14377

permit holder under Chapter 3769. of the Revised Code, an amount 14378  
equal to the amounts specified under that chapter that must be 14379  
paid to or collected by the tax commissioner as a tax and the 14380  
amounts specified under that chapter to be used as purse money; 14381

(z) Qualifying distribution center receipts. 14382

(i) For purposes of division (F)(2)(z) of this section: 14383

(I) "Qualifying distribution center receipts" means receipts 14384  
of a supplier from qualified property that is delivered to a 14385  
qualified distribution center, multiplied by a quantity that 14386  
equals one minus the Ohio delivery percentage. 14387

(II) "Qualified property" means tangible personal property 14388  
delivered to a qualified distribution center that is shipped to 14389  
that qualified distribution center solely for further shipping by 14390  
the qualified distribution center to another location in this 14391  
state or elsewhere. "Further shipping" includes storing and 14392  
repackaging such property into smaller or larger bundles, so long 14393  
as such property is not subject to further manufacturing or 14394  
processing. 14395

(III) "Qualified distribution center" means a warehouse or 14396  
other similar facility in this state that, for the qualifying 14397  
year, is operated by a person that is not part of a combined 14398  
taxpayer group and that has a qualifying certificate. However, all 14399  
warehouses or other similar facilities that are operated by 14400  
persons in the same taxpayer group and that are located within one 14401  
mile of each other shall be treated as one qualified distribution 14402  
center. 14403

(IV) "Qualifying year" means the calendar year to which the 14404  
qualifying certificate applies. 14405

(V) "Qualifying period" means the period of the first day of 14406  
July of the second year preceding the qualifying year through the 14407

thirtieth day of June of the year preceding the qualifying year. 14408

(VI) "Qualifying certificate" means an annual application 14409  
approved by the tax commissioner from an operator of a 14410  
distribution center that has filed an application as prescribed by 14411  
the commissioner and paid the annual fee for the qualifying 14412  
certificate on or before the first day of September prior to the 14413  
qualifying year or forty-five days after the opening of the 14414  
distribution center, whichever is later. The application and 14415  
annual fee shall be filed and paid for each qualified distribution 14416  
center. 14417

The applicant must substantiate to the commissioner's 14418  
satisfaction that, for the qualifying period, all persons 14419  
operating the distribution center have more than fifty per cent of 14420  
the cost of the qualified property shipped to a location such that 14421  
it would be situated outside this state under the provisions of 14422  
division (E) of section 5751.033 of the Revised Code. The 14423  
applicant must also substantiate that the distribution center 14424  
cumulatively had costs from its suppliers equal to or exceeding 14425  
five hundred million dollars during the qualifying period. (For 14426  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 14427  
excludes any person that is part of the consolidated elected 14428  
taxpayer group, if applicable, of the operator of the qualified 14429  
distribution center.) The commissioner may require the applicant 14430  
to have an independent certified public accountant certify that 14431  
the calculation of the minimum thresholds required for a qualified 14432  
distribution center by the operator of a distribution center has 14433  
been made in accordance with generally accepted accounting 14434  
principles. The commissioner shall issue or deny the issuance of a 14435  
certificate within sixty days after the receipt of the 14436  
application. A denial is subject to appeal under section 5717.02 14437  
of the Revised Code. If the operator files a timely appeal under 14438  
section 5717.02 of the Revised Code, the operator shall be granted 14439

a qualifying certificate, provided that the operator is liable for 14440  
any tax, interest, or penalty upon amounts claimed as qualifying 14441  
distribution center receipts, other than those receipts exempt 14442  
under division (C)(1) of section 5751.011 of the Revised Code, 14443  
that would have otherwise not been owed by its suppliers if the 14444  
qualifying certificate was valid. 14445

(VII) "Ohio delivery percentage" means the proportion of the 14446  
total property delivered to a destination inside Ohio from the 14447  
qualified distribution center during the qualifying period 14448  
compared with total deliveries from such distribution center 14449  
everywhere during the qualifying period. 14450

(ii) If the distribution center is new and was not open for 14451  
the entire qualifying period, the operator of the distribution 14452  
center may request that the commissioner grant a qualifying 14453  
certificate. If the certificate is granted and it is later 14454  
determined that more than fifty per cent of the qualified property 14455  
during that year was not shipped to a location such that it would 14456  
be situated outside of this state under the provisions of division 14457  
(E) of section 5751.033 of the Revised Code or if it is later 14458  
determined that the person that operates the distribution center 14459  
had average monthly costs from its suppliers of less than forty 14460  
million dollars during that year, then the operator of the 14461  
distribution center shall be liable for any tax, interest, or 14462  
penalty upon amounts claimed as qualifying distribution center 14463  
receipts, other than those receipts exempt under division (C)(1) 14464  
of section 5751.011 of the Revised Code, that would have not 14465  
otherwise been owed by its suppliers during the qualifying year if 14466  
the qualifying certificate was valid. (For purposes of division 14467  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 14468  
is part of the consolidated elected taxpayer group, if applicable, 14469  
of the operator of the qualified distribution center.) 14470

(iii) When filing an application for a qualifying certificate 14471

under division (F)(2)(z)(i)(VI) of this section, the operator of a 14472  
qualified distribution center also shall provide documentation, as 14473  
the commissioner requires, for the commissioner to ascertain the 14474  
Ohio delivery percentage. The commissioner, upon issuing the 14475  
qualifying certificate, also shall certify the Ohio delivery 14476  
percentage. The operator of the qualified distribution center may 14477  
appeal the commissioner's certification of the Ohio delivery 14478  
percentage in the same manner as an appeal is taken from the 14479  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 14480  
of this section. 14481

Within thirty days after all appeals have been exhausted, the 14482  
operator of the qualified distribution center shall notify the 14483  
affected suppliers of qualified property that such suppliers are 14484  
required to file, within sixty days after receiving notice from 14485  
the operator of the qualified distribution center, amended reports 14486  
for the impacted calendar quarter or quarters or calendar year, 14487  
whichever the case may be. Any additional tax liability or tax 14488  
overpayment shall be subject to interest but shall not be subject 14489  
to the imposition of any penalty so long as the amended returns 14490  
are timely filed. The supplier of tangible personal property 14491  
delivered to the qualified distribution center shall include in 14492  
its report of taxable gross receipts the receipts from the total 14493  
sales of property delivered to the qualified distribution center 14494  
for the calendar quarter or calendar year, whichever the case may 14495  
be, multiplied by the Ohio delivery percentage for the qualifying 14496  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 14497  
construed as imposing liability on the operator of a qualified 14498  
distribution center for the tax imposed by this chapter arising 14499  
from any change to the Ohio delivery percentage. 14500

(iv) In the case where the distribution center is new and not 14501  
open for the entire qualifying period, the operator shall make a 14502  
good faith estimate of an Ohio delivery percentage for use by 14503

suppliers in their reports of taxable gross receipts for the 14504  
remainder of the qualifying period. The operator of the facility 14505  
shall disclose to the suppliers that such Ohio delivery percentage 14506  
is an estimate and is subject to recalculation. By the due date of 14507  
the next application for a qualifying certificate, the operator 14508  
shall determine the actual Ohio delivery percentage for the 14509  
estimated qualifying period and proceed as provided in division 14510  
(F)(2)(z)(iii) of this section with respect to the calculation and 14511  
recalculation of the Ohio delivery percentage. The supplier is 14512  
required to file, within sixty days after receiving notice from 14513  
the operator of the qualified distribution center, amended reports 14514  
for the impacted calendar quarter or quarters or calendar year, 14515  
whichever the case may be. Any additional tax liability or tax 14516  
overpayment shall be subject to interest but shall not be subject 14517  
to the imposition of any penalty so long as the amended returns 14518  
are timely filed. 14519

(v) Qualifying certificates and Ohio delivery percentages 14520  
issued by the commissioner shall be open to public inspection and 14521  
shall be timely published by the commissioner. A supplier relying 14522  
in good faith on a certificate issued under this division shall 14523  
not be subject to tax on the qualifying distribution center 14524  
receipts under division (F)(2)(z) of this section. A person 14525  
receiving a qualifying certificate is responsible for paying the 14526  
tax, interest, and penalty upon amounts claimed as qualifying 14527  
distribution center receipts that would not otherwise have been 14528  
owed by the supplier if the qualifying certificate were available 14529  
when it is later determined that the qualifying certificate should 14530  
not have been issued because the statutory requirements were in 14531  
fact not met. 14532

(vi) The annual fee for a qualifying certificate shall be one 14533  
hundred thousand dollars for each qualified distribution center. 14534  
If a qualifying certificate is not issued, the annual fee is 14535

subject to refund after the exhaustion of all appeals provided for 14536  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 14537  
under this division may be assessed in the same manner as the tax 14538  
imposed under this chapter. The first one hundred thousand dollars 14539  
of the annual application fees collected each calendar year shall 14540  
be credited to the commercial activity tax administrative fund. 14541  
The remainder of the annual application fees collected shall be 14542  
distributed in the same manner required under section 5751.20 of 14543  
the Revised Code. 14544

(vii) The tax commissioner may require that adequate security 14545  
be posted by the operator of the distribution center on appeal 14546  
when the commissioner disagrees that the applicant has met the 14547  
minimum thresholds for a qualified distribution center as set 14548  
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 14549  
section. 14550

(aa) Any receipts for which the tax imposed by this chapter 14551  
is prohibited by the ~~constitution~~ Constitution or laws of the 14552  
United States or the ~~constitution~~ Constitution of ~~this state~~ Ohio. 14553

(3) In the case of a taxpayer when acting as a real estate 14554  
broker, "gross receipts" includes only the portion of any fee for 14555  
the service of a real estate broker, or service of a real estate 14556  
salesperson associated with that broker, that is retained by the 14557  
broker and not paid to an associated real estate salesperson or 14558  
another real estate broker. For the purposes of this division, 14559  
"real estate broker" and "real estate salesperson" have the same 14560  
meanings as in section 4735.01 of the Revised Code. 14561

(4) A taxpayer's method of accounting for gross receipts for 14562  
a tax period shall be the same as the taxpayer's method of 14563  
accounting for federal income tax purposes for the taxpayer's 14564  
federal taxable year that includes the tax period. If a taxpayer's 14565  
method of accounting for federal income tax purposes changes, its 14566

method of accounting for gross receipts under this chapter shall 14567  
be changed accordingly. 14568

In calculating gross receipts, the following shall be 14569  
deducted to the extent included as a gross receipt in the current 14570  
tax period or reported as taxable gross receipts in a prior tax 14571  
period: 14572

(a) Cash discounts allowed and taken; 14573

(b) Returns and allowances; 14574

(c) Bad debts. For the purposes of this division, "bad debts" 14575  
mean any debts that have become worthless or uncollectible between 14576  
the preceding and current quarterly tax payment periods, have been 14577  
uncollected for at least six months, and may be claimed as a 14578  
deduction under section 166 of the Internal Revenue Code and the 14579  
regulations adopted pursuant thereto, or that could be claimed as 14580  
such if the taxpayer kept its accounts on the accrual basis. "Bad 14581  
debts" does not include uncollectible amounts on property that 14582  
remains in the possession of the taxpayer until the full purchase 14583  
price is paid, expenses in attempting to collect any account 14584  
receivable or for any portion of the debt recovered, and 14585  
repossessed property; 14586

(d) Any amount realized from the sale of an account 14587  
receivable but only to the extent the receipts from the underlying 14588  
transaction giving rise to the account receivable were included in 14589  
the gross receipts of the taxpayer. 14590

(G) "Taxable gross receipts" means gross receipts sitused to 14591  
this state under section 5751.033 of the Revised Code. 14592

(H) A person has "substantial nexus with this state" if any 14593  
of the following applies. The person: 14594

(1) Owns or uses a part or all of its capital in this state; 14595

(2) Holds a certificate of compliance with the laws of this 14596



state authorizing the person to do business in this state; 14597

(3) Has bright-line presence in this state; 14598

(4) Otherwise has nexus with this state to an extent that the 14599  
person can be required to remit the tax imposed under this chapter 14600  
under the ~~constitution~~ Constitution of the United States. 14601

(I) A person has "bright-line presence" in this state for a 14602  
reporting period and for the remaining portion of the calendar 14603  
year if any of the following applies. The person: 14604

(1) Has at any time during the calendar year property in this 14605  
state with an aggregate value of at least fifty thousand dollars. 14606  
For the purpose of division (I)(1) of this section, owned property 14607  
is valued at original cost and rented property is valued at eight 14608  
times the net annual rental charge. 14609

(2) Has during the calendar year payroll in this state of at 14610  
least fifty thousand dollars. Payroll in this state includes all 14611  
of the following: 14612

(a) Any amount subject to withholding by the person under 14613  
section 5747.06 of the Revised Code; 14614

(b) Any other amount the person pays as compensation to an 14615  
individual under the supervision or control of the person for work 14616  
done in this state; and 14617

(c) Any amount the person pays for services performed in this 14618  
state on its behalf by another. 14619

(3) Has during the calendar year taxable gross receipts of at 14620  
least five hundred thousand dollars. 14621

(4) Has at any time during the calendar year within this 14622  
state at least twenty-five per cent of the person's total 14623  
property, total payroll, or total gross receipts. 14624

(5) Is domiciled in this state as an individual or for 14625

corporate, commercial, or other business purposes.	14626
(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.	14627 14628
(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.	14629 14630 14631 14632 14633 14634 14635 14636
(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.	14637 14638 14639
(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.	14640 14641 14642
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	14643 14644
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	14645 14646
(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:	14647 14648 14649
(1) A person receiving a fee to sell financial instruments;	14650
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	14651 14652 14653
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	14654 14655

(4) A lottery sales agent holding a valid license issued 14656  
under section 3770.05 of the Revised Code; 14657

(5) A person acting as an agent of the division of liquor 14658  
control under section 4301.17 of the Revised Code. 14659

(Q) "Received" includes amounts accrued under the accrual 14660  
method of accounting. 14661

**Sec. 5751.011.** (A) A group of two or more persons may elect 14662  
to be a consolidated elected taxpayer for the purposes of this 14663  
chapter if the group satisfies all of the following requirements: 14664

(1) The group elects to include all persons, including 14665  
persons enumerated in divisions (E)(2) to (10) of section 5751.01 14666  
of the Revised Code, having at least eighty per cent, or having at 14667  
least fifty per cent, of the value of their ownership interests 14668  
owned or controlled, directly or constructively through related 14669  
interests, by common owners during all or any portion of the tax 14670  
period, together with the common owners. At the election of the 14671  
group, all entities that are not incorporated or formed under the 14672  
laws of a state or of the United States and that meet the elected 14673  
ownership test shall either be included in the group or all shall 14674  
be excluded from the group. The group shall notify the tax 14675  
commissioner of the foregoing elections before the due date of the 14676  
return in which the election is to become effective. If fifty per 14677  
cent of the value of a person's ownership interests is owned or 14678  
controlled by each of two consolidated elected taxpayer groups 14679  
formed under the fifty per cent ownership or control test, that 14680  
person is a member of each group for the purposes of this section, 14681  
and each group shall include in the group's taxable gross receipts 14682  
fifty per cent of that person's taxable gross receipts. Otherwise, 14683  
all of that person's taxable gross receipts shall be included in 14684  
the taxable gross receipts of the consolidated elected taxpayer 14685  
group of which the person is a member. In no event shall the 14686

ownership or control of fifty per cent of the value of a person's 14687  
ownership interests by two otherwise unrelated groups form the 14688  
basis for consolidating the groups into a single consolidated 14689  
elected taxpayer group or permit any exclusion under division (C) 14690  
of this section of taxable gross receipts between members of the 14691  
two groups. Division (A)(3) of this section applies with respect 14692  
to the elections described in this division. 14693

(2) The group makes the election to be treated as a 14694  
consolidated elected taxpayer in the manner prescribed under 14695  
division (D) of this section. 14696

(3) Subject to review and audit by the tax commissioner, the 14697  
group agrees that all of the following apply: 14698

(a) The group shall file reports as a single taxpayer for at 14699  
least the next eight calendar quarters following the election so 14700  
long as at least two or more of the members of the group meet the 14701  
requirements of division (A)(1) of this section. 14702

(b) Before the expiration of the eighth such calendar 14703  
quarter, the group shall notify the commissioner if it elects to 14704  
cancel its designation as a consolidated elected taxpayer. If the 14705  
group does not so notify the tax commissioner, the election 14706  
remains in effect for another eight calendar quarters. 14707

(c) If, at any time during any of those eight calendar 14708  
quarters following the election, a former member of the group no 14709  
longer meets the requirements under division (A)(1) of this 14710  
section, that member shall report and pay the tax imposed under 14711  
this chapter separately, as a member of a combined taxpayer, or, 14712  
if the former member satisfies such requirements with respect to 14713  
another consolidated elected group, as a member of that 14714  
consolidated elected group. 14715

(d) The group agrees to the application of division (B) of 14716  
this section. 14717

(B) A group of persons making the election under this section 14718  
shall report and pay tax on all of the group's taxable gross 14719  
receipts even if substantial nexus with this state does not exist 14720  
for one or more persons in the group. 14721

(C)(1) ~~A (a) Members of a consolidated elected taxpayer group~~ 14722  
~~shall exclude taxable gross receipts between its members and~~ 14723  
~~taxable among persons included in the consolidated elected~~ 14724  
~~taxpayer group.~~ 14725

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 14726  
section, nothing in this section shall have the effect of 14727  
requiring a consolidated elected taxpayer group to include gross 14728  
receipts received by a person enumerated in divisions (E)(2) to 14729  
(10) of section 5751.01 of the Revised Code, ~~except for taxable~~ 14730  
~~gross receipts received by a member described in division (E)(4)~~ 14731  
~~of section 5751.01 of the Revised Code that is not a qualifying~~ 14732  
~~dealer as defined in section 5725.24 of the Revised Code. Except~~ 14733  
~~as provided in division (C)(2) of this section, nothing in this~~ 14734  
~~section shall have the effect of excluding taxable gross receipts~~ 14735  
~~received from persons that are not members of the group if that~~ 14736  
~~person is a member of the group pursuant to the elections made by~~ 14737  
~~the group under division (A)(1) of this section.~~ 14738

(c)(i) As used in division (C)(1)(c) of this section, "dealer 14739  
transfer" means a transfer of property that satisfies both of the 14740  
following: (I) the property is directly transferred by any means 14741  
from one member of the group to another member of the group that 14742  
is a dealer in intangibles but is not a qualifying dealer as 14743  
defined in section 5725.24 of the Revised Code; and (II) the 14744  
property is subsequently delivered by the dealer in intangibles to 14745  
a person that is not a member of the group. 14746

(ii) In the event of a dealer transfer, a consolidated 14747  
elected taxpayer group shall not exclude, under division (C) of 14748

this section, gross receipts from the transfer described in 14749  
division (C)(1)(c)(i)(I) of this section. 14750

(2) Gross receipts related to the sale or transmission of 14751  
electricity through the use of an intermediary regional 14752  
transmission organization approved by the federal energy 14753  
regulatory commission shall be excluded from taxable gross 14754  
receipts under division (C)(1) of this section if all other 14755  
requirements of that division are met, even if the receipts are 14756  
from and to the same member of the group. 14757

(D) To make the election to be a consolidated elected 14758  
taxpayer, a group of persons shall notify the tax commissioner of 14759  
the election in the manner prescribed by the commissioner and pay 14760  
the commissioner a registration fee equal to the lesser of two 14761  
hundred dollars or twenty dollars for each person in the group. No 14762  
additional fee shall be imposed for the addition of new members to 14763  
the group once the group has remitted a fee in the amount of two 14764  
hundred dollars. The election shall be made and the fee paid 14765  
before the later of the beginning of the first calendar quarter to 14766  
which the election applies or November 15, 2005. The fee shall be 14767  
collected and used in the same manner as provided in section 14768  
5751.04 of the Revised Code. 14769

The election shall be made on a form prescribed by the tax 14770  
commissioner for that purpose and shall be signed by one or more 14771  
individuals with authority, separately or together, to make a 14772  
binding election on behalf of all persons in the group. 14773

Any person acquired or formed after the filing of the 14774  
registration shall be included in the group if the person meets 14775  
the requirements of division (A)(1) of this section, and the group 14776  
shall notify the tax commissioner of any additions to the group 14777  
with the next tax return it files with the commissioner. 14778

(E) Each member of a consolidated elected taxpayer is jointly 14779

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 14810  
state. Direct delivery in this state, other than for purposes of 14811  
transportation, to a person or firm designated by a purchaser 14812  
constitutes delivery to the purchaser in this state, and direct 14813  
delivery outside this state to a person or firm designated by a 14814  
purchaser does not constitute delivery to the purchaser in this 14815  
state, regardless of where title passes or other conditions of 14816  
sale. 14817

(F) Gross receipts from the sale, exchange, disposition, or 14818  
other grant of the right to use trademarks, trade names, patents, 14819  
copyrights, and similar intellectual property shall be sitused to 14820  
this state to the extent that the receipts are based on the amount 14821  
of use of the property in this state. If the receipts are not 14822  
based on the amount of use of the property, but rather on the 14823  
right to use the property, and the payor has the right to use the 14824  
property in this state, then the receipts from the sale, exchange, 14825  
disposition, or other grant of the right to use such property 14826  
shall be sitused to this state to the extent the receipts are 14827  
based on the right to use the property in this state. 14828

(G) Gross receipts from the sale of transportation services 14829  
by a common or contract carrier shall be sitused to this state in 14830  
proportion to the mileage traveled by the carrier during the tax 14831  
period on roadways, waterways, airways, and railways in this state 14832  
to the mileage traveled by the carrier during the tax period on 14833  
roadways, waterways, airways, and railways everywhere. With prior 14834  
written approval of the tax commissioner, a common or contract 14835  
carrier may use an alternative situsing procedure for 14836  
transportation services. 14837

(H) Gross receipts from dividends, interest, and other 14838  
sources of income from financial instruments described in ~~division~~ 14839  
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 14840  
section 5733.056 of the Revised Code shall be sitused to this 14841



state in accordance with the situsing provisions set forth in 14842  
those divisions. When applying the provisions of divisions (F)(6), 14843  
(8), and (13) of section 5733.056 of the Revised Code, "gross 14844  
receipts" shall be substituted for "net gains" wherever "net 14845  
gains" appears in those divisions. Nothing in this division limits 14846  
or modifies the exclusions enumerated in divisions (E) and (F)(2) 14847  
of section 5751.01 of the Revised Code. The tax commissioner may 14848  
promulgate rules to further specify the manner in which to situs 14849  
gross receipts subject to this division. 14850

(I) Gross receipts from the sale of all other services, and 14851  
all other gross receipts not otherwise sitused under this section, 14852  
shall be sitused to this state in the proportion that the 14853  
purchaser's benefit in this state with respect to what was 14854  
purchased bears to the purchaser's benefit everywhere with respect 14855  
to what was purchased. The physical location where the purchaser 14856  
ultimately uses or receives the benefit of what was purchased 14857  
shall be paramount in determining the proportion of the benefit in 14858  
this state to the benefit everywhere. If a taxpayer's records do 14859  
not allow the taxpayer to determine that location, the taxpayer 14860  
may use an alternative method to situs gross receipts under this 14861  
division if the alternative method is reasonable, is consistently 14862  
and uniformly applied, and is supported by the taxpayer's records 14863  
as the records exist when the service is provided or within a 14864  
reasonable period of time thereafter. 14865

(J) If the situsing provisions of divisions (A) to (H) of 14866  
this section do not fairly represent the extent of a person's 14867  
activity in this state, the person may request, or the tax 14868  
commissioner may require or permit, an alternative method. Such 14869  
request by a person must be made within the applicable statute of 14870  
limitations set forth in this chapter. 14871

(K) The tax commissioner may adopt rules to provide 14872  
additional guidance to the application of this section, and 14873

provide alternative methods of situsing gross receipts that apply 14874  
to all persons, or subset of persons, that are engaged in similar 14875  
business or trade activities. 14876

**Sec. 5910.03.** Scholarships shall be granted only to children 14877  
of deceased or disabled veterans of the armed services of the 14878  
United States. To be eligible for a scholarship, such child shall: 14879

(A) At the time of application, have attained the sixteenth, 14880  
but not the ~~twenty-first~~ twenty-fifth, birthday; 14881

(B) At the time of application, if a child of a veteran who 14882  
entered the armed services: 14883

(1) As a legal resident of Ohio, have resided in the state 14884  
for the last preceding year; 14885

(2) Not as a legal resident of Ohio, have resided in the 14886  
state for the year preceding the year in which application for the 14887  
scholarship is made and any other four of the last ten years; 14888

(C) Be in financial need, as determined by the board. 14889

**Sec. 5919.31.** (A) If an active duty member of the Ohio 14890  
national guard chooses to purchase life insurance pursuant to the 14891  
"Servicemembers' Group Life Insurance Act," 79 Stat. 880 et seq. 14892  
(1965), 38 U.S.C. 1965 et seq. and if the adjutant general 14893  
determines that the member is ineligible for reimbursement of 14894  
associated premiums under federal law, the adjutant general shall 14895  
reimburse the member in an amount equal to the monthly premium 14896  
paid for each month or part of a month by the member pursuant to 14897  
the act while being an active duty member. 14898

(B) The adjutant general may request additional money from 14899  
the controlling board if the adjutant general does not have 14900  
sufficient available unencumbered funds to reimburse active duty 14901  
members for life insurance premiums pursuant to this section. 14902

(C) The adjutant general may prescribe and enforce 14903  
regulations to implement the requirements of this section. In 14904  
prescribing and enforcing those regulations, the adjutant general 14905  
need not comply with section 111.15 or Chapter 119. of the Revised 14906  
Code. 14907

(D) As used in this section, "active duty member" means a 14908  
member of the Ohio national guard on active duty pursuant to an 14909  
executive order of the president of the United States, the "Act of 14910  
October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as 14911  
amended, another act of the congress of the United States, or a 14912  
proclamation of the governor, but does not include a member 14913  
performing full-time Ohio national guard duty or performing 14914  
special work active duty under the "Act of October 3, 1964," 78 14915  
Stat. 999, 32 U.S.C. 502(f). 14916

**Section 101.02.** That existing sections 3.21, 3.23, 5.10, 14917  
9.37, 101.15, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 14918  
122.17, 122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 14919  
151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 14920  
152.24, 152.26, 154.02, 154.20, 164.04, 169.13, 176.05, 307.695, 14921  
333.02, 333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 14922  
1702.01, 1702.08, 1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 14923  
1702.27, 1702.38, 1702.39, 1702.42, 1702.58, 2301.02, 2305.26, 14924  
2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 14925  
3317.03, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 3905.36, 14926  
3931.07, 4115.04, 4121.121, 4503.068, 4710.02, 4728.03, 4733.14, 14927  
4763.03, 4763.05, 4763.06, 4919.76, 5107.12, 5111.88, 5115.06, 14928  
5119.071, 5119.611, 5120.03, 5123.08, 5139.02, 5502.62, 5537.01, 14929  
5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 5537.27, 14930  
5537.28, 5701.11, 5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 14931  
5739.01, 5739.09, 5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 14932  
5751.033, 5910.03, and 5919.31 of the Revised Code are hereby 14933

repealed. 14934

**Section 101.03.** That existing Section 206.09.84 of Am. Sub. 14935  
H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 14936  
530 of the 126th General Asembly, is hereby repealed. 14937

**Section 110.07.** That the version of section 5502.62 of the 14938  
Revised Code that is scheduled to take effect April 1, 2007, be 14939  
amended to read as follows: 14940

**Sec. 5502.62.** (A) There is hereby created in the department 14941  
of public safety a division of criminal justice services. The 14942  
director of public safety, with the concurrence of the governor, 14943  
shall appoint an executive director of the division of criminal 14944  
justice services. The executive director shall be the head of the 14945  
division. The executive director shall serve at the pleasure of 14946  
the director of public safety. To carry out the duties assigned 14947  
under this section and to comply with sections 5502.63 to 5502.66 14948  
of the Revised Code, the executive director, subject to the 14949  
direction and control of the director of public safety, may 14950  
appoint and maintain any necessary staff and may enter into any 14951  
necessary contracts and other agreements. The executive director 14952  
of the division, and all professional and technical personnel 14953  
employed within the division who are not public employees as 14954  
defined in section 4117.01 of the Revised Code, shall be in the 14955  
unclassified civil service, and all other persons employed within 14956  
the division shall be in the classified civil service. 14957

(B) Subject to division (F) of this section and subject to 14958  
divisions (D) to (F) of section 5120.09 of the Revised Code 14959  
insofar as those divisions relate to federal criminal justice acts 14960  
that the governor requires the department of rehabilitation and 14961  
correction to administer, the division of criminal justice 14962  
services shall do all of the following: 14963

- (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; 14964  
14965  
14966
- (2) Collect, analyze, and correlate information and data concerning the criminal justice system in the state; 14967  
14968
- (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; 14969  
14970  
14971  
14972  
14973  
14974
- (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; 14975  
14976  
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14978
- (5) Administer within the state any federal criminal justice acts that the governor requires it to administer; 14979  
14980
- (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; 14981  
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- (7) Implement the state comprehensive plans; 14986
- (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the division; 14987  
14988  
14989
- (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; 14990  
14991  
14992
- (10) Apply for, allocate, disburse, and account for grants 14993

that are made available pursuant to federal criminal justice acts, 14994  
or made available from other federal, state, or private sources, 14995  
to improve the criminal justice system in the state. ~~Except as~~ 14996  
~~otherwise provided in this division, all money from such federal~~ 14997  
~~grants shall, if the terms under which the money is received~~ 14998  
~~require that the money be deposited into an interest-bearing fund~~ 14999  
~~or account, be deposited in the state treasury to the credit of~~ 15000  
~~the federal program purposes fund, which is hereby created. All~~ 15001  
~~investment earnings of the federal program purposes fund shall be~~ 15002  
~~credited to the fund.~~ All money from such federal grants that 15003  
require that the money be deposited into an interest-bearing fund 15004  
or account, that are intended to provide funding to local criminal 15005  
justice programs, and that require that investment earnings be 15006  
distributed for program purposes shall be deposited in the state 15007  
treasury to the credit of the federal justice programs ~~fund~~ funds, 15008  
which ~~is~~ are hereby created. A separate fund shall be established 15009  
each federal fiscal year. All investment earnings of ~~the~~ a federal 15010  
justice programs fund shall be credited to ~~the~~ that fund and 15011  
distributed in accordance with the terms of the grant under which 15012  
the money is received. 15013

(11) Contract with federal, state, and local agencies, 15014  
foundations, corporations, businesses, and persons when necessary 15015  
to carry out the duties of the division; 15016

(12) Oversee the activities of metropolitan county criminal 15017  
justice services agencies, administrative planning districts, and 15018  
criminal justice coordinating councils in the state; 15019

(13) Advise the director of public safety, general assembly, 15020  
and governor on legislation and other significant matters that 15021  
pertain to the improvement and reform of criminal and juvenile 15022  
justice systems in the state; 15023

(14) Prepare and recommend legislation to the director of 15024

public safety, general assembly, and governor for the improvement  
of the criminal and juvenile justice systems in the state; 15025  
15026

(15) Assist, advise, and make any reports that are requested  
or required by the governor, director of public safety, attorney  
general, or general assembly; 15027  
15028  
15029

(16) Develop and maintain the Ohio incident-based reporting  
system in accordance with division (C) of this section; 15030  
15031

(17) Subject to the approval of the director of public  
safety, adopt rules pursuant to Chapter 119. of the Revised Code; 15032  
15033

(18)(a) Not later than June 1, 2007, and subject to the  
approval of the director of public safety, adopt rules for the  
establishment and maintenance of a mcgruff house program by any  
sponsoring agency. The rules shall include the following: 15034  
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15036  
15037

(i) The adoption of the mcgruff house symbol to be used  
exclusively in all mcgruff house programs in this state; 15038  
15039

(ii) The requirements for any sponsoring agency to establish  
and maintain a mcgruff house program; 15040  
15041

(iii) The criteria for the selection of volunteers to  
participate in a mcgruff house program that shall include, but not  
be limited to, criminal background checks of those volunteers; 15042  
15043  
15044

(iv) Any other matters that the division of criminal justice  
services considers necessary for the establishment and maintenance  
of mcgruff house programs by sponsoring agencies and the  
participation of volunteers in those programs. 15045  
15046  
15047  
15048

(b) The division of criminal justice services shall  
distribute materials and provide technical assistance to any  
sponsoring agency that establishes and maintains a mcgruff house  
program, any volunteer group or organization that provides  
assistance to that sponsoring agency, or any volunteer who  
participates in a mcgruff house program. 15049  
15050  
15051  
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(C) The division of criminal justice services shall develop 15055  
and maintain the Ohio incident-based reporting system to 15056  
facilitate the sharing of information with the federal bureau of 15057  
investigation and participating law enforcement agencies in Ohio. 15058  
The Ohio incident-based reporting system shall be known as OIBRS. 15059  
In connection with OIBRS, the division shall do all of the 15060  
following: 15061

(1) Collect and organize statistical data for reporting to 15062  
the national incident-based reporting system operated by the 15063  
federal bureau of investigation for the purpose of securing 15064  
federal criminal justice grants; 15065

(2) Analyze and highlight mapping data for participating law 15066  
enforcement agencies; 15067

(3) Distribute data and analyses to participating law 15068  
enforcement agencies; 15069

(4) Encourage nonparticipating law enforcement agencies to 15070  
participate in OIBRS by offering demonstrations, training, and 15071  
technical assistance; 15072

(5) Provide assistance, advice, and reports requested by the 15073  
governor, the general assembly, or the federal bureau of 15074  
investigation; 15075

(6) Require every law enforcement agency that receives 15076  
federal criminal justice grants or state criminal justice 15077  
information system general revenue funds through the division to 15078  
participate in OIBRS or in the uniform crime reporting program of 15079  
the federal bureau of investigation. An agency that submits OIBRS 15080  
data to the Ohio local law enforcement information sharing network 15081  
shall be considered to be in compliance with division (C)(6) of 15082  
this section if both of the following apply: 15083

(a) The Ohio local law enforcement information sharing 15084



network is capable of collecting OIBRS data. 15085

(b) The division of criminal justice services has the ability 15086  
to extract the OIBRS data for reporting to the national 15087  
incident-based reporting system in the manner required by the 15088  
federal bureau of investigation. 15089

(D) Upon the request of the director of public safety or 15090  
governor, the division of criminal justice services may do any of 15091  
the following: 15092

(1) Collect, analyze, or correlate information and data 15093  
concerning the juvenile justice system in the state; 15094

(2) Cooperate with and provide technical assistance to state 15095  
departments, administrative planning districts, metropolitan 15096  
county criminal justice service agencies, criminal justice 15097  
coordinating councils, agency offices, and the departments of the 15098  
juvenile justice system in the state and other appropriate 15099  
organizations and persons; 15100

(3) Encourage and assist agencies, offices, and departments 15101  
of the juvenile justice system in the state and other appropriate 15102  
organizations and persons to solve problems that relate to the 15103  
duties of the division. 15104

(E) Divisions (B), (C), and (D) of this section do not limit 15105  
the discretion or authority of the attorney general with respect 15106  
to crime victim assistance and criminal justice programs. 15107

(F) Nothing in this section is intended to diminish or alter 15108  
the status of the office of the attorney general as a criminal 15109  
justice services agency or to diminish or alter the status or 15110  
discourage the development and use of other law enforcement 15111  
information systems in Ohio. 15112

**Section 110.08.** That the existing version of section 5502.62 15113  
of the Revised Code that is scheduled to take effect April 1, 15114

2007, is hereby repealed. 15115

**Section 110.09.** That Sections 110.07 and 110.08 of this act 15116  
take effect April 1, 2007. 15117

**Section 201.10.** The items set forth in this section are 15118  
hereby appropriated out of any moneys in the state treasury to the 15119  
credit of the Wildlife Fund (Fund 015), that are not otherwise 15120  
appropriated. 15121

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 15122

CAP-012	Land Acquisition - Statewide	\$	3,000,000	15123
CAP-852	Wildlife Area Building	\$	1,000,000	15124
	Development/Renovations			
	Total Department of Natural Resources	\$	4,000,000	15125
	TOTAL Wildlife Fund	\$	4,000,000	15126

**Section 203.10.** The items set forth in this section are 15128  
hereby appropriated out of any moneys in the state treasury to the 15129  
credit of the Public School Building Fund (Fund 021), that are not 15130  
otherwise appropriated. 15131

Appropriations

SFC SCHOOL FACILITIES COMMISSION 15132

CAP-622	Public School Buildings	\$	154,632,362	15133
CAP-786	New School Planning and Design	\$	4,000,000	15134
	Total School Facilities Commission	\$	158,632,362	15135
	TOTAL Public School Building Fund	\$	158,632,362	15136

**Section 203.20.** PUBLIC SCHOOL BUILDING FUND 15138

The Controlling Board, when requested to do so by the 15139  
Executive Director of the Ohio School Facilities Commission, may 15140  
increase appropriations in the Public School Building Fund (Fund 15141

021), based on revenues received by the fund, including cash 15142  
transfers and interest that may accrue to the fund. 15143

**Section 203.40.** NEW BLIND AND DEAF SCHOOL PLANNING AND DESIGN 15144

The foregoing appropriation item CAP-786, New School Planning 15145  
and Design, shall be used for the planning and design of a new 15146  
consolidated school, residential facility, transportation garage, 15147  
and athletic facilities for the Ohio State School for the Blind 15148  
and the Ohio School for the Deaf. Notwithstanding sections 123.01 15149  
and 123.15 of the Revised Code and in addition to its powers and 15150  
duties under Chapter 3318. of the Revised Code, the Ohio School 15151  
Facilities Commission shall administer the planning and design of 15152  
a new consolidated school, residential facility, transportation 15153  
garage, and athletic facilities for the Ohio State School for the 15154  
Blind and the Ohio School for the Deaf on the current campus of 15155  
the Ohio School for the Deaf. The design and construction of the 15156  
new consolidated school shall comply to the fullest extent 15157  
possible with the specifications and policies set forth in the 15158  
Ohio School Design Manual. This project shall not be considered a 15159  
part of any program created under Chapter 3318. of the Revised 15160  
Code. The Executive Director of the Ohio School Facilities 15161  
Commission shall determine the planning, design, scope, and budget 15162  
of the project in consultation with the superintendents of the 15163  
Ohio State School for the Blind and the Ohio School for the Deaf 15164  
and the Director of Budget and Management. Upon issuance by the 15165  
Commission of a certificate of completion of the project, the 15166  
Commission's participation in the project shall end. 15167

The Executive Director of the Ohio School Facilities 15168  
Commission shall comply with the procedures and guidelines 15169  
established in Chapter 153. of the Revised Code. Upon the release 15170  
of funds for the project by the Controlling Board or the Director 15171  
of Budget and Management, the commission may administer the 15172

project without the supervision, control, or approval of the 15173  
 Director of Administrative Services. Any references to the 15174  
 Director of Administrative Services in the Revised Code, with 15175  
 respect to the administration of this project, shall be construed 15176  
 to refer to the Director of the Ohio School Facilities Commission. 15177

**Section 205.10.** The items set forth in this section are 15178  
 hereby appropriated out of any moneys in the state treasury to the 15179  
 credit of the Highway Safety Fund (Fund 036), that are not 15180  
 otherwise appropriated. 15181

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY		15182
CAP-083 Alum Creek Facility Roof Renovation	\$ 1,067,000	15183
CAP-084 OSHP Academy Maintenance	\$ 433,000	15184
Total Department of Public Safety	\$ 1,500,000	15185
TOTAL Highway Safety Fund	\$ 1,500,000	15186

**Section 207.10.** All items set forth in this section are 15188  
 hereby appropriated out of any moneys in the state treasury to the 15189  
 credit of the State Capital Improvements Revolving Loan Fund (Fund 15190  
 040). Revenues to the State Capital Improvements Revolving Loan 15191  
 Fund shall consist of all repayments of loans made to local 15192  
 subdivisions for capital improvements, investment earnings on 15193  
 moneys in the fund, and moneys obtained from federal or private 15194  
 grants or from other sources for the purpose of making loans for 15195  
 the purpose of financing or assisting in the financing of the cost 15196  
 of capital improvement projects of local subdivisions. 15197

Appropriations

PWC PUBLIC WORKS COMMISSION		15198
CAP-151 Revolving Loan	\$ 25,300,000	15199
Total Public Works Commission	\$ 25,300,000	15200
TOTAL State Capital Improvements Revolving Loan	\$ 25,300,000	15201
Fund		

The foregoing appropriation item CAP-151, Revolving Loan, 15202  
shall be used in accordance with sections 164.01 to 164.12 of the 15203  
Revised Code. 15204

If the Public Works Commission receives refunds due to 15205  
project overpayments that are discovered during a post-project 15206  
audit, the Director of the Public Works Commission may certify to 15207  
the Director of Budget and Management that refunds have been 15208  
received. In certifying the refunds, the Director of the Public 15209  
Works Commission shall provide the Director of Budget and 15210  
Management information on the project refunds. The certification 15211  
shall detail by project the source and amount of project 15212  
overpayments received and include any supporting documentation 15213  
required or requested by the Director of Budget and Management. 15214  
Upon receipt of the certification, the Director of Budget and 15215  
Management shall determine if the project refunds are necessary to 15216  
support existing appropriations. If the project refunds are 15217  
available to support additional appropriations, these amounts are 15218  
hereby appropriated to appropriation item CAP-151, Revolving Loan. 15219

**Section 209.10.** All items set forth in this section are 15220  
hereby appropriated out of any moneys in the state treasury to the 15221  
credit of the Waterways Safety Fund (Fund 086), that are not 15222  
otherwise appropriated. 15223

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			15224
CAP-324	Cooperative Funding for Boating	\$ 8,700,000	15225
	Facilities		
CAP-934	Operations Facilities Development	\$ 3,440,000	15226
Total Department of Natural Resources		\$ 12,140,000	15227
TOTAL Waterways Safety Fund		\$ 12,140,000	15228

**Section 211.10.** 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 Army National Guard Service Contract Fund (Fund 15232  
342), that are not otherwise appropriated. 15233

Appropriations

ADJ ADJUTANT GENERAL 15234

CAP-065	Armory Construction-Federal	\$	877,275	15235
Total Adjutant General		\$	877,275	15236
TOTAL Army National Guard Service Contract Fund		\$	877,275	15237

**Section 213.10.** All items set forth in this section are 15239  
hereby appropriated out of any moneys in the state treasury to the 15240  
credit of the Special Administrative Fund (Fund 4A9), that are not 15241  
otherwise appropriated. 15242

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 15243

CAP-702	Central Office Building Renovations	\$	2,000,000	15244
Total Department of Job and Family Services		\$	2,000,000	15245
TOTAL Special Administrative Fund		\$	2,000,000	15246

**Section 215.10.** The items set forth in this section are 15248  
hereby appropriated out of any moneys in the state treasury to the 15249  
credit of the State Fire Marshal Fund (Fund 546), that are not 15250  
otherwise appropriated. 15251

Appropriations

COM DEPARTMENT OF COMMERCE 15252

CAP-115	Emergency Generator Replacement	\$	1,650,000	15253
CAP-116	IT Infrastructure	\$	720,000	15254
CAP-117	Security Fence & Entrance Gate	\$	50,000	15255
CAP-118	Driver Training/Road Improvement	\$	1,070,000	15256
CAP-119	Master Plan for SFM Facilities	\$	500,000	15257
CAP-120	Forensic Laboratory Equipment	\$	130,000	15258
Total Department of Commerce		\$	4,120,000	15259

TOTAL State Fire Marshal Fund \$ 4,120,000 15260

**Section 217.10.** The items set forth in this section are 15262  
hereby appropriated out of any moneys in the state treasury to the 15263  
credit of the Veterans' Home Improvement Fund (Fund 604), that are 15264  
not otherwise appropriated. 15265

Appropriations

OVH OHIO VETERANS' HOME AGENCY 15266  
CAP-786 General Building Renovations \$ 2,700,000 15267  
Total Ohio Veterans' Home Agency \$ 2,700,000 15268  
TOTAL Veterans' Home Improvement Fund \$ 2,700,000 15269

**Section 219.10.** All items set forth in this section are 15271  
hereby appropriated out of any moneys in the state treasury to the 15272  
credit of the Job Ready Site Development Fund (Fund 012), that are 15273  
not otherwise appropriated: 15274

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 15275  
CAP-003 Job Ready Sites \$ 30,000,000 15276  
Total Department of Development \$ 30,000,000 15277  
TOTAL Job Ready Site Development Fund \$ 30,000,000 15278

**Section 219.20.** JOB READY SITE DEVELOPMENT 15280

The Ohio Public Facilities Commission, upon request of the 15281  
Department of Development, is hereby authorized to issue and sell, 15282  
in accordance with Section 2p of Article VIII, Ohio Constitution, 15283  
and pursuant to sections 151.01 and 151.11 of the Revised Code, 15284  
original obligations of the State of Ohio in an aggregate amount 15285  
not to exceed \$30,000,000 in addition to the original issuance of 15286  
obligations heretofore authorized by prior acts of the General 15287  
Assembly. These authorized obligations shall be issued and sold 15288  
from time to time, subject to applicable constitutional and 15289  
statutory limitations, as needed to ensure sufficient moneys to 15290

the credit of the Job Ready Site Development Fund (Fund 012) to 15291  
 pay costs of sites and facilities. 15292

**Section 221.10.10.** All items set forth in Sections 221.10.20 15293  
 to 221.20.10 of this act are hereby appropriated out of any moneys 15294  
 in the state treasury to the credit of the Administrative Building 15295  
 Fund (Fund 026), that are not otherwise appropriated. 15296

Appropriations

<b>Section 221.10.20. ADJ ADJUTANT GENERAL</b>			15297
CAP-036	Roof Replacement - Various	\$ 530,000	15298
CAP-038	Electrical Systems - Various	\$ 560,000	15299
CAP-044	Replace Windows/Doors - Various	\$ 220,000	15300
CAP-045	Plumbing Renovations - Various	\$ 525,000	15301
CAP-046	Paving Renovations - Various	\$ 455,225	15302
CAP-050	HVAC Systems - Various	\$ 700,000	15303
CAP-056	Masonry Repairs/Renovations - Various	\$ 220,000	15304
CAP-071	Construct Delaware Armory	\$ 1,756,250	15305
CAP-072	Energy Conservation - Various	\$ 33,525	15306
CAP-063	Rickenbacker International Airport	\$ 2,775,000	15307
CAP-075	Mansfield Lahm Air National Guard Facility	\$ 1,000,000	15308
CAP-076	Camp Perry Improvements	\$ 1,200,000	15309
Total Adjutant General		\$ 9,975,000	15310

ARMORY CONSTRUCTION 15311

The foregoing appropriation item CAP-071, Construct Delaware 15312  
 Armory, shall be used to fund the state's share of the cost of 15313  
 building a basic armory in the Delaware area, including the cost 15314  
 of site acquisition, site preparation, and planning and design. 15315  
 Appropriations shall not be released for this item without a 15316  
 certification by the Adjutant General to the Director of Budget 15317  
 and Management that sufficient moneys have been allocated for the 15318



federal share of the cost of construction. 15319

Appropriations

<b>Section 221.10.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			15320
CAP-773	Governor's Residence Renovations	\$ 912,000	15321
CAP-826	Surface Road Building Renovations	\$ 394,300	15322
CAP-834	Capital Improvements Project Management System	\$ 2,342,400	15323
CAP-835	Energy Conservation Projects	\$ 1,000,000	15324
CAP-838	SOCC Renovations	\$ 1,200,000	15325
CAP-850	Education Building Renovations	\$ 564,900	15326
CAP-852	North High Building Complex Renovations	\$ 14,001,400	15327
CAP-855	Office Space Planning	\$ 5,000,000	15328
CAP-856	Governor's Residence Security Upgrades	\$ 25,000	15329
CAP-865	DAS Building Security Upgrades	\$ 79,500	15330
Total Department of Administrative Services			\$ 25,519,500 15331

Appropriations

<b>Section 221.10.40. AGR DEPARTMENT OF AGRICULTURE</b>			15333
CAP-043	Building and Grounds Renovation	\$ 600,000	15334
CAP-051	Plant Industries Building #7 Replacement	\$ 10,485,631	15335
CAP-052	Grounds Security/Emergency Power	\$ 200,000	15336
Total Department of Agriculture			\$ 11,285,631 15337

Appropriations

<b>Section 221.10.50. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b>			15339
BOARD			15340
CAP-024	Capitol Square Security	\$ 350,000	15341
Total Capitol Square Review and Advisory Board			\$ 350,000 15342

Appropriations

<b>Section 221.10.60. EXP EXPOSITIONS COMMISSION</b>			15344
CAP-056	Building Renovations and Repairs	\$ 4,696,000	15345

CAP-072	Emergency Repairs and Equipment Repair or Replacement	\$ 1,000,000	15346
CAP-074	Multi-Purpose Building	\$ 14,000,000	15347
Total Expositions Commission		\$ 19,696,000	15348

Appropriations

<b>Section 221.10.70. DHS DEPARTMENT OF PUBLIC SAFETY</b>			15350
CAP-085	American Red Cross Public Safety Facility	\$ 500,000	15351
CAP-086	Consolidated Communications Project of Strongsville	\$ 100,000	15352
CAP-087	Domestic Violence Shelter	\$ 100,000	15353
CAP-088	Family Services of Cincinnati	\$ 100,000	15354
Total Department of Public Safety		\$ 800,000	15355

Appropriations

<b>Section 221.10.80. DNR DEPARTMENT OF NATURAL RESOURCES</b>			15357
CAP-742	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	15358
CAP-744	MARCS	\$ 2,000,000	15359
CAP-747	DNR Fairgrounds Areas - General Upgrading - Fairgrounds Site Improvements	\$ 700,000	15360
Total Department of Natural Resources		\$ 3,700,000	15361

Appropriations

<b>Section 221.10.90. OSB SCHOOL FOR THE BLIND</b>			15363
CAP-784	Renovations and Repairs	\$ 890,000	15364
CAP-785	Replacement of School Elevator	\$ 110,000	15365
Total School for the Blind		\$ 1,000,000	15366

Appropriations

<b>Section 221.20.10. OSD SCHOOL FOR THE DEAF</b>			15368
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CAP-783 Renovations and Repairs	\$ 1,000,000	15369
Total School for the Deaf	\$ 1,000,000	15370
TOTAL Administrative Building Fund	\$ 73,326,131	15371

**Section 221.20.20.** The Ohio Building Authority is hereby 15372  
authorized to issue and sell, in accordance with Section 2i of 15373  
Article VIII, Ohio Constitution, and Chapter 152. and other 15374  
applicable sections of the Revised Code, original obligations in 15375  
an aggregate principal amount not to exceed \$66,000,000 in 15376  
addition to the original issuance of obligations heretofore 15377  
authorized by prior acts of the General Assembly. These authorized 15378  
obligations shall be issued, subject to applicable constitutional 15379  
and statutory limitations, to pay costs associated with previously 15380  
authorized capital facilities and the capital facilities referred 15381  
to in Sections 221.10.10 to 221.20.10 of this act. 15382

**Section 223.10.** All items set forth in this section are 15383  
hereby appropriated out of any moneys in the state treasury to the 15384  
credit of the Adult Correctional Building Fund (Fund 027), that 15385  
are not otherwise appropriated. 15386

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION		15387
STATEWIDE AND CENTRAL OFFICE PROJECTS		15388
CAP-003 Community Based Correctional Facility	\$ 1,200,000	15389
CAP-017 Security Improvements - Statewide	\$ 6,127,037	15390
CAP-111 General Building Renovations	\$ 28,847,973	15391
Total Statewide and Central Office Projects	\$ 36,175,010	15392
TOTAL Department of Rehabilitation and Correction	\$ 36,175,010	15393
TOTAL ADULT CORRECTIONAL BUILDING FUND	\$ 36,175,010	15394

**Section 223.20.** The Ohio Building Authority is hereby 15396  
authorized to issue and sell, in accordance with Section 2i of 15397  
Article VIII, Ohio Constitution, and Chapter 152. and section 15398

307.021 of the Revised Code, original obligations in an aggregate 15399  
principal amount not to exceed \$21,000,000 in addition to the 15400  
original issuance of obligations heretofore authorized by prior 15401  
acts of the General Assembly. These authorized obligations shall 15402  
be issued, subject to applicable constitutional and statutory 15403  
limitations, to pay costs associated with previously authorized 15404  
capital facilities and the capital facilities referred to in 15405  
Section 223.10 of this act for the Department of Rehabilitation 15406  
and Correction. 15407

**Section 225.10.** All items set forth in this section are 15408  
hereby appropriated out of any moneys in the state treasury to the 15409  
credit of the Juvenile Correctional Building Fund (Fund 028), that 15410  
are not otherwise appropriated. 15411

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES			15412
CAP-801	Fire Suppression/Safety/Security	\$ 2,369,806	15413
CAP-803	General Institutional Renovations	\$ 4,833,336	15414
CAP-812	CCF Renovations/Maintenance	\$ 1,322,304	15415
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$ 4,850,000	15416
CAP-839	Classroom Renovations	\$ 1,988,875	15417
CAP-840	Mental Health Unit Construction	\$ 2,877,510	15418
Total Department of Youth Services		\$ 18,241,831	15419
TOTAL Juvenile Correctional Building Fund		\$ 18,241,831	15420

**Section 225.20.** The Ohio Building Authority is hereby 15422  
authorized to issue and sell, in accordance with Section 2i of 15423  
Article VIII, Ohio Constitution, and Chapter 152. and other 15424  
applicable sections of the Revised Code, original obligations in 15425  
an aggregate principal amount not to exceed \$18,000,000 in 15426  
addition to the original issuance of obligations heretofore 15427

authorized by prior acts of the General Assembly. These authorized 15428  
obligations shall be issued, subject to applicable constitutional 15429  
and statutory limitations, to pay the costs associated with 15430  
previously authorized capital facilities and the capital 15431  
facilities referred to in Section 225.10 of this act for the 15432  
Department of Youth Services. 15433

**Section 227.10.** All items set forth in this section are 15434  
hereby appropriated out of any moneys in the state treasury to the 15435  
credit of the Cultural and Sports Facilities Building Fund (Fund 15436  
030), that are not otherwise appropriated. 15437

Appropriations

AFC CULTURAL FACILITIES COMMISSION 15438

CAP-734	Hayes Center Renov & Repairs	\$	300,000	15439
CAP-745	Renovations and Repairs	\$	850,000	15440
CAP-763	Historic Site Signage	\$	250,000	15441
CAP-770	Serpent Mound Improvements	\$	340,000	15442
CAP-781	Information Technology Project	\$	364,000	15443
CAP-784	Center Rehabilitation	\$	1,035,000	15444
CAP-803	Digitization of Collections	\$	300,000	15445
CAP-809	Exhibit Replace/Orientation	\$	415,000	15446
CAP-910	Collections Facility Planning	\$	1,240,000	15447
CAP-911	W.P. Snyder Restoration	\$	876,000	15448
CAP-912	Lockington Locks Restoration	\$	172,000	15449
CAP-913	Huntington Park	\$	7,000,000	15450
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000	15451
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000	15452
CAP-917	Marina District Amphitheatre	\$	2,900,000	15453
CAP-918	Cincinnati Museum Center	\$	2,000,000	15454
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000	15455

CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000	15456
CAP-921	Pro Football Hall of Fame	\$	1,650,000	15457
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000	15458
CAP-923	Western Reserve Historical Society	\$	1,000,000	15459
CAP-925	COSI Columbus	\$	1,000,000	15460
CAP-926	Columbus Museum of Art	\$	1,000,000	15461
CAP-927	Mason ATP Tennis Center	\$	1,300,000	15462
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000	15463
CAP-929	Akron Art Museum	\$	1,000,000	15464
CAP-930	Sauder Village	\$	830,000	15465
CAP-931	Horvitz Center for the Arts	\$	750,000	15466
CAP-932	Ensemble Theatre	\$	750,000	15467
CAP-933	Voice of America Museum	\$	750,000	15468
CAP-934	Cleveland Steamship Mather	\$	600,000	15469
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	15470
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000	15471
CAP-937	Art Academy of Cincinnati	\$	500,000	15472
CAP-938	Great Lakes Historical Society	\$	500,000	15473
CAP-939	McKinley Museum	\$	425,000	15474
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	15475
CAP-942	Davis Shai Historical Facility	\$	300,000	15476
CAP-943	Massillon Museum	\$	275,000	15477
CAP-944	The Mandel Center	\$	250,000	15478
CAP-945	Worthington Arts Center	\$	250,000	15479
CAP-946	CCAD	\$	250,000	15480
CAP-947	BalletMet	\$	250,000	15481
CAP-948	Stambaugh Hall Improvements	\$	250,000	15482
CAP-949	Youngstown Symphony Orchestra	\$	250,000	15483
CAP-950	Wood County Historical Center & Museum	\$	220,000	15484

CAP-951	Harding Memorial	\$	210,000	15485
CAP-952	Cincinnati Ballet	\$	200,000	15486
CAP-953	City of Avon Stadium Complex	\$	200,000	15487
CAP-954	Renaissance Performing Arts Center	\$	200,000	15488
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	15489
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	15490
CAP-958	Maumee Valley Historical Society	\$	150,000	15491
CAP-959	Trumbull County Historical Society	\$	150,000	15492
CAP-960	First Lunar Flight Project	\$	25,000	15493
CAP-961	Holmes County Historical Society Improvements	\$	140,000	15494
CAP-962	Canal Winchester Historical Society	\$	125,000	15495
CAP-963	Ukrainian Museum	\$	100,000	15496
CAP-964	Gordon Square Arts District	\$	100,000	15497
CAP-965	Moreland Theatre Renovation	\$	100,000	15498
CAP-966	Karamu House	\$	100,000	15499
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000	15500
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	15501
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	15502
CAP-970	Gallia County French Art Colony	\$	100,000	15503
CAP-971	The Octagon House	\$	100,000	15504
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	15505
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	15506
CAP-974	Paul Brown Museum	\$	75,000	15507
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	15508
CAP-976	Van Wert Historical Society	\$	70,000	15509
CAP-977	Indian Mill Renovations	\$	66,000	15510
CAP-978	Hale Farm & Village	\$	50,000	15511

CAP-979	Howe House Historic Site	\$	50,000	15512
CAP-980	Beavercreek Community Theatre	\$	50,000	15513
CAP-981	Jamestown Opera House	\$	50,000	15514
CAP-982	Johnny Appleseed Museum	\$	50,000	15515
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	15516
CAP-984	Woodward Opera House	\$	50,000	15517
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	15518
CAP-986	Applecreek Historical Society	\$	50,000	15519
CAP-987	Wyandot Historic Building Renovation	\$	50,000	15520
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000	15521
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	15522
CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000	15523
CAP-991	Arts West Performing Arts Center	\$	25,000	15524
CAP-992	Chester Academy Historic Building	\$	25,000	15525
CAP-993	Portland Civil War Museum and Historic Displays	\$	25,000	15526
CAP-994	Morgan County Historic Opera House	\$	25,000	15527
CAP-995	Philo Performing Arts Center	\$	25,000	15528
CAP-996	Crawford Antique Museum	\$	9,000	15529
CAP-997	Monroe City Historical Society Building Repairs	\$	5,000	15530
CAP-998	Wright-Dunbar Historical	\$	250,000	15531
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	15532
CAP-082	Music Hall Garage	\$	1,000,000	15533
CAP-083	AB Graham Center	\$	40,000	15534
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000	15535
CAP-085	WACO Aircraft Museum	\$	30,000	15536
Total Cultural Facilities Commission		\$	54,121,000	15537
TOTAL Cultural and Sports Facilities Building Fund		\$	54,121,000	15538



**Section 227.30.** The Treasurer of State is hereby authorized 15540  
to issue and sell, in accordance with Section 2i of Article VIII, 15541  
Ohio Constitution, and Chapter 154. and other applicable sections 15542  
of the Revised Code, original obligations in an aggregate 15543  
principal amount not to exceed \$54,000,000 in addition to the 15544  
original issuance of obligations heretofore authorized by prior 15545  
acts of the General Assembly. These authorized obligations shall 15546  
be issued, subject to applicable constitutional and statutory 15547  
limitations, to pay costs of capital facilities as defined in 15548  
section 154.01 of the Revised Code, including construction as 15549  
defined in division (H) of section 3383.01 of the Revised Code, of 15550  
the Ohio cultural facilities designated in Section 227.10 of this 15551  
act. 15552

**Section 229.10.** All items set forth in this section are 15553  
hereby appropriated out of any moneys in the state treasury to the 15554  
credit of the Ohio Parks and Natural Resources Fund (Fund 031), 15555  
that are not otherwise appropriated. 15556

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		15557
	STATEWIDE AND LOCAL PROJECTS		15558
CAP-012	Land Acquisition - Department	\$ 4,325,000	15559
CAP-702	Underground Fuel Storage/Tank	\$ 500,000	15560
	Removal/Replacement - Department		
CAP-748	NatureWorks Local Park Grants	\$ 2,846,480	15561
CAP-881	Dam Rehabilitation - Department	\$ 3,060,920	15562
CAP-923	Sheldon Marsh Remediation Match	\$ 1,000,000	15563
CAP-928	Handicapped Accessibility - Department	\$ 500,000	15564
CAP-929	Hazardous Waste/Asbestos Abatement -	\$ 500,000	15565
	Department		
CAP-930	The WILDS	\$ 1,175,000	15566
CAP-931	Wastewater/Water Systems Upgrades -	\$ 2,500,000	15567

Department				
CAP-984	Belpre Swimming Pool	\$	50,000	15568
Total Statewide and Local Projects		\$	16,457,400	15569
Total Department of Natural Resources		\$	16,457,400	15570
TOTAL Ohio Parks and Natural Resources Fund		\$	16,457,400	15571

**Section 229.20.** The Ohio Public Facilities Commission, upon 15573  
the request of the Director of Natural Resources, is hereby 15574  
authorized to issue and sell, in accordance with Section 21 of 15575  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 15576  
sections 151.01 and 151.05 of the Revised Code, original 15577  
obligations in an aggregate principal amount not to exceed 15578  
\$16,000,000 in addition to the original issuance of obligations 15579  
heretofore authorized by prior acts of the General Assembly. These 15580  
authorized obligations shall be issued, subject to applicable 15581  
constitutional and statutory limitations, as needed to provide 15582  
sufficient moneys to the credit of the Ohio Parks and Natural 15583  
Resources Fund (Fund 031) to pay costs of capital facilities as 15584  
defined in sections 151.01 and 151.05 of the Revised Code. 15585

**Section 231.10.** All items set forth in this section are 15586  
hereby appropriated out of any moneys in the state treasury to the 15587  
credit of the School Building Program Assistance Fund (Fund 032), 15588  
that are not otherwise appropriated. 15589

Appropriations				
SFC SCHOOL FACILITIES COMMISSION 15590				
CAP-770	School Building Program Assistance	\$	540,000,000	15591
Total School Facilities Commission		\$	540,000,000	15592
TOTAL School Building Program Assistance Fund		\$	540,000,000	15593

SCHOOL BUILDING PROGRAM ASSISTANCE 15594

The foregoing appropriation item CAP-770, School Building 15595  
Program Assistance, shall be used by the School Facilities 15596

Commission to provide funding to school districts that receive 15597  
conditional approval from the Commission pursuant to Chapter 3318. 15598  
of the Revised Code. 15599

**Section 231.20.** The Ohio Public Facilities Commission is 15600  
hereby authorized to issue and sell, in accordance with Section 2n 15601  
of Article VIII, Ohio Constitution, and Chapter 151. and 15602  
particularly sections 151.01 and 151.03 of the Revised Code, 15603  
original obligations in an aggregate principal amount not to 15604  
exceed \$530,000,000, in addition to the original issuance of 15605  
obligations heretofore authorized by prior acts of the General 15606  
Assembly. These authorized obligations shall be issued, subject to 15607  
applicable constitutional and statutory limitations, to pay the 15608  
costs to the state of constructing classroom facilities pursuant 15609  
to sections 3318.01 to 3318.33 of the Revised Code. 15610

**Section 231.30.** The item set forth in this section is 15611  
appropriated contingently upon Chapter 3326. of the Revised Code 15612  
being enacted in other legislation. If the contingency applies, 15613  
the item set forth in this section is appropriated out of any 15614  
moneys in the state treasury to the credit of the School Building 15615  
Program Assistance Fund (Fund 032), that are not otherwise 15616  
appropriated. 15617

Appropriations

STM OHIO STEM EDUCATION AUTHORITY 15618  
CAP-001 Ohio STEM Education Authority \$ 16,000,000 15619  
Total Ohio STEM Education Authority \$ 16,000,000 15620  
TOTAL School Building Program Assistance Fund \$ 16,000,000 15621

OHIO STEM EDUCATION AUTHORITY 15622

The foregoing appropriation item CAP-001, Ohio STEM Education 15623  
Authority, shall be used to support the capital needs of the Ohio 15624  
STEM Education Authority. 15625

**Section 231.40.** The Ohio Public Facilities Commission is 15626  
hereby authorized to issue and sell, in accordance with Section 2n 15627  
of Article VIII, Ohio Constitution, and Chapter 151. and 15628  
particularly sections 151.01 and 151.03 of the Revised Code, 15629  
original obligations in an aggregate principal amount not to 15630  
exceed \$16,000,000, in addition to the original issuance of 15631  
obligations heretofore authorized by Section 231.20 of this act 15632  
and by prior acts of the General Assembly. These authorized 15633  
obligations shall be issued, subject to applicable constitutional 15634  
and statutory limitations, to pay the costs to the state of 15635  
constructing classroom facilities pursuant to sections 3318.01 to 15636  
3318.33 of the Revised Code. 15637

**Section 233.10.10.** All items set forth in Sections 233.10.20 15638  
to 233.10.50 are hereby appropriated out of any moneys in the 15639  
state treasury to the credit of the Mental Health Facilities 15640  
Improvement Fund (Fund 033), that are not otherwise appropriated. 15641

Appropriations

**Section 233.10.20.** ADA ALCOHOL AND DRUG ADDICTION SERVICES 15642  
CAP-004 New Directions Residential Treatment \$ 250,000 15643  
CAP-005 Maryhaven Facility Improvements \$ 200,000 15644  
Total Alcohol and Drug Addiction Services \$ 450,000 15645

Appropriations

**Section 233.10.30.** DMH DEPARTMENT OF MENTAL HEALTH 15647  
CAP-092 Hazardous Material Abatement \$ 500,000 15648  
CAP-479 Community Assistance Projects \$ 5,550,000 15649  
CAP-946 Demolition \$ 500,000 15650  
CAP-978 Infrastructure Improvements \$ 11,980,000 15651  
CAP-986 Campus Consolidation \$ 4,000,000 15652  
Total Department of Mental Health \$ 22,530,000 15653

COMMUNITY ASSISTANCE PROJECTS	15654
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.	15655 15656 15657 15658 15659 15660

Appropriations

<b>Section 233.10.40.</b> DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES	15661 15662
STATEWIDE AND CENTRAL OFFICE PROJECTS	15663
CAP-480 Community Assistance Projects	\$ 12,000,000 15664
CAP-885 Bellefaire Jewish Children's Bureau	\$ 750,000 15665
CAP-887 North Olmsted Welcome House	\$ 100,000 15666
CAP-889 Kamp Dovetail Project at Rocky Fork Lake State Park	\$ 100,000 15667
CAP-912 Telecommunications	\$ 765,000 15668
CAP-941 Emergency Generator Replacement	\$ 1,000,000 15669
CAP-955 Statewide Development Centers	\$ 6,212,373 15670
CAP-981 Emergency Improvements	\$ 500,000 15671
Total Statewide and Central Office Projects	\$ 21,427,373 15672
TOTAL Department of Mental Retardation and Developmental Disabilities	\$ 21,427,373 15673
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$ 44,407,373 15674

COMMUNITY ASSISTANCE PROJECTS	15675
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	15676 15677 15678 15679 15680 15681

county boards of mental retardation and developmental 15682  
disabilities. Any funds provided to nonprofit agencies for the 15683  
construction or renovation of facilities for persons eligible for 15684  
services from the Department of Mental Retardation and 15685  
Developmental Disabilities and county boards of mental retardation 15686  
and developmental disabilities shall be governed by the prevailing 15687  
wage provisions in section 176.05 of the Revised Code. 15688

**Section 233.10.50.** The foregoing appropriations for the 15689  
Department of Mental Health, CAP-479, Community Assistance 15690  
Projects, and the Department of Mental Retardation and 15691  
Developmental Disabilities, CAP-480, Community Assistance 15692  
Projects, may be used on facilities constructed or to be 15693  
constructed pursuant to Chapter 340., 3793., 5119., 5123., or 15694  
5126. of the Revised Code or the authority granted by section 15695  
154.20 of the Revised Code and the rules issued pursuant to those 15696  
chapters and shall be distributed by the Department of Mental 15697  
Health and the Department of Mental Retardation and Developmental 15698  
Disabilities, all subject to Controlling Board approval. 15699

**Section 233.10.60.** (A) No capital improvement appropriations 15700  
made in Sections 233.10.10 to 233.10.50 of this act shall be 15701  
released for planning or for improvement, renovation, or 15702  
construction or acquisition of capital facilities if a 15703  
governmental agency, as defined in section 154.01 of the Revised 15704  
Code, does not own the real property that constitutes the capital 15705  
facilities or on which the capital facilities are or will be 15706  
located. This restriction does not apply in any of the following 15707  
circumstances: 15708

(1) The governmental agency has a long-term (at least fifteen 15709  
years) lease of, or other interest (such as an easement) in, the 15710  
real property. 15711

(2) In the case of an appropriation for capital facilities 15712  
that, because of their unique nature or location, will be owned or 15713  
be part of facilities owned by a separate nonprofit organization 15714  
and made available to the governmental agency for its use or 15715  
operated by the nonprofit organization under contract with the 15716  
governmental agency, the nonprofit organization either owns or has 15717  
a long-term (at least fifteen years) lease of the real property or 15718  
other capital facility to be improved, renovated, constructed, or 15719  
acquired and has entered into a joint or cooperative use 15720  
agreement, approved by the Department of Mental Health or the 15721  
Department of Mental Retardation and Developmental Disabilities, 15722  
whichever is applicable, with the governmental agency for that 15723  
agency's use of and right to use the capital facilities to be 15724  
financed and, if applicable, improved, the value of such use or 15725  
right to use being, as determined by the parties, reasonably 15726  
related to the amount of the appropriation. 15727

(B) In the case of capital facilities referred to in division 15728  
(A)(2) of this section, the joint or cooperative use agreement 15729  
shall include, as a minimum, provisions that: 15730

(1) Specify the extent and nature of that joint or 15731  
cooperative use, extending for not fewer than fifteen years, with 15732  
the value of such use or right to use to be, as determined by the 15733  
parties and approved by the approving department, reasonably 15734  
related to the amount of the appropriation; 15735

(2) Provide for pro rata reimbursement to the state should 15736  
the arrangement for joint or cooperative use by a governmental 15737  
agency be terminated; 15738

(3) Provide that procedures to be followed during the capital 15739  
improvement process will comply with appropriate applicable state 15740  
laws and rules, including the provisions of this act. 15741

**Section 233.10.70.** The Treasurer of State is hereby 15742  
authorized to issue and sell in accordance with Section 2i of 15743  
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 15744  
Code, particularly section 154.20 of the Revised Code, original 15745  
obligations in an aggregate principal amount not to exceed 15746  
\$49,000,000 in addition to the original issuance of obligations 15747  
heretofore authorized by prior acts of the General Assembly. These 15748  
authorized obligations shall be issued, subject to applicable 15749  
constitutional and statutory limitations, to pay costs of capital 15750  
facilities as defined in section 154.01 of the Revised Code for 15751  
mental hygiene and retardation. 15752

**Section 235.10.10.** All items set forth in Sections 235.10.20 15753  
to 235.50.80 are hereby appropriated out of any moneys in the 15754  
state treasury to the credit of the Higher Education Improvement 15755  
Fund (Fund 034), that are not otherwise appropriated. 15756

Appropriations

**Section 235.10.20.** ETC ETECH OHIO 15757  
CAP-001 Educational TV and Radio Equipment \$ 1,000,000 15758  
CAP-003 ETC Ohio Government Telecomm \$ 310,000 15759  
Total eTech Ohio \$ 1,310,000 15760

Appropriations

**Section 235.10.30.** BOARD OF REGENTS AND STATE INSTITUTIONS OF 15762  
HIGHER EDUCATION 15763  
BOR BOARD OF REGENTS 15764  
CAP-025 Instructional and Data Processing \$ 23,783,697 15765  
Equipment  
CAP-029 Ohio Library and Information Network \$ 5,410,000 15766  
CAP-030 Ohio Supercomputer Center Expansion \$ 7,480,000 15767  
CAP-031 Ohio Aerospace Institute \$ 200,000 15768



CAP-032	Research Facility Action and Investment Funds	\$	5,500,000	15769
CAP-060	Technology Initiatives	\$	2,000,000	15770
CAP-062	Non-credit Job Training Facilities	\$	2,350,000	15771
CAP-068	Third Frontier Wright Capital	\$	50,000,000	15772
CAP-070	Dark Fiber/OARnet	\$	4,950,000	15773
CAP-082	Supplemental Renovations - Library Depositories	\$	2,000,000	15774
CAP-083	Central State Emergency Capital Needs	\$	1,000,000	15775
CAP-084	University Hospitals Ireland Cancer Center	\$	5,000,000	15776
CAP-085	315 Research and Technology Corridor	\$	1,700,000	15777
CAP-087	Youngstown Technology Center	\$	2,750,000	15778
CAP-088	Cleveland Clinic-Glickman Tower	\$	1,000,000	15779
CAP-089	MetroHealth Senior Health and Wellness Center	\$	1,000,000	15780
CAP-090	Columbus Children's Hospital Amphitheater	\$	1,000,000	15781
CAP-091	CWRU Mt. Sinai Skills and Simulation Center	\$	500,000	15782
CAP-092	Shawnee State Motion Capture Studio Project	\$	281,300	15783
CAP-093	Central Ohio Research Data Network-New Albany	\$	250,000	15784
CAP-094	Clintonville Fiber Project	\$	100,000	15785
Total Board of Regents		\$	118,254,997	15786

**Section 235.10.40. RESEARCH FACILITY ACTION AND INVESTMENT** 15788

**FUNDS** 15789

The foregoing appropriation item CAP-032, Research Facility 15790  
Action and Investment Funds, shall be used for a program of grants 15791  
to be administered by the Board of Regents to provide timely 15792  
availability of capital facilities for research programs and 15793

research-oriented instructional programs at or involving 15794  
state-supported and state-assisted institutions of higher 15795  
education. 15796

**Section 235.10.50. THIRD FRONTIER WRIGHT CAPITAL 15797**

The foregoing appropriation item CAP-068, Third Frontier 15798  
Wright Capital, shall be used to acquire, renovate, or construct 15799  
facilities and purchase equipment for research programs, 15800  
technology development, product development, and commercialization 15801  
programs at or involving state-supported and state-assisted 15802  
institutions of higher education. The funds shall be used to make 15803  
grants awarded on a competitive basis, and shall be administered 15804  
by the Third Frontier Commission. Expenditure of these funds shall 15805  
comply with Section 2n of Article VIII, Ohio Constitution, and 15806  
sections 151.01 and 151.04 of the Revised Code for the period 15807  
beginning July 1, 2006, and ending June 30, 2008. 15808

The Third Frontier Commission shall develop guidelines 15809  
relative to the application for and selection of projects funded 15810  
from appropriation item CAP-068, Third Frontier Wright Capital. 15811  
The Commission may develop these guidelines in consultation with 15812  
other interested parties. The Board of Regents and all 15813  
state-assisted and state-supported institutions of higher 15814  
education shall take all actions necessary to implement grants 15815  
awarded by the Third Frontier Commission. 15816

The foregoing appropriation item CAP-068, Third Frontier 15817  
Wright Capital, for which an appropriation is made from the Higher 15818  
Education Improvement Fund (Fund 034), is determined to consist of 15819  
capital improvements and capital facilities for state-supported 15820  
and state-assisted institutions of higher education, and is 15821  
designated for the capital facilities to which proceeds of 15822  
obligations in the Higher Education Improvement Fund (Fund 034) 15823  
are to be applied. 15824

**Section 235.10.60. REIMBURSEMENT FOR PROJECT COSTS** 15825

Appropriations made in Sections 235.10.10 to 235.50.80 of 15826  
this act for purposes of costs of capital facilities for the 15827  
interim financing of which the particular institution has 15828  
previously issued its own obligations anticipating the possibility 15829  
of future state appropriations to pay all or a portion of such 15830  
costs, as contemplated in division (B) of section 3345.12 of the 15831  
Revised Code, shall be paid directly to the institution or the 15832  
paying agent for those outstanding obligations in the full 15833  
principal amount of those obligations then to be paid from the 15834  
anticipated appropriation, and shall be timely applied to the 15835  
retirement of a like principal amount of the institution's 15836  
obligations. 15837

Appropriations made in Sections 235.10.10 to 235.50.80 of 15838  
this act for purposes of costs of capital facilities, all or a 15839  
portion of which costs the particular institution has paid from 15840  
the institution's moneys that were temporarily available and which 15841  
expenditures were reasonably expected at the time of the advance 15842  
by the institution to be reimbursed from the proceeds of 15843  
obligations issued by the state, shall be directly paid to the 15844  
institution in the full amounts of those payments, and shall be 15845  
timely applied to the reimbursement of those temporarily available 15846  
moneys. All reimbursements are subject to review and approval 15847  
through the capital release process. 15848

Appropriations

**Section 235.10.70. UAK UNIVERSITY OF AKRON** 15849

CAP-008	Basic Renovations	\$	6,260,392	15850
CAP-047	Polsky Building Rehabilitation	\$	949,082	15851
CAP-049	Basic Renovations-Wayne	\$	215,241	15852
CAP-054	Auburn West Tower Rehabilitation Phase	\$	6,026,253	15853

III

CAP-119	Wayne College Renovations/Expansion	\$	709,805	15854
CAP-121	Administration Building Phase II	\$	1,344,536	15855
CAP-122	Polymer Processing Center Phase I	\$	4,935,457	15856
CAP-123	Medina County University Center (UAK)	\$	1,500,000	15857
CAP-124	Hydrogen Fueling Station Project at University of Akron	\$	1,000,000	15858
Total University of Akron		\$	22,940,766	15859

Appropriations

**Section 235.10.80. BGU BOWLING GREEN STATE UNIVERSITY** 15861

CAP-009	Basic Renovations	\$	4,746,508	15862
CAP-060	Basic Renovations-Firelands	\$	351,961	15863
CAP-127	Instructional Laboratory Phase II	\$	836,265	15864
CAP-131	Health Center Addition	\$	9,750,000	15865
CAP-132	Student Services Building Replacement	\$	8,100,000	15866
CAP-133	BGSU Aviation Improvements	\$	500,000	15867
Total Bowling Green University		\$	24,284,734	15868

Appropriations

**Section 235.10.90. CSU CENTRAL STATE UNIVERSITY** 15870

CAP-022	Basic Renovations	\$	1,182,374	15871
CAP-084	Center for Education & Natural Sciences Phase II Construction	\$	6,023,789	15872
Total Central State University		\$	7,206,163	15873

Appropriations

**Section 235.20.10. UCN UNIVERSITY OF CINCINNATI** 15874

CAP-009	Basic Renovations	\$	11,936,927	15875
CAP-018	Basic Renovations-Clermont	\$	315,249	15876
CAP-054	Raymond Walters Renovations	\$	568,630	15877
CAP-205	Medical Science Building Renovation and Expansion (CARE)	\$	17,285,021	15878

CAP-224	Van Wormer Renovation	\$	3,600,000	15879
CAP-263	Swift Renovation	\$	2,540,000	15880
CAP-313	Expand Clermont	\$	785,062	15881
CAP-353	Zimmer Plaza/Auditorium Renovation	\$	3,600,000	15882
CAP-354	RWC Technology Center	\$	1,534,608	15883
CAP-355	Barrett Cancer Center	\$	2,500,000	15884
CAP-356	Freestore Foodbank	\$	500,000	15885
CAP-357	Sharonville Convention Center	\$	550,000	15886
CAP-358	Hebrew Union College Archives Project	\$	350,000	15887
CAP-359	Consolidated Communications Project of Clermont County	\$	300,000	15888
CAP-360	People Working Cooperatively	\$	75,000	15889
Total University of Cincinnati		\$	46,440,497	15890

Appropriations

<b>Section 235.20.20. CLS CLEVELAND STATE UNIVERSITY</b>				15892
CAP-023	Basic Renovations	\$	3,796,031	15893
CAP-125	College of Education	\$	10,115,719	15894
CAP-148	Cleveland Institute of Art	\$	1,000,000	15895
CAP-163	Anthropology Department Renovations/Relocation	\$	400,000	15896
CAP-164	Chester Building Annex Demolition	\$	921,583	15897
CAP-165	Bakers Building Renovations	\$	1,328,583	15898
CAP-166	Playhouse Square Center - Hanna Theatre	\$	750,000	15899
CAP-167	Cleveland State University Windtower Generator Project	\$	400,000	15900
CAP-168	Kenston Wind Turbine Project in Geauga (CSU Engineering Department)	\$	300,000	15901
CAP-169	Cleveland Museum of Art	\$	3,000,000	15902
Total Cleveland State University		\$	22,011,916	15903

Appropriations

<b>Section 235.20.30. KSU KENT STATE UNIVERSITY</b>				15905
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CAP-022	Basic Renovations	\$	5,729,827	15906
CAP-105	Basic Renovations-East Liverpool	\$	240,437	15907
CAP-106	Basic Renovations-Geauga	\$	74,459	15908
CAP-107	Basic Renovations-Salem	\$	167,621	15909
CAP-108	Basic Renovations-Stark	\$	566,473	15910
CAP-110	Basic Renovations-Ashtabula	\$	282,463	15911
CAP-111	Basic Renovations-Trumbull	\$	552,348	15912
CAP-112	Basic Renovations-Tuscarawas	\$	371,018	15913
CAP-212	Health Science Building	\$	768,084	15914
CAP-262	Gym Renovations, Construction Phase	\$	566,617	15915
CAP-266	Fine & Performing Arts Center, Planning Phase	\$	911,738	15916
CAP-277	Bowman Hall Chilled Water Plant	\$	2,250,000	15917
CAP-278	Electrical Infrastructure Improvements	\$	808,800	15918
CAP-279	Oscar Ritchie Hall Rehabilitation	\$	10,455,000	15919
CAP-280	Taylor Hall Renovation, Phase I	\$	750,000	15920
CAP-281	Music/Speech Center Renovation, Phase I	\$	1,262,807	15921
CAP-282	Classroom Building Renovation, Phase I	\$	415,662	15922
CAP-283	Classroom Addition/Renovation Planning	\$	279,901	15923
CAP-284	Main Hall Science Lab/Nurse Addition	\$	1,165,436	15924
CAP-285	Classroom Building Renovation	\$	640,399	15925
CAP-286	Fire Alarm System Upgrade	\$	375,000	15926
CAP-287	Blossom Music Center	\$	2,000,000	15927
CAP-288	Columbiana County Port Authority Coal Liquification Project	\$	500,000	15928
CAP-289	Kent State University - Hillel	\$	400,000	15929
Total Kent State University		\$	31,534,090	15930

Appropriations

<b>Section 235.20.40. MUN MIAMI UNIVERSITY</b>			15932	
CAP-018	Basic Renovations	\$	5,465,380	15933
CAP-066	Basic Renovations - Hamilton	\$	595,995	15934
CAP-069	Basic Renovations - Middletown	\$	546,243	15935

CAP-160	Benton Hall Rehabilitation	\$	3,900,000	15936
CAP-161	Kreger-Robertson Hall Renovation	\$	1,000,000	15937
CAP-162	Richard T. Farmer School of Business	\$	3,000,000	15938
CAP-163	Upham Hall North Wing Rehabilitation	\$	500,000	15939
CAP-164	Warfield Hall Rehabilitation	\$	3,699,024	15940
CAP-165	Pearson Hall Laboratories	\$	997,408	15941
CAP-166	Academic/Administration & General Improvement Project	\$	1,153,217	15942
CAP-167	Academic/Administration & Renovation Project	\$	1,526,909	15943
Total Miami University		\$	22,384,176	15944

Appropriations

<b>Section 235.20.50. OSU OHIO STATE UNIVERSITY</b>				15946
CAP-074	Basic Renovations	\$	26,062,119	15947
CAP-149	Basic Renovations - Regional Campuses	\$	4,777,451	15948
CAP-255	Supplemental Renovations - OARDC	\$	829,170	15949
CAP-534	Main Library Rehabilitation/Expansion	\$	50,841,261	15950
CAP-736	Brown Hall Renovation/Replacement	\$	3,500,000	15951
CAP-737	Hughes Hall Renovation	\$	1,500,000	15952
CAP-738	COMPH Academic Center	\$	5,000,000	15953
CAP-739	Murray Hall Renovation	\$	1,000,000	15954
CAP-740	New Student Life Building	\$	1,000,000	15955
CAP-741	Founders/Hopewell Hall Renovation	\$	1,960,080	15956
CAP-742	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	15957
CAP-743	Selby Hall Phytotron Facility Renovation	\$	2,000,000	15958
CAP-744	Stone Laboratory Research Facility Improvements	\$	500,000	15959
CAP-745	OSU Extension Safety Improvements in Madison County	\$	94,000	15960
CAP-746	Camp Clifton Improvements	\$	90,000	15961
CAP-747	Delaware Speech & Hearing with OSU	\$	75,000	15962

Medical College			
Total Ohio State University	\$	103,229,081	15963
FEED MILL REPLACEMENT PROJECT			15964
Notwithstanding anything to the contrary in sections 9.33,			15965
123.01, and 3345.50 and Chapter 153. of the Revised Code, the Ohio			15966
State University may negotiate, enter into, and locally administer			15967
a contract that combines the design and construction elements of			15968
the project into a single contract for the feed mill replacement			15969
project, funded with appropriations in the foregoing appropriation			15970
item CAP-255, Supplemental Renovations - OARDC, including any			15971
reappropriation amount made to appropriation item CAP-492, OARDC			15972
Feed Mill, in Am. Sub. H.B. 530 of the 126th General Assembly.			15973

Appropriations

<b>Section 235.20.60. OHU OHIO UNIVERSITY</b>			15974
CAP-020 Basic Renovations	\$	7,091,427	15975
CAP-095 Basic Renovations - Eastern	\$	257,411	15976
CAP-098 Basic Renovations - Lancaster	\$	360,387	15977
CAP-099 Basic Renovations - Zanesville	\$	328,368	15978
CAP-113 Basic Renovations - Chillicothe	\$	305,706	15979
CAP-114 Basic Renovations - Ironton	\$	259,241	15980
CAP-216 Southern - Land Acquisition	\$	200,000	15981
CAP-222 Clippinger Lab Rehabilitation Phase I	\$	1,000,000	15982
CAP-223 Alden Library Rehabilitation Phase I	\$	1,000,000	15983
CAP-224 University Center	\$	5,210,000	15984
CAP-225 Lausche Heating Plant Phase III	\$	2,175,000	15985
CAP-233 Integrated Learning and Research Facility	\$	1,431,170	15986
CAP-234 Porter Hall Addition	\$	3,681,170	15987
CAP-235 Supplemental Basic Renovations	\$	1,000,000	15988
CAP-236 College of Communication Baker RTVC Redevelopment	\$	2,400,000	15989



CAP-237	Shannon Hall Interior Renovation	\$	384,090	15990
CAP-238	Ohio University Eastern Campus Health and Education Center	\$	200,157	15991
CAP-239	Stevenson Student Service Area	\$	704,720	15992
CAP-240	Shoemaker A/C Completion	\$	259,096	15993
CAP-241	Proctorville Parking - Site Improvement	\$	200,000	15994
CAP-242	Southern - Student Activity Office Renovation	\$	193,491	15995
CAP-243	Lancaster Community Conference 7 Events Center	\$	954,647	15996
CAP-244	Elson Hall 2nd Floor Renovation	\$	924,481	15997
CAP-245	Road Widening and Campus Gate	\$	120,000	15998
CAP-246	Ohio University Integrated Learning and Research Facility	\$	1,000,000	15999
CAP-247	Ohio University Southern Ohio Proctorville Center Improvements	\$	90,000	16000
Total Ohio University		\$	31,730,562	16001

Appropriations

**Section 235.20.70. SSC SHAWNEE STATE UNIVERSITY** 16003

CAP-004	Basic Renovations	\$	1,226,165	16004
CAP-053	University Center Renovation	\$	1,726,006	16005
Total Shawnee State University		\$	2,952,171	16006

Appropriations

**Section 235.20.80. UTO UNIVERSITY OF TOLEDO** 16008

CAP-010	Basic Renovations	\$	6,131,561	16009
CAP-129	Science/Laboratory Building	\$	4,042,523	16010
CAP-136	CBLE - Stranahan Hall Addition	\$	6,000,000	16011
CAP-137	Chilled Water Plant Equipment	\$	1,756,000	16012
CAP-138	Steam & Chilled Water Line Extension	\$	1,450,304	16013
CAP-139	North Engineering Renovation	\$	1,000,000	16014
CAP-140	Northwest Ohio Science & Technology	\$	1,000,000	16015

Corridor

Total University of Toledo	\$	21,380,388	16016
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Appropriations

<b>Section 235.20.90. WSU WRIGHT STATE UNIVERSITY</b>	16018
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CAP-015	Basic Renovations	\$	4,384,404	16019
CAP-064	Basic Renovations - Lake	\$	137,381	16020
CAP-119	Science Lab Renovations	\$	9,886,492	16021
CAP-134	Lake Campus Rehabilitation	\$	478,906	16022
CAP-135	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000	16023
CAP-136	Welcome Stadium Project	\$	1,600,000	16024
CAP-137	Consolidated Communications Project of Greene County	\$	750,000	16025
CAP-139	Glenn Helen Preserve Ecology Art Classroom	\$	15,000	16026
Total Wright State University		\$	19,752,183	16027

Appropriations

<b>Section 235.30.10. YSU YOUNGSTOWN STATE UNIVERSITY</b>	16029
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CAP-014	Basic Renovations	\$	3,841,621	16030
CAP-125	Campus-wide Building Systems Upgrades	\$	1,950,000	16031
CAP-133	Campus Development	\$	1,500,000	16032
CAP-134	Instructional Space Upgrades	\$	900,000	16033
CAP-135	College of Business	\$	6,224,834	16034
Total Youngstown State University		\$	14,416,455	16035

Appropriations

<b>Section 235.30.20. MUO MEDICAL UNIVERSITY OF OHIO</b>	16037
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CAP-010	Basic Renovations	\$	1,893,176	16038
CAP-066	Core Research Facility Construction - Phase II	\$	1,800,720	16039
CAP-078	Clinical/Academic Renovation	\$	900,350	16040

CAP-081	Resource & Community Learning Center	\$	900,360	16041
CAP-082	Campus Energy Plant - Phase I	\$	900,350	16042
Total Medical University of Ohio		\$	6,394,956	16043

Appropriations

<b>Section 235.30.30. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE</b>				16045
OF MEDICINE				16046
CAP-018	Basic Renovations	\$	679,957	16047
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,473,952	16048
Total Northeastern Ohio Universities College of Medicine		\$	2,153,909	16049

Appropriations

<b>Section 235.30.40. CTC CINCINNATI STATE COMMUNITY COLLEGE</b>				16051
CAP-013	Basic Renovations	\$	1,449,887	16052
CAP-039	Brick Repair and Weather Proofing	\$	225,359	16053
CAP-040	Energy Management - Motor Replacement	\$	377,899	16054
CAP-041	Roof Replacement	\$	661,573	16055
CAP-042	Neighborhood Health Care	\$	175,000	16056
Total Cincinnati State Community College		\$	2,889,718	16057

Appropriations

<b>Section 235.30.50. CLT CLARK STATE COMMUNITY COLLEGE</b>				16059
CAP-006	Basic Renovations	\$	628,411	16060
CAP-041	Sarah T. Landess Technology and Learning Center	\$	146,313	16061
CAP-045	Performing Arts Center Expansion	\$	970,607	16062
CAP-046	Library Resource Center Addition	\$	300,000	16063
CAP-047	Clark State Community College Facility Purchase	\$	150,000	16064
CAP-048	Clark State Health and Education Center	\$	100,000	16065
Total Clark State Community College		\$	2,295,331	16066

Appropriations

<b>Section 235.30.60. CTI COLUMBUS STATE COMMUNITY COLLEGE</b>			16068
CAP-006	Basic Renovations	\$ 1,803,681	16069
CAP-054	Renovations/Addition - Delaware Hall	\$ 4,728,428	16070
CAP-055	Planning Moneys for Building "F"	\$ 1,310,554	16071
Total Columbus State Community College			\$ 7,842,663 16072

Appropriations

<b>Section 235.30.70. CCC CUYAHOGA COMMUNITY COLLEGE</b>			16074
CAP-031	Basic Renovations	\$ 3,866,782	16075
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$ 2,411,797	16076
CAP-099	Hospitality Management Program	\$ 4,000,000	16077
CAP-100	Theater/Auditorium Renovations	\$ 4,036,552	16078
CAP-101	Nursing Clinical Simulation Center	\$ 250,000	16079
CAP-102	Rock and Roll Hall of Fame Archives	\$ 200,000	16080
Total Cuyahoga Community College			\$ 14,765,131 16081

Appropriations

<b>Section 235.30.80. ESC EDISON STATE COMMUNITY COLLEGE</b>			16083
CAP-006	Basic Renovations	\$ 422,154	16084
CAP-023	Regional Centers of Excellence	\$ 3,375,000	16085
CAP-024	Edison State Community College Regional Center for Excellence	\$ 25,000	16086
Total Edison State Community College			\$ 3,822,154 16087

Appropriations

<b>Section 235.30.90. JTC JEFFERSON COMMUNITY COLLEGE</b>			16089
CAP-022	Basic Renovations	\$ 331,514	16090
CAP-044	Second Floor Business & Industry Technical Center	\$ 725,443	16091
Total Jefferson Community College			\$ 1,056,957 16092

Appropriations

<b>Section 235.40.10. LCC LAKELAND COMMUNITY COLLEGE</b>			16094
CAP-006	Basic Renovations	\$ 1,302,992	16095
CAP-045	Instructional Use/University Partnership Building	\$ 2,433,264	16096
Total Lakeland Community College			\$ 3,736,256 16097

Appropriations

<b>Section 235.40.20. LOR LORAIN COMMUNITY COLLEGE</b>			16099
CAP-005	Basic Renovations	\$ 1,432,562	16100
CAP-045	HPER Rehabilitation	\$ 2,645,970	16101
Total Lorain Community College			\$ 4,078,532 16102

Appropriations

<b>Section 235.40.30. NTC NORTHWEST STATE COMMUNITY COLLEGE</b>			16104
CAP-003	Basic Renovations	\$ 417,030	16105
Total Northwest State Community College			\$ 417,030 16106

Appropriations

<b>Section 235.40.40. OTC OWENS COMMUNITY COLLEGE</b>			16108
CAP-019	Basic Renovations	\$ 2,123,075	16109
CAP-042	Campus Expansion - Penta Acquisition	\$ 12,000,000	16110
CAP-043	Center for Emergency Preparedness, Phase IV	\$ 493,940	16111
CAP-044	The Max Albon Center	\$ 550,000	16112
CAP-906	Jerusalem Township Food Bank	\$ 100,000	16113
Total Owens Community College			\$ 15,267,015 16114

Appropriations

<b>Section 235.40.50. RGC RIO GRANDE COMMUNITY COLLEGE</b>			16116
CAP-005	Basic Renovations	\$ 548,241	16117
Total Rio Grande Community College			\$ 548,241 16118

Appropriations

<b>Section 235.40.60. SCC SINCLAIR COMMUNITY COLLEGE</b>			16120
CAP-007	Basic Renovations	\$ 2,863,978	16121
CAP-062	Consolidated Communications Project - Montgomery	\$ 1,500,000	16122
Total Sinclair Community College		\$ 4,363,978	16123

Appropriations

<b>Section 235.40.70. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>			16125
CAP-010	Basic Renovations	\$ 428,025	16126
CAP-027	Southern State Community College Laboratory and Classroom Building	\$ 1,000,000	16127
Total Southern State Community College		\$ 1,428,025	16128

Appropriations

<b>Section 235.40.80. TTC TERRA STATE COMMUNITY COLLEGE</b>			16130
CAP-009	Basic Renovations	\$ 442,291	16131
Total Terra State Community College		\$ 442,291	16132

Appropriations

<b>Section 235.40.90. WTC WASHINGTON STATE COMMUNITY COLLEGE</b>			16134
CAP-006	Basic Renovations	\$ 385,546	16135
CAP-021	Washington State Community College Health Sciences Center	\$ 350,000	16136
CAP-022	Washington State Community College Center for Higher Education	\$ 25,000	16137
Total Washington State Community College		\$ 760,546	16138

Appropriations

<b>Section 235.50.10. BTC BELMONT TECHNICAL COLLEGE</b>			16140
CAP-008	Basic Renovations	\$ 309,432	16141
Total Belmont Technical College		\$ 309,432	16142

Appropriations

<b>Section 235.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE</b>			16144
CAP-003	Basic Renovations	\$ 333,331	16145
CAP-015	Founders/Hopewell Hall Renovation	\$ 1,538,362	16146
CAP-016	Roscoe Village Inn Renovation	\$ 500,000	16147
Total Central Ohio Technical College		\$ 2,371,693	16148

Appropriations

<b>Section 235.50.30. HTC HOCKING TECHNICAL COLLEGE</b>			16150
CAP-019	Basic Renovations	\$ 693,603	16151
CAP-042	McClenaghan Center for Hospitality Training	\$ 1,838,986	16152
Total Hocking Technical College		\$ 2,532,589	16153

Appropriations

<b>Section 235.50.40. LTC JAMES RHODES STATE COLLEGE</b>			16155
CAP-004	Basic Renovations	\$ 431,960	16156
CAP-018	Community Union	\$ 1,045,625	16157
Total James Rhodes State College		\$ 1,477,585	16158

Appropriations

<b>Section 235.50.50. MTC MARION TECHNICAL COLLEGE</b>			16160
CAP-004	Basic Renovations	\$ 166,413	16161
CAP-013	Classroom/Student Resource Center	\$ 3,500,000	16162
Total Marion Technical College		\$ 3,666,413	16163

Appropriations

<b>Section 235.50.60. MAT ZANE STATE COLLEGE</b>			16165
CAP-007	Basic Renovations	\$ 402,714	16166
CAP-023	Willet-Pratt Center Expansion	\$ 750,000	16167
Total Zane State College		\$ 1,152,714	16168

Appropriations

<b>Section 235.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE</b>			16170
CAP-003	Basic Renovations	\$ 515,249	16171
CAP-016	Health Sciences Center Rehabilitation	\$ 1,035,150	16172
CAP-017	Kehoe Center Rehabilitation	\$ 419,655	16173
Total North Central Technical College			\$ 1,970,054 16174

Appropriations

<b>Section 235.50.80. STC STARK TECHNICAL COLLEGE</b>			16176
CAP-004	Basic Renovations	\$ 277,804	16177
CAP-039	Health & Science Building	\$ 5,097,338	16178
Total Stark Technical College			\$ 5,375,142 16179
Total Board of Regents and			16180
Institutions of Higher Education			\$ 579,636,534 16181
TOTAL Higher Education Improvement Fund			\$ 580,946,534 16182

**Section 235.50.90. DEBT SERVICE FORMULA ALLOCATION** 16184

Based on the foregoing appropriations in Sections 235.10.70 16185  
to 235.50.80 of this act, from Fund 034, Higher Education 16186  
Improvement Fund, the following higher education institutions 16187  
shall be responsible for the specified amounts as part of the debt 16188  
service component of the instructional subsidy beginning in fiscal 16189  
year 2008: 16190

INSTITUTION	AMOUNT	
University of Akron	\$ 13,255,328	16192
University of Akron - Wayne	\$ 709,805	16193
Bowling Green State University	\$ 17,300,000	16194
Bowling Green State University - Firelands	\$ 836,265	16195
Central State University	\$ 2,023,789	16196
University of Cincinnati	\$ 27,025,021	16197
University of Cincinnati - Clermont	\$ 785,062	16198
University of Cincinnati - Walters	\$ 1,534,608	16199
Cleveland State University	\$ 11,437,302	16200



Kent State University	\$	15,526,607	16201
Kent State University - Ashtabula	\$	768,084	16202
Kent State University - East Liverpool	\$	415,662	16203
Kent State University - Geauga	\$	279,901	16204
Kent State University - Salem	\$	566,617	16205
Kent State University - Stark	\$	1,165,436	16206
Kent State University - Trumbull	\$	1,015,399	16207
Kent State University - Tuscarawas	\$	911,738	16208
Miami University	\$	13,096,432	16209
Miami University - Hamilton	\$	1,153,217	16210
Miami University - Middletown	\$	1,526,909	16211
Ohio State University	\$	61,841,261	16212
Ohio State University - Lima	\$	1,000,000	16213
Ohio State University - Newark	\$	1,960,080	16214
Ohio State University - OARDC	\$	6,829,170	16215
Ohio University	\$	17,897,340	16216
Ohio University - Eastern	\$	584,247	16217
Ohio University - Chillicothe	\$	963,816	16218
Ohio University - Southern	\$	593,491	16219
Ohio University - Lancaster	\$	890,535	16220
Ohio University - Zanesville	\$	1,044,481	16221
Shawnee State University	\$	1,726,006	16222
University of Toledo	\$	14,248,827	16223
Wright State University	\$	9,886,492	16224
Wright State University - Lake	\$	478,906	16225
Youngstown State University	\$	10,574,834	16226
Medical University of Ohio	\$	4,501,780	16227
Northeastern Ohio Universities College of Medicine	\$	1,473,952	16228
Cincinnati State Community College	\$	1,145,659	16229
Clark State Community College	\$	1,416,920	16230
Columbus State Community College	\$	6,038,982	16231
Cuyahoga Community College	\$	10,448,349	16232

Edison State Community College	\$	3,375,000	16233
Jefferson Community College	\$	725,443	16234
Lakeland Community College	\$	2,766,142	16235
Lorain County Community College	\$	2,645,970	16236
Central Ohio Technical College	\$	1,538,362	16237
Hocking Technical College	\$	1,838,986	16238
James Rhodes State Technical College	\$	1,045,625	16239
Zane State College	\$	757,271	16240
North Central Technical College	\$	1,354,805	16241
Stark Technical College	\$	1,871,379	16242

Institutions not listed above shall not have a debt service 16243  
obligation as a result of these appropriations. 16244

Within sixty days after the effective date of this section, 16245  
any institution of higher education may notify the Board of 16246  
Regents of its intention not to proceed with any project 16247  
appropriated in this act. Upon receiving such notification, the 16248  
Board of Regents may release the institution from its debt service 16249  
obligation for the specific project. 16250

**Section 235.60.10.** For all of the foregoing appropriation 16251  
items from the Higher Education Improvement Fund (Fund 034) that 16252  
require local funds to be contributed by any state-supported or 16253  
state-assisted institution of higher education, the Ohio Board of 16254  
Regents shall not recommend that any funds be released until the 16255  
recipient institution demonstrates to the Board of Regents and the 16256  
Office of Budget and Management that the local funds contribution 16257  
requirement has been secured or satisfied. The local funds shall 16258  
be in addition to the foregoing appropriations. 16259

**Section 235.60.20.** The Ohio Public Facilities Commission is 16260  
hereby authorized to issue and sell, in accordance with Section 2n 16261  
of Article VIII, Ohio Constitution, and Chapter 151. and 16262

particularly sections 151.01 and 151.04 of the Revised Code, 16263  
original obligations in an aggregate principal amount not to 16264  
exceed \$576,000,000, in addition to the original issuance of 16265  
obligations heretofore authorized by prior acts of the General 16266  
Assembly. These authorized obligations shall be issued, subject to 16267  
applicable constitutional and statutory limitations, to pay costs 16268  
of capital facilities as defined in sections 151.01 and 151.04 of 16269  
the Revised Code for state-supported and state-assisted 16270  
institutions of higher education. 16271

**Section 235.60.30.** None of the foregoing capital improvements 16272  
appropriations for state-supported or state-assisted institutions 16273  
of higher education shall be expended until the particular 16274  
appropriation has been recommended for release by the Ohio Board 16275  
of Regents and released by the Director of Budget and Management 16276  
or the Controlling Board. Either the institution concerned, or the 16277  
Ohio Board of Regents with the concurrence of the institution 16278  
concerned, may initiate the request to the Director of Budget and 16279  
Management or the Controlling Board for the release of the 16280  
particular appropriations. 16281

**Section 235.60.40.** (A) No capital improvement appropriations 16282  
made in Sections 235.10.10 to 235.50.80 of this act shall be 16283  
released for planning or for improvement, renovation, 16284  
construction, or acquisition of capital facilities if the 16285  
institution of higher education or the state does not own the real 16286  
property on which the capital facilities are or will be located. 16287  
This restriction does not apply in any of the following 16288  
circumstances: 16289

(1) The institution has a long-term (at least fifteen years) 16290  
lease of, or other interest (such as an easement) in, the real 16291  
property. 16292

(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 16324

(4) To be located on or adjacent to the branch campus of the 16325  
university. 16326

(C) The Ohio Board of Regents shall adopt rules regarding the 16327  
release of moneys from all the foregoing appropriations for 16328  
capital facilities for all state-supported or state-assisted 16329  
institutions of higher education. In the case of capital 16330  
facilities referred to in division (A)(3) of this section, the 16331  
joint or cooperative use agreements shall include, as a minimum, 16332  
provisions that: 16333

(1) Specify the extent and nature of that joint or 16334  
cooperative use, extending for not fewer than fifteen years, with 16335  
the value of such use or right to use to be, as is determined by 16336  
the parties and approved by the Board of Regents, reasonably 16337  
related to the amount of the appropriations; 16338

(2) Provide for pro rata reimbursement to the state should 16339  
the arrangement for joint or cooperative use be terminated; 16340

(3) Provide that procedures to be followed during the capital 16341  
improvement process will comply with appropriate applicable state 16342  
laws and rules, including the provisions of this act; and 16343

(4) Provide for payment or reimbursement to the institution 16344  
of its administrative costs incurred as a result of the facilities 16345  
project, not to exceed 1.5 per cent of the appropriated amount. 16346

(D) Upon the recommendation of the Ohio Board of Regents, the 16347  
Controlling Board may approve the transfer of appropriations for 16348  
projects requiring cooperation between institutions from one 16349  
institution to another institution with the approval of both 16350  
institutions. 16351

(E) Notwithstanding section 127.14 of the Revised Code, the 16352  
Controlling Board, upon the recommendation of the Ohio Board of 16353

Regents, may transfer amounts appropriated to the Ohio Board of 16354  
Regents to accounts of state-supported or state-assisted 16355  
institutions created for that same purpose. 16356

**Section 235.60.50.** The requirements of Chapters 123. and 153. 16357  
of the Revised Code, with respect to the powers and duties of the 16358  
Director of Administrative Services, and the requirements of 16359  
section 127.16 of the Revised Code, with respect to the 16360  
Controlling Board, do not apply to projects of community college 16361  
districts, which include Cuyahoga Community College, Jefferson 16362  
Community College, Lakeland Community College, Lorain Community 16363  
College, Rio Grande Community College, and Sinclair Community 16364  
College; and technical college districts, which include Belmont 16365  
Technical College, Central Ohio Technical College, Hocking 16366  
Technical College, James Rhodes State College, Marion Technical 16367  
College, Zane State College, North Central Technical College, and 16368  
Stark Technical College. 16369

**Section 235.60.60.** Those institutions locally administering 16370  
capital improvement projects pursuant to section 3345.50 of the 16371  
Revised Code may: 16372

(A) Establish charges for recovering costs directly related 16373  
to project administration as defined by the Director of 16374  
Administrative Services. The Department of Administrative Services 16375  
shall review and approve these administrative charges when the 16376  
charges are in excess of 1.5 per cent of the total construction 16377  
budget. 16378

(B) Seek reimbursement from state capital appropriations to 16379  
the institution for the in-house design services performed by the 16380  
institution for the capital projects. Acceptable charges are 16381  
limited to design document preparation work that is done by the 16382  
institution. These reimbursable design costs shall be shown as 16383

"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: 16414

(1) Two members appointed by the board of trustees of each of 16415  
the following five institutions of higher education: 16416

(a) University of Akron; 16417

(b) Cleveland State University; 16418

(c) Kent State University; 16419

(d) Northeastern Ohio Universities College of Medicine; 16420

(e) Youngstown State University. 16421

(2) Two members appointed by the Ohio Board of Regents; 16422

(3) One member appointed by the Speaker of the House of 16423  
Representatives; 16424

(4) One member appointed by the President of the Senate; 16425

(5) One member appointed by the Governor. 16426

The members shall be appointed not later than thirty days 16427  
after the effective date of this section. A vacancy on the 16428  
Commission shall be filled in the manner of the initial 16429  
appointment. 16430

The member appointed by the Governor shall be the chairman of 16431  
the Commission. 16432

The members of the Commission shall receive no compensation 16433  
for their services. 16434

The Commission may employ an executive director and such 16435  
other staff as the Commission determines is necessary to carry out 16436  
its duties. 16437

(C) Upon submission of its plan and recommendations, as 16438  
required in division (A) of this section, the Commission shall 16439  
cease to exist. 16440



Section 237.10. All items set forth in this section are 16441  
hereby appropriated out of any moneys in the state treasury to the 16442  
credit of the Parks and Recreation Improvement Fund (Fund 035), 16443  
that are not otherwise appropriated. 16444

Appropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		16445
CAP-012	Land Acquisition - Statewide	\$ 500,000	16446
CAP-169	Lake White State Park - Dam Rehabilitation	\$ 5,500,000	16447
CAP-390	State Park Maintenance Facility Development - Middle Bass Island State Park Mitigation Costs	\$ 2,000,000	16448
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$ 4,000,000	16449
CAP-702	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	16450
CAP-716	Muskingum River Parkway - Locks and Dam Rehabilitation	\$ 1,000,000	16451
CAP-748	Local Parks Projects	\$ 16,301,700	16452
CAP-753	Project Planning	\$ 250,000	16453
CAP-836	State Park Renovations/Upgrading - Dillon Environmental Restoration Project (Corps Grant Match)	\$ 600,000	16454
CAP-876	Statewide Trails Program	\$ 6,140,000	16455
CAP-881	Dam Rehabilitation - Parks	\$ 1,017,600	16456
CAP-929	Hazardous Waste/Asbestos Abatement - Statewide	\$ 150,000	16457
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$ 2,500,000	16458
	Total Department of Natural Resources	\$ 40,209,300	16459
	TOTAL Parks and Recreation Improvement Fund	\$ 40,209,300	16460
	FEDERAL REIMBURSEMENT		16461

All reimbursements received from the federal government for 16462  
any expenditures made pursuant to this section shall be deposited 16463  
in the state treasury to the credit of the Parks and Recreation 16464  
Improvement Fund (Fund 035). 16465

LOCAL PARKS PROJECTS 16466

Of the foregoing appropriation item CAP-748, Local Parks 16467  
Projects, \$2,000,000 shall be used for the Center City Park in 16468  
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 16469  
\$1,000,000 shall be used for the East Bank/Flats Project; 16470  
\$1,000,000 shall be used for the Scioto Mile; \$1,500,000 shall be 16471  
used for the Franklin Park Conservatory; \$1,000,000 shall be used 16472  
for Kroc Community Park Improvements; \$640,000 shall be used for 16473  
the Cuyahoga River Corridor Glens Park; \$540,000 shall be used for 16474  
Tar Hollow State Park Improvements; \$515,000 shall be used for the 16475  
Cleveland Zoological Society; \$400,000 shall be used for the Hi-Y; 16476  
\$300,000 shall be used for the Colerain Township Heritage Park; 16477  
\$300,000 shall be used for the Columbus Zoo; \$300,000 shall be 16478  
used for the Fremont Park and Athletic Facilities; \$250,000 shall 16479  
be used for the Gahanna South Flood Plain Project; \$250,000 shall 16480  
be used for the Sippo Lake Park/Canal Way; \$250,000 shall be used 16481  
for Van Buren State Park Land Acquisitions; \$250,000 shall be used 16482  
for the City of Wellston Veterans Park; \$250,000 shall be used for 16483  
the City of Jackson Bike Path; \$250,000 shall be used for 16484  
Cambridge Park Improvements; \$250,000 shall be used for the 16485  
Brunswick Nature Preserve; \$200,000 shall be used for North 16486  
Royalton Recreational Park Improvements; \$200,000 shall be used 16487  
for Harrison Village Historical Society-Phoenix Park Museum; 16488  
\$200,000 shall be used for Ault Park Improvements; \$200,000 shall 16489  
be used for Indian Lake State Park Dredging Improvements; \$200,000 16490  
shall be used for the Belmont Carnes Center; \$191,000 shall be 16491  
used for Deerfield Township Simpson Creek Erosion Mitigation and 16492  
Bank Control; \$185,000 shall be used for the City of Wilmington 16493

Park Upgrades/Tennis Courts; \$175,700 shall be used for the 16494  
Georgetown Community Tennis Park; \$170,000 shall be used for 16495  
Violet Township Park Land Acquisition; \$150,000 shall be used for 16496  
Kelleys Island Park Improvements; \$150,000 shall be used for 16497  
Ironton Port Authority Green Space Acquisition; \$150,000 shall be 16498  
used for Perry Township Camp Improvements; \$122,000 shall be used 16499  
for Sandusky Plains Environmental Nature Preserve; \$100,000 shall 16500  
be used for the Fort Recovery Renovations; \$100,000 shall be used 16501  
for Mountain Bike Park/Midtown Cleveland; \$100,000 shall be used 16502  
for Delhi Park Veteran's Memorial Wall; \$100,000 shall be used for 16503  
The Mentor Lagoons Nature Preserve; \$100,000 shall be used for the 16504  
Chester Township Park; \$100,000 shall be used for Thompson Park 16505  
Renovations in East Liverpool; \$100,000 shall be used for the 16506  
Aullwood Audubon Center \$75,000 shall be used for Perry Township 16507  
Park; \$75,000 shall be used for Hocking River Park Complex of 16508  
Athens County; \$69,000 shall be used for Miami Erie Canal Repairs 16509  
in Spencerville; \$65,000 shall be used for Star Mill Skate Park 16510  
Improvements; \$60,000 shall be used for Marseilles Reservoir Bulk 16511  
Head Project; \$50,000 shall be used for Beavercreek/John Aekeney 16512  
Soccer Field and Park; \$50,000 shall be used for the Beavercreek 16513  
Community Athletic Association Facility and Park Upgrade; \$50,000 16514  
shall be used for the Delaware Skate Park; \$50,000 shall be used 16515  
for the Columbus Zoo Education Center; \$50,000 shall be used for 16516  
Dillon State Park Upgrades; \$50,000 shall be used for Indian Lake 16517  
State Park Shoreline Improvements; \$40,000 shall be used for 16518  
Athens Village of Glouster Park Improvements; \$30,000 shall be 16519  
used for Harold Miller Memorial Park Improvements; \$25,000 shall 16520  
be used for Grand Lake St. Marys Improvements; \$25,000 shall be 16521  
used for Geauga Veterans Monument Park Improvements; \$25,000 shall 16522  
be used for the Conesville Community Children's Park; \$25,000 16523  
shall be used for the Cambridge Skate Park; \$19,000 shall be used 16524  
for East Fork State Park-Harsha Lake Dock Improvements; \$10,000 16525  
shall be used for the Marine Corps League Park/Monument; \$10,000 16526

shall be used for Huntington Township Park Improvements; \$5,000 16527  
shall be used for Morrow County Bicentennial Park; and \$5,000 16528  
shall be used for the Galion Memorial Veterans Park. 16529

STATEWIDE TRAILS PROGRAM 16530

Of the foregoing appropriation item CAP-876, Statewide 16531  
Trails, \$2,000,000 shall be used for the Ohio to Erie Trail by 16532  
Franklin County Metro Parks; \$1,900,000 shall be used for the 16533  
Cuyahoga Towpath Trail; \$500,000 shall be used for Henry County 16534  
Park and Bike Trails; \$400,000 shall be used for the Prairie Grass 16535  
Trail; \$330,000 shall be used for the Williamsburg/Batavia Hike 16536  
and Bike Trail; \$200,000 shall be used for the Xenia-Jamestown 16537  
Connector Trail Project; \$100,000 shall be used for Tri-County 16538  
Triangle Trail Funding; and \$210,000 shall be used for the 16539  
Trumbull Bike Trail. 16540

**Section 237.20.** For the appropriations in Section 237.10 of 16541  
this act, the Department of Natural Resources shall periodically 16542  
prepare and submit to the Director of Budget and Management the 16543  
estimated design, planning, and engineering costs of 16544  
capital-related work to be done by the Department of Natural 16545  
Resources for each project. Based on the estimates, the Director 16546  
of Budget and Management may release appropriations from the 16547  
foregoing appropriation item CAP-753, Project Planning, within the 16548  
Parks and Recreation Improvement Fund (Fund 035), to pay for 16549  
design, planning, and engineering costs incurred by the Department 16550  
of Natural Resources for the projects. Upon release of the 16551  
appropriations by the Director of Budget and Management, the 16552  
Department of Natural Resources shall pay for these expenses from 16553  
the Parks Capital Expenses Fund (Fund 227), and shall be 16554  
reimbursed from the Parks and Recreation Improvement Fund (Fund 16555  
035) using an intrastate voucher. 16556

**Section 237.30.** The Treasurer of State is hereby authorized 16557  
to issue and sell, in accordance with Section 2i of Article VIII, 16558  
Ohio Constitution, and Chapter 154. of the Revised Code, 16559  
particularly section 154.22 of the Revised Code, original 16560  
obligations in an aggregate principal amount not to exceed 16561  
\$40,500,000, in addition to the original issuance of obligations 16562  
heretofore authorized by prior acts of the General Assembly. These 16563  
authorized obligations shall be issued, subject to applicable 16564  
constitutional and statutory limitations, to pay the costs of 16565  
capital facilities for parks and recreation as defined in section 16566  
154.01 of the Revised Code. 16567

**Section 237.40.** (A) No capital improvement appropriations 16568  
made in Section 237.10 of this act shall be released for planning 16569  
or for improvement, renovation, or construction or acquisition of 16570  
capital facilities if a governmental agency, as defined in section 16571  
154.01 of the Revised Code, does not own the real property that 16572  
constitutes the capital facilities or on which the capital 16573  
facilities are or will be located. This restriction does not apply 16574  
in any of the following circumstances: 16575

(1) The governmental agency has a long-term (at least fifteen 16576  
years) lease of, or other interest (such as an easement) in, the 16577  
real property. 16578

(2) In the case of an appropriation for capital facilities 16579  
for parks and recreation that, because of their unique nature or 16580  
location, will be owned or be part of facilities owned by a 16581  
separate nonprofit organization and made available to the 16582  
governmental agency for its use or operated by the nonprofit 16583  
organization under contract with the governmental agency, the 16584  
nonprofit organization either owns or has a long-term (at least 16585  
fifteen years) lease of the real property or other capital 16586

facility to be improved, renovated, constructed, or acquired and 16587  
has entered into a joint or cooperative use agreement, approved by 16588  
the Department of Natural Resources, with the governmental agency 16589  
for that agency's use of and right to use the capital facilities 16590  
to be financed and, if applicable, improved, the value of such use 16591  
or right to use being, as determined by the parties, reasonably 16592  
related to the amount of the appropriation. 16593

(B) In the case of capital facilities referred to in division 16594  
(A)(2) of this section, the joint or cooperative use agreement 16595  
shall include, as a minimum, provisions that: 16596

(1) Specify the extent and nature of that joint or 16597  
cooperative use, extending for not fewer than fifteen years, with 16598  
the value of such use or right to use to be, as determined by the 16599  
parties and approved by the approving department, reasonably 16600  
related to the amount of the appropriation; 16601

(2) Provide for pro rata reimbursement to the state should 16602  
the arrangement for joint or cooperative use by a governmental 16603  
agency be terminated; and 16604

(3) Provide that procedures to be followed during the capital 16605  
improvement process will comply with appropriate applicable state 16606  
laws and rules, including the provisions of this act. 16607

**Section 239.10.** All items set forth in this section are 16608  
hereby appropriated out of any moneys in the state treasury to the 16609  
credit of the State Capital Improvements Fund (Fund 038), that are 16610  
not otherwise appropriated. 16611

	Appropriations	
PWC PUBLIC WORKS COMMISSION		16612
CAP-150 Local Public Infrastructure	\$ 120,000,000	16613
Total Public Works Commission	\$ 120,000,000	16614
TOTAL State Capital Improvements Fund	\$ 120,000,000	16615

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 16647  
shall be issued and sold from time to time and in amounts 16648  
necessary to ensure sufficient moneys to the credit of the State 16649  
Capital Improvements Fund (Fund 038) to pay costs charged to that 16650  
fund, as estimated by the Director of Budget and Management. 16651

**Section 301.10.** Notwithstanding any provision of law to the 16652  
contrary, the Director of Budget and Management, with the written 16653  
concurrence of the Director of Public Safety, may transfer cash 16654  
temporarily from the Highway Safety Fund (Fund 036) to the Highway 16655  
Safety Building Fund (Fund 025), and the cash may be used to fund 16656  
projects previously appropriated by acts of the general assembly. 16657  
The transfers shall be made for the purpose of providing cash to 16658  
support appropriations or encumbrances that exist upon the 16659  
effective date of this section. At such time as obligations are 16660  
issued for Highway Safety Building Fund projects, the Director of 16661  
Budget and Management shall transfer from the Highway Safety 16662  
Building Fund to the Highway Safety Fund any amounts originally 16663  
transferred to the Highway Safety Building Fund under this 16664  
section. 16665

**Section 303.10.** CERTIFICATION OF AVAILABILITY OF MONEYS 16666

No moneys that require release may be expended from any 16667  
appropriation contained in this act without certification of the 16668  
Director of Budget and Management that there are sufficient moneys 16669  
in the state treasury in the fund from which the appropriation is 16670  
made. The certification shall be based on estimates of revenue, 16671  
receipts, and expenses. Nothing in this section shall be construed 16672  
as a limitation on the authority of the Director of Budget and 16673  
Management under section 126.07 of the Revised Code. 16674

**Section 303.20.** LIMITATION ON USE OF CAPITAL APPROPRIATIONS 16675



The appropriations made in this act, excluding those made to 16676  
the State Capital Improvement Fund (Fund 038) and the State 16677  
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 16678  
or structures, including remodeling and renovations, are limited 16679  
to: 16680

(A) Acquisition of real property or interests in real 16681  
property; 16682

(B) Buildings and structures, which includes construction, 16683  
demolition, complete heating, lighting and lighting fixtures, all 16684  
necessary utilities, and ventilating, plumbing, sprinkling, and 16685  
sewer systems, when such systems are authorized or necessary; 16686

(C) Architectural, engineering, and professional services 16687  
expenses directly related to the projects; 16688

(D) Machinery that is a part of structures at the time of 16689  
initial acquisition or construction; 16690

(E) Acquisition, development, and deployment of new computer 16691  
systems, including the redevelopment or integration of existing 16692  
and new computer systems, but excluding regular or ongoing 16693  
maintenance or support agreements; 16694

(F) Equipment that meets all the following criteria: 16695

(1) The equipment is essential in bringing the facility up to 16696  
its intended use; 16697

(2) The unit cost of the equipment, and not the individual 16698  
parts of a unit, is about \$100 or more; 16699

(3) The equipment has a useful life of five years or more; 16700

(4) The equipment is necessary for the functioning of the 16701  
particular facility or project. 16702

No equipment shall be paid for from these appropriations that 16703  
is not an integral part of or directly related to the basic 16704

purpose or function of a project for which moneys are 16705  
appropriated. This paragraph does not apply to appropriation items 16706  
for equipment. 16707

**Section 303.30. CONTINGENCY RESERVE REQUIREMENT** 16708

Any request for release of capital appropriations by the 16709  
Director of Budget and Management or the Controlling Board of 16710  
capital appropriations for projects, the contracts for which are 16711  
awarded by the Department of Administrative Services, shall 16712  
contain a contingency reserve, the amount of which shall be 16713  
determined by the Department of Administrative Services, for 16714  
payment of unanticipated project expenses. Any amount deducted 16715  
from the encumbrance for a contractor's contract as an assessment 16716  
for liquidated damages shall be added to the encumbrance for the 16717  
contingency reserve. Contingency reserve funds shall be used to 16718  
pay costs resulting from unanticipated job conditions, to comply 16719  
with rulings regarding building and other codes, to pay costs 16720  
related to errors or omissions in contract documents, to pay costs 16721  
associated with changes in the scope of work, and to pay the cost 16722  
of settlements and judgments related to the project. 16723

Any funds remaining upon completion of a project may, upon 16724  
approval of the Controlling Board, be released for the use of the 16725  
institution to which the appropriation was made for other capital 16726  
facilities projects. 16727

**Section 303.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 16728  
PROJECTS** 16729

Notwithstanding sections 123.01 and 123.15 of the Revised 16730  
Code, the Director of Administrative Services may authorize the 16731  
Departments of Mental Health, Mental Retardation and Developmental 16732  
Disabilities, Agriculture, Job and Family Services, Rehabilitation 16733  
and Correction, Youth Services, Public Safety, Transportation, and 16734

the Ohio Veterans' Home to administer any capital facilities 16735  
projects, the estimated cost of which, including design fees, 16736  
construction, equipment, and contingency amounts, is less than 16737  
\$1,500,000. Requests for authorization to administer capital 16738  
facilities projects shall be made in writing to the Director of 16739  
Administrative Services by the applicable state agency within 16740  
sixty days after the effective date of the section of law in which 16741  
the General Assembly initially makes an appropriation for the 16742  
project. Upon the release of funds for the projects by the 16743  
Controlling Board or the Director of Budget and Management, the 16744  
agency may administer the capital project or projects for which 16745  
agency administration has been authorized without the supervision, 16746  
control, or approval of the Director of Administrative Services. 16747

The state agency authorized by the Director of Administrative 16748  
Services to administer capital facilities projects pursuant to 16749  
this section shall comply with the applicable procedures and 16750  
guidelines established in Chapter 153. of the Revised Code. 16751

**Section 305.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 16752  
**AGAINST THE STATE** 16753

Except as otherwise provided in this section, an 16754  
appropriation in this act or any other act may be used for the 16755  
purpose of satisfying judgments, settlements, or administrative 16756  
awards ordered or approved by the Court of Claims or by any other 16757  
court of competent jurisdiction in connection with civil actions 16758  
against the state. This authorization does not apply to 16759  
appropriations to be applied to or used for payment of guarantees 16760  
by or on behalf of the state, or for payments under lease 16761  
agreements relating to or debt service on bonds, notes, or other 16762  
obligations of the state. Notwithstanding any other section of law 16763  
to the contrary, this authorization includes appropriations from 16764  
funds into which proceeds or direct obligations of the state are 16765

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 16796  
of the Revised Code. Nothing in this section shall affect the 16797  
wages and salaries established for state employees under the 16798  
provisions of Chapter 124. of the Revised Code, or collective 16799  
bargaining agreements entered into by the state pursuant to 16800  
Chapter 4117. of the Revised Code, while engaged on force account 16801  
work, nor shall this section interfere with the use of inmate and 16802  
patient labor by the state. 16803

**Section 311.10. CAPITAL FACILITIES LEASES** 16804

Capital facilities for which appropriations are made from the 16805  
Highway Safety Building Fund (Fund 025), the Administrative 16806  
Building Fund (Fund 026), the Adult Correctional Building Fund 16807  
(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 16808  
may be leased by the Ohio Building Authority to the Department of 16809  
Public Safety, the Department of Youth Services, the Department of 16810  
Administrative Services, and the Department of Rehabilitation and 16811  
Correction, and other agreements may be made by the Ohio Building 16812  
Authority and the departments with respect to the use or purchase 16813  
of the capital facilities, or subject to the approval of the 16814  
director of the department or the commission, the Ohio Building 16815  
Authority may lease the capital facilities to, and make other 16816  
agreements with respect to the use or purchase of the capital 16817  
facilities with, any governmental agency or nonprofit corporation 16818  
having authority under law to own, lease, or operate the capital 16819  
facilities. The director of the department or the commission may 16820  
sublease the capital facilities to, and make other agreements with 16821  
respect to the use or purchase of the capital facilities with, any 16822  
such governmental agency or nonprofit corporation, which 16823  
agreements may include provisions for transmittal of receipts of 16824  
the agency or nonprofit corporation of any charges for the use of 16825  
the facilities, all upon such terms and conditions as the parties 16826

may agree upon and subject to any other provision of law affecting 16827  
the leasing, acquisition, or disposition of capital facilities by 16828  
the parties. 16829

**Section 313.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 16830**  
MANAGEMENT 16831

The Director of Budget and Management shall authorize both of 16832  
the following: 16833

(A) The initial release of moneys for projects from the funds 16834  
into which proceeds of direct obligations of the state are 16835  
deposited; 16836

(B) The expenditure or encumbrance of moneys from funds into 16837  
which proceeds of direct obligations are deposited, but only after 16838  
determining to the director's satisfaction that either of the 16839  
following applies: 16840

(1) The application of the moneys to the particular project 16841  
will not negatively affect any exemption or exclusion from federal 16842  
income tax of the interest or interest equivalent on obligations 16843  
issued to provide moneys to the particular fund. 16844

(2) Moneys for the project will come from the proceeds of 16845  
obligations, the interest on which is not so excluded or exempt 16846  
and which have been authorized as "taxable obligations" by the 16847  
issuing authority. 16848

The director shall report any nonrelease of moneys pursuant 16849  
to this section to the Governor, the presiding officer of each 16850  
house of the General Assembly, and the agency for the use of which 16851  
the project is intended. 16852

**Section 315.10. SCHOOL FACILITIES ENCUMBRANCES AND 16853**  
REAPPROPRIATION 16854

At the request of the Executive Director of the Ohio School 16855

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 16886  
Distribution Plan to be developed by the Attorney General, the 16887  
General Services Division within the Department of Administrative 16888  
Services, and the Office of Budget and Management. 16889

In those circumstances where asbestos litigation proceeds are 16890  
for reimbursement of expenditures made with funds outside the 16891  
state treasury or damages to buildings not constructed with state 16892  
appropriations, direct payments shall be made to the affected 16893  
institutions of higher education. Any proceeds received for 16894  
reimbursement of expenditures made with funds within the state 16895  
treasury or damages to buildings occupied by state agencies shall 16896  
be distributed to the affected agencies with an intrastate 16897  
transfer voucher to the funds identified in the Asbestos Abatement 16898  
Distribution Plan. 16899

These proceeds shall be used for additional asbestos 16900  
abatement or encapsulation projects, or for other capital 16901  
improvements, except that proceeds distributed to the General 16902  
Revenue Fund and other funds that are not bond improvement funds 16903  
may be used for any purpose. The Controlling Board may, for bond 16904  
improvement funds, create appropriation items or increase 16905  
appropriation authority in existing appropriation items equaling 16906  
the amount of the proceeds. The amounts approved by the 16907  
Controlling Board are hereby appropriated. The proceeds deposited 16908  
in bond improvement funds shall not be expended until released by 16909  
the Controlling Board, which shall require certification by the 16910  
Director of Budget and Management that the proceeds are sufficient 16911  
and available to fund the additional anticipated expenditures. 16912

**Section 321.10.** OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 16913  
REVISED CODE 16914

The capital improvements for which appropriations are made in 16915  
this act from the Third Frontier Research and Development Fund 16916



(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 16976  
sections of the Revised Code, bonds or other obligations of the 16977  
state heretofore authorized by prior acts of the General Assembly. 16978  
The obligations shall be issued, subject to applicable 16979  
constitutional and statutory limitations, to provide sufficient 16980  
moneys to the credit of the Coal Research and Development Fund 16981  
created in section 1555.15 of the Revised Code to pay costs 16982  
charged to the fund when due as estimated by the Director of the 16983  
Ohio Coal Development Office. 16984

**Section 329.10.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 16985

The Ohio Administrative Knowledge System (OAKS) shall be an 16986  
enterprise resource planning system that replaces the state's 16987  
central services infrastructure systems, including the Central 16988  
Accounting System, the Human Resources/Payroll System, the Capital 16989  
Improvements Projects Tracking System, the Fixed Assets Management 16990  
System, and the Procurement System. The Department of 16991  
Administrative Services, in conjunction with the Office of Budget 16992  
and Management, may acquire the system, including, but not limited 16993  
to, the enterprise resource planning software and installation and 16994  
implementation thereof pursuant to Chapter 125. of the Revised 16995  
Code. Any lease-purchase arrangement utilized under Chapter 125. 16996  
of the Revised Code, including any fractionalized interest therein 16997  
as defined in division (N) of section 133.01 of the Revised Code, 16998  
shall provide at the end of the lease period that OAKS shall 16999  
become the property of the state. 17000

**Section 331.10.** Sections 201.10 to 239.20 of this act shall 17001  
remain in full force and effect commencing on July 1, 2006, and 17002  
terminating on June 30, 2008, for the purpose of drawing money 17003  
from the state treasury in payment of liabilities lawfully 17004  
incurred under those sections, and on June 30, 2008, and not 17005

before, the moneys hereby appropriated shall lapse into the funds 17006  
from which they are severally appropriated. Because if, under 17007  
Section 1c of Article II, Ohio Constitution, Sections 201.10 to 17008  
239.20 of this act do not take effect until after July 1, 2006, 17009  
Sections 201.10 to 239.20 of this act shall be and remain in full 17010  
force and effect commencing on that later effective date. 17011

**Section 401.03.** That Section 22.07 of Am. Sub. H.B. 16 of the 17012  
126th General Assembly be amended to read as follows: 17013

**Sec. 22.07.** The Treasurer of State is hereby authorized to 17014  
issue and sell in accordance with ~~Section~~ Sections 2i and 16 of 17015  
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 17016  
Code, particularly section 154.20 of the Revised Code, original 17017  
obligations in an aggregate principal amount not to exceed 17018  
\$20,000,000 in addition to the original issuance of obligations 17019  
heretofore authorized by prior acts of the General Assembly. The 17020  
authorized obligations shall be issued, subject to applicable 17021  
constitutional and statutory limitations, to pay costs of capital 17022  
facilities as defined in section 154.01 of the Revised Code for 17023  
mental hygiene and retardation. 17024

**Section 401.04.** That existing Section 22.07 of Am. Sub. H.B. 17025  
16 of the 126th General Assembly is hereby repealed. 17026

**Section 401.10.** That Sections 203.12.06, 203.24, 203.57, 17027  
203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 17028  
209.93 of Am. Sub. H.B. 66 of the 126th General Assembly be 17029  
amended to read as follows: 17030

**Sec. 203.12.06.** OHIO BUILDING AUTHORITY 17031

The foregoing appropriation item 100-447, OBA - Building Rent 17032

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  
General Revenue Fund

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330	17064
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506	17065
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	17066
GRF 700-404	Ohio Proud	\$	185,395	\$	185,395	17067
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	17068
GRF 700-406	Consumer Analytical Lab	\$	819,907	\$	819,907	17069
GRF 700-407	Food Safety	\$	939,099	\$	939,099	17070
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	17071
GRF 700-410	Plant Industry	\$	391,216	\$	50,000	17072
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524	17073
GRF 700-412	Weights and Measures	\$	1,100,000	\$	1,300,000	17074
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000	17075
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000	17076
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496	17077
<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>	17078
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946	17079
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889	17080
GRF 700-501	County Agricultural Societies	\$	358,226	\$	358,226	17081
TOTAL GRF	General Revenue Fund	\$	18,963,611	\$	<del>18,722,395</del>	17082
					<u>19,356,395</u>	17083
	Federal Special Revenue Fund Group					17084
3J4 700-607	Indirect Cost	\$	1,500,027	\$	1,500,027	17085
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000	17086
326 700-618	Meat Inspection Program - Federal Share	\$	5,201,291	\$	5,201,291	17087

336	700-617	Ohio Farm Loan	\$	43,793	\$	44,679	17088
		Revolving Fund					
382	700-601	Cooperative Contracts	\$	4,300,000	\$	4,300,000	17089
		TOTAL FED Federal Special Revenue					17090
		Fund Group	\$	15,845,111	\$	15,845,997	17091
		State Special Revenue Fund Group					17092
4C9	700-605	Feed, Fertilizer,	\$	1,922,857	\$	1,891,395	17093
		Seed, and Lime					
		Inspection					
4D2	700-609	Auction Education	\$	23,885	\$	24,601	17094
4E4	700-606	Utility Radiological	\$	73,059	\$	73,059	17095
		Safety					
4P7	700-610	Food Safety Inspection	\$	816,096	\$	858,096	17096
4R0	700-636	Ohio Proud Marketing	\$	38,300	\$	38,300	17097
4R2	700-637	Dairy Industry	\$	1,541,466	\$	1,621,460	17098
		Inspection					
4T6	700-611	Poultry and Meat	\$	47,294	\$	47,294	17099
		Inspection					
4T7	700-613	International Trade	\$	52,000	\$	54,000	17100
		and Market Development					
494	700-612	Agricultural Commodity	\$	170,220	\$	170,220	17101
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054	17102
497	700-627	Commodity Handlers	\$	515,820	\$	529,978	17103
		Regulatory Program					
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	17104
5H2	700-608	Metrology Lab and	\$	351,526	\$	362,526	17105
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	17106
		Program					
578	700-620	Ride Inspection Fees	\$	1,105,436	\$	1,115,436	17107
652	700-634	Animal Health and Food	\$	1,876,624	\$	1,831,232	17108
		Safety					

669 700-635 Pesticide Program	\$	2,993,232	\$	3,354,448	17109
TOTAL SSR State Special Revenue					17110
Fund Group	\$	12,994,304	\$	13,438,489	17111
Clean Ohio Fund Group					17112
057 700-632 Clean Ohio	\$	149,000	\$	149,000	17113
Agricultural Easement					
TOTAL CLR Clean Ohio Fund Group	\$	149,000	\$	149,000	17114
TOTAL ALL BUDGET FUND GROUPS	\$	47,952,026	\$	<del>48,155,881</del>	17115
				<u>48,789,881</u>	17116
OHIO - ISRAEL AGRICULTURAL INITIATIVE					17117
Of the foregoing General Revenue Fund appropriation item					17118
700-411, International Trade and Market Development, \$100,000					17119
shall be used in fiscal year 2006 for the Ohio - Israel					17120
Agricultural Initiative.					17121
<u>EMERGENCY PREPAREDNESS SUPPLIES AND EQUIPMENT</u>					17122
<u>The foregoing appropriation item 700-422, Emergency</u>					17123
<u>Preparedness Supplies and Equipment, may only be used for</u>					17124
<u>purchasing items contained within a plan that has been submitted</u>					17125
<u>to and approved by the Controlling Board.</u>					17126
FAMILY FARM LOAN PROGRAM					17127
Notwithstanding Chapter 166. of the Revised Code, up to					17128
\$1,000,000 in each fiscal year shall be transferred from moneys in					17129
the Facilities Establishment Fund (Fund 037) to the Family Farm					17130
Loan Fund (Fund 5H1) in the Department of Development. These					17131
moneys shall be used for loan guarantees. The transfer is subject					17132
to Controlling Board approval.					17133
Financial assistance from the Family Farm Loan Fund (Fund					17134
5H1) shall be repaid to Fund 5H1. This fund is established in					17135
accordance with sections 166.031, 901.80, 901.81, 901.82, and					17136
901.83 of the Revised Code.					17137



When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 17138  
all outstanding balances, all loan repayments, and any other 17139  
outstanding obligations shall revert to the Facilities 17140  
Establishment Fund (Fund 037). 17141

CASH TRANSFER TO COOPERATIVE CONTRACTS FUND 17142

On the effective date of this amendment, or as soon as 17143  
possible thereafter, the Director of Budget and Management may 17144  
transfer \$111,668.76 in cash from the General Revenue Fund to the 17145  
Cooperative Contracts Fund (Fund 382) to correct wire transfers to 17146  
the Department of Agriculture that were mistakenly deposited in 17147  
the General Revenue Fund. 17148

**Sec. 203.57. OBM OFFICE OF BUDGET AND MANAGEMENT** 17149

General Revenue Fund 17150

GRF 042-321 Budget Development and \$ 2,143,886 \$ 2,143,886 17151  
Implementation

GRF 042-410 National Association \$ 27,089 \$ 28,173 17152  
Dues

GRF 042-412 Audit of Auditor of \$ 55,900 \$ 58,700 17153  
State

GRF 042-435 Gubernatorial \$ 0 \$ 250,000 17154  
Transition

TOTAL GRF General Revenue Fund \$ 2,226,875 \$ 2,480,759 17155

General Services Fund Group 17156

105 042-603 Accounting and \$ 9,781,085 \$ 9,976,689 17157  
Budgeting

TOTAL GSF General Services Fund \$ 9,781,085 \$ 9,976,689 17158

Group

State Special Revenue Fund Group 17159

5N4 042-602 OAKS Project \$ 2,262,441 \$ 2,272,595 17160  
Implementation

TOTAL SSR State Special Revenue	\$	2,262,441	\$	2,272,595	17161
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	14,270,401	\$	14,730,043	17162
AUDIT COSTS					17163
Of the foregoing appropriation item 042-603, Accounting and Budgeting, not more than \$420,000 in fiscal year 2006 and \$425,000 in fiscal year 2007 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.					17164 17165 17166 17167 17168 17169
OAKS PROJECT IMPLEMENTATION					17170
Notwithstanding section 126.25 of the Revised Code, in fiscal years 2006 and 2007, rebates or revenue shares received from any state payment card program established under division (B) of section 126.21 of the Revised Code may be deposited into the OAKS Project Implementation Fund (Fund 5N4).					17171 17172 17173 17174 17175
<u>MEDICAID AGENCY TRANSITION</u>					17176
<u>Upon the transfer of appropriations to GRF appropriation item 042-416, Medicaid Agency Transition, the Director of Budget and Management may retain staff of the Medicaid Administrative Study Council, hire staff, enter into contracts, and take other steps necessary to complete the transition tasks identified in the Medicaid Administrative Study Council report or other tasks considered necessary to create a new Department of Medicaid. Any contracts entered into under this paragraph shall be exempt from the authority and supervision of the Department of Administrative Services and the Office of Information Technology.</u>					17177 17178 17179 17180 17181 17182 17183 17184 17185 17186
<b>Sec. 203.81. CEB CONTROLLING BOARD</b>					17187
General Revenue Fund					17188
GRF 911-401 Emergency	\$	5,000,000	\$	<del>5,000,000</del>	17189

	Purposes/Contingencies			<u>8,000,000</u>	
GRF 911-404	Mandate Assistance	\$	650,000	\$	650,000 17190
GRF 911-441	Ballot Advertising	\$	300,000	\$	300,000 17191
	Costs				
TOTAL GRF	General Revenue Fund	\$	5,950,000	\$	<del>5,950,000</del> 17192
				<u>8,950,000</u>	
TOTAL ALL BUDGET FUND GROUPS		\$	5,950,000	\$	<del>5,950,000</del> 17193
				<u>8,950,000</u>	

FEDERAL SHARE 17194

In transferring appropriations to or from appropriation items 17195  
that have federal shares identified in ~~this act~~ Am. Sub. H.B. 66 17196  
of the 126th General Assembly, the Controlling Board shall add or 17197  
subtract corresponding amounts of federal matching funds at the 17198  
percentages indicated by the state and federal division of the 17199  
appropriations in ~~this act~~ Am. Sub. H.B. 66 of the 126th General 17200  
Assembly. Such changes are hereby appropriated. 17201

DISASTER ASSISTANCE 17202

Pursuant to requests submitted by the Department of Public 17203  
Safety, the Controlling Board may approve transfers from 17204  
appropriation item 911-401, Emergency Purposes/Contingencies, to 17205  
Department of Public Safety appropriation items to provide funding 17206  
for assistance to political subdivisions and individuals made 17207  
necessary by natural disasters or emergencies. Such transfers may 17208  
be requested and approved prior to or following the occurrence of 17209  
any specific natural disasters or emergencies in order to 17210  
facilitate the provision of timely assistance. 17211

DISASTER SERVICES 17212

Pursuant to requests submitted by the Department of Public 17213  
Safety, the Controlling Board may approve transfers from the 17214  
Disaster Services Fund (5E2) to a Department of Public Safety 17215  
General Revenue Fund appropriation item to provide for assistance 17216

to political subdivisions made necessary by natural disasters or 17217  
emergencies. These transfers may be requested and approved prior 17218  
to the occurrence of any specific natural disasters or emergencies 17219  
in order to facilitate the provision of timely assistance. The 17220  
Emergency Management Agency of the Department of Public Safety 17221  
shall use the funding for disaster aid requests that meet the 17222  
Emergency Management Agency's criteria for assistance. 17223

The Disaster Services Fund (5E2) shall be used by the 17224  
Controlling Board, pursuant to requests submitted by state 17225  
agencies, to transfer cash and appropriation authority to any fund 17226  
and appropriation item for the payment of state agency program 17227  
expenses as follows: 17228

(A) The Southern Ohio flooding, referred to as 17229  
FEMA-DR-1164-OH; 17230

(B) The flood and storm disaster referred to as 17231  
FEMA-DR-1227-OH; 17232

(C) The Southern Ohio flooding, referred to as 17233  
FEMA-DR-1321-OH; 17234

(D) The flooding referred to as FEMA-DR-1339-OH; 17235

(E) The tornado and storms referred to as FEMA-DR-1343-OH; 17236

(F) Other disasters declared by the Governor, if the Director 17237  
of Budget and Management determines that sufficient funds exist 17238  
beyond the expected program costs of these other disasters. 17239

The unencumbered balance of the Disaster Services Fund (5E2) 17240  
at the end of fiscal year 2006 is transferred to fiscal year 2007 17241  
for use for the same purposes as in fiscal year 2006. 17242

SOUTHERN OHIO CORRECTIONAL FACILITY COST 17243

The Division of Criminal Justice Services in the Department 17244  
of Public Safety and the Public Defender Commission may each 17245  
request, upon approval of the Director of Budget and Management, 17246

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.

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL 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. 17308

(b) Upon a delinquency filing in juvenile court or the return 17309  
of an indictment for aggravated murder, murder, or any felony of 17310  
the first or second degree that was committed at a Department of 17311  
Youth Services or a Department of Rehabilitation and Correction 17312  
institution, the affected county may, in accordance with rules 17313  
that the Division of Criminal Justice Services in the Department 17314  
of Public Safety shall adopt, apply to the Division of Criminal 17315  
Justice Services for a grant to cover all documented costs that 17316  
are incurred by the county prosecutor's office. 17317

(c) Twice each year, the Division of Criminal Justice 17318  
Services in the Department of Public Safety shall designate 17319  
counties to receive grants from those counties that have submitted 17320  
one or more applications in compliance with the rules that have 17321  
been adopted by the Division of Criminal Justice Services for the 17322  
receipt of such grants. In each year's first round of grant 17323  
awards, if sufficient appropriations have been made, up to a total 17324  
of \$100,000 may be awarded. In each year's second round of grant 17325  
awards, the remaining appropriations available for this purpose 17326  
may be awarded. 17327

(d) If for a given round of grants there are insufficient 17328  
appropriations to make grant awards to all the eligible counties, 17329  
the first priority shall be given to counties with cases involving 17330  
aggravated murder and murder; second priority shall be given to 17331  
counties with cases involving a felony of the first degree; and 17332  
third priority shall be given to counties with cases involving a 17333  
felony of the second degree. Within these priorities, the grant 17334  
awards shall be based on the order in which the applications were 17335  
received, except that applications for cases involving a felony of 17336  
the first or second degree shall not be considered in more than 17337  
two consecutive rounds of grant awards. 17338

(2) CHILD ABUSE DETECTION TRAINING COSTS 17339

Appropriations may be transferred to the Department of 17340  
Education for disbursement to local school districts as full or 17341  
partial reimbursement for the cost of providing in-service 17342  
training for child abuse detection. In accordance with rules that 17343  
the department shall adopt, a local school district may apply to 17344  
the department for a grant to cover all documented costs that are 17345  
incurred to provide in-service training for child abuse detection. 17346  
The department shall make grants within the limits of the funding 17347  
provided. 17348

(G) Any moneys allocated within appropriation item 911-404, 17349  
Mandate Assistance, not fully utilized may, upon application of 17350  
the Ohio Public Defender Commission, and with the approval of the 17351  
Controlling Board, be disbursed to boards of county commissioners 17352  
to provide additional reimbursement for the costs incurred by 17353  
counties in providing defense to indigent defendants pursuant to 17354  
Chapter 120. of the Revised Code. Application for the unutilized 17355  
funds shall be made by the Ohio Public Defender Commission at the 17356  
first June meeting of the Controlling Board. 17357

The amount to be disbursed to each county shall be allocated 17358  
proportionately on the basis of the total amount of reimbursement 17359  
paid to each county as a percentage of the amount of reimbursement 17360  
paid to all of the counties during the most recent state fiscal 17361  
year for which data is available and as calculated by the Ohio 17362  
Public Defender Commission. 17363

BALLOT ADVERTISING COSTS 17364

Pursuant to requests submitted by the Ohio Ballot Board, the 17365  
Controlling Board shall approve transfers from the foregoing 17366  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 17367  
Ballot Board appropriation item in order to reimburse county 17368  
boards of elections for the cost of public notices associated with 17369



statewide ballot initiatives. 17370

**Sec. 206.33. ETH OHIO ETHICS COMMISSION** 17371

General Revenue Fund 17372

GRF 146-321 Operating Expenses \$ 1,536,213 \$ ~~1,536,213~~ 17373  
1,742,213

TOTAL GRF General Revenue Fund \$ 1,536,213 \$ ~~1,536,213~~ 17374  
1,742,213

General Services Fund Group 17375

4M6 146-601 Operating Expenses \$ 502,543 \$ 432,543 17376

TOTAL GSF General Services 17377

Fund Group \$ 502,543 \$ 432,543 17378

TOTAL ALL BUDGET FUND GROUPS \$ 2,038,756 \$ ~~1,968,756~~ 17379  
2,174,756

OPERATING EXPENSES 17380

Of the foregoing GRF appropriation item 146-321, Operating 17381  
Expenses, in fiscal year 2007 \$56,000 shall be used to complete 17382  
the Financial Disclosure Database, and in addition to amounts 17383  
already designated for investigative services, an additional 17384  
\$150,000 shall be used for that purpose. 17385

**Sec. 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND** 17386  
**COMMUNITY INITIATIVES** 17387

Of the foregoing appropriation item 600-321, Support 17388  
Services, up to \$312,500 per fiscal year may be used to support 17389  
the activities of the Governor's Office of Faith-Based and 17390  
Community Initiatives. 17391

**MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING** 17392

Of the foregoing appropriation item 600-321, Support 17393  
Services, \$1,000,000 in fiscal year 2006 and \$500,000 in fiscal 17394

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." 17395  
17396  
17397  
17398

MEDICAID AGENCY TRANSITION 17399

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. 17400  
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**Sec. 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO** 17409

General Services Fund Group 17410  
5F6 870-622 Utility and Railroad \$ 31,272,222 \$ 31,272,223 17411  
Regulation  
5F6 870-624 NARUC/NRRI Subsidy \$ 167,233 \$ 167,233 17412  
5F6 870-625 Motor Transportation \$ 5,361,239 \$ 5,361,238 17413  
Regulation  
TOTAL GSF General Services 17414  
Fund Group \$ 36,800,694 \$ 36,800,694 17415  
Federal Special Revenue Fund Group 17416  
3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 17417  
Information  
Systems/Networks  
333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,957 17418  
350 870-608 Motor Carrier Safety \$ 7,027,712 \$ 7,027,712 17419  
TOTAL FED Federal Special Revenue 17420

Fund Group	\$	7,925,669	\$	7,925,669	17421
State Special Revenue Fund Group					17422
4A3 870-614 Grade Crossing Protection Devices-State	\$	1,349,757	\$	1,349,757	17423
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621	17424
4S6 870-618 Hazardous Material Registration	\$	464,325	\$	464,325	17425
4S6 870-621 Hazardous Materials Base State Registration	\$	373,346	\$	373,346	17426
4U8 870-620 Civil Forfeitures	\$	284,986	\$	284,986	17427
5BP 870-623 Wireless <del>911</del> <u>9-1-1</u> Administration	\$	650,000	\$	375,000	17428
559 870-605 Public Utilities Territorial Administration	\$	4,000	\$	4,000	17429
560 870-607 Special Assessment	\$	100,000	\$	100,000	17430
561 870-606 Power Siting Board	\$	337,210	\$	337,210	17431
638 870-611 Biomass Energy Program	\$	40,000	\$	40,000	17432
661 870-612 Hazardous Materials Transportation	\$	900,000	\$	900,000	17433
TOTAL SSR State Special Revenue					17434
Fund Group	\$	4,691,245	\$	4,416,245	17435
Agency Fund Group					17436
4G4 870-616 Base State Registration Program	\$	5,600,000	\$	5,600,000	17437
TOTAL AGY Agency Fund Group	\$	5,600,000	\$	5,600,000	17438
TOTAL ALL BUDGET FUND GROUPS	\$	55,017,608	\$	54,742,608	17439
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT					17440
The Commercial Vehicle Information Systems and Networks Fund					17441
is hereby created in the state treasury. The fund shall receive					17442

funding from the United States Department of Transportation's 17443  
Commercial Vehicle Intelligent Transportation System 17444  
Infrastructure Deployment Program and shall be used to deploy the 17445  
Ohio Commercial Vehicle Information Systems and Networks Project 17446  
and to expedite and improve the safety of motor carrier operations 17447  
through electronic exchange of data by means of on-highway 17448  
electronic systems. 17449

On the effective date of this amendment, or as soon as 17450  
possible thereafter, the Director of Budget and Management shall 17451  
transfer \$150,000 in cash from Fund 3V3, Commercial Vehicle 17452  
Information Systems/Networks, to Fund 4U8, Civil Forfeitures, and 17453  
\$350,000 in cash from Fund 3V3, Commercial Vehicle Information 17454  
Systems/Networks, to Fund 4S6, Hazardous Materials Registration. 17455  
The purpose of the transfers is to repay the temporary cash 17456  
transfers that were made into Fund 3V3, Commercial Vehicle 17457  
Information Systems/Networks, in fiscal year 2002. 17458

ENHANCED AND WIRELESS ENHANCED 9-1-1 17459

The foregoing appropriation item 870-623, Wireless ~~911~~ 9-1-1 17460  
Administration, shall be used pursuant to section 4931.63 of the 17461  
Revised Code. 17462

CASH TRANSFER TO THE PUBLIC UTILITIES FUND 17463

If the cash available in the Public Utilities Fund (Fund 5F6) 17464  
is insufficient to support the fiscal year 2007 appropriation to 17465  
appropriation item 870-625, Motor Transportation Regulation, 17466  
because of delayed implementation of the federal Unified Carrier 17467  
Registration Program, the Chairman of the Public Utilities 17468  
Commission shall notify the Director of Budget and Management. 17469  
Upon receiving the notification, the Director may transfer up to 17470  
\$2,100,000 in fiscal year 2007 from the General Revenue Fund to 17471  
the Public Utilities Fund (Fund 5F6). 17472

If, after receiving any transfers pursuant to the preceding 17473

paragraph, the Public Utilities Fund (Fund 5F6) receives revenue 17474  
for the purpose of motor transportation regulation pursuant to a 17475  
continuation of the Single-State Registration Program or the 17476  
implementation of the Unified Carrier Registration Program, the 17477  
Director of Budget and Management may transfer cash from the 17478  
Public Utilities Fund (Fund 5F6) to the General Revenue Fund up to 17479  
the amount originally transferred pursuant to the preceding 17480  
paragraph. 17481

**Sec. 209.63.03. OPERATING EXPENSES** 17482

Of the foregoing appropriation item 235-321, Operating 17483  
Expenses, up to \$150,000 in each fiscal year shall be used in 17484  
conjunction with funding provided in the Department of Education 17485  
budget under appropriation item 200-427, Academic Standards, to 17486  
create Ohio's Partnership for Continued Learning, in consultation 17487  
with the Governor's Office. The Partnership, which replaces and 17488  
broadens the former Joint Council of the Department of Education 17489  
and the Board of Regents, shall advise and make recommendations to 17490  
promote collaboration among relevant state entities in an effort 17491  
to help local communities develop coherent and successful "P-16" 17492  
learning systems. The Director of Budget and Management may 17493  
transfer any unencumbered fiscal year 2006 balance to fiscal year 17494  
2007 to support the activities of the Partnership. 17495

Of the foregoing appropriation item 235-321, Operating 17496  
Expenses, up to \$50,000 in fiscal year 2007 may be used by the 17497  
Board of Regents to work jointly with the Department of Education 17498  
to create a system of pre-college stackable certificates pursuant 17499  
to division (B) of section 3333.34 of the Revised Code. 17500

Of the foregoing appropriation item 235-321, Operating 17501  
Expenses, \$25,000 in fiscal year 2007 shall be used to support the 17502  
activities of the North East Ohio Universities Collaboration and 17503  
Innovation Study Commission. 17504

Sec. 209.63.30. ACCESS CHALLENGE 17505

In each fiscal year, the foregoing appropriation item 17506  
235-418, Access Challenge, shall be distributed to Ohio's 17507  
state-assisted access colleges and universities. For the purposes 17508  
of this allocation, "access campuses" includes state-assisted 17509  
community colleges, state community colleges, technical colleges, 17510  
Shawnee State University, Central State University, Cleveland 17511  
State University, the regional campuses of state-assisted 17512  
universities, and, where they are organizationally distinct and 17513  
identifiable, the community-technical colleges located at the 17514  
University of Cincinnati, Youngstown State University, and the 17515  
University of Akron. 17516

The purpose of Access Challenge is to reduce the student 17517  
share of costs for resident undergraduates enrolled in lower 17518  
division undergraduate courses at Ohio's access campuses. The 17519  
long-term goal is to make the student share of costs for these 17520  
students equivalent to the student share of costs for resident 17521  
undergraduate students enrolled throughout Ohio's public colleges 17522  
and universities. Access Challenge appropriations shall be used in 17523  
both years of the biennium to sustain, as much as possible, the 17524  
tuition restraint or tuition reduction that was achieved with 17525  
Access Challenge allocations in prior years. 17526

In fiscal year 2006, Access Challenge subsidies shall be 17527  
distributed by the Board of Regents to eligible access campuses on 17528  
the basis of the average of each campus's share of fiscal year 17529  
2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In 17530  
fiscal year 2007, Access Challenge subsidies shall be distributed 17531  
by the Board of Regents to eligible access campuses on the basis 17532  
of the average of each campus's share of fiscal year 2004 and 2005 17533  
all-terms subsidy-eligible General Studies FTEs. 17534

For purposes of this calculation, Cleveland State 17535

University's enrollments shall be adjusted by the ratio of the sum 17536  
of subsidy-eligible lower-division FTE student enrollments 17537  
eligible for access funding to the sum of subsidy-eligible General 17538  
Studies FTE student enrollments at Central State University and 17539  
Shawnee State University, and for the following universities and 17540  
their regional campuses: the Ohio State University, Ohio 17541  
University, Kent State University, Bowling Green State University, 17542  
Miami University, the University of Cincinnati, the University of 17543  
Akron, and Wright State University. 17544

Of the foregoing appropriation item 235-418, Access 17545  
Challenge, \$10,172,626 in fiscal year 2006 and ~~\$9,663,995~~ 17546  
\$11,413,995 in fiscal year 2007 shall be used by Central State 17547  
University to keep undergraduate fees below the statewide average, 17548  
consistent with its mission of service to many first-generation 17549  
college students from groups historically underrepresented in 17550  
higher education and from families with limited incomes. 17551

**Sec. 209.93. SOS SECRETARY OF STATE** 17552

General Revenue Fund 17553

GRF 050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	17554
GRF 050-403	Election Statistics	\$	103,936	\$	103,936	17555
GRF 050-407	Pollworkers Training	\$	277,997	\$	277,997	17556
GRF 050-409	Litigation	\$	4,652	\$	4,652	17557

Expenditures

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	17558
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General Services Fund Group 17559

4S8 050-610	Board of Voting	\$	7,200	\$	7,200	17560
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Machine Examiners

412 050-609	Notary Commission	\$	685,250	\$	685,249	17561
413 050-601	Information Systems	\$	169,955	\$	169,955	17562
414 050-602	Citizen Education Fund	\$	75,700	\$	55,712	17563
TOTAL General Services Fund Group	\$	938,105	\$	918,116	17564	

Federal Special Revenue Fund Group				17565
3AS 050-616 2005 HAVA Voting	\$	37,436,203	\$	0
Machines				17566
3X4 050-612 Ohio Center/Law	\$	41,000	\$	41,000
Related Educational				17567
Grant				
TOTAL FED Federal Special Revenue				17568
Fund Group	\$	37,477,203	\$	41,000
State Special Revenue Fund Group				17570
5N9 050-607 Technology	\$	129,565	\$	129,565
Improvements				17571
599 050-603 Business Services	\$	13,741,745	\$	13,761,734
Operating Expenses				17572
TOTAL SSR State Special Revenue				17573
Fund Group	\$	13,871,310	\$	13,891,299
Holding Account Redistribution Fund Group				17575
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000
Code Refunds				17576
R02 050-606 Corporate/Business	\$	100,000	\$	100,000
Filing Refunds				17577
TOTAL 090 Holding Account				17578
Redistribution Fund Group	\$	165,000	\$	165,000
TOTAL ALL BUDGET FUND GROUPS	\$	55,423,203	\$	17,987,000
BOARD OF VOTING MACHINE EXAMINERS				17581
The foregoing appropriation item 050-610, Board of Voting				17582
Machine Examiners, shall be used to pay for the services and				17583
expenses of the members of the Board of Voting Machine Examiners,				17584
and for other expenses that are authorized to be paid from the				17585
Board of Voting Machine Examiners Fund, which is created in				17586
section 3506.05 of the Revised Code. Moneys not used shall be				17587
returned to the person or entity submitting the equipment for				17588



examination. If it is determined that additional appropriations  
are necessary, such amounts are appropriated.

2005 HAVA VOTING MACHINES 17591

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 17620  
Fund (Fund 3AS) shall be credited to the respective funds and 17621  
distributed in accordance with the terms of the grant under which 17622  
the money is received. 17623

HOLDING ACCOUNT REDISTRIBUTION GROUP 17624

The foregoing appropriation items 050-605 and 050-606, 17625  
Holding Account Redistribution Fund Group, shall be used to hold 17626  
revenues until they are directed to the appropriate accounts or 17627  
until they are refunded. If it is determined that additional 17628  
appropriations are necessary, such amounts are appropriated. 17629

**Section 401.11.** That existing Sections 203.12.06, 203.24, 17630  
203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, 17631  
and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly are 17632  
hereby repealed. 17633

**Section 403.10.** That Section 203.99 of Am. Sub. H.B. 66 of 17634  
the 126th General Assembly, as most recently amended by Sub. H.B. 17635  
245 of the 126th General Assembly, be amended to read as follows: 17636

**Sec. 203.99.** DEV DEPARTMENT OF DEVELOPMENT 17637

General Revenue Fund 17638

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 17639

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 17640

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 17641

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 17642

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 17643

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 17644

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 17645

		Grants					
GRF	195-415	Economic Development	\$	5,794,975	\$	5,894,975	17646
		Division and Regional Offices					
GRF	195-416	Governor's Office of	\$	4,122,372	\$	4,122,372	17647
		Appalachia					
GRF	195-422	Third Frontier Action	\$	16,790,000	\$	16,790,000	17648
		Fund					
GRF	195-426	Clean Ohio	\$	300,000	\$	300,000	17649
		Implementation					
GRF	195-432	International Trade	\$	4,223,787	\$	4,223,787	17650
GRF	195-434	Investment in Training	\$	12,227,500	\$	12,227,500	17651
		Grants					
GRF	195-436	Labor/Management	\$	811,869	\$	811,869	17652
		Cooperation					
GRF	195-497	CDBG Operating Match	\$	1,040,956	\$	1,040,956	17653
GRF	195-498	State Match Energy	\$	94,000	\$	94,000	17654
GRF	195-501	Appalachian Local	\$	380,080	\$	380,080	17655
		Development Districts					
GRF	195-502	Appalachian Regional	\$	246,803	\$	246,803	17656
		Commission Dues					
GRF	195-507	Travel and Tourism	\$	1,287,500	\$	1,162,500	17657
		Grants					
GRF	195-515	Economic Development	\$	10,000,000	\$	0	17658
		Contingency					
GRF	195-905	Third Frontier	\$	0	\$	13,910,000	17659
		Research & Development					
		General Obligation					
		Debt Service					
GRF	195-912	Job Ready Site	\$	0	\$	4,124,400	17660
		Development General					
		Obligation Debt					
		Service					

TOTAL GRF General Revenue Fund	\$	99,797,446	\$	107,491,846	17661
General Services Fund Group					17662
135 195-605 Supportive Services	\$	7,450,000	\$	7,539,686	17663
5AD 195-667 Investment in Training	\$	5,000,000	\$	5,000,000	17664
Expansion					
5AD 195-668 Worker Guarantee	\$	3,000,000	\$	3,000,000	17665
Program					
5AD 195-677 Economic Development	\$	0	\$	10,000,000	17666
Contingency					
685 195-636 General Reimbursements	\$	1,000,000	\$	1,000,000	17667
TOTAL GSF General Services Fund					17668
Group	\$	16,450,000	\$	26,539,686	17669
Federal Special Revenue Fund Group					17670
3AE 195-643 Workforce Development	\$	5,800,000	\$	5,800,000	17671
Initiatives					
3K8 195-613 Community Development	\$	65,000,000	\$	65,000,000	17672
Block Grant					
3K9 195-611 Home Energy Assistance	\$	90,500,000	\$	90,500,000	17673
Block Grant					
3K9 195-614 HEAP Weatherization	\$	16,219,478	\$	16,219,478	17674
3L0 195-612 Community Services	\$	25,235,000	\$	25,235,000	17675
Block Grant					
3V1 195-601 HOME Program	\$	40,000,000	\$	40,000,000	17676
308 195-602 Appalachian Regional	\$	600,660	\$	600,660	17677
Commission					
308 195-603 Housing and Urban	\$	5,000,000	\$	5,000,000	17678
Development					
308 195-605 Federal Projects	\$	15,300,249	\$	15,300,249	17679
308 195-609 Small Business	\$	4,296,381	\$	4,296,381	17680
Administration					
308 195-618 Energy Federal Grants	\$	3,397,659	\$	3,397,659	17681
335 195-610 Oil Overcharge	\$	3,000,000	\$	3,000,000	17682

TOTAL FED Federal Special Revenue				17683
Fund Group	\$	274,349,427	\$ 274,349,427	17684
State Special Revenue Fund Group				17685
4F2 195-639 State Special Projects	\$	290,183	\$ 290,183	17686
4F2 195-676 Promote Ohio	\$	5,228,210	\$ 5,228,210	17687
4S0 195-630 Enterprise Zone	\$	275,000	\$ 275,000	17688
Operating				
4S1 195-634 Job Creation Tax	\$	375,800	\$ 375,800	17689
Credit Operating				
4W1 195-646 Minority Business	\$	2,580,597	\$ 2,580,597	17690
Enterprise Loan				
444 195-607 Water and Sewer	\$	523,775	\$ 523,775	17691
Commission Loans				
450 195-624 Minority Business	\$	53,967	\$ 53,967	17692
Bonding Program				
Administration				
451 195-625 Economic Development	\$	2,358,311	\$ 2,358,311	17693
Financing Operating				
5CA 195-678 Shovel Ready Sites	\$	5,000,000	\$ 5,000,000	17694
5CG 195-679 Alternative Fuel	\$	150,000	\$ 1,150,000	17695
Transportation				
5CV 195-680 Defense Conversion	\$	1,000,000	\$ 0	17696
Assistance				
5CY 195-682 Lung Cancer and Lung	\$	10,000,000	\$ 0	17697
Disease Research				
5M4 195-659 Universal Service	\$	210,000,000	\$ 210,000,000	17698
5M5 195-660 Energy Efficiency Loan	\$	12,000,000	\$ 12,000,000	17699
and Grant				
5X1 195-651 Exempt Facility	\$	25,000	\$ 25,000	17700
Inspection				
611 195-631 Water and Sewer	\$	15,713	\$ 15,713	17701
Administration				
617 195-654 Volume Cap	\$	200,000	\$ 200,000	17702

		Administration					
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	17703
TOTAL SSR State Special Revenue							17704
Fund Group			\$	303,076,556	\$	293,076,556	17705
Facilities Establishment Fund Group							17706
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	17707
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	17708
037	195-615	Facilities Establishment	\$	63,931,149	\$	<del>63,931,149</del> <u>105,131,149</u>	17709
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	17710
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	17711
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000	17712
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	17713
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	17714
TOTAL 037 Facilities							17715
Establishment Fund Group			\$	179,406,149	\$	<del>179,406,149</del> <u>220,606,149</u>	17716
Clean Ohio Revitalization Fund							17717
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000	17718
TOTAL 003 Clean Ohio Revitalization							17719
Fund							
Third Frontier Research & Development Fund Group							17720
011	195-686	Third Frontier Operating	\$	713,028	\$	1,932,056	17721

011 195-687 Third Frontier	\$	100,000,000	\$	100,000,000	17722
Research & Development					
Projects					
TOTAL 011 Third Frontier Research & Development Fund Group	\$	100,713,028	\$	101,932,056	17723
Job Ready Site Development Fund Group					17724
012 195-688 Job Ready Site	\$	622,200	\$	746,155	17725
Operating					
TOTAL 012 Job Ready Site Development Fund Group	\$	622,200	\$	746,155	17726
TOTAL ALL BUDGET FUND GROUPS	\$	974,764,806	\$	<del>983,891,875</del>	17727
				<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					17736
GRF 898-401 FutureGen Assistance	\$	0	\$	1,000,000	17737
GRF 898-402 Coal Development	\$	568,814	\$	573,814	17738
Office					
GRF 898-901 Coal R&D General	\$	7,071,100	\$	8,980,800	17739
Obligation Debt					
Service					
TOTAL GRF General Revenue Fund	\$	7,639,914	\$	10,554,614	17740
State Special Revenue Fund Group					17741
5DR 898-606 FutureGen Initiative	\$	0	\$	250,000	17742

TOTAL SSR State Special Revenue	\$	0	\$	250,000	17743
Fund Group					
Agency Fund Group					17744
4Z9 898-602 Small Business	\$	263,165	\$	264,196	17745
Ombudsman					
5A0 898-603 Small Business	\$	71,087	\$	71,087	17746
Assistance					
570 898-601 Operating Expenses	\$	256,875	\$	263,693	17747
TOTAL AGY Agency Fund Group	\$	591,127	\$	598,976	17748
Coal Research/Development Fund					17749
046 898-604 Coal Research and	\$	10,000,000	\$	10,000,000	17750
Development Fund					
TOTAL 046 Coal	\$	10,000,000	\$	10,000,000	17751
Research/Development Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	18,231,041	\$	21,403,590	17752
COAL DEVELOPMENT OFFICE					17753
The foregoing appropriation item GRF 898-402, Coal					17754
Development Office, shall be used for the administrative costs of					17755
the Coal Development Office.					17756
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					17757
The foregoing appropriation item GRF 898-901, Coal R & D					17758
General Obligation Debt Service, shall be used to pay all debt					17759
service and related financing costs at the times they are required					17760
to be made under sections 151.01 and 151.07 of the Revised Code					17761
during the period from July 1, 2005, to June 30, 2007. The Office					17762
of the Sinking Fund or the Director of Budget and Management shall					17763
effectuate the required payments by intrastate transfer voucher.					17764
SCIENCE AND TECHNOLOGY COLLABORATION					17765
The Air Quality Development Authority shall work in close					17766
collaboration with the Department of Development, the Board of					17767



Regents, and the Third Frontier Commission in relation to 17768  
appropriation items and programs referred to as Alignment Programs 17769  
in the following paragraph, and other technology-related 17770  
appropriations and programs in the Department of Development, Air 17771  
Quality Development Authority, and the Board of Regents as those 17772  
agencies may designate, to ensure implementation of a coherent 17773  
state strategy with respect to science and technology. 17774

To the extent permitted by law, the Air Quality Development 17775  
Authority shall assure that coal research and development 17776  
programs, proposals, and projects consider or incorporate 17777  
appropriate collaborations with Third Frontier Project programs 17778  
and grantees and with Alignment Programs and grantees. 17779

"Alignment Programs" means: appropriation items 195-401, 17780  
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 17781  
Third Frontier Action Fund; 898-604, Coal Research and Development 17782  
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 17783  
Institute of Technology; 235-510, Ohio Supercomputer Center; 17784  
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 17785  
235-535, Ohio Agricultural Research and Development Center; 17786  
235-553, Dayton Area Graduate Studies Institute; 235-554, 17787  
Priorities in Collaborative Graduate Education; 235-556, Ohio 17788  
Academic Resources Network; and 195-435, Biomedical Research and 17789  
Technology Transfer Trust. 17790

Consistent with the recommendations of the Governor's 17791  
Commission on Higher Education and the Economy, Alignment Programs 17792  
shall be managed and administered (1) to build on existing 17793  
competitive research strengths, (2) to encourage new and emerging 17794  
discoveries and commercialization of ideas and products that will 17795  
benefit the Ohio economy, and (3) to assure improved collaboration 17796  
among Alignment Programs, with programs administered by the Third 17797  
Frontier Commission, and with other state programs that are 17798  
intended to improve economic growth and job creation. 17799

As directed by the Third Frontier Commission, Alignment 17800  
Program managers shall report to the Commission or to the Third 17801  
Frontier Advisory Board on the contributions of their programs to 17802  
achieving the objectives stated in the preceding paragraph. 17803

Each alignment program shall be reviewed annually by the 17804  
Third Frontier Commission with respect to its development of 17805  
complementary relationships within a combined state science and 17806  
technology investment portfolio and its overall contribution to 17807  
the state's science and technology strategy, including the 17808  
adoption of appropriately consistent criteria for: (1) the 17809  
scientific merit of activities supported by the program; (2) the 17810  
relevance of the program's activities to commercial opportunities 17811  
in the private sector; (3) the private sector's involvement in a 17812  
process that continually evaluates commercial opportunities to use 17813  
the work supported by the program; and (4) the ability of the 17814  
program and recipients of grant funding from the program to engage 17815  
in activities that are collaborative, complementary, and efficient 17816  
with respect to the expenditure of state funds. Each alignment 17817  
program shall provide annual reports to the Third Frontier 17818  
Commission discussing existing, planned, or possible 17819  
collaborations between programs and recipients of grant funding 17820  
related to technology, development, commercialization, and 17821  
supporting Ohio's economic development. The annual review by the 17822  
Third Frontier Commission shall be a comprehensive review of the 17823  
entire state science and technology program portfolio rather than 17824  
a review of individual programs. 17825

Applicants for Third Frontier and Alignment Program funding 17826  
shall identify their requirements for high-performance computing 17827  
facilities and services, including both hardware and software, in 17828  
all proposals. If an applicant's requirements exceed approximately 17829  
\$100,000 for a proposal, the Ohio Supercomputer Center shall 17830  
convene a panel of experts. The panel shall review the proposal to 17831

determine whether the proposal's requirements can be met through 17832  
Ohio Supercomputer Center facilities or through other means and 17833  
report its conclusion to the Third Frontier Commission. 17834

To ensure that the state receives the maximum benefit from 17835  
its investment in the Third Frontier Project and the Third 17836  
Frontier Network, organizations receiving Third Frontier awards 17837  
and Alignment Program awards shall, as appropriate, be expected to 17838  
have a connection to the Third Frontier Network that enables them 17839  
and their collaborators to achieve award objectives through the 17840  
Third Frontier Network. 17841

FUTUREGEN ASSISTANCE 17842

The foregoing appropriation item GRF 898-401, FutureGen 17843  
Assistance, shall be used to make grants for the drilling of a 17844  
test well to assist the state's efforts to secure or support the 17845  
development and operation of the United States Department of 17846  
Energy FutureGen Initiative pursuant to section 3706.01 of the 17847  
Revised Code, as amended by this act. 17848

FUTUREGEN INITIATIVE 17849

The foregoing appropriation item 5DR 898-606, FutureGen 17850  
Initiative, shall be used to make grants for the drilling of a 17851  
test well to assist the state's efforts to secure or support the 17852  
development and operation of the United States Department of 17853  
Energy FutureGen Initiative pursuant to section 3706.01 of the 17854  
Revised Code, as amended by this act. 17855

**Section 405.11.** That existing Section 203.27 of Am. Sub. H.B. 17856  
66 of the 126th General Assembly, as amended by Sub. H.B. 440 of 17857  
the 126th General Assembly, is hereby repealed. 17858

**Section 405.16.** That Section 209.63 of Am. Sub. H.B. 66 of 17859  
the 126th General Assembly, as amended by Sub. H.B. 478 and Am. 17860

Sub. H.B. 530, both of the 126th General Assembly, be amended to 17861  
read as follows: 17862

**Sec. 209.63. BOR BOARD OF REGENTS** 17863

General Revenue Fund 17864

GRF 235-321 Operating Expenses \$ 2,897,659 \$ ~~2,966,351~~ 17865  
2,991,351

GRF 235-401 Lease Rental Payments \$ 200,619,200 \$ 200,795,300 17866

GRF 235-402 Sea Grants \$ 231,925 \$ 231,925 17867

GRF 235-406 Articulation and \$ 2,900,000 \$ 2,900,000 17868  
Transfer

GRF 235-408 Midwest Higher \$ 90,000 \$ 90,000 17869  
Education Compact

GRF 235-409 Information System \$ 1,146,510 \$ 1,175,172 17870

GRF 235-414 State Grants and \$ 1,352,811 \$ 1,382,881 17871  
Scholarship  
Administration

GRF 235-415 Jobs Challenge \$ 9,348,300 \$ 9,348,300 17872

GRF 235-417 Ohio Learning Network \$ 3,119,496 \$ 3,119,496 17873

GRF 235-418 Access Challenge \$ 73,513,302 \$ ~~73,004,671~~ 17874  
74,754,671

GRF 235-420 Success Challenge \$ 52,601,934 \$ 52,601,934 17875

GRF 235-428 Appalachian New \$ 1,176,068 \$ 1,176,068 17876  
Economy Partnership

GRF 235-433 Economic Growth \$ 20,343,097 \$ 23,186,194 17877  
Challenge

GRF 235-434 College Readiness and \$ 6,375,975 \$ 7,655,425 17878  
Access

GRF 235-435 Teacher Improvement \$ 2,697,506 \$ 2,697,506 17879  
Initiatives

GRF 235-451 Eminent Scholars \$ 0 \$ 1,370,988 17880

GRF 235-455 EnterpriseOhio Network \$ 1,373,941 \$ 1,373,941 17881

GRF 235-474	Area Health Education Centers Program Support	\$ 1,571,756	\$ 1,571,756	17882
GRF 235-501	State Share of Instruction	\$ 1,559,096,031	\$ 1,589,096,031	17883
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	17884
GRF 235-503	Ohio Instructional Grants	\$ 121,151,870	\$ 92,496,969	17885
GRF 235-504	War Orphans Scholarships	\$ 4,672,321	\$ 4,672,321	17886
GRF 235-507	OhioLINK	\$ 6,887,824	\$ 6,887,824	17887
GRF 235-508	Air Force Institute of Technology	\$ 1,925,345	\$ 1,925,345	17888
GRF 235-510	Ohio Supercomputer Center	\$ 4,271,195	\$ 4,271,195	17889
GRF 235-511	Cooperative Extension Service	\$ 25,644,863	\$ 25,644,863	17890
GRF 235-513	Ohio University Voinovich Center	\$ 336,082	\$ 336,082	17891
GRF 235-515	Case Western Reserve University School of Medicine	\$ 3,011,271	\$ 3,011,271	17892
GRF 235-518	Capitol Scholarship Program	\$ 125,000	\$ 125,000	17893
GRF 235-519	Family Practice	\$ 4,548,470	\$ 4,548,470	17894
GRF 235-520	Shawnee State Supplement	\$ 1,918,830	<del>1,822,889</del> <u>2,056,986</u>	17895
GRF 235-521	The Ohio State University Glenn Institute	\$ 286,082	\$ 286,082	17896
GRF 235-524	Police and Fire Protection	\$ 171,959	\$ 171,959	17897

GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	17898
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	17899
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	17900
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	17901
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376	17902
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500	17903
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188	17904
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	17905
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	17906
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	17907
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	17908
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	17909
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	17910
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000	17911
GRF 235-547	School of	\$	450,000	\$	450,000	17912

	International Business				
GRF 235-549	Part-time Student	\$	14,457,721	\$	10,534,617 17913
	Instructional Grants				
GRF 235-552	Capital Component	\$	19,059,866	\$	19,059,866 17914
GRF 235-553	Dayton Area Graduate	\$	2,806,599	\$	2,806,599 17915
	Studies Institute				
GRF 235-554	Priorities in	\$	2,355,548	\$	2,355,548 17916
	Collaborative Graduate				
	Education				
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458 17917
GRF 235-556	Ohio Academic	\$	3,727,223	\$	3,727,223 17918
	Resources Network				
GRF 235-558	Long-term Care	\$	211,047	\$	211,047 17919
	Research				
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015 17920
	University Canadian				
	Studies Center				
GRF 235-563	Ohio College	\$	0	\$	58,144,139 17921
	Opportunity Grant				
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019 17922
	University Clinic				
	Support				
GRF 235-583	Urban University	\$	4,992,937	\$	4,992,937 17923
	Program				
GRF 235-587	Rural University	\$	1,147,889	\$	1,147,889 17924
	Projects				
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435 17925
	Program				
GRF 235-599	National Guard	\$	15,128,472	\$	16,611,063 17926
	Scholarship Program				
GRF 235-909	Higher Education	\$	137,600,300	\$	152,114,100 17927
	General Obligation				
	Debt Service				

TOTAL GRF General Revenue Fund	\$ 2,469,261,760	\$ <del>2,548,148,872</del>	17928
		<u>2,550,132,969</u>	
General Services Fund Group			17929
220 235-614 Program Approval and Reauthorization	\$ 400,000	\$ 400,000	17930
456 235-603 Sales and Services	\$ 700,000	\$ 900,000	17931
TOTAL GSF General Services Fund Group	\$ 1,100,000	\$ 1,300,000	17932 17933
Federal Special Revenue Fund Group			17934
3H2 235-608 Human Services Project	\$ 1,500,000	\$ 1,500,000	17935
3H2 235-622 Medical Collaboration Network	\$ 3,346,143	\$ 3,346,143	17936
3N6 235-605 State Student Incentive Grants	\$ 2,196,680	\$ 2,196,680	17937
3T0 235-610 National Health Service Corps - Ohio Loan Repayment	\$ 150,001	\$ 150,001	17938
312 235-609 Tech Prep	\$ 183,850	\$ 183,850	17939
312 235-611 Gear-up Grant	\$ 1,370,691	\$ 1,370,691	17940
312 235-612 Carl D. Perkins Grant/Plan Administration	\$ 112,960	\$ 112,960	17941
312 235-615 Professional Development	\$ 523,129	\$ 523,129	17942
312 235-617 Improving Teacher Quality Grant	\$ 2,900,000	\$ 2,900,000	17943
312 235-619 Ohio Supercomputer Center	\$ 6,000,000	\$ 6,000,000	17944
312 235-621 Science Education Network	\$ 1,686,970	\$ 1,686,970	17945
312 235-631 Federal Grants	\$ 250,590	\$ 250,590	17946
TOTAL FED Federal Special Revenue			17947



Fund Group	\$	20,221,014	\$	20,221,014	17948
State Special Revenue Fund Group					17949
4E8 235-602 Higher Educational	\$	55,000	\$	55,000	17950
Facility Commission					
Administration					
4P4 235-604 Physician Loan	\$	476,870	\$	476,870	17951
Repayment					
649 235-607 The Ohio State	\$	760,000	\$	760,000	17952
University					
Highway/Transportation					
Research					
682 235-606 Nursing Loan Program	\$	893,000	\$	893,000	17953
TOTAL SSR State Special Revenue					17954
Fund Group	\$	2,184,870	\$	2,184,870	17955
TOTAL ALL BUDGET FUND GROUPS	\$	2,492,767,644	\$	<del>2,571,854,756</del>	17956
				<u>2,573,838,853</u>	

**Section 405.17.** That existing Section 209.63 of Am. Sub. H.B. 17958  
66 of the 126th General Assembly, as amended by Sub. H.B. 478 and 17959  
Am. Sub. H.B. 530, both of the 126th General Assembly, is hereby 17960  
repealed. 17961

**Section 411.10.** That Section 212.30 of Am. Sub. H.B. 66 of 17962  
the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 17963  
126th General Assembly, be amended to read as follows: 17964

**Sec. 212.30.** DVM STATE VETERINARY MEDICAL BOARD 17965

General Services Fund Group 17966

4K9 888-609 Operating Expenses	\$	293,691	\$	307,000	17967
5BU 888-602 Veterinary Student	\$	60,000	\$	60,000	17968
Loan Program					
TOTAL GSF General Services					17969
Fund Group	\$	353,691	\$	367,000	17970

TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$	367,000	17971
CASH TRANSFER TO <del>VETERINARY STUDENT LOAN PROGRAM</del> <u>VETERINARIAN</u>					17972
<u>LOAN REPAYMENT</u> FUND (FUND 5BU)					17973
On July 1, 2005, or as soon as possible thereafter, the					17974
Director of Budget and Management shall transfer \$60,000 in cash					17975
from the Occupational Licensing and Regulatory Fund (Fund 4K9) to					17976
the <del>Veterinary Student Loan Program</del> <u>Veterinarian Loan Repayment</u>					17977
Fund (Fund 5BU), <del>which is hereby</del> created <u>in division (B) of</u>					17978
<u>section 4741.46 of the Revised Code</u> . The amount of the transfer is					17979
hereby appropriated.					17980
VETERINARY STUDENT LOAN PROGRAM					17981
The foregoing appropriation item 888-602, Veterinary Student					17982
Loan Program, shall be used by the Veterinary Medical Licensing					17983
Board to implement a student loan repayment program for veterinary					17984
students focusing on large animal populations, public health, or					17985
regulatory veterinary medicine.					17986
<b>Section 411.11.</b> That existing Section 212.30 of Am. Sub. H.B.					17987
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530					17988
of the 126th General Assembly, is hereby repealed.					17989
<b>Section 415.10.</b> That Sections 243.10 and 287.20 of Am. Sub.					17990
H.B. 530 of the 126th General Assembly be amended to read as					17991
follows:					17992
<b>Sec. 243.10.</b> All items set forth in this section are hereby					17993
appropriated out of any moneys in the state treasury to the credit					17994
of the Cultural and Sports Facilities Building Fund (Fund 030)					17995
that are not otherwise appropriated:					17996
				Reappropriations	
AFC CULTURAL FACILITIES COMMISSION					17997
CAP-003 Center of Science and Industry - Toledo	\$			7,542	17998

CAP-033	Woodward Opera House Renovation	\$	1,150,000	17999
CAP-038	Center Exhibit Replacement	\$	816,000	18000
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000	18001
CAP-043	Statewide Site Repairs	\$	200,100	18002
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	18003
CAP-053	Powers Auditorium Improvements	\$	250,000	18004
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	18005
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	18006
CAP-064	Bramley Historic House	\$	75,000	18007
CAP-065	Beck Center for the Cultural Arts	\$	100,000	18008
CAP-066	Delaware County Cultural Arts Center	\$	40,000	18009
CAP-071	Cleveland Institute of Music	\$	1,500,000	18010
CAP-072	West Side Arts Consortium	\$	138,000	18011
CAP-073	Ice Arena Development	\$	5,500,000	18012
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	18013
CAP-075	McKinley Museum Improvements	\$	125,000	18014
CAP-076	Spring Hill Historic Home	\$	125,000	18015
CAP-079	Lorain Palace Civic Theatre	\$	200,000	18016
CAP-080	Great Lakes Historical Society	\$	150,000	18017
CAP-745	Historic Sites and Museums	\$	604,453	18018
CAP-753	Buffington Island State Memorial	\$	73,500	18019
CAP-769	Rankin House State Memorial	\$	192,000	18020
CAP-781	Historical Center Archives/Library	\$	624,000	18021
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	18022
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	18023
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	18024
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	18025
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	18026
CAP-821	Lorain County Historical Society	\$	300,000	18027

CAP-822	Armory Youth Center	\$	40,000	18028
CAP-823	Marion Palace Theatre	\$	1,575,000	18029
CAP-824	McConnellsville Opera House	\$	75,000	18030
CAP-825	Secrest Auditorium	\$	75,000	18031
CAP-826	Renaissance Theatre	\$	700,000	18032
CAP-827	Trumpet in the Land	\$	100,000	18033
CAP-829	Mid-Ohio Valley Players	\$	80,000	18034
CAP-830	The Anchorage	\$	50,000	18035
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	18036
CAP-835	Jamestown Opera House	\$	125,000	18037
CAP-837	Lake County Historical Society	\$	250,000	18038
CAP-839	Hancock Historical Society	\$	75,000	18039
CAP-840	Riversouth Development	\$	1,000,000	18040
CAP-841	Ft. Piqua Hotel	\$	200,000	18041
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000	18042
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	18043
CAP-845	Lima Historic Athletic Field	\$	100,000	18044
CAP-846	Butler Palace Theatre	\$	200,000	18045
CAP-847	Voice Of America Museum	\$	275,000	18046
CAP-848	Oxford Arts Center ADA Project	\$	72,000	18047
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	18048
CAP-850	Westcott House Historic Site	\$	75,000	18049
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	18050
CAP-852	Miami Township Community Amphitheatre	\$	50,000	18051
CAP-853	Western Reserve Historical Society	\$	1,000,000	18052
CAP-854	<u>Cleveland</u> Steamship Mather Museum	\$	100,000	18053
CAP-855	Rock and Roll Hall of Fame	\$	250,000	18054
CAP-858	Strongsville Historic Building	\$	100,000	18055
CAP-859	Arts Castle	\$	100,000	18056

CAP-860	Great Lakes Historical Society	\$	325,000	18057
CAP-861	Ohio Glass Museum	\$	250,000	18058
CAP-863	Ariel Theatre	\$	100,000	18059
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	18060
CAP-867	Ensemble Theatre	\$	450,000	18061
CAP-868	Taft Museum	\$	500,000	18062
CAP-869	Art Academy of Cincinnati	\$	100,000	18063
CAP-870	Riverbend Pavilion Improvements	\$	250,000	18064
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	18065
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	18066
CAP-873	John Bloomfield Home Restoration	\$	115,000	18067
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	18068
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	18069
CAP-876	Art Deco Markay Theatre	\$	200,000	18070
CAP-877	Harvey Wells House	\$	100,000	18071
CAP-879	Broad Street Historical Renovation	\$	300,000	18072
CAP-880	Amherst Historical Society	\$	35,000	18073
CAP-881	COSI - Toledo	\$	1,580,000	18074
CAP-882	Ohio Theatre - Toledo	\$	100,000	18075
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	18076
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	18077
CAP-885	Montgomery County Historical Society Archives	\$	100,000	18078
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	18079
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	18080
CAP-888	Preble County Historical Society	\$	100,000	18081
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	18082
CAP-890	Pro Football Hall of Fame	\$	400,000	18083
CAP-891	Maps Air Museum	\$	15,000	18084
CAP-892	Foundation Community Theatre	\$	50,000	18085

CAP-893	William McKinley Library Restoration	\$	250,000	18086
CAP-896	Richard Howe House	\$	100,000	18087
CAP-897	Ward-Thomas Museum	\$	30,000	18088
CAP-898	Packard Music Hall Renovation Project	\$	<del>1,075,000</del>	18089
			<u>675,000</u>	
CAP-899	Holland Theatre	\$	100,000	18090
CAP-900	Van Wert Historical Society	\$	32,000	18091
CAP-901	Warren County Historical Society	\$	225,000	18092
CAP-902	Marietta Colony Theatre	\$	335,000	18093
CAP-903	West Salem Village Opera House	\$	92,000	18094
CAP-904	Beavercreek Community Theater	\$	100,000	18095
CAP-905	Smith Orr Homestead	\$	100,000	18096
	Total Cultural Facilities Commission	\$	<del>39,831,048</del>	18097
			<u>39,431,048</u>	
	TOTAL Cultural and Sports Facilities Building Fund	\$	<del>39,831,048</del>	18098
			<u>39,431,048</u>	

ICE ARENA DEVELOPMENT 18099

The amount reappropriated for the foregoing appropriation 18100  
item CAP-073, Ice Arena Development, is the unencumbered and 18101  
unallotted balance, as of June 30, 2006, in appropriation item 18102  
CAP-073, Ice Arena Development, which prior to July 1, 2006, was 18103  
named "Marina District/Ice Arena Development," plus \$2,000,000. 18104

Notwithstanding any provision of law to the contrary, on July 18105  
1, 2006, or as soon thereafter as possible, the Director of Budget 18106  
and Management shall transfer \$2,000,000 from CAP-843, Marina 18107  
District Amphitheatre and Related Development, which prior to July 18108  
1, 2006, was named "Marina District/Ice Arena Development," to 18109  
CAP-073, Ice Arena Development. 18110

The foregoing appropriation item CAP-073, Ice Arena 18111  
Development, shall ~~by~~ be used by the ~~City of Toledo~~ County of 18112  
Lucas for the development of an ice arena in the City of Toledo. 18113

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT 18114

The amount reappropriated for the foregoing appropriation 18115  
item CAP-843, Marina District Amphitheatre and Related 18116  
Development, is the unencumbered and unalloted balance, as of June 18117  
30, 2006, in appropriation item CAP-843, Marina District 18118  
Amphitheatre and Related Development, which prior to July 1, 2006, 18119  
was named "Marina District/Ice Arena Development," minus 18120  
\$2,000,000. 18121

The foregoing appropriation item CAP-843, Marina District 18122  
Amphitheatre and Related Development, shall be used by the City of 18123  
Toledo for the development of an amphitheatre and related 18124  
developments in the Marina District of Toledo. 18125

PACKARD MUSIC HALL RENOVATIONS PROJECT 18126

The amount reappropriated for the foregoing appropriation 18127  
item CAP-898, Packard Music Hall Renovation Project, is the 18128  
unencumbered and unalloted balance, as of June 30, 2006, in 18129  
appropriation item CAP-898, Packard Music Hall Renovation Project, 18130  
plus ~~\$975,000~~ \$575,000 of the unencumbered and unalloted balance, 18131  
as of June 30, 2006, in appropriation item CAP-063, Robins Theatre 18132  
Renovations. 18133

**Sec. 287.20.** DMH/DMR - MENTAL HEALTH FACILITY IMPROVEMENT 18134  
FUND 033 18135

The Treasurer of State is hereby authorized to issue and 18136  
sell, in accordance with ~~Section~~ Sections 2i and 16 of Article 18137  
VIII, Ohio Constitution, Chapter 154. and particularly section 18138  
154.20 of the Revised Code, original obligations in an aggregate 18139  
principal amount not to exceed \$5,000,000, in addition to the 18140  
original issuance of obligations heretofore authorized by prior 18141  
acts of the General Assembly. These authorized obligations shall 18142  
be issued and sold from time to time, subject to applicable 18143

constitutional and statutory limitations, as needed to ensure 18144  
sufficient moneys to the credit of the Mental Health Facilities 18145  
Improvement Fund (Fund 033) to pay costs of capital facilities for 18146  
mental hygiene and retardation." 18147

**Section 415.11.** That existing Sections 243.10 and 287.20 of 18148  
Am. Sub. H.B. 530 of the 126th General Assembly are hereby 18149  
repealed. 18150

**Section 501.10.** The item in this section is hereby 18151  
appropriated as designated out of any moneys in the state treasury 18152  
to the credit of the State Special Revenue Fund Group. For the 18153  
appropriation made in this section, that in the first column is 18154  
for fiscal year 2006 and that in the second column is for fiscal 18155  
year 2007. The appropriation made in this section is in addition 18156  
to any other appropriations made for the fiscal years 2006-2007 18157  
biennium. 18158

JLE JOINT LEGISLATIVE ETHICS COMMITTEE 18159

State Special Revenue Fund Group 18160

4G7 028-601 Joint Legislative	\$	0	\$	100,000	18161
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Ethics Committee

TOTAL SSR State Special Revenue	\$	0	\$	100,000	18162
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Fund

TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000	18163
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Within the limits set forth in this act, the Director of 18164  
Budget and Management shall establish accounts indicating the 18165  
source and amount of funds for the appropriation made in this 18166  
section, and shall determine the form and manner in which the 18167  
appropriation accounts shall be maintained. Expenditures from the 18168  
appropriation contained in this section shall be accounted for as 18169  
though made in H.B. 66 of the 126th General Assembly. 18170

The appropriation made in this section is subject to all 18171



provisions of H.B. 66 of the 126th General Assembly that are 18172  
generally applicable to such an appropriation. 18173

**Section 501.20.** Notwithstanding sections 101.02 and 101.27 of 18174  
the Revised Code, the members of the Senate elected majority floor 18175  
leader, assistant majority floor leader, and majority whip for the 18176  
127th General Assembly shall receive an annual salary that is 18177  
equal to the annual salary prescribed under section 101.27 of the 18178  
Revised Code for the respective members of the House of 18179  
Representatives elected majority floor leader, assistant majority 18180  
floor leader, and majority whip for the 127th General Assembly. 18181  
The compensation specified in this section for the members of the 18182  
Senate elected majority floor leader, assistant majority floor 18183  
leader, and majority whip for the 127th General Assembly shall, 18184  
for the remainder of fiscal year 2007, be paid from the fiscal 18185  
year 2007 appropriations made to the Senate. 18186

**Section 503.10.** OHIO COMMUNITY SERVICE COUNCIL DEPOSIT 18187

On January 1, 2007, or as soon as possible thereafter, the 18188  
Director of the Ohio Community Service Council may certify to the 18189  
Director of Budget and Management the amount of cash posted to the 18190  
Ohio Community Service Council Programs Fund (Fund 3R7) that 18191  
should have been deposited to the OCSC Community Support Fund 18192  
(Fund 624). The Director of Budget and Management may transfer 18193  
cash up to the amount certified from the Ohio Community Service 18194  
Council Programs Fund (Fund 3R7) to the OCSC Community Support 18195  
Fund (Fund 624). 18196

**Section 503.20.** The amendments of this act to sections 154.02 18197  
and 154.20 of the Revised Code, Section 22.07 of Am. Sub. H.B. 16 18198  
of the 126th General Assembly, and Section 287.20 of Am. Sub. H.B. 18199  
530 of the 126th General Assembly apply to any proceedings 18200  
commenced after the effective date of those amendments, and, so 18201

far as those amendments support the actions taken, also apply to 18202  
any proceedings that on that effective date are pending, in 18203  
progress, or completed, and to the securities authorized or issued 18204  
or obligations entered into under or pursuant to those 18205  
proceedings, notwithstanding the applicable law previously in 18206  
effect or any provision to the contrary in a prior resolution, 18207  
order, notice, or other proceeding. Any proceedings pending or in 18208  
progress on the effective date of those amendments, and securities 18209  
sold, issued, and delivered, or obligations entered into under or 18210  
pursuant to those proceedings, shall be deemed to have been taken, 18211  
and authorized, sold, issued, delivered, and entered into, in 18212  
conformity with those amendments. 18213

**Section 503.21.** The Directors of Mental Health and of Mental 18214  
Retardation and Developmental Disabilities shall amend any rules 18215  
either Director previously adopted pursuant to section 154.20 of 18216  
the Revised Code to the extent necessary to conform to the 18217  
amendments of this act to sections 154.02 and 154.20 of the 18218  
Revised Code, Section 22.07 of Am. Sub. H.B. 16 of the 126th 18219  
General Assembly, and Section 287.20 of Am. Sub. H.B. 530 of the 18220  
126th General Assembly. 18221

**Section 505.10.** The amendment by this act to division (C) of 18222  
section 2305.26 of the Revised Code applies to liens filed with 18223  
the county recorder before, on, or after the effective date of the 18224  
amendment. 18225

**Section 507.10.** TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE 18226  
FUND ENDING BALANCES 18227

Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of 18228  
section 131.44 of the Revised Code, the Director of Budget and 18229  
Management may transfer up to \$100,000,000 of the fiscal year 2007 18230

General Revenue Fund surplus to the Public School Building Fund 18231  
(Fund 021). 18232

**Section 507.20. TRANSFER FROM HALF-MILL EQUALIZATION FUND** 18233

Notwithstanding division (F) of section 3318.18 of the 18234  
Revised Code, between June 1, 2007, and June 30, 2007, the 18235  
Director of Budget and Management may transfer up to \$60,000,000 18236  
in cash from the Half-Mill Equalization Fund (Fund 5BJ) to the 18237  
Public School Building Fund (Fund 021). 18238

**Section 509.10. HEALTH EMERGENCY FUND** 18239

The Health Emergency Fund (Fund 5EC) is hereby created in the 18240  
state treasury. The fund may be used by the Department of Health 18241  
to purchase vaccines and antiviral drugs to stockpile for pandemic 18242  
flu. The Director of Budget and Management, in consultation with 18243  
the Director of Health, shall determine the amount of 18244  
appropriation needed. The amount so determined is hereby 18245  
appropriated. The Director of Budget and Management may transfer 18246  
up to \$17,500,000 in cash from the General Revenue Fund to the 18247  
Health Emergency Fund (Fund 5EC) as needed. The Director of Budget 18248  
and Management shall submit a letter to the Governor, the 18249  
President and Minority Leader of the Senate, and the Speaker and 18250  
Minority Leader of the House of Representatives detailing the cash 18251  
transfers. 18252

**Section 511.10. TANF INITIATIVES** 18253

The Department of Job and Family Services, in accordance with 18254  
sections 5101.80 and 5101.801 of the Revised Code, shall take the 18255  
steps necessary, through interagency agreements, adoption of 18256  
rules, or otherwise as determined by the Department, to implement 18257  
and administer the Title IV-A programs identified in this section. 18258

**STRENGTHENING FAMILIES INITIATIVE** 18259

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 18265

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 18271

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 18277

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 18282

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 18289

Up to \$2.5 million shall be used in fiscal year 2007 for TANF 18290  
eligible activities pursuant to section 5101.801 of the Revised 18291  
Code to support independent living initiatives, including but not 18292  
limited to life-skills training and work supports for older 18293  
children in foster care and those who have recently aged-out of 18294  
foster care. 18295

HOME ENERGY ASSISTANCE PROGRAM 18296

The Department of Job and Family Services shall use up to \$45 18297  
million in fiscal year 2007 to reimburse the Ohio Department of 18298  
Development pursuant to section 5101.801 of the Revised Code for 18299  
allowable expenditures of the Title IV-A Home Energy Assistance 18300  
Program during the 2006-2007 HEAP winter heating season. 18301

FOOD BOXES 18302

Up to \$1.5 million shall be used in fiscal year 2007 to 18303  
reimburse the Ohio network of food banks pursuant to section 18304  
5101.801 of the Revised Code for purchase of food boxes for 18305  
distribution to TANF eligible families on a one-time basis. 18306

TWO-PARENT OHIO WORKS FIRST CASELOAD 18307

Up to \$7 million shall be used in fiscal year 2007 for TANF 18308  
eligible activities pursuant to section 5101.801 of the Revised 18309  
Code to enhance county operated work and support programs 18310  
targeting the two-parent Ohio Works First caseload. 18311

The Department of Job and Family Services shall make TANF 18312  
funding available to assist with the programs identified in this 18313  
section and provide Title IV-A funds as necessary to implement 18314  
these programs. In administering these programs, the state, 18315  
county, and private agencies receiving funds from the Department 18316  
of Job and Family Services shall comply with the requirements of 18317  
the respective interagency agreements, grant agreements, sections 18318  
5101.80 and 5101.801 of the Revised Code, Title IV-A of the Social 18319

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. 18320  
18321  
18322

**Section 513.10. FEDERAL JUSTICE PROGRAMS FUNDS** 18323

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: 18324  
18325  
18326

(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. 18327  
18328  
18329  
18330

(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. 18331  
18332  
18333  
18334

(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. 18335  
18336  
18337  
18338

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. 18339  
18340  
18341  
18342

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. 18343  
18344  
18345  
18346  
18347  
18348  
18349

**Section 515.10.** Within ninety days after the effective date 18350  
of the amendment by this act of section 5709.87 of the Revised 18351  
Code, the current owner of record of real property that is subject 18352  
to an ongoing exemption previously granted under division 18353  
(C)(1)(a) of that section may notify the Tax Commissioner in 18354  
writing that the owner elects to discontinue the exemption for the 18355  
remainder of its term. Upon receiving such a notification, the 18356  
commissioner shall issue an order restoring the property to the 18357  
tax list beginning with the year in which the notification was 18358  
received. 18359

**Section 515.20.** It is the intent of the General Assembly that 18360  
the amendment to division (P) of section 5739.01 of the Revised 18361  
Code is to clarify current law. 18362

**Section 520.10.** The amendment by this act of sections 133.07, 18363  
133.08, 133.20, 307.695, and 5739.09 and the enactment by this act 18364  
of section 5709.083 of the Revised Code apply to proceedings 18365  
commenced after the effective date of those sections and to any 18366  
proceedings commenced or in progress prior to those effective 18367  
dates. The authority conferred by those amendments and that 18368  
enactment is in addition to, and not in derogation of, any similar 18369  
authority conferred by, derived from, or implied by any law, the 18370  
Ohio Constitution, a charter, a resolution, or an ordinance. No 18371  
inference shall be drawn from those amendments or that enactment 18372  
to negate any authority conferred by those sources. 18373

**Section 525.10.** (A) Pursuant to section 5911.10 of the 18374  
Revised Code, the Governor is hereby authorized to execute a deed 18375  
in the name of the state conveying to a buyer or buyers to be 18376  
determined in the manner provided in division (C) of this section, 18377  
and the buyer's or buyers' successors and assigns or heirs and 18378

assigns, all of the state's right, title, and interest in the 18379  
following described parcels of real estate that the Adjutant 18380  
General has determined are no longer required for armory or 18381  
military purposes: 18382

Ashtabula Township. Ashtabula County. State of Ohio 18383

Situated in Ashtabula Township, Ashtabula County, State of Ohio: 18384

Known as being part of the Holmes Tract, and more particularly 18385  
described as follows: 18386

Being a parcel of land lying on the left side of the centerline of 18387  
survey for State Route 46, Section 27.06, Ashtabula County, Ohio, 18388  
made by the Ohio State Department of Highways, and bounded and 18389  
described as follows: 18390

Beginning at a point on grantor's southerly property line 165 feet 18391  
left of station 1426/04.53; thence northwesterly to a point 160 18392  
feet left of station 1429/00; thence continuing northwesterly 18393  
parallel with the centerline of survey to a point 160 feet left of 18394  
station 1434/00; Thence westerly to a point 175 feet left of 18395  
station 1434/79.63; thence westerly to a point 184 feet left of 18396  
station 1435/09, said point being in the centerline of County 18397  
Highway No. 25 also known as State Road; thence south 0 degrees 18398  
16', west along the centerline of State Road a distance of 290 18399  
feet to the southwest corner of land conveyed to grantor by 18400  
Theodore E. Warren, Trustee, in deed dated January 2, 1952 and 18401  
recorded in the deed records of Ashtabula County in deed record 18402  
book 469, page 520; thence south 89 degrees 34' east along 18403  
grantor's south property line a distance of 532 feet to an iron 18404  
pin; thence south 0 degrees 16' west 140.24 feet to an iron pin; 18405  
thence south 89 degrees 34' east a distance of 264 feet to the 18406  
point of beginning; and containing 2.21 acres, more or less. 18407

Parcel Number: 03-015-00-003-00 18408



Prior Deed Reference: 46-5630 18409

Howey Road Armory 18410

Situate in the City of Columbus, Franklin County, State of Ohio, 18411

and being more fully described as follows: 18412

Said parcel being a part of 80.202 acres acquired from the 18413

Columbus and Southern Ohio Electric Company, December 7, 1951, and 18414

being recorded in Franklin County, Volume 1704, Page 153. 18415

Beginning at an iron pin located at the intersection of the east 18416

right of way of Hiawatha Park Place and the north property line of 18417

the Ohio State Fairgrounds and the east right of way of the North 18418

Freeway, thence north 86 degrees 43'17" east 737.59 feet along the 18419

north property line of the Ohio State Fairgrounds to a point, 18420

thence south 3 degrees 12'14" west 50 feet to a point, thence 18421

south 86 degrees 43'17" east 50 feet to a point, thence north 3 18422

degrees 12'14" east 50 feet to a point in the north property line 18423

of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 18424

17.46 feet to the northeast corner of the Ohio State Fairgrounds, 18425

thence south 3 degrees 12'14" west 1145.00 feet along the east 18426

property line of the Ohio State Fairgrounds to a point at the 18427

intersection of the east right of way of the north freeway, thence 18428

south 25 degrees 55'03" east 695.94 feet along the east right of 18429

way of the North Freeway to a point. Thence south 37 degrees 18430

46'42" east 712.00 feet to the point of beginning containing 9.42 18431

acres, more or less. 18432

Mount Vernon 18433

Situated in the state of Ohio, county of Knox, City of Mount 18434

Vernon and more particularly described as being Lots number Three 18435

Hundred Ninety (390), Three Hundred Ninety One (391) and ten feet 18436

of the east side of Lot Number Four Hundred Seven (407), in 18437

Trimble's Addition to Mount Vernon, County of Knox and the State 18438

of Ohio, as the same are marked on the Plat of said Addition in 18439

the Recorder's Office of Knox County, Ohio in J Book, Volume J, 18440  
page 123-124. 18441

Springfield 18442

Situated in the State of Ohio, County of Clark, Township of 18443  
Springfield, and described as follows: 18444

Being part of the northwest quarter of Section 3. Township 5, 18445  
Range 9, and part of the northeast quarter of Section 9, Township 18446  
5, Range 9, between the Miami Rivers Survey. Beginning at a point 18447  
in the center line of the Laybourne Road, north 85 degrees 27' 18448  
west 370.0 feet from the intersection of said centerline with the 18449  
center line of State Route 70 (Springfield and Washington C.H. 18450  
Road); thence with the center line of the Laybourne Road, north 85 18451  
degrees 57" west, 650.0 feet; thence north 29 degrees 46' east, 18452  
248.63 feet to a pipe; thence south 80 degrees 33' east 423.24 18453  
feet to the place of beginning, containing 3.20 acres. 18454

And, also to use the following described premises in conjunction 18455  
with the grantors herein and under the following terms as are 18456  
agreed to by the State of Ohio and the Clark County Fair Board. 18457

Beginning at the intersection of the center lines of the Laybourne 18458  
Road and State Route 70; thence with the center line of the 18459  
Laybourne Road, north 85 degrees 57' west, 370.0 feet; thence 18460  
north 35 degrees 33 west 432.24 feet to a pipe; thence north 80 18461  
degrees 33' west 134.22 feet to a pipe; thence north 54 degrees 18462  
27' east, 380.0 feet; thence with the center line of State Route 18463  
70, south 35 degrees 33' east 754.0 feet to the place of 18464  
beginning, containing 4.27 acres. 18465

Urbana 18466

The following described property situated in the State of Ohio, 18467  
County of Champagne: 18468

Being part of the Southwest Quarter of Section 19, Town 5, Range 18469

12, in Salem Township and bonded and described as follows: 18470  
Beginning at a point in the East line of the Southwest Quarter of 18471  
said Section 19. said point being 1044.46 feet, North 7 degrees 5 18472  
minutes East, from the Southeast corner of the said Southwest 18473  
Quarter of Section 19, Town 5, Range 12; thence North 84 degrees 18474  
56 minutes West, 875 feet to a stake; thence South 7 degrees 5 18475  
minutes West 225 feet to a stake; thence North 84 degrees 56 18476  
minutes West, 425.10 feet to a stake; thence North 67 degrees 5 18477  
minutes East, 245 feet to a stake; thence South 84 degrees 56 18478  
minutes East, 1300.1 feet to a point in the East line of the said 18479  
Southwest Quarter of Section 19; thence South 7 degrees 5 minutes 18480  
West, along the East line of the said Southwest Quarter of Section 18481  
19, 20 feet to the place of beginning, a total area of 2.791 18482  
acres. Subject to the rights of the Department of Highways of the 18483  
State of Ohio for highway purposes in and to 120.53 feet taken by 18484  
parallel lines off the entire East end of the above described 18485  
tract and subject also to the rights of the City of Urbana for 18486  
highway purposes in and to approximately 79.47 feet off the West 18487  
end of 200 feet taken by parallel lines off the entire East end of 18488  
the above described tract. 18489

(B) At the request of the Adjutant General, the Director of 18490  
Administrative Services, pursuant to the procedures described in 18491  
division (C) of this section, shall assist in the sale of any of 18492  
the parcels described in division (A) of this section. 18493

(C) The Adjutant General shall appraise the parcels described 18494  
in division (A) of this section or have them appraised by one of 18495  
more disinterested persons for a fee to be determined by the 18496  
Adjutant General, and shall offer the parcels for sale as follows: 18497

(1) The Adjutant General first shall offer a parcel for sale 18498  
at its appraised value to the municipal corporation or township in 18499  
which it is located. 18500

(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 18532  
a parcel described in division (A) of this section in accordance 18533  
with division (C)(3) of this section, or upon notice from the 18534  
Adjutant General's Department that a parcel of real estate 18535  
described in division (A) of this section has been sold to a 18536  
municipal corporation, township, or county in accordance with 18537  
division (C) of this section, a deed shall be prepared for that 18538  
parcel by the Auditor of State, with the assistance of the 18539  
Attorney General, be executed by the Governor, countersigned by 18540  
the Secretary of State, sealed with the Great Seal of the State, 18541  
and presented for recording in the Office of the Auditor of State. 18542  
Upon the grantee's payment of the balance of the purchase price, 18543  
the deed shall be delivered to the grantee. The grantee shall 18544  
present the deed for recording in the office of the county 18545  
recorder of the county in which the parcel is located. 18546

(F) The net proceeds of the sales of the parcels described in 18547  
division (A) of this section shall be deposited in the State 18548  
Treasury to the credit of the Armory Improvements Fund pursuant to 18549  
section 5911.10 of the Revised Code. 18550

(G) If a parcel of real estate described in division (A) of 18551  
this section is sold to a municipal corporation, township, or 18552  
county and that political subdivision sells that parcel within two 18553  
years after its purchase, the political subdivision shall pay to 18554  
the state, for deposit in the state treasury to the credit of the 18555  
Armory Improvements Fund pursuant to section 5911.10 of the 18556  
Revised Code, an amount representing one-half of any net profit 18557  
derived from that subsequent sale. The net profit shall be 18558  
computed by first subtracting the price at which the political 18559  
subdivision bought the parcel from the price at which the 18560  
political subdivision sold the parcel, and then subtracting from 18561  
that remainder the amount of any expenditures the political 18562  
subdivision made for improvements to the parcel. 18563

(H) This section expires five years after its effective date. 18564

**Section 525.20.** (A) The Governor is hereby authorized to 18565  
execute a deed in the name of the state conveying to the City of 18566  
Columbus, and its successors and assigns, all of the state's 18567  
right, title, and interest in the following described real estate: 18568  
Situated in the State of Ohio, County of Franklin, and the City of 18569  
Columbus, and being a 0.342 acre tract out of the State of Ohio 18570  
original 236.26 acre tract of record in Deed Book 1238, Page 468 18571  
of the Recorder's Records, Franklin County, Ohio, said 0.342 acre 18572  
tract being more particularly described as follows: 18573

Beginning for reference at the intersection of the 18574  
centerlines of North High Street (66 feet wide) and Sunnyside Lane 18575  
(50 feet wide); 18576

Thence S 2° 35' 13" W, 214.69 feet, in the centerline of 18577  
North High Street, to the Place Of Beginning of said 0.342 acre 18578  
tract at the southwesterly corner of the William H. Hadler 1.324 18579  
acre Parcel X of record in Instrument #200107130160025 and the 18580  
northwesterly corner of said 236.26 acre tract; 18581

Thence S 87° 05' 47" E, 48.00 feet, passing an iron pipe set 18582  
at 33.00 feet, in the southerly line of said 1.324 acre tract and 18583  
in a northerly line of said 236.26 acre tract, to an iron pipe 18584  
set; 18585

Thence S 2° 35' 13" W, 310.59 feet, to an iron pipe set in a 18586  
southerly line of said 236.26 acre tract and the northerly line of 18587  
the Marjorie H. Bradburn 0.1308 acre tract of record in Official 18588  
Record 01835, A-07 of said Recorder's Records; 18589

Thence N 87° 19' 07" W, 48.00 feet, passing an iron pipe set 18590  
at 15.00 feet, in the southerly line of said 236.26 acre tract and 18591  
in the northerly line of said 0.1308 acre tract, to the centerline 18592  
of North High Street; 18593

Thence N 2° 35' 13" E, 310.78 feet, in said centerline, to 18594  
the Place of Beginning, containing 0.342 acres (or 14,913 square 18595  
feet), more or less. 18596

This description is based on the results of a field survey in 18597  
March 2005, by Gary L. Elswick, Professional Surveyor #6395. 18598  
Bearings are based on Ohio State Plane, South Zone, NAD83. 18599

Gary L. Elswick, Professional Surveyor #6395, 6/28/05. 18600

(B) Consideration for the conveyance of the real estate 18601  
described in division (A) of this section is the purchase price of 18602  
ten dollars. 18603

(C) Before the execution of the deed described in division 18604  
(D) of this section, possession of the real estate described in 18605  
division (A) of this section shall be governed by an existing 18606  
interim lease between the Ohio Department of Administrative 18607  
Services and the City of Columbus. 18608

(D) Upon payment of the purchase price, the Auditor of State, 18609  
with the assistance of the Attorney General, shall prepare a deed 18610  
to the real estate described in division (A) of this section. The 18611  
deed shall state the consideration. The deed shall be executed by 18612  
the Governor in the name of the state, countersigned by the 18613  
Secretary of State, sealed with the Great Seal of the state, and 18614  
presented for recording in the Office of the Auditor of State. The 18615  
City of Columbus shall present the deed for recording in the 18616  
office of the Franklin County Recorder. 18617

(E) The City of Columbus shall pay the costs of the 18618  
conveyance described in division (A) of this section. 18619

(F) This section expires one year after its effective date. 18620

**Section 525.30.** (A) The Adjutant General has determined that 18621  
the following described properties are no longer needed by the 18622  
Ohio National Guard for armory or military purposes. The 18623

reversionary language contained in the deeds for those properties 18624  
requires that each property revert back to the grantor if the 18625  
property ceases to be used for military purposes. The Adjutant 18626  
General is hereby authorized to give proper effect to the 18627  
reversionary language in the original deeds. 18628

(B) Deeds to implement division (A) of this section shall be 18629  
prepared by the Auditor of State with the assistance of the 18630  
Attorney General, executed by the Governor, countersigned by the 18631  
Secretary of State, sealed with the Great Seal of the State, and 18632  
presented for recording in the Office of the Auditor of State. 18633  
Each deed shall be delivered to the original grantor of each 18634  
property for recording in the office of the appropriate county 18635  
recorder. 18636

(C) The Governor is hereby authorized to execute deeds in the 18637  
name of the state, granting all of the state's right, title, and 18638  
interest in the following described parcels as indicated to 18639  
implement division (A) of this section: 18640

PARCEL 1. 18641

Situated in the City of Mount Vernon, in the County of Knox, and 18642  
State of Ohio, to-wit: 18643

commencing at a point at the S. W. Corner of Lot #9 in the C. & G. 18644  
Cooper Park Addition and thence west a distance of 130 feet on the 18645  
north line of Greenwood Avenue extended; thence in a North 18646  
Easterly direction a distance of 152 feet to a point on South line 18647  
of 12.5 foot City alley extended, said point being 25 feet west of 18648  
the N. W. Corner of Lot #9 of said addition; thence continuing in 18649  
a North Easterly direction a distance of 139 feet to a point being 18650  
25 feet north of N. E. corner of Lot #10 of said addition on West 18651  
line of Elm Street extended north; thence south along west line of 18652  
Elm Street extended a distance of 25 feet to a point being the N. 18653  
E. corner of Lot #10 of said addition; thence west along the South 18654



line of 12.5 foot City alley extended west, a distance of 115.2 feet to a point being the N. W. corner of Lot #9 in said addition; thence South along west line of Lot #9 in said addition, a distance of 124, feet to the point of beginning. Estimated to contain .26 acres.

PARCEL 2.

Situated in the City of Mount Vernon, in the County of Knox, and State of Ohio, to-wit:

being Lots #9 and #10 in the C. & G. Cooper Park Addition of the City of Mount Vernon, Ohio.

Reference is made to Deed Book 198 page 614, Knox County, Ohio Records.

PARCEL 3.

Situated in the City of Mount Vernon, County of Knox and State of Ohio, to-wit:

the following real estate, situate City of Mount Vernon, County of Knox, State of Ohio and being described as follows:

Beginning at an iron stake on the West line of Elm Street extended, said iron stake bears North 5 deg. 30' East 25.0 feet from the North East corner of Lot 10 in the C. & G. Cooper Park Addition and said iron stake also marks the North East corner of 0.26 of an acre parcel conveyed to the State of Ohio in Deed Volume 199, page 376; Running thence from said beginning point South 85 deg.-23' West a distance of 142.41 feet to the North West corner of said 0.26 of an acre parcel; thence North 67 deg.-2.' East a distance of 159.0 feet to an iron stake on the West line of Elm Street extended; thence South 5 deg.-30' West a distance of 50.0 feet to the point of beginning, containing 0.08 of an acre, as surveyed May 21, 1970 by Floyd W. Barnes, Surveyor #3917, Ohio. Prior Deed recorded Volume 198, page 614, Knox County, Ohio, Deed

Records. 18685

Parcels Nos. 1, 2 and 3 shall revert to the City of Mount Vernon. 18686

PARCEL 4. 18687

Situate in the City of Urbana, Champaign County, Ohio, and being 18688  
part of the South-West quarter of Section 19, Town 5, Range 12, in 18689  
Salem Township, and bonded and described as follows: Beginning at 18690  
a point in the East line of the South-West quarter of Section 19, 18691  
Town 5, Range 12; said point being 819.46 feet, North 7 degrees-5 18692  
minutes East, from the Southeast Corner of the Southwest quarter 18693  
of Section 19, Town 5, Range 12. Thence North 84 degrees, 56 18694  
minutes West, 875.00 feet to a stake. Thence North 7 degrees-5 18695  
minutes East, 225.00 feet to a stake. Thence South 84 degrees-56 18696  
minutes East, 875.00 feet to a point in the East line of the said 18697  
Southwest quarter of Section 19, Town 5, Range 12. Thence South 7 18698  
degrees -5 minutes West, along the East line 4 of the said 18699  
Southwest quarter of Section 19, Town 5, Range 12, 225.00 feet to 18700  
the place of beginning. Two hundred feet taken by parallel lines 18701  
off the entire East end of the above described tract is reserved 18702  
by the City of Urbana for highway purposes, making the area of the 18703  
land conveyed equal 3.4844 acres. 18704

Parcel No. 4 shall revert to the City of Urbana. 18705

**Section 525.40.** (A) The Governor is hereby authorized to 18706  
execute a deed in the name of the state conveying to a buyer or 18707  
buyers to be determined in the manner provided in division (B) of 18708  
this section, and the buyer's or buyers' successors and assigns or 18709  
heirs and assigns, all of the state's right, title, and interest 18710  
in the following described real estate: 18711

Being a parcel of land situated in the Northwest Quarter of 18712  
Section 19 Bath Township, Town 3 South, Range 7 East of Allen 18713  
County, Ohio, and more particularly described as follows: 18714

Commencing at a Monument Box at the northwest corner of Section 18715  
19; thence South 00 degrees 25 minutes 00 seconds West along the 18716  
west line of said quarter section, same also being the centerline 18717  
of S.R. 65, a distance of 917.46 feet to a point; 18718  
thence South 89 degrees 35 minutes 04 seconds East a distance of 18719  
90.00 feet to the northwest corner of said parcel and being the 18720  
True Place of Beginning; 18721  
thence continuing South 89 degrees 35 minutes 04 seconds East a 18722  
distance of 59.96 feet to a point; 18723  
thence South 42 degrees 41 minutes 05 seconds East a distance of 18724  
310.36 feet to a point; 18725  
thence South 00 degrees 27 minutes 40 seconds West a distance of 18726  
287.14 feet to a point; 18727  
thence North 89 degrees 35 minutes 24 seconds West a distance of 18728  
186.94 feet to a point; 18729  
thence South 00 degrees 24 minutes 16 seconds West a distance of 18730  
26.55 feet to a point; 18731  
thence North 89 degrees 33 minutes 37 seconds West a distance of 18732  
84.87 feet to a point; 18733  
thence North 00 degrees 25 minutes 00 seconds East a distance of 18734  
540.28 feet to the Place of Beginning, containing 2.708 acres, 18735  
more or less. All Corners are marked with iron Pin /w cap. 18736  
Excepting therefrom the following parcel of land owned by the Ohio 18737  
Power Company and on which the Department of Transportation has an 18738  
ongoing easement. Said Ohio Power land is described as follows: 18739  
Commencing at a Monument Box at the northwest corner of Section 18740  
19; 18741  
thence South 00 degrees 25 minutes 00 seconds West along the west 18742  
line of said quarter section, same also being the centerline of 18743

S.R. 65, a distance of 917.46 to a point; 18744

thence South 89 degrees 35 minutes 04 seconds East a distance of 18745  
100.08 feet to a point on the northeasterly property line of the 18746  
Ohio Power Company, said point being the True Place of Beginning; 18747

thence South 38 degrees 04 minutes 60 seconds East along said 18748  
northeasterly property line a distance of 420.66 feet to a point; 18749

thence South 00 degrees 27 minutes 40 seconds West a distance of 18750  
160.48 feet to a point on the southwesterly line of the Ohio Power 18751  
Company; 18752

thence North 38 degrees 05 minutes 00 seconds West along said 18753  
southeasterly property line a distance of 436.65 feet to a point; 18754

thence North 00 degrees 25 minutes 00 seconds East a distance of 18755  
147.97 feet to a point; 18756

thence South 89 degrees 35 minutes 04 seconds East a distance of 18757  
10.08 feet to the Place of Beginning. Said exception contains 18758  
1.001 acres, more or less, leaving a net of 1.707 acres, more or 18759  
less. 18760

The above description was provided to the Ohio Department of 18761  
Administrative Services by the Ohio Department of Transportation. 18762  
Description is from a survey dated April 2, 1990 by Jeffrey L. 18763  
Waggamer, Reg. Surveyor S-7125. 18764

(B) The Director of Administrative Services shall offer the 18765  
real estate described in division (A) of this section, and the 18766  
improvements and chattels located on the real estate, for sale "as 18767  
is" in their present condition according to the following process: 18768

(1) The Director of Administrative Services shall offer the 18769  
real estate to any state entity expressing an interest in 18770  
obtaining the real estate. Any state entity expressing an interest 18771  
in the real estate shall obtain occupancy and possession through 18772  
execution of a Transfer of Jurisdictional Control Affecting 18773

State-Owned Lands document and thereafter assume operational control and financial responsibility of the real estate. 18774  
18775

(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. 18776  
18777  
18778  
18779  
18780

(3) The Director of Administrative Services shall offer the real estate at the appraised value to the Board of County Commissioners of Allen County. 18781  
18782  
18783

(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. 18784  
18785  
18786  
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(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. 18790  
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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. 18797  
18798  
18799  
18800  
18801  
18802  
18803

If the purchase is not completed and the public auction sale 18804

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 18836  
the Office of the Auditor of State. Upon the grantee's payment of 18837  
the balance of the purchase price, the deed shall be delivered to 18838  
the grantee. The grantee shall present the deed for recording in 18839  
the Office of the Allen County Recorder. 18840

(F) This section expires three years after its effective 18841  
date. 18842

**Section 525.50.** (A) The Governor is hereby authorized to 18843  
execute a deed in the name of the state conveying to O'Bleness 18844  
Memorial Hospital, and its successors and assigns, all of the 18845  
state's right, title, and interest in the following described real 18846  
estate: 18847

Situated in the City of Athens, County of Athens, State of Ohio, 18848  
and being a part of Section 15, Township 9N, Range 14W, of the 18849  
Ohio River Survey, also being a part of Outlot 91 & Outlot 95 of 18850  
the City of Athens, and being more particularly described as 18851  
follows; 18852

Being a Survey of a part of a parcel conveyed to Ohio Department 18853  
of Mental Health, as recorded in Deed Volume 145, Page 638, in the 18854  
Athens County Deed Records, and further described as follows; 18855

Commencing at a chiseled 'x' in a concrete sidewalk on the South 18856  
Right of Way Line of West Union Street (66' wide), also being the 18857  
Northeast corner of Outlot 91, and being the Northeast corner of a 18858  
20.169 acre parcel conveyed to Sheltering Arms Hospital 18859  
Foundation, Inc., as recorded in Deed Volume 277, Page 648; 18860

Thence, N 84°44'00" W 90.00 feet with the South Right of Way Line 18861  
of West Union Street, to a 5/8" o.d. iron pin found marking the 18862  
Northeast corner of said parcel conveyed to Ohio Department of 18863  
Mental Health of which this description is a part, the same being 18864  
the Northwest corner of said 20.169 acre parcel conveyed to 18865

Sheltering Arms Hospital Foundation, Inc.; 18866

Thence, S 05°03'01" W 324.47 feet leaving West Union Street with 18867  
the East line of said parcel conveyed to Ohio Department of Mental 18868  
Health of which this description is a part, the same being the 18869  
West line of said parcel conveyed to Sheltering Arms Hospital 18870  
Foundation, Inc., to an iron pin set at the back of curb, and 18871  
being the PRINCIPLE PLACE OF BEGINNING of the 1.669 Acre parcel 18872  
herein to be described; 18873

Thence, S 05°03'01" W 825.10 feet continuing with said common 18874  
boundary line between Ohio Department of Mental Health and 18875  
Sheltering Arms Hospital Foundation, Inc., to a 5/8" o.d. iron pin 18876  
found; 18877

Thence with a line across said parcel conveyed to Ohio Department 18878  
of Mental Health of which this description is a part, with the 18879  
following five (5) courses and distances: 18880

- 1) N 64°00'00" W 96.03 feet to an iron pin set; 18881
- 2) N 05°03'01" E 786.50 feet to an iron pin set at the back of 18882  
curb; 18883
- 3) N 80°04'57" E 37.84 feet to an angle point; 18884
- 4) S 82°16'19" E 42.95 feet to an angle point; 18885
- 5) S 66°00'59" E 10.80 feet to the PRINCIPLE PLACE OF BEGINNING. 18886

Said parcel as surveyed contains 1.669 Acres, more or less, and 18887  
subject to all legal easements, restrictions, and covenants of 18888  
record. Bearings of the above description are based on the South 18889  
Right of Way Line of West Union Street (66' Wide), as being N 18890  
84°44'00" W, and is an assumed Meridian used to denote angles 18891  
only. Scott A. England P.S. Ohio Registered Surveyor #7452 18892

(B) Consideration for the conveyance of the real estate 18893  
described in division (A) of this section is \$340,000.00, and 18894  
shall be paid to the state according to the following schedule as 18895



derived by mutual agreement reached between the state and 18896  
O'Bleness Memorial Hospital through an executed Offer to Purchase: 18897

(1) O'Bleness Memorial Hospital shall tender a cashier's or 18898  
bank check, made payable to the state, in the amount of 18899  
\$100,000.00 at the time of closing. 18900

(2) The value of the balance of the purchase price shall be 18901  
credited to the state of Ohio, Department of Mental Health, to 18902  
offset the cost of services provided by O'Bleness Memorial 18903  
Hospital to the Department of Mental Health, as agreed to in a 18904  
"Shared Services Agreement" executed by the parties. 18905

(C) The real estate described in division (A) of this section 18906  
shall be sold as an entire tract and not in parcels. 18907

(D) Before the execution of the deed described in division 18908  
(E) of this section, possession of the real estate described in 18909  
division (A) of this section shall be governed by an existing 18910  
interim lease between the Ohio Department of Administrative 18911  
Services and O'Bleness Memorial Hospital. 18912

(E) Upon payment of \$100,000.00, the Auditor of State, with 18913  
the assistance of the Attorney General, shall prepare a deed to 18914  
the real estate described in division (A) of this section. The 18915  
deed shall state the consideration. The deed shall be executed by 18916  
the Governor in the name of the state, countersigned by the 18917  
Secretary of State, sealed with the Great Seal of the State, and 18918  
presented for recording in the Office of the Auditor of State. 18919  
O'Bleness Memorial Hospital shall present the deed for recording 18920  
in the Office of the Athens County Recorder. 18921

(F) O'Bleness Memorial Hospital shall pay the costs of the 18922  
conveyance described in division (A) of this section. 18923

(G) This section expires one year after its effective date. 18924

**Section 525.60.** (A) The Governor is hereby authorized to 18925

execute a deed in the name of the state conveying to the City of 18926  
Columbus, and its successors and assigns, all of the state's 18927  
right, title, and interest in the following described real estate: 18928  
Situating in the State of Ohio, County of Franklin, City of 18929  
Columbus, Survey No. 1393 of the Virginia Military District, Lot 4 18930  
through Lot 16 of George W. Sinks Subdivision of record in Plat 18931  
Book 5, Page 198, and being part of those 0.098 acre and 1.966 18932  
acre tracts shown in the deed to The State of Ohio of record in 18933  
Instrument Number 200104200083861 (all references refer to the 18934  
records of the Recorder's Office, Franklin County, Ohio) and 18935  
described as follows 18936  
Beginning, for reference, at the centerline intersection of 18937  
McKinley Avenue with Yale Avenue; 18938  
thence North 85° 54' 05" West, with the centerline of said 18939  
McKinley Avenue, 25.00 feet, 18940  
thence South 04° 05' 55" West, leaving said centerline, 30.00 feet 18941  
to an iron pin set at the northeasterly corner of said 1 966 acre 18942  
tract, the intersection of the southerly right-of-way line for 18943  
McKinley Avenue with the westerly right-of-way line for Yale 18944  
Avenue, the true Point of Beginning; 18945  
thence South 04° 05' 55" West, with said westerly right-of-way 18946  
line, 5.00 feet to an iron pin set; 18947  
thence North 85° 54' 05" West, across said 0.098 acre and 1.966 18948  
acre tracts, 395.23 feet to an iron pin set in the westerly line 18949  
of said 0.098 acre tract and the easterly line of that tract 18950  
conveyed to General Maintenance & Engineering Co. of record in 18951  
Official Record 34267B19, 18952  
thence North 04° 05' 55" East, with said westerly and easterly 18953  
line, 5.00 feet to an iron pin set at a common corner thereof, in 18954  
said southerly right-of-way line; 18955

thence South 85° 54' 05" East, with said southerly right-of-way 18956  
line, passing a 3/4 inch iron pin found at 231.27 feet, 395.23 18957  
feet to the True Point of Beginning. Containing 0.045 acre, more 18958  
or less, from Auditor's Parcel No. 010-180286. 18959

Subject, however, to all legal rights-of-way and/or easements, if 18960  
any, of previous record. 18961

Iron pins set, where indicated, are iron pipes, thirteen 18962  
sixteenths (13/16) inch inside diameter, thirty (30) inches long 18963  
with a plastic plug placed in the top bearing the initials EMHT 18964  
INC. 18965

This description was prepared through the use of existing records 18966  
and an actual field survey performed in May 2000 and October 2003. 18967

Bearings are based on the coordinate location of monuments COC 18968  
17-83 and COC 18-83. A bearing of North 87° 22' 38" West was held 18969  
between said monuments. 18970

(B) Consideration for the conveyance of the real estate 18971  
described in division (A) of this section is the purchase price of 18972  
\$910.00. 18973

(C) The real estate described in division (A) of this section 18974  
shall be sold as an entire tract and not in parcels. 18975

(D) Before the execution of the deed described in division 18976  
(E) of this section, possession of the real estate described in 18977  
division (A) of this section shall be governed by an existing 18978  
interim lease between the Ohio Department of Administrative 18979  
Services and the City of Columbus. 18980

(E) Upon payment of the purchase price, the Auditor of State, 18981  
with the assistance of the Attorney General, shall prepare a deed 18982  
to the real estate described in division (A) of this section. The 18983  
deed shall state the consideration. The deed shall be executed by 18984  
the Governor in the name of the state, countersigned by the 18985

Secretary of State, sealed with the Great Seal of the State, and 18986  
presented for recording in the Office of the Auditor of State. The 18987  
City of Columbus shall present the deed for recording in the 18988  
Office of the Franklin County Recorder. 18989

(F) The City of Columbus shall pay the costs of the 18990  
conveyance described in division (A) of this section. 18991

(G) The net proceeds of the sale of the real estate described 18992  
in division (A) of this section shall be deposited in the state 18993  
treasury to the credit of the Department of Rehabilitation and 18994  
Corrections Fund 148 Services and Agricultural Fund (Appropriation 18995  
Line Item 501-602) and shall be used to offset the loss of the 18996  
Department's agricultural croplands. 18997

(H) This section expires one year after its effective date. 18998

**Section 525.70.** (A) The Governor is hereby authorized to 18999  
execute a deed in the name of the state conveying to the Warren 19000  
County Historical Society, and its successors and assigns, all of 19001  
the state's right, title, and interest in the following described 19002  
real estate: 19003

Parcel A 19004

Situate in the County of Warren, State of Ohio, and in the Village 19005  
of Lebanon and being part of Section number five (5) Town four (4) 19006  
Range three (3) bounded and further described as follows: 19007

Beginning at an iron pin in the east line of a tract of land 19008  
belonging to Albert French 3.46 chains from the southeast corner 19009  
of said French's tract of land and northwest corner to a tract of 19010  
land conveyed by Herschel I. Fisher to W. F. Eltzroth; 19011

thence with said French's line N. 4° 30' E. 1.98 chains to a 19012  
stone; 19013

thence with another line of said French N. 6° 0'E. 7.17 chains to 19014

an iron pin in the Lebanon and Cincinnati pike (north side) and  
northeast corner to said French's tract; 19015  
19016

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; 19017  
19018

thence S. 58° 0' E. 0.71 chains to a point 2 feet 6 inches south  
of a stone wall; 19019  
19020

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; 19021  
19022  
19023

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; 19024  
19025  
19026  
19027

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; 19028  
19029  
19030

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; 19031  
19032  
19033  
19034

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. 19035  
19036  
19037  
19038  
19039

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: 19040  
19041  
19042  
19043

The said Ladora S. Owens, her heirs and assigns, is to have the 19044

right to use as a means of ingress and egress to and from said 19045  
premises hereby conveyed to her, from and to Orchard Avenue, a 19046  
strip of ground 20 feet wide by about 228 feet in length on and 19047  
along the east side of the property heretofore conveyed to W. F. 19048  
Eltzroth, said strip being a part of the property formerly 19049  
conveyed to W. F. Eltzroth as aforesaid, said use however, not to 19050  
be exclusive but in conjunction with W. F. Eltzroth and his heirs 19051  
and assigns. 19052

This conveyance is made to the State of Ohio solely and 19053  
exclusively for museum purposes and to be used for the collection 19054  
and preservation of every variety of material illustrative of the 19055  
history of this county and of this region, including letters, 19056  
diaries, journals, memoranda, pioneer reminiscences, newspapers; 19057  
account books, school and church registers, commemorative 19058  
addresses, genealogies, biographies, photographs, pictures, 19059  
paintings, aboriginal relics, material objects illustrating the 19060  
life of pioneers, maps, histories, records, furniture, clothing, 19061  
etc. Said museum shall be known as "The Warren County Museum". 19062

Excepting from said Parcel A the following Parcel B: 19063

Parcel B 19064

Situate in the State of Ohio, Warren County and Village of 19065  
Lebanon, being a part of Section 5, Township 4 East, Range 3 19066  
North, Between the Miami Rivers Survey, being a parcel of land on 19067  
the South side of a centerline survey made by the Ohio Department 19068  
of Transportation as shown on right-of-way sheet No. 10/28 and 19069  
labeled 08548 (0) 5 Ohio BRF-10(73)/Warren-42-10.43, also being a 19070  
parcel out of those lands conveyed to the State of Ohio (Ohio 19071  
Historical Society) by Deed of Record in Deed Book 162, Page 292, 19072  
Recorder's Office, Warren County, Ohio, being a channel easement 19073  
across those state owned lands known as the "Glendower Museum", 19074  
said easement being more particularly described as follows: 19075

Beginning at an iron pin found at grantor's northwest corner, said 19076  
point also being located in an east line of a tract of land 19077  
conveyed to Gerald Miller by deed recorded in Official Record 308, 19078  
page 181 of the Deed Records of Warren County, Ohio, said point 19079  
also being locate forty five and 42/100 (45.42) feet right of 19080  
station 5 + 18.04 on the above described centerline of survey; 19081  
  
thence along grantor's north line and Miller's east line and its 19082  
eastward extension, South sixty-eight degrees, forty-two minutes 19083  
forty-six seconds (68°42'46") East for eighty-nine and 76/100 19084  
(89.76) feet to the TRUE POINT OF BEGINNING, said point being 19085  
located eighty and 90/100 (80.90) feet right of station 6 + 00.48 19086  
on the above described centerline of survey; 19087  
  
thence continuing along grantor's north line, South sixty-eight 19088  
degrees forty-two minutes forty-six seconds (68°42' 46") East for 19089  
twenty-four and 43/100 (24.43) feet to the west corner of Lot 7 of 19090  
Spencer's Subdivision of Lebanon, Ohio as recorded in Plat Book 2, 19091  
page 177 of the Plat Records of Warren County, Ohio; 19092  
  
thence continuing along grantor's north line and the south line of 19093  
said Lot 7, North fifty-seven degrees, one minute forty-six 19094  
seconds (57°01' 46") East for twenty-seven and 00/100 (27.00) 19095  
feet; 19096  
  
thence leaving grantor's north line and the south line of said Lot 19097  
7, North eighty-five degrees thirty-seven minutes fifty-six 19098  
seconds (85°37'56") West for seven and 66/100 (7.66) feet to the 19099  
inside face of an existing concrete retaining wall; 19100  
  
thence along the inside face of said concrete retaining wall, 19101  
North sixty-four degrees forty-nine minutes fifty-seven seconds 19102  
(64°49' 57") West for thirty and 69/100 (30.69) feet; 19103  
  
thence continuing along the inside face of said retaining wall 19104  
North forty-five degrees, twelve minutes seventeen seconds (45°12' 19105  
17") West for fourteen and 09/100 (14.09) fee to the TRUE POINT OF 19106

BEGINNING. 19107

This description is based on field surveys made by Woolpert 19108  
Consultants in April, 1986 and May, 1987, under the direction of 19109  
Daryl L. Wells, Ohio Registered Surveyor Number 6932. 19110

It is understood that the strip of land above described contains 19111  
0.005 acres, more or less, inclusive of the present road occupies 19112  
-0- acres, more or less. 19113

The foregoing is recited from a description submitted by the Ohio 19114  
Department of Transportation to the Ohio Department of 19115  
Administrative Services, Division of Public Works. Further 19116  
reference is made to File No. 4953 on file in the offices of the 19117  
Ohio Department of Administrative Services, General Services 19118  
Division, Real Estate Services, 4200 Surface Road, Columbus, Ohio 19119  
43228-1395. 19120

And, also conveying the following described Parcel C: 19121

Parcel C 19122

Situated in the State of Ohio, County of Warren, and in the 19123  
Village of Lebanon, being part of Section 5, T. 4, R. 3, and being 19124  
bounded as described as follows: 19125

Beginning at a point in the north line of Orchard Avenue and at 19126  
the west line of a 20 foot lane, 19127

thence with said lane N.5° 02' E. 218.36 feet to the South Line of 19128  
the Museum property, 19129

thence N. 84° 24'W. 6 feet to a stone, 19130

thence S. 5° 02'E. (passing an iron pin at 66.36 feet), 218.36 19131  
feet to a stone, 19132

thence S. 84° 24'E. 6 feet to the place of beginning, containing 19133  
.030 acres; 19134

with full rights to use and improve the entire area as an entrance 19135



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 19168  
described in division (A) of this section is \$10.00. 19169

(C) The conveyance of the real estate described in division 19170  
(A) of this section is subject to the following conditions and 19171  
restrictions: 19172

(1) The Ohio Historical Society, acknowledging the need for 19173  
specific capital improvements to the real estate before its 19174  
conveyance, shall make full payment for the specific capital 19175  
improvements to the Glendower State Memorial (the structure on the 19176  
real estate) and its premises, as listed in the Offer to Purchase 19177  
Real Estate executed by the Warren County Historical Society, the 19178  
Director of Administrative Services, and the Ohio Historical 19179  
Society in December 2005. These improvements include replacing the 19180  
roof of the structure, painting of wood trim on the structure, and 19181  
correcting site drainage problems, including replacing the gas and 19182  
water lines. 19183

(2) The Warren County Historical Society shall undertake all 19184  
future rehabilitation work and maintain the historic structure 19185  
located on the premises in accordance with the "Secretary of the 19186  
Interior's Standards for Rehabilitation" as published by the 19187  
Department of the Interior. 19188

(3) The Warren County Historical Society shall agree that no 19189  
demolition, alterations, or physical or structural changes shall 19190  
be made to the architecturally and historically significant 19191  
interior or exterior features of the historic structure on the 19192  
premises or to the coloring or surfacing of the exterior of the 19193  
structure without prior written approval of the Ohio Historic 19194  
Society, acting through the Ohio Historic Preservation Office. 19195  
Ordinary and necessary repairs and maintenance not materially 19196  
affecting the features shall not be considered demolition, 19197  
alterations, or physical or structural changes. This restriction 19198

shall be construed to preserve and protect the qualities that  
caused the property to be listed on the National Register of  
Historic Places.

(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.

(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.

(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.

(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.

(D) The real estate described in division (A) of this section  
shall be sold as an entire tract and not be subdivided.

(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

shall present the deed for recording in the Office of the Warren County Recorder.	19230 19231
(F) The Warren County Historical Society shall pay the costs of the conveyance described in division (A) of this section.	19232 19233
(G) This section expires one year after its effective date.	19234
<b>Section 525.80.</b> (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:	19235 19236 19237 19238
PARCEL 1-WD (4.662 Ac.)	19239
LANE AVENUE	19240
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:	19241 19242 19243 19244 19245
1. 69 acre tract described in Deed Book 616, Page 399	19246
2. 5.04 acre tract (part of Lot 278 - PB 2 Pg. 203) described in Deed Book 641, Page 242	19247 19248
3. Tuttle Park Place (Doe Alley) vacated by Ordinance No. 919-75	19249
4. Lots 211 through 252, inclusive, of R.P. Woodruff's Agricultural Addition, P.B. 2, Pg. 203	19250 19251
5. Neil Avenue vacated by Ordinance No. 919-75	19252
6. Peasley Street Vacated by Ordinance No. 179-66	19253
7. OSU North Urban Renewal, Plat 1, Plat Book 37, Page 56	19254
8. OSU North Urban Renewal, Plat 2, Plat Book 38, Page 94	19255
All records are on file in the Recorder's Office, Franklin County,	19256

Ohio, unless otherwise noted, all stations and offsets reference 19257  
the Centerline Survey Plat of Lane Avenue prepared by ms 19258  
consultants, inc. for the City of Columbus, said Parcel 1-WD being 19259  
more particularly described as follows: 19260

Beginning at a point at the centerline intersection of Olentangy 19261  
River Road and West Lane Avenue, being at Centerline Station 19262  
50+00.00 (Olentangy River Road Centerline Station 120+00.00); 19263

Thence North  $14^{\circ}30'28''$  East, along the centerline of Olentangy 19264  
River Road, a distance of 87.57 feet to a point, being at 19265  
Centerline Station 120+87.57; 19266

Thence South  $75^{\circ}29'32''$  East, a distance of 64.93 feet to a point 19267  
on an easterly line of Olentangy River Road, being 64.93 feet 19268  
right of Station 120+87.57 (75.05 feet left of West Lane Avenue 19269  
Station 50+79.55); 19270

Thence South  $59^{\circ}28'15''$  East, within said 69 acre tract, a distance 19271  
of 22.58 feet to a point, being 65.00 feet left of Station 19272  
51+00.00; 19273

Thence North  $51^{\circ}33'30''$  East, continuing within said 69 acre tract, 19274  
a distance of 66.93 feet to a point, being 110.00 feet left of 19275  
Station 51+50.00; 19276

Thence South  $86^{\circ}18'28''$  East, continuing within said 69 acre tract, 19277  
a distance of 279.96 feet to a point in the centerline of the 19278  
Olentangy River, in the westerly line of a 1.80 acre tract 19279  
described in a deed to the City of Columbus of record in Deed Book 19280  
3382, Page 600, being 110.00 feet left of Station 54+29.96; 19281

Thence South  $40^{\circ}12'42''$  West, along the westerly line of said 1.80 19282  
acre tract, the centerline of the Olentangy River, with the 19283  
meanders thereof, a distance of 108.57 feet to a point at the 19284  
southwest corner of said 1.80 acre tract, in the centerline of 19285  
existing right of way of West Lane Avenue, being 22.75 feet left 19286

of Station 53+65.35 19287

Thence South 3°42'42" West, along the centerline of the Olentangy River, with the meanders thereof, a distance of 30.00 feet to a point on the southerly line of West Lane Avenue, at the northwest corner of said 5.04 acre tract, being 7.25 feet right of Station 53+65.34; 19288  
19289  
19290  
19291  
19292

Thence South 86°17'18" East, along a southerly line of West Lane Avenue, a northerly line of said 5.04 acre tract, a distance of 1419.55 feet to a point at the northeast corner of said 5.04 acre tract, on the westerly line of Tuttle Park Place, being 18.57 feet right of Station 67+85.02; 19293  
19294  
19295  
19296  
19297

Thence South 03°42'42" West, along the easterly line of said 5.04 acre tract, the westerly line of Tuttle Park Place, a distance of 20.00 feet to a point, being 38.57 feet right of Station 67+85.00; 19298  
19299  
19300

Thence South 86°17'18" East, along the northerly line of Tuttle Park Place as vacated by said Ordinance No. 919-75, a distance of 60.00 feet to a point on the easterly line of Tuttle Park Place, the westerly line of Lot 211 of said R.P. Woodruff's Agricultural Addition, being 38.63 feet right of Station 68+45.00; 19301  
19302  
19303  
19304  
19305

Thence North 03°42'42" East, along the easterly line of Tuttle Park Place, the westerly line of said Lot 211, a distance of 20.00 feet to a point at the northwest corner of said Lot 211, on the southerly line of West Lane Avenue, being 18.63 feet right of Station 68+45.02; 19306  
19307  
19308  
19309  
19310

Thence South 86°17'18" East, along the southerly line of West Lane Avenue, the northerly lines of Lots 211 through 231, a distance of 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; 19311  
19312  
19313  
19314  
19315

Thence South 03°42'42" West, along the easterly line of said Lot 19316

231, the westerly line of Neil Avenue a distance of 20.00 feet to 19317  
a point, being 45.11 feet right of Station 74+75.00; 19318

Thence South  $86^{\circ}17'18''$  East, along the northerly line of Neil 19319  
Avenue as vacated by said Ordinance No. 919-75, a distance of 19320  
80.00 feet to a point on the easterly line of Neil Avenue, the 19321  
westerly line of Lot 233 of said R.P. Woodruff's Agricultural 19322  
Addition, being 45.12 feet right of Station 75+55.00; 19323

Thence North  $03^{\circ}42'42''$  East, along the easterly line of Neil 19324  
Avenue, the westerly line of said Lot 233, a distance of 20.00 19325  
feet to a point at the northwest corner of said Lot 233, on the 19326  
southerly line of West Lane Avenue, being 25.12 feet right of 19327  
Station 75+55.00; 19328

Thence South  $86^{\circ}17'18''$  East, along the southerly line of West Lane 19329  
Avenue, the northerly lines of Lots 233 through 252, the northerly 19330  
lines of said OSU North Urban Renewal, Plat 1 and Plat 2, a 19331  
distance of 1350.62 feet to a point at the northeast corner of 19332  
said OSU North Urban Renewal, Plat 2, on the westerly line of 19333  
North High Street, being 45.40 feet right of Station 89+01.19; 19334

Thence South  $08^{\circ}16'08''$  East, along the easterly line of said OSU 19335  
North Urban Renewal, Plat 2, the westerly line of North High 19336  
Street, a distance of 27.95 feet to a point, being 45.04 feet left 19337  
of Station 299+30.00; 19338

Thence passing through said lands owned by The State of Ohio, the 19339  
following 36 courses: 19340

1. North  $48^{\circ}38'40''$  West, 40.22 feet to a point, being 45.00 feet 19341  
right of Station 88+75.00; 19342
2. South  $86^{\circ}46'26''$  West, 79.95 feet to a point, being 45.00 feet 19343  
right of Station 87+95.05; 19344
3. Along the arc of a curve to the right, having a radius of 19345  
999.93 feet, an arc length of 120.97 feet to a point, being 45.00 19346

feet right of Station 86+79.53, said arc being subtended by a	19347
chord bearing North $89^{\circ}45'37.9''$ West, a chord distance of 120.89	19348
feet;	19349
4. North $86^{\circ}17'42''$ West, 461.03 feet to a point, being 45.00 feet	19350
right of Station 82+18.50;	19351
5. South $03^{\circ}42'18''$ West, 10.00 feet to a point, being 55.00 feet	19352
right of Station 82+18.50;	19353
6. North $86^{\circ}17'42''$ West, 60.00 feet to a point, being 55.00 feet	19354
right of Station 81+58.50;	19355
7. North $03^{\circ}42'18''$ East, 17.00 feet to a point, being 38.00 feet	19356
right of Station 81+58.50;	19357
8. North $86^{\circ}17'42''$ West, 80.50 feet to a point, being 38.00 feet	19358
right of Station 80+78.00;	19359
9. South $39^{\circ}14'34''$ West, 8.60 feet to a point, being 45.00 feet	19360
right of Station 80+73.00;	19361
10. North $86^{\circ}17'42''$ West, 508.00 feet to a point, being 45.00 feet	19362
right of Station 75+65.00;	19363
11. South $03^{\circ}42'18''$ West, 10.00 feet to a point, being 55.00 feet	19364
right of Station 75+65.00;	19365
12. North $86^{\circ}17'42''$ West, 100.00 feet to a point, being 55.00 feet	19366
right of Station 74+65.00;	19367
13. North $03^{\circ}42'18''$ East, 10.00 feet to a point, being 45.00 feet	19368
right of Station 74+65.00;	19369
North $86^{\circ}17'42''$ West, 107.57 feet to a point, being 45.00 feet	19370
right of Station 73+57.43;	19371
14. Along the arc of a curve to the left, having a radius of	19372
5684.58 feet, an arc length of 188.26 feet to a point of reverse	19373
curvature, being 45.00 feet right of Station 71+67.68, said arc	19374
being subtended by a chord bearing North $87^{\circ}14'37.0''$ West, a chord	19375



distance of 188.25 feet;	19376
15. Along the arc of a curve to the right, having a radius of	19377
5774.58 feet, an arc length of 185.77 feet to a point, being 45.00	19378
feet right of Station 69+83.36, said arc being subtended by a	19379
chord bearing North 87°16'14.6" West, a chord distance of 185.76	19380
feet;	19381
16. North 86°20'57" West, 108.36 feet to a point, being 45.00 feet	19382
right of Station 68+75.00;	19383
17. South 48°39'03" West, 28.28 feet to a point, being 65.00 feet	19384
right of Station 68+65.00;	19385
18. North 86°20'57" West, 85.00 feet to a point, being 65.00 feet	19386
right of Station 67+70.00;	19387
19. North 41°20'57" West, 28.28 feet to a point, being 45.00 feet	19388
right of Station 67+50.00;	19389
20. North 86°20'57" West, 540.00 feet to a point, being 45.00 feet	19390
right of Station 62+10.00;	19391
21. South 03°39'03" West, 20.00 feet to a point, being 65.00 feet	19392
right of Station 62+10.00;	19393
22. North 86°21'38" West, 104.82 feet to a point, being 65.00 feet	19394
right of Station 61+05.00;	19395
23. North 03°29'43" East, 20.00 feet to a point, being 45.00 feet	19396
right of Station 61+05.00;	19397
24. Along the arc of a curve to the left, having a radius of	19398
5684.58 feet, an arc length of 222.11 feet to a point of reverse	19399
curvature, being 45.00 feet right of Station 58+81.13, said arc	19400
being subtended by a chord bearing North 87°37'26.8" West, a chord	19401
distance of 222.10 feet;	19402
25. Along the arc of a curve to the right, having a radius of	19403
5774.58 feet, an arc length of 81.03 feet to a point, being 45.00	19404

feet right of Station 58+00.74, said arc being subtended by a	19405
chord bearing North 88°20'29.4" West, a chord distance of 81.02	19406
feet;	19407
26. North 89°54'24" West, 164.76 feet to a point, being 53.00 feet	19408
right of Station 56+37.56;	19409
27. South 48°58'26" West, 81.01 feet to a point, being 110.00 feet	19410
right of Station 55+80.00;	19411
28. North 86°18'28" West, 506.53 feet to a point on an easterly	19412
line of Olentangy River Road, being 93.07 feet right of Station	19413
119+04.31;	19414
29. North 73°46'29" West, 190.00 feet to a point on a westerly	19415
line of Olentangy River Road, being 96.85 feet left of Station	19416
119+10.00;	19417
30. Thence North 39°34'55" West, 35.28 feet to a point, being	19418
48.00 feet right of Station 48+65.00;	19419
31. Thence North 84°51'39" West, 177.71 feet to a point on a	19420
southerly line of West Lane Avenue, being 46.05 feet right of	19421
Station 46+85.00;	19422
32. North 2°21'58" East, 46.05 feet to a point in the centerline	19423
of West Lane Avenue, being at Centerline Station 46+85.00;	19424
33. Along the centerline of West Lane Avenue, along the arc of a	19425
curve to the right, having a radius of 1762.95 feet, an arc length	19426
of 86.54 feet to a point of tangency, being at Centerline Station	19427
47+71.54, said arc being subtended by a chord bearing South	19428
86°13'40.0" East, a chord distance of 86.53 feet;	19429
34. South 84°49'18" East, along the centerline of West Lane	19430
Avenue, 201.33 feet to a point of curvature, being at Centerline	19431
Station 49+72.87;	19432
35. Along the centerline of West Lane Avenue, along the arc of a	19433
curve to the left, having a radius of 6250.45 feet, an arc length	19434

of 27.13 feet, said arc being subtended by a chord bearing South 19435  
84°56'45.2" East, a chord distance of 27.13 feet, to the Place of 19436  
Beginning, and containing 4.662 acres of land (1.066 acres of 19437  
which is within an easement for the widening of West Lane Avenue 19438  
of record in Deed Book 3464, Page 105, and 1.153 acres of which is 19439  
within P.R.O., leaving a net take of 2.443 acres). A detail of the 19440  
areas split from each Auditor's parcel is attached on the 19441  
following page. The bearings for this description are based on a 19442  
bearing of North 68°52'08" East from Franklin County control 19443  
monument "ASTRO" to control monument "LANE" and are based on the 19444  
NAD83 State Plane Coordinate System, Ohio South Zone. 19445

This description was prepared by ms consultants, inc. from an 19446  
actual field survey (1995-1999) and existing records 19447

(B) The Governor is hereby authorized to execute a deed of 19448  
easement in the name of the state conveying to the City of 19449  
Columbus, and its successors and assigns, the following easements: 19450

PARCEL 1-S-1 (0.098 Ac.) 19451

LANE AVENUE 19452

SEWER EASEMENT 19453

Situated in the State of Ohio, County of Franklin, City of 19454  
Columbus, Section 3, Township 1, Range 18, United States Military 19455  
Lands, and being part of a 69 acre tract described in a deed to 19456  
The State of Ohio, of record in Deed Book 616, Page 399, and being 19457  
part of a 79.59 acre tract described in a deed to The State of 19458  
Ohio, of record in Deed Book 428, Page 192, Recorder's Office, 19459  
Franklin County, Ohio, all stations and offsets reference the 19460  
Centerline Survey Plat of Lane Avenue prepared by ms consultants, 19461  
inc. for the City of Columbus, said Parcel 1-S-1 being more 19462  
particularly described as follows: 19463

Commencing for Reference at centerline intersection of Olentangy 19464

River Road and West Lane Avenue, being at Centerline Station 19465  
50+00.00; 19466

Thence easterly, along the centerline of West Lane Avenue, along 19467  
the arc of a curve to the left, having a radius of 6250.45 feet, 19468  
an arc distance of 135.01 feet, said arc being subtended by a 19469  
chord bearing South 85°41'22" East, a chord distance of 135.00 19470  
feet, to a point of tangency, being at Centerline Station 19471  
51+35.01; 19472

Thence South 86°18'28" East, continuing along the centerline of 19473  
West Lane Avenue, a distance of 4.30 feet to a point, being at 19474  
Centerline Station 51+39.31; 19475

Thence South 3°41'32" West, a distance of 110.00 feet to a point 19476  
within said 69 acre tract, being 110.00 feet right of Station 19477  
51+39.31, and being the True Place of Beginning; 19478

Thence continuing within said 69 acre tract and said 79.59 acre 19479  
tract the following 6 courses: 19480

1. South 5°47'25" West, 59.12 feet to a point, being 169.08 feet 19481  
right of Station 51+37.15; 19482
2. South 42°43'05" East, 55.61 feet to a point, being 207.42 feet 19483  
right of Station 51+77.43; 19484
3. South 3°41'32" West, 41.42 feet to a point, being 248.84 feet 19485  
right of Station 51+77.43; 19486
4. North 42°43'05" West, 97.69 feet to a point, being 181.55 feet 19487  
right of Station 51+07.47; 19488
5. North 5°47'25" East, 71.54 feet to a point, being 110.05 feet 19489  
right of Station 51+09.74; 19490
6. South 86°18'28" East, 30.02 feet to the True Place of 19491  
Beginning, and containing 0.098 acres of land. 19492

The bearings for this description are based on a bearing of North 19493

68°52'08" East from Franklin County control monument "ASTRO" to 19494  
control monument "LANE" and are based on the NAD83 State Plane 19495  
Coordinate System, Ohio South Zone. 19496

This description was prepared by ms consultants, inc. from an 19497  
actual field survey (1995-1999) and existing records. 19498

PARCEL 1-S-2 (0.181 Ac.) 19499

LANE AVENUE 19500

SEWER EASEMENT 19501

Situated in the State of Ohio, County of Franklin, City of 19502  
Columbus, Section 3, Township 1, Range 18, United States Military 19503  
Lands, and being part of a 5.04 acre tract described in a deed to 19504  
The State of Ohio, of record in Deed Book 641, Page 242, 19505  
Recorder's Office, Franklin County, Ohio, all stations and offsets 19506  
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19507  
consultants, inc. for the City of Columbus, said Parcel 1-S-2 19508  
being more particularly described as follows: 19509

Beginning for Reference at the centerline intersection of 19510  
Olentangy River Road and West Lane Avenue, being at Centerline 19511  
Station 50+00.00; 19512

Thence easterly, along the centerline of West Lane Avenue, along 19513  
the arc of a curve to the left, having a radius of 6250.45 feet, 19514  
an arc distance of 135.01 feet, said arc being subtended by a 19515  
chord bearing South 85°41'22" East, a chord distance of 135.00 19516  
feet, to a point of tangency, being at Centerline Station 19517  
51+35.01; 19518

Thence South 86°18'28" East, continuing along the centerline of 19519  
West Lane Avenue, a distance of 502.55 feet to a point, being at 19520  
Centerline Station 56+37.56; 19521

Thence South 3°41'32" West, a distance of 53.00 feet to a point 19522  
within said 5.04 acre tract, being 53.00 feet right of Station 19523

56+37.56, and being the True Place of Beginning;	19524
Thence continuing within said 5.04 acre tract the following 8	19525
courses:	19526
1. South 89°54'24" East, 35.61 feet to a point, being 50.87 feet	19527
right of Station 56+72.79;	19528
2. South 50°01'11" West, 56.05 feet to a point, being 89.47 feet	19529
right of Station 56+32.57;	19530
3. South 01°30'42" West, 80.00 feet to a point, being 169.41 feet	19531
right of Station 56+35.61;	19532
4. South 50°01'11" West, 170.43 feet to a point, being 287.10 feet	19533
right of Station 55+12.34;	19534
5. North 5°01'11" East, 42.43 feet to a point, being 244.68 feet	19535
right of Station 55+13.32;	19536
6. North 50°01'11" East, 126.91 feet to a point, being 157.05 feet	19537
right of Station 56+05.12;	19538
7. North 01°30'42" East, 69.35 feet to a point, being 87.74 feet	19539
right of Station 56+02.48;	19540
8. North 48°58'26" East, 49.38 feet to the True Place of	19541
Beginning, and containing 0.181 acres of land.	19542
The bearings for this description are based on a bearing of North	19543
68°52'08" East from Franklin County control monument "ASTRO" to	19544
control monument "LANE" and are based on the NAD83 State Plane	19545
Coordinate System, Ohio South Zone.	19546
This description was prepared by ms consultants, inc. from an	19547
actual field survey (1995-1999) and existing records.	19548
PARCEL 1-S-3 (0.018 Ac.)	19549
LANE AVENUE	19550
TEMPORARY CONSTRUCTION EASEMENT	19551

Situated in the State of Ohio, County of Franklin, City of 19552  
Columbus, Section 3, Township 1, Range 18, United States Military 19553  
Lands, and being part of a 69 acre tract described in a deed to 19554  
The State of Ohio, of record in Deed Book 616, Page 399, 19555  
Recorder's Office, Franklin County, Ohio, all stations and offsets 19556  
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19557  
consultants, inc. for the City of Columbus, said Parcel 1-S-3 19558  
being more particularly described as follows: 19559

Beginning for Reference at the centerline intersection of 19560  
Olentangy River Road and West Lane Avenue, being at Olentangy 19561  
River Road Centerline Station 120+00.00; 19562

Thence North  $14^{\circ}30'28''$  East, along the centerline of Olentangy 19563  
River Road, a distance of 220.89 feet to a point of curvature, 19564  
being at Centerline Station 122+20.89; 19565

Thence northerly, along the centerline of Olentangy River Road, 19566  
along the arc of a curve to the left, having a radius of 3819.72 19567  
feet, an arc distance of 300.53 feet, said arc being subtended by 19568  
a chord bearing North  $12^{\circ}15'14''$  East, a chord distance of 300.46 19569  
feet, to a point of tangency, being at Centerline Station 19570  
125+21.43; 19571

Thence North  $9^{\circ}59'59''$  East, continuing along the centerline of 19572  
Olentangy River Road, a distance of 181.50 feet to a point, being 19573  
at Centerline Station 127+02.93; 19574

Thence North  $80^{\circ}00'01''$  West, a distance of 70.22 feet to a point 19575  
within said 69 acre tract, on the westerly right-of-way line of 19576  
Olentangy River Road, being 70.22 feet left of Station 127+02.93, 19577  
and being the True Place of Beginning; 19578

Thence continuing within said 69 acre tract the following 4 19579  
courses: 19580

1. South  $10^{\circ}05'49''$  West, along the westerly right-of-way line of 19581

Olentangy River Road, 24.97 feet to a point, being 70.26 feet left of Station 126+77.96; 19582  
19583

2. South 63°18'30" West, 32.17 feet to a point, being 96.06 feet left of Station 126+58.74; 19584  
19585

3. North 26°41'30" West, 20.00 feet to a point, being 108.01 feet left of Station 126+74.77; 19586  
19587

4. North 63°18'30" East, 47.13 feet to the True Place of Beginning, and containing 0.018 acres of land. 19588  
19589

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. 19590  
19591  
19592  
19593

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records. 19594  
19595

(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. 19596  
19597  
19598  
19599  
19600  
19601

(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 19602  
19603  
19604  
19605  
19606  
19607  
19608  
19609  
19610  
19611



present the deeds for recording in the Office of the Franklin  
County Recorder. 19612  
19613

(E) The City of Columbus shall pay the costs of the  
conveyances described in divisions (A) and (B) of this section. 19614  
19615

(F) This section expires one year after its effective date. 19616

**Section 525.90.** (A) The Governor is hereby authorized to 19617  
execute a deed in the name of the state conveying to the City of 19618  
Columbus, and its successors and assigns, all of the state's 19619  
right, title, and interest in the following described real estate: 19620

PARCEL 7-WD (0.010 Ac.) 19621

Situated in the State of Ohio, County of Franklin, City of 19622  
Columbus, Section 3, Township 1, Range 18, United States Military 19623  
Lands, and being part of Lots 3, 4, 5, and 6 of the Jacob Weber 19624  
Place subdivision, of record in Plat Book 17, Pages 28 and 29, 19625  
said Lots 3, 4, 5, and 6 also being described in a deed to the 19626  
State of Ohio, of record in Official Record 16902 B17, all records 19627  
are on file in the Recorder's Office, Franklin County, Ohio, all 19628  
stations and offsets reference the Centerline Survey Plat of Lane 19629  
Avenue prepared by ms consultants, inc. for the City of Columbus, 19630  
said Parcel 7-WD being more particularly described as follows: 19631

Beginning for Reference at the centerline intersection of Tuttle 19632  
Park Place and West Lane Avenue, being at Centerline Station 19633  
68+12.54; 19634

Thence North 86°20'57" West, along the centerline of West Lane 19635  
Avenue, a distance of 119.68 feet to a point, being at Centerline 19636  
Station 66+92.86; 19637

Thence North 3°39'03" East, a distance of 41.53 feet to a point at 19638  
the southeast corner of said Lot 3, the southwest corner of Lot 2 19639  
of said Jacob Weber Place subdivision, on the northerly line of 19640  
West Lane Avenue, being 41.53 feet left of Station 66+92.86 19641

(witness an iron pin found 41.43' left of sta. 66+92.94), and 19642  
being the True Place of Beginning; 19643

Thence North 86°17'18" West, along the southerly lines of said 19644  
Lots 3, 4, 5, and 6, the northerly line of Lane Avenue, a distance 19645  
of 184.44 feet to a point at the southwest corner of said Lot 6, 19646  
the southeast corner of Lot 7 of said Jacob Weber Place 19647  
subdivision, being 41.73 feet left of Station 65+08.41; 19648

Thence North 3°42'42" East, along the easterly line said Lot 7, 19649  
the westerly line of said Lot 6, a distance of 2.27 feet to a 19650  
point, being 44.00 feet left of Station 65+08.42; 19651

Thence South 86°20'57" East, passing through said Lots 3, 4, 5, 19652  
and 6, a distance of 184.44 feet to a point on the easterly line 19653  
of said Lot 3, on the westerly line of said Lot 2, being 44.00 19654  
feet left of Station 66+92.86; 19655

Thence South 3°42'42" West, along the easterly line of said Lot 3, 19656  
the westerly line of said Lot 2, a distance of 2.47 feet to the 19657  
True Place of Beginning, and containing 0.010 acres of land. 19658

The bearings for this description are based on a bearing of North 19659  
68°52'08" East from Franklin County control monument "ASTRO" to 19660  
control monument "LANE" and are based on the NAD83 State Plane 19661  
Coordinate System, Ohio South Zone. 19662

This description was prepared by ms consultants, inc. from an 19663  
actual field survey (1995-1999) and existing records. 19664

(B) Consideration for the conveyance of the real estate 19665  
described in division (A) of this section is the purchase price of 19666  
\$10,575.00. 19667

(C) Upon payment of the purchase price, the Auditor of State, 19668  
with the assistance of the Attorney General, shall prepare a deed 19669  
to the real estate described in division (A) of this section. The 19670  
deed shall state the consideration. The deed shall be executed by 19671

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	19701
6. Peasley Street Vacated by Ordinance No. 179-66	19702
7. OSU North Urban Renewal, Plat 1, Plat Book 37, Page 56	19703
8. OSU North Urban Renewal, Plat 2, Plat Book 38, Page 94	19704
All records are on file in the Recorder's Office, Franklin County,	19705
Ohio, unless otherwise noted, all stations and offsets reference	19706
the Centerline Survey Plat of Lane Avenue prepared by ms	19707
consultants, inc. for the City of Columbus, said Parcel 1-WD being	19708
more particularly described as follows:	19709
Beginning at a point at the centerline intersection of Olentangy	19710
River Road and West Lane Avenue, being at Centerline Station	19711
50+00.00 (Olentangy River Road Centerline Station 120+00.00);	19712
Thence North 14°30'28" East, along the centerline of Olentangy	19713
River Road, a distance of 87.57 feet to a point, being at	19714
Centerline Station 120+87.57;	19715
Thence South 75°29'32" East, a distance of 64.93 feet to a point	19716
on an easterly line of Olentangy River Road, being 64.93 feet	19717
right of Station 120+87.57 (75.05 feet left of West Lane Avenue	19718
Station 50+79.55);	19719
Thence South 59°28'15" East, within said 69 acre tract, a distance	19720
of 22.58 feet to a point, being 65.00 feet left of Station	19721
51+00.00;	19722
Thence North 51°33'30" East, continuing within said 69 acre tract,	19723
a distance of 66.93 feet to a point, being 110.00 feet left of	19724
Station 51+50.00;	19725
Thence South 86°18'28" East, continuing within said 69 acre tract,	19726
a distance of 279.96 feet to a point in the centerline of the	19727
Olentangy River, in the westerly line of a 1.80 acre tract	19728
described in a deed to the City of Columbus of record in Deed Book	19729
3382, Page 600, being 110.00 feet left of Station 54+29.96;	19730

Thence South 40°12'42" West, along the westerly line of said 1.80 19731  
acre tract, the centerline of the Olentangy River, with the 19732  
meanders thereof, a distance of 108.57 feet to a point at the 19733  
southwest corner of said 1.80 acre tract, in the centerline of 19734  
existing right of way of West Lane Avenue, being 22.75 feet left 19735  
of Station 53+65.35 19736

Thence South 3°42'42" West, along the centerline of the Olentangy 19737  
River, with the meanders thereof, a distance of 30.00 feet to a 19738  
point on the southerly line of West Lane Avenue, at the northwest 19739  
corner of said 5.04 acre tract, being 7.25 feet right of Station 19740  
53+65.34; 19741

Thence South 86°17'18" East, along a southerly line of West Lane 19742  
Avenue, a northerly line of said 5.04 acre tract, a distance of 19743  
1419.55 feet to a point at the northeast corner of said 5.04 acre 19744  
tract, on the westerly line of Tuttle Park Place, being 18.57 feet 19745  
right of Station 67+85.02; 19746

Thence South 03°42'42" West, along the easterly line of said 5.04 19747  
acre tract, the westerly line of Tuttle Park Place, a distance of 19748  
20.00 feet to a point, being 38.57 feet right of Station 67+85.00; 19749

Thence South 86°17'18" East, along the northerly line of Tuttle 19750  
Park Place as vacated by said Ordinance No. 919-75, a distance of 19751  
60.00 feet to a point on the easterly line of Tuttle Park Place, 19752  
the westerly line of Lot 211 of said R.P. Woodruff's Agricultural 19753  
Addition, being 38.63 feet right of Station 68+45.00; 19754

Thence North 03°42'42" East, along the easterly line of Tuttle 19755  
Park Place, the westerly line of said Lot 211, a distance of 20.00 19756  
feet to a point at the northwest corner of said Lot 211, on the 19757  
southerly line of West Lane Avenue, being 18.63 feet right of 19758  
Station 68+45.02; 19759

Thence South 86°17'18" East, along the southerly line of West Lane 19760  
Avenue, the northerly lines of Lots 211 through 231, a distance of 19761

629.89 feet to a point at the northeast corner of said Lot 231, on 19762  
the westerly line of Neil Avenue, being 25.11 feet right of 19763  
Station 74+75.00; 19764

Thence South 03°42'42" West, along the easterly line of said Lot 19765  
231, the westerly line of Neil Avenue a distance of 20.00 feet to 19766  
a point, being 45.11 feet right of Station 74+75.00; 19767

Thence South 86°17'18" East, along the northerly line of Neil 19768  
Avenue as vacated by said Ordinance No. 919-75, a distance of 19769  
80.00 feet to a point on the easterly line of Neil Avenue, the 19770  
westerly line of Lot 233 of said R.P. Woodruff's Agricultural 19771  
Addition, being 45.12 feet right of Station 75+55.00; 19772

Thence North 03°42'42" East, along the easterly line of Neil 19773  
Avenue, the westerly line of said Lot 233, a distance of 20.00 19774  
feet to a point at the northwest corner of said Lot 233, on the 19775  
southerly line of West Lane Avenue, being 25.12 feet right of 19776  
Station 75+55.00; 19777

Thence South 86°17'18" East, along the southerly line of West Lane 19778  
Avenue, the northerly lines of Lots 233 through 252, the northerly 19779  
lines of said OSU North Urban Renewal, Plat 1 and Plat 2, a 19780  
distance of 1350.62 feet to a point at the northeast corner of 19781  
said OSU North Urban Renewal, Plat 2, on the westerly line of 19782  
North High Street, being 45.40 feet right of Station 89+01.19; 19783

Thence South 08°16'08" East, along the easterly line of said OSU 19784  
North Urban Renewal, Plat 2, the westerly line of North High 19785  
Street, a distance of 27.95 feet to a point, being 45.04 feet left 19786  
of Station 299+30.00; 19787

Thence passing through said lands owned by The State of Ohio, the 19788  
following 36 courses: 19789

1. North 48°38'40" West, 40.22 feet to a point, being 45.00 feet 19790  
right of Station 88+75.00; 19791

2. South 86°46'26" West, 79.95 feet to a point, being 45.00 feet right of Station 87+95.05;	19792 19793
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;	19794 19795 19796 19797 19798
4. North 86°17'42" West, 461.03 feet to a point, being 45.00 feet right of Station 82+18.50;	19799 19800
5. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet right of Station 82+18.50;	19801 19802
6. North 86°17'42" West, 60.00 feet to a point, being 55.00 feet right of Station 81+58.50;	19803 19804
7. North 03°42'18" East, 17.00 feet to a point, being 38.00 feet right of Station 81+58.50;	19805 19806
8. North 86°17'42" West, 80.50 feet to a point, being 38.00 feet right of Station 80+78.00;	19807 19808
9. South 39°14'34" West, 8.60 feet to a point, being 45.00 feet right of Station 80+73.00;	19809 19810
10. North 86°17'42" West, 508.00 feet to a point, being 45.00 feet right of Station 75+65.00;	19811 19812
11. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet right of Station 75+65.00;	19813 19814
12. North 86°17'42" West, 100.00 feet to a point, being 55.00 feet right of Station 74+65.00;	19815 19816
13. North 03°42'18" East, 10.00 feet to a point, being 45.00 feet right of Station 74+65.00;	19817 19818
North 86°17'42" West, 107.57 feet to a point, being 45.00 feet right of Station 73+57.43;	19819 19820

14. Along the arc of a curve to the left, having a radius of	19821
5684.58 feet, an arc length of 188.26 feet to a point of reverse	19822
curvature, being 45.00 feet right of Station 71+67.68, said arc	19823
being subtended by a chord bearing North 87°14'37.0" West, a chord	19824
distance of 188.25 feet;	19825
15. Along the arc of a curve to the right, having a radius of	19826
5774.58 feet, an arc length of 185.77 feet to a point, being 45.00	19827
feet right of Station 69+83.36, said arc being subtended by a	19828
chord bearing North 87°16'14.6" West, a chord distance of 185.76	19829
feet;	19830
16. North 86°20'57" West, 108.36 feet to a point, being 45.00 feet	19831
right of Station 68+75.00;	19832
17. South 48°39'03" West, 28.28 feet to a point, being 65.00 feet	19833
right of Station 68+65.00;	19834
18. North 86°20'57" West, 85.00 feet to a point, being 65.00 feet	19835
right of Station 67+70.00;	19836
19. North 41°20'57" West, 28.28 feet to a point, being 45.00 feet	19837
right of Station 67+50.00;	19838
20. North 86°20'57" West, 540.00 feet to a point, being 45.00 feet	19839
right of Station 62+10.00;	19840
21. South 03°39'03" West, 20.00 feet to a point, being 65.00 feet	19841
right of Station 62+10.00;	19842
22. North 86°21'38" West, 104.82 feet to a point, being 65.00 feet	19843
right of Station 61+05.00;	19844
23. North 03°29'43" East, 20.00 feet to a point, being 45.00 feet	19845
right of Station 61+05.00;	19846
24. Along the arc of a curve to the left, having a radius of	19847
5684.58 feet, an arc length of 222.11 feet to a point of reverse	19848
curvature, being 45.00 feet right of Station 58+81.13, said arc	19849
being subtended by a chord bearing North 87°37'26.8" West, a chord	19850



distance of 222.10 feet;	19851
25. Along the arc of a curve to the right, having a radius of	19852
5774.58 feet, an arc length of 81.03 feet to a point, being 45.00	19853
feet right of Station 58+00.74, said arc being subtended by a	19854
chord bearing North 88°20'29.4" West, a chord distance of 81.02	19855
feet;	19856
26. North 89°54'24" West, 164.76 feet to a point, being 53.00 feet	19857
right of Station 56+37.56;	19858
27. South 48°58'26" West, 81.01 feet to a point, being 110.00 feet	19859
right of Station 55+80.00;	19860
28. North 86°18'28" West, 506.53 feet to a point on an easterly	19861
line of Olentangy River Road, being 93.07 feet right of Station	19862
119+04.31;	19863
29. North 73°46'29" West, 190.00 feet to a point on a westerly	19864
line of Olentangy River Road, being 96.85 feet left of Station	19865
119+10.00;	19866
30. Thence North 39°34'55" West, 35.28 feet to a point, being	19867
48.00 feet right of Station 48+65.00;	19868
31. Thence North 84°51'39" West, 177.71 feet to a point on a	19869
southerly line of West Lane Avenue, being 46.05 feet right of	19870
Station 46+85.00;	19871
32. North 2°21'58" East, 46.05 feet to a point in the centerline	19872
of West Lane Avenue, being at Centerline Station 46+85.00;	19873
33. Along the centerline of West Lane Avenue, along the arc of a	19874
curve to the right, having a radius of 1762.95 feet, an arc length	19875
of 86.54 feet to a point of tangency, being at Centerline Station	19876
47+71.54, said arc being subtended by a chord bearing South	19877
86°13'40.0" East, a chord distance of 86.53 feet;	19878
34. South 84°49'18" East, along the centerline of West Lane	19879
Avenue, 201.33 feet to a point of curvature, being at Centerline	19880

Station 49+72.87; 19881

35. Along the centerline of West Lane Avenue, along the arc of a 19882  
curve to the left, having a radius of 6250.45 feet, an arc length 19883  
of 27.13 feet, said arc being subtended by a chord bearing South 19884  
84°56'45.2" East, a chord distance of 27.13 feet, to the Place of 19885  
Beginning, and containing 4.662 acres of land (1.066 acres of 19886  
which is within an easement for the widening of West Lane Avenue 19887  
of record in Deed Book 3464, Page 105, and 1.153 acres of which is 19888  
within P.R.O., leaving a net take of 2.443 acres). A detail of the 19889  
areas split from each Auditor's parcel is attached on the 19890  
following page. The bearings for this description are based on a 19891  
bearing of North 68°52'08" East from Franklin County control 19892  
monument "ASTRO" to control monument "LANE" and are based on the 19893  
NAD83 State Plane Coordinate System, Ohio South Zone. 19894

This description was prepared by ms consultants, inc. from an 19895  
actual field survey (1995-1999) and existing records 19896

(B) The Governor is hereby authorized to execute a deed of 19897  
easement in the name of the state conveying to the City of 19898  
Columbus, and its successors and assigns, the following easements: 19899

PARCEL 1-S-1 (0.098 Ac.) 19900

LANE AVENUE 19901

SEWER EASEMENT 19902

Situated in the State of Ohio, County of Franklin, City of 19903  
Columbus, Section 3, Township 1, Range 18, United States Military 19904  
Lands, and being part of a 69 acre tract described in a deed to 19905  
The State of Ohio, of record in Deed Book 616, Page 399, and being 19906  
part of a 79.59 acre tract described in a deed to The State of 19907  
Ohio, of record in Deed Book 428, Page 192, Recorder's Office, 19908  
Franklin County, Ohio, all stations and offsets reference the 19909  
Centerline Survey Plat of Lane Avenue prepared by ms consultants, 19910

inc. for the City of Columbus, said Parcel 1-S-1 being more 19911  
particularly described as follows: 19912

Commencing for Reference at centerline intersection of Olentangy 19913  
River Road and West Lane Avenue, being at Centerline Station 19914  
50+00.00; 19915

Thence easterly, along the centerline of West Lane Avenue, along 19916  
the arc of a curve to the left, having a radius of 6250.45 feet, 19917  
an arc distance of 135.01 feet, said arc being subtended by a 19918  
chord bearing South 85°41'22" East, a chord distance of 135.00 19919  
feet, to a point of tangency, being at Centerline Station 19920  
51+35.01; 19921

Thence South 86°18'28" East, continuing along the centerline of 19922  
West Lane Avenue, a distance of 4.30 feet to a point, being at 19923  
Centerline Station 51+39.31; 19924

Thence South 3°41'32" West, a distance of 110.00 feet to a point 19925  
within said 69 acre tract, being 110.00 feet right of Station 19926  
51+39.31, and being the True Place of Beginning; 19927

Thence continuing within said 69 acre tract and said 79.59 acre 19928  
tract the following 6 courses: 19929

1. South 5°47'25" West, 59.12 feet to a point, being 169.08 feet 19930  
right of Station 51+37.15; 19931
2. South 42°43'05" East, 55.61 feet to a point, being 207.42 feet 19932  
right of Station 51+77.43; 19933
3. South 3°41'32" West, 41.42 feet to a point, being 248.84 feet 19934  
right of Station 51+77.43; 19935
4. North 42°43'05" West, 97.69 feet to a point, being 181.55 feet 19936  
right of Station 51+07.47; 19937
5. North 5°47'25" East, 71.54 feet to a point, being 110.05 feet 19938  
right of Station 51+09.74; 19939

6. South 86°18'28" East, 30.02 feet to the True Place of 19940  
Beginning, and containing 0.098 acres of land. 19941

The bearings for this description are based on a bearing of North 19942  
68°52'08" East from Franklin County control monument "ASTRO" to 19943  
control monument "LANE" and are based on the NAD83 State Plane 19944  
Coordinate System, Ohio South Zone. 19945

This description was prepared by ms consultants, inc. from an 19946  
actual field survey (1995-1999) and existing records. 19947

PARCEL 1-S-2 (0.181 Ac.) 19948

LANE AVENUE 19949

SEWER EASEMENT 19950

Situated in the State of Ohio, County of Franklin, City of 19951  
Columbus, Section 3, Township 1, Range 18, United States Military 19952  
Lands, and being part of a 5.04 acre tract described in a deed to 19953  
The State of Ohio, of record in Deed Book 641, Page 242, 19954  
Recorder's Office, Franklin County, Ohio, all stations and offsets 19955  
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19956  
consultants, inc. for the City of Columbus, said Parcel 1-S-2 19957  
being more particularly described as follows: 19958

Beginning for Reference at the centerline intersection of 19959  
Olentangy River Road and West Lane Avenue, being at Centerline 19960  
Station 50+00.00; 19961

Thence easterly, along the centerline of West Lane Avenue, along 19962  
the arc of a curve to the left, having a radius of 6250.45 feet, 19963  
an arc distance of 135.01 feet, said arc being subtended by a 19964  
chord bearing South 85°41'22" East, a chord distance of 135.00 19965  
feet, to a point of tangency, being at Centerline Station 19966  
51+35.01; 19967

Thence South 86°18'28" East, continuing along the centerline of 19968  
West Lane Avenue, a distance of 502.55 feet to a point, being at 19969

Centerline Station 56+37.56; 19970

Thence South 3°41'32" West, a distance of 53.00 feet to a point 19971  
within said 5.04 acre tract, being 53.00 feet right of Station 19972  
56+37.56, and being the True Place of Beginning; 19973

Thence continuing within said 5.04 acre tract the following 8 19974  
courses: 19975

1. South 89°54'24" East, 35.61 feet to a point, being 50.87 feet 19976  
right of Station 56+72.79; 19977
2. South 50°01'11" West, 56.05 feet to a point, being 89.47 feet 19978  
right of Station 56+32.57; 19979
3. South 01°30'42" West, 80.00 feet to a point, being 169.41 feet 19980  
right of Station 56+35.61; 19981
4. South 50°01'11" West, 170.43 feet to a point, being 287.10 feet 19982  
right of Station 55+12.34; 19983
5. North 5°01'11" East, 42.43 feet to a point, being 244.68 feet 19984  
right of Station 55+13.32; 19985
6. North 50°01'11" East, 126.91 feet to a point, being 157.05 feet 19986  
right of Station 56+05.12; 19987
7. North 01°30'42" East, 69.35 feet to a point, being 87.74 feet 19988  
right of Station 56+02.48; 19989
8. North 48°58'26" East, 49.38 feet to the True Place of 19990  
Beginning, and containing 0.181 acres of land. 19991

The bearings for this description are based on a bearing of North 19992  
68°52'08" East from Franklin County control monument "ASTRO" to 19993  
control monument "LANE" and are based on the NAD83 State Plane 19994  
Coordinate System, Ohio South Zone. 19995

This description was prepared by ms consultants, inc. from an 19996  
actual field survey (1995-1999) and existing records. 19997

PARCEL 1-S-3 (0.018 Ac.) 19998

LANE AVENUE	19999
TEMPORARY CONSTRUCTION EASEMENT	20000
Situated in the State of Ohio, County of Franklin, City of	20001
Columbus, Section 3, Township 1, Range 18, United States Military	20002
Lands, and being part of a 69 acre tract described in a deed to	20003
The State of Ohio, of record in Deed Book 616, Page 399,	20004
Recorder's Office, Franklin County, Ohio, all stations and offsets	20005
reference the Centerline Survey Plat of Lane Avenue prepared by ms	20006
consultants, inc. for the City of Columbus, said Parcel 1-S-3	20007
being more particularly described as follows:	20008
Beginning for Reference at the centerline intersection of	20009
Olentangy River Road and West Lane Avenue, being at Olentangy	20010
River Road Centerline Station 120+00.00;	20011
Thence North 14°30'28" East, along the centerline of Olentangy	20012
River Road, a distance of 220.89 feet to a point of curvature,	20013
being at Centerline Station 122+20.89;	20014
Thence northerly, along the centerline of Olentangy River Road,	20015
along the arc of a curve to the left, having a radius of 3819.72	20016
feet, an arc distance of 300.53 feet, said arc being subtended by	20017
a chord bearing North 12°15'14" East, a chord distance of 300.46	20018
feet, to a point of tangency, being at Centerline Station	20019
125+21.43;	20020
Thence North 9°59'59" East, continuing along the centerline of	20021
Olentangy River Road, a distance of 181.50 feet to a point, being	20022
at Centerline Station 127+02.93;	20023
Thence North 80°00'01" West, a distance of 70.22 feet to a point	20024
within said 69 acre tract, on the westerly right-of-way line of	20025
Olentangy River Road, being 70.22 feet left of Station 127+02.93,	20026
and being the True Place of Beginning;	20027
Thence continuing within said 69 acre tract the following 4	20028

courses: 20029

1. South 10°05'49" West, along the westerly right-of-way line of 20030  
Olentangy River Road, 24.97 feet to a point, being 70.26 feet left 20031  
of Station 126+77.96; 20032

2. South 63°18'30" West, 32.17 feet to a point, being 96.06 feet 20033  
left of Station 126+58.74; 20034

3. North 26°41'30" West, 20.00 feet to a point, being 108.01 feet 20035  
left of Station 126+74.77; 20036

4. North 63°18'30" East, 47.13 feet to the True Place of 20037  
Beginning, and containing 0.018 acres of land. 20038

The bearings for this description are based on a bearing of North 20039  
68°52'08" East from Franklin County control monument "ASTRO" to 20040  
control monument "LANE" and are based on the NAD83 State Plane 20041  
Coordinate System, Ohio South Zone. 20042

This description was prepared by ms consultants, inc. from an 20043  
actual field survey (1995-1999) and existing records. 20044

(C) Consideration for the conveyance of the real estate 20045  
described in division (A) of this section and for the conveyance 20046  
of the easements described in division (B) of this section is the 20047  
purchase price of \$1,480,000.00, which shall be paid by the City 20048  
of Columbus in certain roadway enhancements as described in a real 20049  
estate purchase contract dated May 12, 2003. 20050

(D) Upon completion of the roadway enhancements described in 20051  
division (C) of this section, the Auditor of State, with the 20052  
assistance of the Attorney General, shall prepare a deed to the 20053  
real estate described in division (A) of this section and a deed 20054  
to the easements described in division (B) of this section. The 20055  
deeds shall state the consideration. The deeds shall be executed 20056  
by the Governor in the name of the state, countersigned by the 20057  
Secretary of State, sealed with the Great Seal of the State, 20058

presented in the Office of the Auditor of State for recording, and 20059  
delivered to the City of Columbus. The City of Columbus shall 20060  
present the deeds for recording in the Office of the Franklin 20061  
County Recorder. 20062

(E) The City of Columbus shall pay the costs of the 20063  
conveyances described in divisions (A) and (B) of this section. 20064

(F) This section expires one year after its effective date. 20065

**Section 525.90.** (A) The Governor is hereby authorized to 20066  
execute a deed in the name of the state conveying to the City of 20067  
Columbus, and its successors and assigns, all of the state's 20068  
right, title, and interest in the following described real estate: 20069

PARCEL 7-WD (0.010 Ac.) 20070

Situated in the State of Ohio, County of Franklin, City of 20071  
Columbus, Section 3, Township 1, Range 18, United States Military 20072  
Lands, and being part of Lots 3, 4, 5, and 6 of the Jacob Weber 20073  
Place subdivision, of record in Plat Book 17, Pages 28 and 29, 20074  
said Lots 3, 4, 5, and 6 also being described in a deed to the 20075  
State of Ohio, of record in Official Record 16902 B17, all records 20076  
are on file in the Recorder's Office, Franklin County, Ohio, all 20077  
stations and offsets reference the Centerline Survey Plat of Lane 20078  
Avenue prepared by ms consultants, inc. for the City of Columbus, 20079  
said Parcel 7-WD being more particularly described as follows: 20080

Beginning for Reference at the centerline intersection of Tuttle 20081  
Park Place and West Lane Avenue, being at Centerline Station 20082  
68+12.54; 20083

Thence North 86°20'57" West, along the centerline of West Lane 20084  
Avenue, a distance of 119.68 feet to a point, being at Centerline 20085  
Station 66+92.86; 20086

Thence North 3°39'03" East, a distance of 41.53 feet to a point at 20087  
the southeast corner of said Lot 3, the southwest corner of Lot 2 20088



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 20119  
deed shall state the consideration. The deed shall be executed by 20120  
the Governor in the name of the state, countersigned by the 20121  
Secretary of State, sealed with the Great Seal of the State, 20122  
presented in the Office of the Auditor of State for recording, and 20123  
delivered to the City of Columbus. The City of Columbus shall 20124  
present the deed for recording in the Office of the Franklin 20125  
County Recorder. 20126

(D) The City of Columbus shall pay the costs of the 20127  
conveyance described in division (A) of this section. 20128

(E) The net proceeds of the sale of the real estate described 20129  
in division (A) of this section shall be deposited in the Ohio 20130  
State University General Fund. 20131

(F) This section expires one year after its effective date. 20132

**Section 527.10.** (A) The Governor is hereby authorized to 20133  
execute a deed in the name of the state conveying to a purchaser 20134  
or purchasers, and the purchaser's or purchasers' successors and 20135  
assigns or heirs and assigns, the state's right, title and 20136  
interest in the following described real estate: 20137

Real estate situated in the County of Union, State of Ohio, and in 20138  
the Township of Paris, and bounded and described as follows: 20139

Being part of Survey No. 3354, and bounded and described as 20140  
follows: 20141

Beginning at a point in the center of the Marysville Milford 20142  
Center Road (State Routes Nos. 4 and 36), point being the 20143  
northerly corner of the Golda Dennis 0.50 acre tract; thence with 20144  
the center line of said road North 44° 30' East 470.6 feet to a 20145  
point; thence South 45° 30' East (passing over an iron pin at 30 20146  
feet) 388.8 feet to an iron pin; thence South 11° 18' West 283.5 20147  
feet to an iron pin; thence South 84° 03' West 317.2 feet to an 20148

iron pin at a corner post; thence with the northerly line of the  
said Dennis tract North 43° 28' West (passing over an iron pin at  
313 feet) 343 feet to the point of beginning. 20149  
20150  
20151

Containing 4.988 acres, more or less, but subject to the legal  
road right of way. 20152  
20153

Being a part of Tract I described in Union County Deed Record  
Volume 139 page 309. 20154  
20155

LAST DEED REFERENCE: VOLUME 206 PAGE 325, RECORDS OF UNION COUNTY,  
OHIO. 20156  
20157

(B) Consideration for the conveyance of the real estate  
described in division (A) of this section is the purchase price of  
\$230,000.00. 20158  
20159  
20160

(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 purchaser or purchasers. The purchaser or  
purchasers shall present the deed for recording in the Office of  
the Union County Recorder. 20161  
20162  
20163  
20164  
20165  
20166  
20167  
20168  
20169  
20170

(D) The purchaser or purchasers shall pay the costs of the  
conveyance of the real estate described in division (A) of this  
section. 20171  
20172  
20173

(E) The net proceeds from the sale of the real estate  
described in division (A) of this section shall be deposited in  
the Ohio State University General Fund. 20174  
20175  
20176

(F) This section expires one year after its effective date. 20177

**Section 527.20.** (A) The Governor is hereby authorized to 20178  
execute a deed in the name of the state conveying jointly to the 20179  
Village of Apple Creek and the Board of Township Trustees of East 20180  
Union Township, Wayne County, all of the state's right, title, and 20181  
interest in the following described real estate: 20182

Parcel One 20183

Situated in the Township of East Union, County of Wayne, State of 20184  
Ohio and known as being a part of the Southeast and Southwest 20185  
Quarters of Section 16 and the Northeast and Northwest Quarters of 20186  
Section 21, T-16N; R-12W, also known as being a part of lands 20187  
conveyed to the State of Ohio in Volume 207, Page 223; Volume 207, 20188  
Page 224; Volume 207, Page 228; Volume 207, Pages 226-227; and 20189  
Volume 206, Page 454, of Wayne County Deed Records and further 20190  
bounded and described as follows: 20191

Beginning at a 1" pipe found at the northwest corner of the 20192  
Northwest Quarter of Section 21: 20193

1) Thence N 89° 19' 38" E along the section line and the southerly 20194  
line of lands conveyed to Oris Earl and Dorothy Ellen Steiner 20195  
in Volume 545; Page 386 of Wayne County Deed Records a 20196  
distance of 1363.52 feet to a 1 1/2" pipe found at the 20197  
southeast corner of Steiner; 20198

2) Thence N 00° 20' 53" E along the easterly line of said Steiner 20199  
a distance of 70.00 feet to a 1" pipe found; 20200

3) Thence S 89° 49' 28" E, 809.75 feet to a 5/8" rebar with I.D. 20201  
cap marked "S.J.L., INC." set on the westerly line of lands 20202  
conveyed to Wayne County in Volume 720; Page 772 of Wayne 20203  
County Deed Records; 20204

4) Thence S 00° 40' 22" E along the westerly line of said Wayne 20205  
County a distance of 58.00 feet to a rebar over a stone found 20206  
on the section line; 20207

- 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; 20208  
20209  
20210
- 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; 20211  
20212  
20213
- 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; 20214  
20215  
20216
- 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; 20217  
20218
- 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; 20219  
20220  
20221
- 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; 20222  
20223
- 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; 20224  
20225  
20226  
20227  
20228
- 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; 20229  
20230  
20231  
20232
- 13) Thence S 62° 13' 08" E, 51.88 feet to a 5/8" rebar found; 20233
- 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; 20234  
20235  
20236
- 15) Thence S 88° 16' 54" E along the southerly line of said Wayne 20237

County Fire Rescue Association a distance of 327.10 feet to a	20238
5/8" rebar found;	20239
16) Thence S 01° 39' 27" W along the westerly line of said Wayne	20240
County Fire Rescue Association a distance of 442.22 feet to a	20241
5/8" rebar found at the southwesterly corner thereof;	20242
17) Thence S 89° 04' 05" W, 137.09 feet to a 5/8" rebar with I.D.	20243
cap marked "S.J.L., INC." set;	20244
18) Thence S 00° 0' 05" W, 655.89 feet to a 5/8" rebar with I.D.	20245
cap marked "S.J.L., INC." set;	20246
19) Thence N 89° 58' 55" W, 1039.31 feet to a 5/8" rebar with I.D.	20247
cap marked "S.J.L., INC." set;	20248
20) Thence N 00° 01' 05" E, 274.73 feet to a 5/8" rebar with I.D.	20249
cap marked "S.J.L., INC." set;	20250
21) Thence S 86° 58' 55" W, 695.35 feet to a 5/8" rebar with I.D.	20251
cap marked "S.J.L., INC." set at a point of curvature;	20252
22) Thence northwesterly 166.81 feet along the arc of a curve	20253
deflecting to the right, said curve having a radius of 257.00	20254
feet, a central angle of 37° 11' 20" and a chord which bears	20255
N 74° 25' 25" W, 163.90 feet to a 5/8" rebar with I.D. cap	20256
marked "S.J.L., INC." set at a point of reverse curve;	20257
23) Thence northwesterly 60.37 feet along the arc of a curve	20258
deflecting to the left, said curve having a radius of 515.54	20259
feet, a central angle of 06° 42' 35" and a chord which bears	20260
N 59° 11' 02" W, 60.34 feet to a 5/8" rebar with I.D. cap	20261
marked "S.J.L., INC." set;	20262
24) Thence N 62° 32' 20" W, 267.57 feet to a 5/8" rebar with I.D.	20263
cap marked "S.J.L., INC." set at a point of curvature;	20264
25) Thence northwesterly 129.18 feet along the arc of a curve	20265
deflecting to the right, said curve having a radius of 219.70	20266
feet, a central angle of 33° 41' 22" and a chord which bears	20267

N 45° 41' 38" W, 127.33 feet to a 5/8" rebar with I.D. cap	20268
marked "S.J.L., INC." set at a point of reverse curve;	20269
26) Thence northwesterly 225.18 feet along the arc of a curve	20270
deflecting to the left, said curve having a radius of 932.78	20271
feet a central angle of 13° 49' 53" and a chord which bears N	20272
35° 45' 54" W, 224.63 feet to a 5/8" rebar with I.D. cap	20273
marked "S.J.L., INC." set at a point of compound curve;	20274
27) Thence northwesterly 375.09 feet along the arc of a curve	20275
deflecting to the left, said curve having a radius of 267.00	20276
feet, a central angle of 80° 29' 25" and a chord which bears	20277
N 82° 55' 33" W, 345.00 feet to a 5/8" rebar with I.D. cap	20278
marked "S.J.L., INC." set at a point of reverse curve;	20279
28) Thence southwesterly 306.27 feet long the arc of a curve	20280
deflecting to the right, said curve having a radius of	20281
1179.00 feet, a central angle of 14° 53' 02" and a chord	20282
which bears S 64° 16' 16" W, 305.41 feet to a 5/8" rebar with	20283
I.D. cap marked "S.J.L., INC." set;	20284
29) Thence S 71° 42' 47" W, 525.58 feet to a monument spike set on	20285
the section line and centerline of Apple Creek Road (C.R.	20286
44);	20287
30) Thence N 00° 00' 03" W along the section line and centerline	20288
of Apple Creek Road a distance of 1479.67 feet to the place	20289
of beginning and containing within said bounds 130.822 acres	20290
of land of which 1.191 acres are in the Southwest Quarter of	20291
Section 16, 2.861 acres are in the Southeast Quarter of	20292
Section 16, 35.159 acres are in the Northeast Quarter of	20293
Section 21 and 91.611 acres are in the Northwest Quarter of	20294
Section 21, more or less, and subject to all legal highways	20295
and easements of record.	20296
This description was prepared by Virgil D. Landis, P.S. #6551 from	20297
a survey made in April of 2000 by Shaffer, Johnston, Lichtenwalter	20298

& Associates, Inc. Bearings are based on the Section line between 20299  
Sections 16 and 21, bearing N 89° 19' 38" E according to record 20300  
survey "EE"-429. 20301

See Survey "QQ" Page 528. 20302

Excepting therefrom the following described parcel: 20303

Situated in the Township of East Union, County of Wayne, State of 20304  
Ohio and being known as being a part of the Northeast Quarter of 20305  
Section 21, T-16N, R-12W and also a part of lands of the State of 20306  
Ohio as recorded in Official Record 207, Page 224 and being 20307  
further bounded and described as follows: 20308

Commencing at an iron pin and stone found marking the northeast 20309  
corner of the Northeast Quarter of Section 21; 20310

Thence S 86°05'34" W, 855.22 feet with the north line of said 20311  
Quarter Section to a 5/8" rebar found on the east line of lands of 20312  
The Wayne County Fire Rescue Assoc. as recorded in Volume 663, 20313  
Page 123; 20314

Thence continuing S 86°05'34"W, 1147.11 feet to a 5/8" rebar found 20315  
on the easterly line of the Grantor; 20316

Thence S 14°18'47"W, 388.24 feet with the west line of the Grantor 20317  
to a 5/8" rebar found and being the principal place of beginning 20318  
of the parcel herein described; 20319

1) Thence S 65°08'56"E with a northerly line of the Grantor a 20320  
distance of 50.85 feet to a 5/8" rebar found; 20321

2) Thence S 02°40'46"W with an easterly line of the Grantor a 20322  
distance of 471.99 feet to a 5/8" rebar found; 20323

3) Thence N 88°30'30"E, 327.08 feet with a northerly line of the 20324  
Grantor a 5/8" rebar found; 20325

4) Thence S 01°32'02"E, 442.22 feet with an easterly line of the 20326  
Grantor to a 5/8" rebar found; 20327



5) Thence S 85°51'29"W, 205.84 feet to a 5/8" rebar and cap set; 20328

6) Thence N 07°14'47"W, 112.61 feet to a 5/8" rebar and cap set; 20329

7) Thence N 85°10'27"W, 150.74 feet to a 5/8" rebar and cap set; 20330

8) Thence N 02°28'35"E, 773.07 feet to a 5/8" rebar and cap set; 20331

9) Thence N 30°49'40"W, 51.84 feet to the place of beginning and 20332  
containing within said bounds 3.472 acres be the same more or 20333  
less. 20334

Subject to all legal highways and easements of record. Basis of 20335  
Bearings: Survey "JJ"-276. This description was prepared by Mark 20336  
E. Purdy P.S. 7307 from a survey completed in July of 2005. 20337

Survey "SS"-779. 20338

Meaning to convey 127.350 acres 20339

Parcel No. 27-01866.000, 27-01867.000, 27-01876.000, 20340  
27-\_\_\_\_\_ . 20341

Parcel Two 20342

Situated in the Township of East Union, County of Wayne and State 20343  
of Ohio and known as being a part of the southwest quarter of 20344  
Section 21 and a part of the northwest quarter of Section 28, 20345  
T-16N; R-12W and being further bounded and described as follows: 20346

Commencing at an iron pin found at the southwest corner of the 20347  
southwest quarter of Section 21; thence N 89°42'44" E along the 20348  
section line a distance of 691.84 feet to an iron pin set on the 20349  
easterly line of the Apple Creek Cemetery and the principal place 20350  
of beginning of the parcel herein described; 20351

1) Thence N 0°17'16" W, 70.85 feet to an iron pipe found; 20352

2) Thence N 89°42'44" E 76.56 feet to an iron pipe found; 20353

3) Thence N 01°17'16" W, 70.62 feet to an iron pipe found at the 20354  
northeast corner of said cemetery; 20355

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; 20356  
20357

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; 20358  
20359  
20360

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; 20361  
20362  
20363

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. 20364  
20365  
20366  
20367  
20368

Survey "JJ"-200. 20369

Prior conveyance: Wayne County Deed Vol. 207, Pages 220, 228. 20370

Parcel No. 27-01877.003, 27-01877.000 20371

(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. 20372  
20373  
20374  
20375  
20376  
20377

(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. 20378  
20379  
20380  
20381  
20382  
20383

(D) The deed described in division (E) of this section shall be subject to the following restrictions: 20384  
20385

(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. 20417

(H) This section expires one year after its effective date. 20418

**Section 527.10.** (A) The Governor is hereby authorized to 20419  
execute a deed in the name of the state conveying to a purchaser 20420  
or purchasers, and the purchaser's or purchasers' successors and 20421  
assigns or heirs and assigns, the state's right, title and 20422  
interest in the following described real estate: 20423

Real estate situated in the County of Union, State of Ohio, and in 20424  
the Township of Paris, and bounded and described as follows: 20425

Being part of Survey No. 3354, and bounded and described as 20426  
follows: 20427

Beginning at a point in the center of the Marysville Milford 20428  
Center Road (State Routes Nos. 4 and 36), point being the 20429  
northerly corner of the Golda Dennis 0.50 acre tract; thence with 20430  
the center line of said road North 44° 30' East 470.6 feet to a 20431  
point; thence South 45° 30' East (passing over an iron pin at 30 20432  
feet) 388.8 feet to an iron pin; thence South 11° 18' West 283.5 20433  
feet to an iron pin; thence South 84° 03' West 317.2 feet to an 20434  
iron pin at a corner post; thence with the northerly line of the 20435  
said Dennis tract North 43° 28' West (passing over an iron pin at 20436  
313 feet) 343 feet to the point of beginning. 20437

Containing 4.988 acres, more or less, but subject to the legal 20438  
road right of way. 20439

Being a part of Tract I described in Union County Deed Record 20440  
Volume 139 page 309. 20441

LAST DEED REFERENCE: VOLUME 206 PAGE 325, RECORDS OF UNION COUNTY, 20442  
OHIO. 20443

(B) Consideration for the conveyance of the real estate 20444  
described in division (A) of this section is the purchase price of 20445

\$230,000.00. 20446

(C) Upon payment of the purchase price, the Auditor of State, 20447  
with the assistance of the Attorney General, shall prepare a deed 20448  
to the real estate described in division (A) of this section. The 20449  
deed shall state the consideration. The deed shall be executed by 20450  
the Governor in the name of the state, countersigned by the 20451  
Secretary of State, sealed with the Great Seal of the State, 20452  
presented in the Office of the Auditor of State for recording, and 20453  
delivered to the purchaser or purchasers. The purchaser or 20454  
purchasers shall present the deed for recording in the Office of 20455  
the Union County Recorder. 20456

(D) The purchaser or purchasers shall pay the costs of the 20457  
conveyance of the real estate described in division (A) of this 20458  
section. 20459

(E) The net proceeds from the sale of the real estate 20460  
described in division (A) of this section shall be deposited in 20461  
the Ohio State University General Fund. 20462

(F) This section expires one year after its effective date. 20463

**Section 527.20.** (A) The Governor is hereby authorized to 20464  
execute a deed in the name of the state conveying jointly to the 20465  
Village of Apple Creek and the Board of Township Trustees of East 20466  
Union Township, Wayne County, all of the state's right, title, and 20467  
interest in the following described real estate: 20468

Parcel One 20469

Situated in the Township of East Union, County of Wayne, State of 20470  
Ohio and known as being a part of the Southeast and Southwest 20471  
Quarters of Section 16 and the Northeast and Northwest Quarters of 20472  
Section 21, T-16N; R-12W, also known as being a part of lands 20473  
conveyed to the State of Ohio in Volume 207, Page 223; Volume 207, 20474  
Page 224; Volume 207, Page 228; Volume 207, Pages 226-227; and 20475

Volume 206, Page 454, of Wayne County Deed Records and further	20476
bounded and described as follows:	20477
Beginning at a 1" pipe found at the northwest corner of the	20478
Northwest Quarter of Section 21:	20479
1) Thence N 89° 19' 38" E along the section line and the southerly	20480
line of lands conveyed to Oris Earl and Dorothy Ellen Steiner	20481
in Volume 545; Page 386 of Wayne County Deed Records a	20482
distance of 1363.52 feet to a 1 1/2" pipe found at the	20483
southeast corner of Steiner;	20484
2) Thence N 00° 20' 53" E along the easterly line of said Steiner	20485
a distance of 70.00 feet to a 1" pipe found;	20486
3) Thence S 89° 49' 28" E, 809.75 feet to a 5/8" rebar with I.D.	20487
cap marked "S.J.L., INC." set on the westerly line of lands	20488
conveyed to Wayne County in Volume 720; Page 772 of Wayne	20489
County Deed Records;	20490
4) Thence S 00° 40' 22" E along the westerly line of said Wayne	20491
County a distance of 58.00 feet to a rebar over a stone found	20492
on the section line;	20493
5) Thence S 00° 40' 21" E along the westerly line of said Wayne	20494
County a distance of 240.00 feet to a 5/8" rebar found at the	20495
southwest corner thereof;	20496
6) Thence N 89° 18' 59" E along the southerly line of said Wayne	20497
County a distance of 550.13 feet to a 5/8" rebar found at the	20498
southeast corner;	20499
7) Thence N 00° 59' 39" E along the easterly line of said Wayne	20500
County a distance of 240.00 feet to a rebar over a stone	20501
found on the section line;	20502
8) Thence N 00° 23' 47" W along the easterly line of said Wayne	20503
County a distance of 113.44 feet to a 1" pipe found;	20504
9) Thence N 89° 18' 10" E along the southerly line of said Wayne	20505

County a distance of 521.12 feet to a 1" pipe found at the southeasterly corner thereof;	20506 20507
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;	20508 20509
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;	20510 20511 20512 20513 20514
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;	20515 20516 20517 20518
13) Thence S 62° 13' 08" E, 51.88 feet to a 5/8" rebar found;	20519
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;	20520 20521 20522
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;	20523 20524 20525
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;	20526 20527 20528
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;	20529 20530
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;	20531 20532
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;	20533 20534

- 20) Thence N 00° 01' 05" E, 274.73 feet to a 5/8" rebar with I.D. 20535  
cap marked "S.J.L., INC." set; 20536
- 21) Thence S 86° 58' 55" W, 695.35 feet to a 5/8" rebar with I.D. 20537  
cap marked "S.J.L., INC." set at a point of curvature; 20538
- 22) Thence northwesterly 166.81 feet along the arc of a curve 20539  
deflecting to the right, said curve having a radius of 257.00 20540  
feet, a central angle of 37° 11' 20" and a chord which bears 20541  
N 74° 25' 25" W, 163.90 feet to a 5/8" rebar with I.D. cap 20542  
marked "S.J.L., INC." set at a point of reverse curve; 20543
- 23) Thence northwesterly 60.37 feet along the arc of a curve 20544  
deflecting to the left, said curve having a radius of 515.54 20545  
feet, a central angle of 06° 42' 35" and a chord which bears 20546  
N 59° 11' 02" W, 60.34 feet to a 5/8" rebar with I.D. cap 20547  
marked "S.J.L., INC." set; 20548
- 24) Thence N 62° 32' 20" W, 267.57 feet to a 5/8" rebar with I.D. 20549  
cap marked "S.J.L., INC." set at a point of curvature; 20550
- 25) Thence northwesterly 129.18 feet along the arc of a curve 20551  
deflecting to the right, said curve having a radius of 219.70 20552  
feet, a central angle of 33° 41' 22" and a chord which bears 20553  
N 45° 41' 38" W, 127.33 feet to a 5/8" rebar with I.D. cap 20554  
marked "S.J.L., INC." set at a point of reverse curve; 20555
- 26) Thence northwesterly 225.18 feet along the arc of a curve 20556  
deflecting to the left, said curve having a radius of 932.78 20557  
feet a central angle of 13° 49' 53" and a chord which bears N 20558  
35° 45' 54" W, 224.63 feet to a 5/8" rebar with I.D. cap 20559  
marked "S.J.L., INC." set at a point of compound curve; 20560
- 27) Thence northwesterly 375.09 feet along the arc of a curve 20561  
deflecting to the left, said curve having a radius of 267.00 20562  
feet, a central angle of 80° 29' 25" and a chord which bears 20563  
N 82° 55' 33" W, 345.00 feet to a 5/8" rebar with I.D. cap 20564



marked "S.J.L., INC." set at a point of reverse curve; 20565

28) Thence southwesterly 306.27 feet long the arc of a curve 20566  
deflecting to the right, said curve having a radius of 20567  
1179.00 feet, a central angle of 14° 53' 02" and a chord 20568  
which bears S 64° 16' 16" W, 305.41 feet to a 5/8" rebar with 20569  
I.D. cap marked "S.J.L., INC." set; 20570

29) Thence S 71° 42' 47" W, 525.58 feet to a monument spike set on 20571  
the section line and centerline of Apple Creek Road (C.R. 20572  
44); 20573

30) Thence N 00° 00' 03" W along the section line and centerline 20574  
of Apple Creek Road a distance of 1479.67 feet to the place 20575  
of beginning and containing within said bounds 130.822 acres 20576  
of land of which 1.191 acres are in the Southwest Quarter of 20577  
Section 16, 2.861 acres are in the Southeast Quarter of 20578  
Section 16, 35.159 acres are in the Northeast Quarter of 20579  
Section 21 and 91.611 acres are in the Northwest Quarter of 20580  
Section 21, more or less, and subject to all legal highways 20581  
and easements of record. 20582

This description was prepared by Virgil D. Landis, P.S. #6551 from 20583  
a survey made in April of 2000 by Shaffer, Johnston, Lichtenwalter 20584  
& Associates, Inc. Bearings are based on the Section line between 20585  
Sections 16 and 21, bearing N 89° 19' 38" E according to record 20586  
survey "EE"-429. 20587

See Survey "QQ" Page 528. 20588

Excepting therefrom the following described parcel: 20589

Situated in the Township of East Union, County of Wayne, State of 20590  
Ohio and being known as being a part of the Northeast Quarter of 20591  
Section 21, T-16N, R-12W and also a part of lands of the State of 20592  
Ohio as recorded in Official Record 207, Page 224 and being 20593  
further bounded and described as follows: 20594

Commencing at an iron pin and stone found marking the northeast corner of the Northeast Quarter of Section 21; 20595  
20596

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; 20597  
20598  
20599  
20600

Thence continuing S 86°05'34"W, 1147.11 feet to a 5/8" rebar found on the easterly line of the Grantor; 20601  
20602

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; 20603  
20604  
20605

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; 20606  
20607

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; 20608  
20609

3) Thence N 88°30'30"E, 327.08 feet with a northerly line of the Grantor a 5/8" rebar found; 20610  
20611

4) Thence S 01°32'02"E, 442.22 feet with an easterly line of the Grantor to a 5/8" rebar found; 20612  
20613

5) Thence S 85°51'29"W, 205.84 feet to a 5/8" rebar and cap set; 20614

6) Thence N 07°14'47"W, 112.61 feet to a 5/8" rebar and cap set; 20615

7) Thence N 85°10'27"W, 150.74 feet to a 5/8" rebar and cap set; 20616

8) Thence N 02°28'35"E, 773.07 feet to a 5/8" rebar and cap set; 20617

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. 20618  
20619  
20620

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. 20621  
20622  
20623

Survey "SS"-779.	20624
Meaning to convey 127.350 acres	20625
Parcel No. 27-01866.000, 27-01867.000, 27-01876.000,	20626
27-_____.	20627
Parcel Two	20628
Situated in the Township of East Union, County of Wayne and State	20629
of Ohio and known as being a part of the southwest quarter of	20630
Section 21 and a part of the northwest quarter of Section 28,	20631
T-16N; R-12W and being further bounded and described as follows:	20632
Commencing at an iron pin found at the southwest corner of the	20633
southwest quarter of Section 21; thence N 89°42'44" E along the	20634
section line a distance of 691.84 feet to an iron pin set on the	20635
easterly line of the Apple Creek Cemetery and the principal place	20636
of beginning of the parcel herein described;	20637
1) Thence N 0°17'16" W, 70.85 feet to an iron pipe found;	20638
2) Thence N 89°42'44" E 76.56 feet to an iron pipe found;	20639
3) Thence N 01°17'16" W, 70.62 feet to an iron pipe found at the	20640
northeast corner of said cemetery;	20641
4) Thence N 89°42'44" E along the easterly prolongation of the	20642
northerly line of said cemetery 150.00 feet to an iron pin set;	20643
5) Thence S 13°49'14" W and passing through an iron pin set at	20644
145.87 feet on the section line a distance of 241.61 feet to a	20645
railroad spike set on the centerline of Church Street;	20646
6) Thence S 78°09'04" W along the centerline of Church Street	20647
171.14 feet to a railroad spike set at the southeast corner of the	20648
aforementioned cemetery;	20649
7) Thence N 0°17'6" W, 127.15 feet to the place of beginning and	20650
containing within said bounds 1.002 acres of land of which 0.554	20651
acre is in the southwest quarter of Section 21 and 0.448 acre is	20652

in the northwest quarter of Section 28 be the same more or less 20653  
but subject to all legal highways. 20654

Survey "JJ"-200. 20655

Prior conveyance: Wayne County Deed Vol. 207, Pages 220, 228. 20656

Parcel No. 27-01877.003, 27-01877.000 20657

(B) Consideration for the conveyance of the real estate 20658  
described in division (A) of this section is \$420,000.00, as 20659  
derived by mutual agreement reached between the Director of 20660  
Administrative Services on behalf of the state, and the Village of 20661  
Apple Creek and the Board of Township Trustees of East Union 20662  
Township, Wayne County, through an executed Offer to Purchase. 20663

(C) Before the execution of the deed described in division 20664  
(E) of this section, possession of the real estate described in 20665  
division (A) of this section shall be governed by an existing 20666  
interim lease between the Ohio Department of Administrative 20667  
Services and the Village of Apple Creek and the Board of Township 20668  
Trustees of East Union Township, Wayne County. 20669

(D) The deed described in division (E) of this section shall 20670  
be subject to the following restrictions: 20671

(1) Until June 1, 2018, the Village of Apple Creek and the 20672  
Board of Township Trustees of East Union Township, Wayne County, 20673  
shall limit their usage, conveyance, or lease of the real estate 20674  
described in division (A) of this section to a public purpose 20675  
recognized by the Internal Revenue Service. 20676

(2) If the Village of Apple Creek or the Board of Township 20677  
Trustees of East Union Township, Wayne County, breaches the 20678  
restriction set forth in division (D)(1) of this section, they 20679  
shall pay to the state a sum equal to the balance of the capital 20680  
bond indebtedness of the Ohio Department of Mental Retardation and 20681  
Developmental Disabilities for the Apple Creek Developmental 20682

Center that, at the time of the breach and as determined by the 20683  
Office of Budget and Management, is attributable to the real 20684  
estate described in division (A) of this section. 20685

(E) Upon payment of the purchase price, the Auditor of State, 20686  
with the assistance of the Attorney General, shall prepare a deed 20687  
to the real estate described in division (A) of this section. The 20688  
deed shall state the consideration and the restrictions described 20689  
in division (D) of this section. The deed shall be executed by the 20690  
Governor in the name of the state, be countersigned by the 20691  
Secretary of State, sealed with the Great Seal of the State, and 20692  
presented for recording in the Office of the Auditor of State. The 20693  
Village of Apple Creek and the Board of Township Trustees of East 20694  
Union Township, Wayne County, shall present the deed for recording 20695  
in the Office of the Wayne County Recorder. 20696

(F) The Village of Apple Creek and the Board of Township 20697  
Trustees of East Union Township, Wayne County, shall pay the 20698  
recordation and all other costs of the conveyance of the real 20699  
estate described in division (A) of this section. 20700

(G) The net proceeds of the sale of the real estate described 20701  
in division (A) of this section shall be deposited in the state 20702  
treasury to the credit of Fund 33 Mental Health Improvement Fund. 20703

(H) This section expires one year after its effective date. 20704

**Section 527.30.** (A) The Governor is hereby authorized to 20705  
execute a deed in the name of the state conveying to the Three 20706  
Rivers Fire District, and its successors and assigns, all of the 20707  
state's rights, title, and interest in the following described 20708  
real estate: 20709

Situated in the Township of Keene, County of Coshocton, State of 20710  
Ohio, and being 3.440 acres, more or less, in Lot 19, Plat of 20711  
Hamilton's Section, DR 6, page 62, in the Fourth Quarter, Township 20712

6 North, Range 6 West, United States Military Lands, conveyed to 20713  
the State of Ohio, DR 283-536 (part), Parcel No. 017-09400062-00 20714  
(part), and being more particularly described as follows: 20715

Commencing at a point at Station 111+50, Cos-36-20.74 R/W Plan, 20716  
Limited Access, Plat Book 3, page 43; 20717

Thence, N. 13°03'14" E. a distance of 125.00' to a 5/8" rebar set 20718  
on the North Line of said Limited Access, said rebar being the 20719  
TRUE POINT OF BEGINNING: 20720

Thence, through the property of State of Ohio, DR 283-536 and with 20721  
the North Line of said Limited Access, N. 80° 24' 39" W. a 20722  
distance of 24.20 to a 5/8" rebar set; 20723

Thence, continuing through the property of State of Ohio, DR 20724  
283-536, the following 3 courses: 20725

1. thence, N. 10° 55' 32" E. a distance of 76.65' to a 5/8" rebar 20726  
set; 20727
2. thence, N. 69° 10' 06" E. a distance of 746.20' to a 5/8" rebar 20728  
set; 20729
3. thence, S. 88° 51' 07" E. a distance of 130.41' to a 5/8" rebar 20730  
set on the West right-of-way of State Road 621; 20731

Thence, continuing through the property of State of Ohio, Dr 20732  
283-536, and with the West right-of-way line of State Road 621, S 20733  
44° 44' 18" W. a distance of 461.28' to a 5/8" rebar set; 20734

Thence, continuing through the property of State of Ohio, DR 20735  
283-536, and with the North line of said Limited Access, the 20736  
following 2 courses: 20737

1. thence, S. 74° 02' 13" W. a distance of 296.88' to a 5/8" rebar 20738  
set; 20739
2. thence, N. 72° 06' 38" W. a distance of 218.95' to the TRUE 20740  
POINT OF BEGINNING, containing 3.440 acres, more or less, and is 20741

subject to all easement, rights-of-way, or restrictions, whether 20742  
recorded or implied. 20743

Bearings are based on Plat Book 3, page 43 and are for angular 20744  
calculations only. 20745

Prior Instrument Reference: Deed Book 283, page 536 20746

Parcel Number: 017-09400062-00 20747

(B) Consideration for the conveyance of the real estate 20748  
described in division (A) of this section shall be a purchase 20749  
price based upon an appraisal and be approved by the Board of 20750  
Trustees of The Ohio State University. The Board of Trustees shall 20751  
cause the real estate to be appraised by one or more disinterested 20752  
persons at a fee determined by the Board of Trustees. Upon the 20753  
Board of Trustees' approval of the appraised value, the Board of 20754  
Trustees shall notify the Three Rivers Fire District in writing of 20755  
the purchase price for the real estate. 20756

(C) Upon the Three Rivers Fire District's payment of the 20757  
purchase price as determined in accordance with division (B) of 20758  
this section for the real estate described in division (A) of this 20759  
section, the Auditor of State, with the assistance of the Attorney 20760  
General, shall prepare a deed to the real estate. The deed shall 20761  
state the consideration. The deed shall be executed by the 20762  
Governor in the name of the State, countersigned by the Secretary 20763  
of State, sealed with the Great Seal of the State, presented in 20764  
the Office of the Auditor of State for recording, and delivered to 20765  
the Three Rivers Fire District. The Three Rivers Fire District 20766  
shall present the deed for recording in the Office of the 20767  
Coshocton County Recorder. 20768

(D) The net proceeds of the sale of the real estate described 20769  
in division (A) of this section shall be deposited in The Ohio 20770  
State University's Endowment Fund for the Ohio Agricultural 20771  
Research and Development Center. 20772

(E) The Three Rivers Fire District shall pay the costs of 20773  
conveying the real estate described in division (A) of this 20774  
section, including advertising costs, appraisal fees, and other 20775  
costs incident to the sale of the real estate. 20776

(F) This section expires one year after its effective date. 20777

**Section 527.40.** (A) The Governor is hereby authorized to 20778  
execute a deed in the name of the state conveying to the Board of 20779  
Education of the Columbus City School District, and its successors 20780  
and assigns, all of the state's right, title, and interest in the 20781  
following described real estate that was intended to have been 20782  
conveyed to the Board of Education of the Columbus City School 20783  
District, but was omitted from the description of certain of the 20784  
real estate conveyed [Parcel No. 21302 (Parcel 1); Instrument No. 20785  
200601240015294 in the Office of the Franklin County Recorder] to 20786  
the Columbus Board of Education, in Section 6 of Sub. H.B. 139 of 20787  
the 126th General Assembly: 20788

Situated in the County of Franklin, in the State of Ohio, and 20789  
in the City of Columbus: 20790

Together with all right, title and interest in and to the 20791  
(Ten) 10 foot alley vacated by the City of Columbus Ordinance No. 20792  
70-54, passed February 8, 1954. 20793

Contained within Parcel No. 21302 20794

(B) The Auditor of State, with the assistance of the Attorney 20795  
General, shall prepare a deed to the real estate described in 20796  
division (A) of this section. The deed shall be executed by the 20797  
Governor in the name of the state, countersigned by the Secretary 20798  
of State, sealed with the Great Seal of the State, and presented 20799  
for recording in the Office of the Auditor of State. The Board of 20800  
Education of the Columbus City School District shall present the 20801  
deed for recording in the Office of the Franklin County Recorder. 20802



(C) This section expires one year after its effective date. 20803

**Section 527.50.** (A) The Governor is hereby authorized to 20804  
execute a deed in the name of the state conveying to a purchaser 20805  
or purchasers, and the purchaser's or purchasers' heirs and 20806  
assigns or successors and assigns, all of the state's right, 20807  
title, and interest in the following described real estate: 20808

A parcel of land in the northwest quarter and northeast 20809  
quarter of Section 16, Town 3, United States Reserve in the City 20810  
of Toledo, Lucas County, Ohio, and being Lot 7 of the Lucas County 20811  
Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, 20812  
Page 23, Lucas County Recorder's Office. 20813

Commencing at the north quarter corner of said Section 16; 20814

thence North 90 degrees 00 minutes 00 seconds West a distance 20815  
of 33.79 feet along the north line of said Section 16, same being 20816  
the centerline of Arlington Avenue, as it now exists, to the 20817  
centerline of Detroit Avenue, as it now exists; 20818

thence South 26 degrees 18 minutes 17 seconds West a distance 20819  
of 1332.31 feet along the said centerline of Detroit Avenue, as it 20820  
now exists, to the intersection of said centerline of Detroit 20821  
Avenue, as it now exists, with the westerly extension of a 20822  
southerly line of said Lucas County Senior Citizens Complex Plat 20823  
1; 20824

thence South 89 degrees 31 minutes 02 seconds East a distance 20825  
of 55.55 feet along the westerly extension of a southerly line of 20826  
said Lucas County Senior Citizens Complex Plat 1, to the easterly 20827  
existing right of way line of Detroit Avenue, as it now exists, 20828  
said point being a southwesterly corner of said Lucas County 20829  
Senior Citizens Complex Plat 1; 20830

thence continuing South 89 degrees 31 minutes 02 seconds East 20831  
a distance of 339.49 feet along a southerly line of said Lucas 20832

County Senior Citizens Complex Plat 1 to a point of deflection in  
said line; 20833  
20834

thence South 29 degrees 34 minutes 55 seconds East a distance 20835  
of 248.26 feet along a southwesterly line of said Lucas County 20836  
Senior Citizens Complex Plat 1 to a point of deflection in said 20837  
line; 20838

thence North 60 degrees 25 minutes 05 seconds East a distance 20839  
of 60.00 feet along a southeasterly line of said Lucas County 20840  
Senior Citizens Complex Plat 1, to the southerly most corner of 20841  
said Lot 7, said point being the TRUE POINT OF BEGINNING; 20842

thence North 29 degrees 34 minutes 55 seconds West a distance 20843  
of 94.65 feet along a southwesterly line of said Lot 7, same being 20844  
the easterly existing right of way line of Garden Lake Parkway, as 20845  
it now exists, to a point; 20846

thence North 00 degrees 07 minutes 29 seconds East a distance 20847  
of 102.88 feet along a westerly line of said Lot 7, same being an 20848  
easterly line of a parcel of land owned by the State of Ohio as 20849  
shown on said plat, to a corner of said Lot 7; 20850

thence North 89 degrees 31 minutes 02 seconds West a distance 20851  
of 57.44 feet along a southerly line of said Lot 7, same being a 20852  
northerly line of said parcel owned by the State of Ohio, to a 20853  
corner of said Lot 7; 20854

thence northerly along a westerly line of said Lot 7, same 20855  
being the easterly existing right of way line of Garden Lake 20856  
Parkway, as it now exists, along a curve to the right having a 20857  
radius of 120.82 feet, a central angle of 47 degrees 34 minutes 48 20858  
seconds, an arc distance of 100.33 feet to a point of tangency, 20859  
said curve having a chord direction of North 02 degrees 30 minutes 20860  
52 seconds East and a chord length of 97.47 feet; 20861

thence North 26 minutes 18 minutes 17 seconds East a distance 20862

of 41.80 feet along a northwesterly line of said Lot 7 and 20863  
easterly existing right of way line of Garden Lake Parkway, as it 20864  
now exists, to a northwesterly corner of said Lot 7; 20865

thence South 63 degrees 41 minutes 43 seconds East a distance 20866  
of 140.74 feet along a northerly line of said Lot 7, same being a 20867  
southerly line of Lot 8 in said Lucas County Senior Citizens 20868  
Complex Plat 1, to a corner of said Lot 7; 20869

thence North 44 degrees 56 minutes 46 seconds East a distance 20870  
of 191.26 feet along an easterly line of said Lot 7, same being a 20871  
southerly line of said Lot 8, to a northerly corner of said Lot 7; 20872

thence South 45 degrees 03 minutes 14 seconds East a distance 20873  
of 262.84 feet along a northerly line of said lot 7, same being a 20874  
southerly line of said Lot 8, to the northeasterly corner of said 20875  
Lot 7; 20876

thence South 60 degrees 25 minutes 05 seconds West a distance 20877  
of 421.04 feet along a southeasterly line of said Lot 7, same 20878  
being a southeasterly line of said Lucas County Senior Citizens 20879  
Complex Plat 1, to the TRUE POINT OF BEGINNING. 20880

The above described parcel contains 2.138 acres, more or less 20881  
and is currently known as Lucas County Auditor's Number 09-85811 20882  
and is subject to any and all leases, easements or restrictions of 20883  
record. 20884

This description was prepared by Steven E. Anello and 20885  
reviewed by Kenneth E. Ducat, Professional Surveyor Number 6783, 20886  
DGL CONSULTING ENGINEERS, LLC, on September 21, 2006. 20887

The above description is based on the plat of Lucas County 20888  
Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, 20889  
Page 23, Lucas County Recorder's Office. Bearings in this 20890  
description are based on those shown on said plat and are used 20891  
only for the purpose of describing angular measurements. 20892

(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 20925  
otherwise specified in the contract for the sale and conveyance of 20926  
the real estate described in division (A) of this section, the 20927  
Board of Trustees of the University of Toledo shall pay the costs 20928  
of the conveyance of the real estate. The grantee or grantees of 20929  
the real estate shall pay the appraisal fee for the real estate. 20930

(G) This section shall expire one year after its effective 20931  
date. 20932

**Section 527.60.** That Section 4 of Sub. H.B. 139 of the 126th 20933  
General Assembly is hereby repealed. 20934

**Section 606.03.** The items of law of which the sections of law 20935  
contained in this act are composed, and their applications, are 20936  
independent and severable. If any item of law that constitutes the 20937  
whole or part of a section of law contained in this act, or if any 20938  
application of any item of law that constitutes the whole or part 20939  
of a section of law contained in this act, is held invalid, the 20940  
invalidity does not affect other items of law or applications of 20941  
items of law that can be given effect without the invalid item of 20942  
law or application. 20943

**Section 609.03.** An item of law that composes the whole or 20944  
part of a section of law contained in this act that makes, or that 20945  
provides for funding of, an appropriation or reappropriation of 20946  
money has no effect after June 30, 2008, unless its context 20947  
clearly indicates otherwise. 20948

**Section 612.03.** Except as otherwise specifically provided in 20949  
this act, the amendment or enactment of the sections of law 20950  
contained in this act, and the items of law of which the 20951  
amendments or enactments are composed, are subject to the 20952  
referendum. Therefore, under Ohio Constitution, Article II, 20953

Section 1c and section 1.471 of the Revised Code, the amendments 20954  
or enactments, and the items of law of which the amendments or 20955  
enactments are composed, take effect on the ninety-first day after 20956  
this act is filed with the Secretary of State. If, however, a 20957  
referendum petition is filed against any such amendment or 20958  
enactment, or against any item of law of which any such amendment 20959  
or enactment is composed, the amendment or enactment, or item, 20960  
unless rejected at the referendum, takes effect at the earliest 20961  
time permitted by law. 20962

**Section 615.03.** The amendment or enactment by this act of the 20963  
sections of law listed in this section, and the items of law of 20964  
which the amendments or enactments are composed, are not subject 20965  
to the referendum. Therefore, under Ohio Constitution, Article II, 20966  
Section 1d and section 1.471 of the Revised Code, the amendments 20967  
or enactments, and the items of law of which the amendments or 20968  
enactments are composed, go into immediate effect when this act 20969  
becomes law. 20970

Sections 3333.34, 3706.01, 5111.88, 5119.611, 5727.84, and 20971  
5919.31 of the Revised Code. 20972

The version of section 5502.62 of the Revised Code resulting 20973  
from Section 101.01 of this act. 20974

Sections 203.12.06, 203.24, 203.27, 203.57, 203.81, 203.99, 20975  
206.33, 206.66.06, 209.54, 209.63, 209.63.03, 209.63.30, 209.93, 20976  
and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly. 20977

Sections 110.07, 110.08, 110.09, 235.60.70, 401.10, 401.11, 20978  
405.10, 405.11, 405.16, 405.17, 411.10, 411.11, 501.10, 501.20, 20979  
503.10, 507.10, 507.20, 509.10, 511.10, and 513.10 of this act. 20980

Sections 615.03, 615.09, and 623.03 of this act. 20981

**Section 615.09.** The amendment or enactment by this act of the 20982

sections of law listed in this section are not subject to the 20983  
referendum. Therefore, under Ohio Constitution, Article II, 20984  
Section 1d and section 1.471 of the Revised Code, the amendments 20985  
or enactments, and the items of law of which amendments or 20986  
enactments are composed, go into effect as specified in this 20987  
section. 20988

Section 4919.76 of the Revised Code takes effect January 1, 20989  
2007. 20990

The version of section 5502.62 of the Revised Code resulting 20991  
from Sections 110.07 and 110.08 of this act takes effect April 1, 20992  
2007. 20993

**Section 618.03.** The amendment or enactment by this act of the 20994  
sections of law listed in this section provides for or is 20995  
essential to implementation of a tax levy. Therefore, under Ohio 20996  
Constitution, Article II, Section 1d, the amendments and 20997  
enactments, and the items of which the amendments and enactments 20998  
are composed, are not subject to the referendum and go into 20999  
immediate effect when this act becomes law. 21000

Sections 133.07, 133.08, 133.20, 307.695, 5701.11, 5709.083, 21001  
and 5739.09 of the Revised Code. 21002

Section 618.03 of this act. 21003

**Section \_\_\_\_.** (A) Except as otherwise provided in division (B) 21004  
of this section, the amendments by this act to section 340.03 of 21005  
the Revised Code are subject to the referendum. Therefore, under 21006  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 21007  
Revised Code, the amendments take effect on the ninety-first day 21008  
after this act is filed with the Secretary of State. If, however, 21009  
a referendum petition is filed against the amendments, the 21010  
amendments, unless rejected at the referendum, take effect at the 21011

earliest time permitted by law. 21012

(B) The amendments to division (A)(1)(c) of section 340.03 of 21013  
the Revised Code beginning with the strike through of 21014  
"Eligibility" and continuing through the third paragraph of that 21015  
division created by the amendments and the amendments to division 21016  
(A)(8)(a) of section 340.03 of the Revised Code are not subject to 21017  
the referendum. Therefore, under Ohio Constitution, Article II, 21018  
Section 1d and section 1.471 of the Revised Code, the amendments 21019  
go into immediate effect. 21020

**Section 621.03.** The amendment of section 101.83 of the 21021  
Revised Code is not intended to supersede the earlier repeal, with 21022  
delayed effective date, of that section. 21023

**Section 623.03.** The General Assembly, applying the principle 21024  
stated in division (B) of section 1.52 of the Revised Code that 21025  
amendments are to be harmonized if reasonably capable of 21026  
simultaneous operation, finds that the following sections, 21027  
presented in this act as composites of the sections as amended by 21028  
the acts indicated, are the resulting versions of the sections in 21029  
effect prior to the effective date of the sections as presented in 21030  
this act: 21031

Section 131.02 of the Revised Code as amended by both Sub. 21032  
H.B. 390 and Am. Sub. H.B. 530 of the 126th General Assembly. 21033

Section 181.52 (5502.62) of the Revised Code as amended by 21034  
both Sub. H.B. 4 and Am. Sub. H.B. 66 of the 126th General 21035  
Assembly. 21036

Section 209.63 of Am. Sub. H.B. 66 of the 126th General 21037  
Assembly, as amended by both Sub. H.B. 478 and Am. Sub. H.B. 530 21038  
of the 126th General Assembly. 21039

The finding in this section takes effect at the same time as 21040  
the section referenced in the finding takes effect. 21041