

As Passed by the Senate

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,
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Senators Carey, Stivers, Niehaus, Clancy, Kearney, Armbruster, Coughlin,
Fingerhut, Gardner, Goodman, Hagan, Hottinger, Mumper, Spada, Padgett,
Fedor, Wilson, Zurz, Jacobson, Miller, R., Roberts**

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A B I L L

To amend sections 3.21, 3.23, 5.10, 9.37, 101.34, 1
101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 2
122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 3
133.20, 151.01, 151.09, 151.10, 151.40, 152.09, 4
152.18, 152.19, 152.21, 152.24, 152.26, 154.02, 5
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340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 7
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2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 11
3317.03, 3353.07, 3353.11, 3383.01, 3383.07, 12
3706.01, 3770.05, 3770.073, 3905.36, 3931.07, 13
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4733.14, 4763.03, 4763.05, 4763.06, 4919.76, 15
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5120.03, 5123.08, 5126.01, 5126.02, 5126.024, 17
5126.029, 5126.0210, 5126.0211, 5126.0212, 18

5126.0213, 5126.0214, 5126.0220, 5126.0221, 19
5126.0222, 5126.0223, 5126.0224, 5126.0225, 20
5126.031, 5126.034, 5126.037, 5139.02, 5502.62, 21
5537.01, 5537.02, 5537.03, 5537.10, 5537.17, 22
5537.24, 5537.26, 5537.27, 5537.28, 5701.11, 23
5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 24
5739.01, 5739.09, 5741.101, 5747.39, 5748.01, 25
5751.01, 5751.011, 5751.033, 5910.03, and 5919.31; 26
to enact sections 121.482, 184.191, 3333.34, 27
5533.75, 5709.083, 5713.051, 5748.021, and 28
5748.081 of the Revised Code; to amend Section 29
206.09.84 of Am. Sub. H.B. 66 of the 126th General 30
Assembly, as subsequently amended, and to amend 31
Section 206.09.84 of Am. Sub. H.B. 66 of the 126th 32
General Assembly, for the purpose of codifying it 33
as section 3310.41 of the Revised Code; to amend 34
Section 22.07 of Am. Sub. H.B. 16 of the 126th 35
General Assembly; to amend Sections 203.12.06, 36
203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 37
209.63.03, 209.63.30, and 209.93 of Am. Sub. H.B. 38
66 of the 126th General Assembly; to amend 39
Sections 203.27, 203.99, 209.63, and 212.30 of Am. 40
Sub. H.B. 66 of the 126th General Assembly, as 41
subsequently amended; to amend Sections 243.10 and 42
287.20 of Am. Sub. H.B. 530 of the 126th General 43
Assembly; to amend Section 10 of Am. Sub. S.B. 250 44
of the 123rd General Assembly; to repeal Section 4 45
of Sub. H.B. 139 of the 126th General Assembly; 46
and to amend the version of section 5502.62 of the 47
Revised Code that is scheduled to take effect 48
April 1, 2007, to make capital and other 49
appropriations and to provide authorization and 50
conditions for the operation of state programs. 51

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, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 151.01, 151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 152.26, 154.02, 154.20, 169.13, 176.05, 307.695, 333.02, 333.04, 340.03, 340.09, 340.12, 715.70, 715.81, 1520.02, 1702.01, 1702.08, 1702.11, 1702.17, 1702.19, 1702.20, 1702.22, 1702.27, 1702.38, 1702.39, 1702.42, 1702.58, 2301.02, 2305.26, 2329.07, 2701.06, 3317.013, 3317.022, 3317.029, 3317.0217, 3317.03, 3353.07, 3353.11, 3383.01, 3383.07, 3706.01, 3770.05, 3770.073, 3905.36, 3931.07, 4115.04, 4121.121, 4503.068, 4710.02, 4728.03, 4733.14, 4763.03, 4763.05, 4763.06, 4919.76, 5107.12, 5111.88, 5115.06, 5119.071, 5119.611, 5120.03, 5123.08, 5126.01, 5126.02, 5126.024, 5126.029, 5126.0210, 5126.0211, 5126.0212, 5126.0213, 5126.0214, 5126.0220, 5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0225, 5126.031, 5126.034, 5126.037, 5139.02, 5502.62, 5537.01, 5537.02, 5537.03, 5537.10, 5537.17, 5537.24, 5537.26, 5537.27, 5537.28, 5701.11, 5709.87, 5725.31, 5727.84, 5729.07, 5733.42, 5739.01, 5739.09, 5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 5751.033, 5910.03, and 5919.31 be amended; that Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 126th General Assembly, be amended and that Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 126th General Assembly, be amended for the purpose of codifying it as section 3310.41 of the Revised Code and sections 121.482, 184.191, 3333.34, 5533.75, 5709.083, 5713.051, 5748.021, and 5748.081 of the Revised Code be enacted to read as follows:

Sec. 3.21. A Subject to any section of the Revised Code that

prescribes the form of an oath, a person may be sworn in any form 81
he ~~the person~~ deems binding on ~~his~~ the person's conscience. 82

Sec. 3.23. The oath of office of each judge of a court of 83
record shall be to support the constitution of the United States 84
and the constitution of this state, to administer justice without 85
respect to persons, and faithfully and impartially to discharge 86
and perform all the duties incumbent on ~~him~~ the person as such 87
judge, according to the best of ~~his~~ the person's ability and 88
understanding. The oath of office of every other officer, deputy, 89
or clerk shall be to support the constitution of the United States 90
and the constitution of this state, and faithfully to discharge 91
the duties of ~~his~~ the office. 92

Except for justices of the supreme court as provided in 93
section 2701.05 of the Revised Code, each judge of a court of 94
record shall take the oath of office on or before the first day of 95
the judge's official term. The judge shall transmit a certificate 96
of oath, signed by the person administering the oath, to the clerk 97
of the respective court and shall transmit a copy of the 98
certificate of oath to the supreme court. The certificate of oath 99
shall state the term of office for that judge, including the 100
beginning and ending dates of that term. If the certificate of 101
oath is not transmitted to the clerk of the court within twenty 102
days from the first day of the judge's official term, the judge is 103
deemed to have refused to accept the office, and that office shall 104
be considered vacant. The clerk of the court forthwith shall 105
certify that fact to the governor and the governor shall fill the 106
vacancy. 107

The oath of office of a judge under this section shall be 108
taken in a form that is substantially similar to the following: 109

"I, (name), do solemnly swear that I will support the 110
Constitution of the United States and the Constitution of Ohio, 111

will administer justice without respect to persons, and will 112
faithfully and impartially discharge and perform all of the duties 113
incumbent upon me as (name of office) according to the best of my 114
ability and understanding. [This I do as I shall answer unto 115
God.]" 116

Sec. 5.10. All official seals shall have engraved thereon the 117
coat of arms of the state, as described in section 5.04 of the 118
Revised Code. 119

The great seal of the state shall be two and one-half inches 120
in diameter and shall consist of the coat of arms of the state 121
within a circle having a diameter of one and three-fourths inches, 122
surrounded by the words "THE GREAT SEAL OF THE STATE OF OHIO" in 123
news gothic capitals. The great seal of the state shall correspond 124
substantially with the following design: 125

The design of the great seal shall not be reproduced, except 127
as required by any provision of the Ohio Constitution and the 128
Revised Code, unless permission to do so is first obtained from 129
the governor. The governor may authorize reproduction of the 130
design of the great seal when the purpose is to: 131

(A) Permit publication of a reproduction of the great seal of 132
the state of Ohio; 133

(B) Aid educational or historical programs; 134

(C) Promote the economic or cultural development of the state 135
in a manner deemed appropriate by the governor. 136

A permanent record shall be kept in the governor's office of 137
each permit to reproduce the design of the great seal. 138

No person shall use or permit to be used any reproduction or 139
facsimile of the great seal or a counterfeit or nonofficial 140
version of the great seal for any purpose not authorized by the 141

governor. 142

The seal of the supreme court shall consist of the coat of 143
arms of the state within a circle one and ~~three-fourths~~ one-half 144
inches in diameter and shall be surrounded by the words "THE 145
SUPREME COURT OF THE STATE OF OHIO." 146

The seal of each court of appeals, court of common pleas, and 147
probate court shall consist of the coat of arms of the state 148
within a circle one and one-fourth inches in diameter, and each 149
seal shall be surrounded by the words "COURT OF APPEALS, 150
..... County, Ohio"; "COMMON PLEAS COURT, 151
..... County, Ohio"; or "PROBATE COURT, 152
..... County, Ohio." 153

(Insert the name of the proper county.) 154

The seals of all other courts of record shall be of the same 155
size as the seal of the court of common pleas, and each shall be 156
surrounded by the proper name of the court. 157

The seal of the secretary of state shall consist of the coat 158
of arms of the state within a circle one and one-fourth inches in 159
diameter and shall be surrounded by the words "THE SEAL OF THE 160
SECRETARY OF STATE OF OHIO." 161

The seal of the auditor of state shall consist of the coat of 162
arms of the state within a circle of one and one-fourth inches in 163
diameter, and shall be surrounded by the words "THE SEAL OF THE 164
AUDITOR OF STATE OF OHIO." 165

The seal of the treasurer of state shall consist of the coat 166
of arms of the state within a circle one and one-fourth inches in 167
diameter, and shall be surrounded by the words "THE SEAL OF THE 168
TREASURER OF STATE OF OHIO." 169

The seal of the lieutenant governor shall consist of the coat 170
of arms of the state within a circle one and one-fourth inches in 171

diameter and shall be surrounded by the words "THE SEAL OF THE
LIEUTENANT GOVERNOR OF STATE OF OHIO." 172
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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." 174
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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. 178
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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. 182
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All seals mentioned in this section shall contain the words
and devices mentioned in this section and no other. 186
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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. 188
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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 196
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to make by issuing a check or warrant. 202

(C) Such public official may contract with a financial 203
institution for the services necessary to make direct deposits and 204
draw lump-sum checks or warrants payable to that institution in 205
the amount of the payments to be transferred. 206

(D) Before making any direct deposit as authorized under this 207
section, the public official shall ascertain that the account from 208
which the payment is to be made contains sufficient funds to cover 209
the amount of the payment. 210

(E) If the issuance of checks and warrants by a public 211
official requires authorization by a governing board, commission, 212
bureau, or other public body having jurisdiction over the public 213
official, the public official may only make direct deposits and 214
contracts under this section pursuant to a resolution of 215
authorization duly adopted by such governing board, commission, 216
bureau, or other public body. 217

(F) Pursuant to sections 307.55, 319.16, and 321.15 of the 218
Revised Code, a county auditor may issue, and a county treasurer 219
may redeem, electronic warrants authorizing direct deposit for 220
payment of county obligations in accordance with rules adopted by 221
the ~~auditor~~ director of ~~state~~ budget and management pursuant to 222
~~section 117.20~~ Chapter 119. of the Revised Code. 223

Sec. 101.34. (A) There is hereby created a joint legislative 224
ethics committee to serve the general assembly. The committee 225
shall be composed of twelve members, six each from the two major 226
political parties, and each member shall serve on the committee 227
during the member's term as a member of that general assembly. Six 228
members of the committee shall be members of the house of 229
representatives appointed by the speaker of the house of 230
representatives, not more than three from the same political 231

party, and six members of the committee shall be members of the 232
senate appointed by the president of the senate, not more than 233
three from the same political party. A vacancy in the committee 234
shall be filled for the unexpired term in the same manner as an 235
original appointment. The members of the committee shall be 236
appointed within fifteen days after the first day of the first 237
regular session of each general assembly and the committee shall 238
meet and proceed to recommend an ethics code not later than thirty 239
days after the first day of the first regular session of each 240
general assembly. 241

In the first regular session of each general assembly, the 242
speaker of the house of representatives shall appoint the 243
chairperson of the committee from among the house members of the 244
committee, and the president of the senate shall appoint the 245
vice-chairperson of the committee from among the senate members of 246
the committee. In the second regular session of each general 247
assembly, the president of the senate shall appoint the 248
chairperson of the committee from among the senate members of the 249
committee, and the speaker of the house of representatives shall 250
appoint the vice-chairperson of the committee from among the house 251
members of the committee. The chairperson, vice-chairperson, and 252
members of the committee shall serve until their respective 253
successors are appointed or until they are no longer members of 254
the general assembly. 255

The committee shall meet at the call of the chairperson or 256
upon the written request of seven members of the committee. 257

(B) The joint legislative ethics committee: 258

(1) Shall recommend a code of ethics that is consistent with 259
law to govern all members and employees of each house of the 260
general assembly and all candidates for the office of member of 261
each house; 262

(2) May receive and hear any complaint that alleges a breach	263
of any privilege of either house, or misconduct of any member,	264
employee, or candidate, or any violation of the appropriate code	265
of ethics;	266
(3) May obtain information with respect to any complaint	267
filed pursuant to this section and to that end may enforce the	268
attendance and testimony of witnesses, and the production of books	269
and papers;	270
(4) May recommend whatever sanction is appropriate with	271
respect to a particular member, employee, or candidate as will	272
best maintain in the minds of the public a good opinion of the	273
conduct and character of members and employees of the general	274
assembly;	275
(5) May recommend legislation to the general assembly	276
relating to the conduct and ethics of members and employees of and	277
candidates for the general assembly;	278
(6) Shall employ an executive director for the committee and	279
may employ other staff as the committee determines necessary to	280
assist it in exercising its powers and duties. The executive	281
director and staff of the committee shall be known as the office	282
of legislative inspector general. At least one member of the staff	283
of the committee shall be an attorney at law licensed to practice	284
law in this state. The appointment and removal of the executive	285
director shall require the approval of at least eight members of	286
the committee.	287
(7) May employ a special counsel to assist the committee in	288
exercising its powers and duties. The appointment and removal of a	289
special counsel shall require the approval of at least eight	290
members of the committee.	291
(8) Shall act as an advisory body to the general assembly and	292
to individual members, candidates, and employees on questions	293

relating to ethics, possible conflicts of interest, and financial disclosure; 294
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(9) Shall provide for the proper forms on which a statement 296
required pursuant to section 102.02 or 102.021 of the Revised Code 297
shall be filed and instructions as to the filing of the statement; 298

(10) Exercise the powers and duties prescribed under sections 299
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 300
sections 121.60 to 121.69 of the Revised Code; 301

(11) Adopt, in accordance with section 111.15 of the Revised 302
Code, any rules that are necessary to implement and clarify 303
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 304

(C) There is hereby created in the state treasury the joint 305
legislative ethics committee fund. All money collected from 306
registration fees and late filing fees prescribed under sections 307
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 308
into the state treasury to the credit of the fund. Money credited 309
to the fund and any interest and earnings from the fund shall be 310
used solely for the operation of the joint legislative ethics 311
committee and the office of legislative inspector general and for 312
the purchase of data storage and computerization facilities for 313
the statements filed with the committee under sections 101.73, 314
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 315

(D) The chairperson of the joint legislative ethics committee 316
shall issue a written report, not later than the thirty-first day 317
of January of each year, to the speaker and minority leader of the 318
house of representatives and to the president and minority leader 319
of the senate that lists the number of committee meetings and 320
investigations the committee conducted during the immediately 321
preceding calendar year and the number of advisory opinions it 322
issued during the immediately preceding calendar year. 323

(E) Any investigative report that contains facts and findings 324

regarding a complaint filed with the joint legislative ethics 325
committee and that is prepared by the staff of the committee or a 326
special counsel to the committee shall become a public record upon 327
its acceptance by a vote of the majority of the members of the 328
committee, except for any names of specific individuals and 329
entities contained in the report. If the committee recommends 330
disciplinary action or reports its findings to the appropriate 331
prosecuting authority for proceedings in prosecution of the 332
violations alleged in the complaint, the investigatory report 333
regarding the complaint shall become a public record in its 334
entirety. 335

(F)(1) Any file obtained by or in the possession of the 336
former house ethics committee or former senate ethics committee 337
shall become the property of the joint legislative ethics 338
committee. Any such file is confidential if either of the 339
following applies: 340

(a) It is confidential under section 102.06 of the Revised 341
Code or the legislative code of ethics. 342

(b) If the file was obtained from the former house ethics 343
committee or from the former senate ethics committee, it was 344
confidential under any statute or any provision of a code of 345
ethics that governed the file. 346

(2) As used in this division, "file" includes, but is not 347
limited to, evidence, documentation, or any other tangible thing. 348

Sec. 101.72. (A) Each legislative agent and employer, within 349
ten days following an engagement of a legislative agent, shall 350
file with the joint legislative ethics committee an initial 351
registration statement showing all of the following: 352

(1) The name, business address, and occupation of the 353
legislative agent; 354

(2) The name and business address of the employer and the 355
real party in interest on whose behalf the legislative agent is 356
actively advocating, if it is different from the employer. For the 357
purposes of division (A) of this section, where a trade 358
association or other charitable or fraternal organization that is 359
exempt from federal income taxation under subsection 501(c) of the 360
federal Internal Revenue Code is the employer, the statement need 361
not list the names and addresses of each member of the association 362
or organization, so long as the association or organization itself 363
is listed. 364

(3) A brief description of the type of legislation to which 365
the engagement relates. 366

(B) In addition to the initial registration statement 367
required by division (A) of this section, each legislative agent 368
and employer shall file with the joint committee, not later than 369
the last day of January, May, and September of each year, an 370
updated registration statement that confirms the continuing 371
existence of each engagement described in an initial registration 372
statement and that lists the specific bills or resolutions on 373
which the agent actively advocated under that engagement during 374
the period covered by the updated statement, and with it any 375
statement of expenditures required to be filed by section 101.73 376
of the Revised Code and any details of financial transactions 377
required to be filed by section 101.74 of the Revised Code. 378

(C) If a legislative agent is engaged by more than one 379
employer, the agent shall file a separate initial and updated 380
registration statement for each engagement. If an employer engages 381
more than one legislative agent, the employer need file only one 382
updated registration statement under division (B) of this section, 383
which shall contain the information required by division (B) of 384
this section regarding all of the legislative agents engaged by 385
the employer. 386

(D)(1) A change in any information required by division 387
(A)(1), (2), or (B) of this section shall be reflected in the next 388
updated registration statement filed under division (B) of this 389
section. 390

(2) Within thirty days after the termination of an 391
engagement, the legislative agent who was employed under the 392
engagement shall send written notification of the termination to 393
the joint committee. 394

(E) Except as otherwise provided in this division, a 395
registration fee of twenty-five dollars shall be charged for 396
filing an initial registration statement. All money collected from 397
registration fees under this division and late filing fees under 398
division (G) of this section shall be deposited into the ~~general~~ 399
~~revenue fund of the state~~ treasury to the credit of the joint 400
legislative ethics committee fund created under section 101.34 of 401
the Revised Code. 402

An officer or employee of a state agency who actively 403
advocates in a fiduciary capacity as a representative of that 404
state agency need not pay the registration fee prescribed by this 405
division or file expenditure statements under section 101.73 of 406
the Revised Code. As used in this division, "state agency" does 407
not include a state institution of higher education as defined in 408
section 3345.011 of the Revised Code. 409

(F) Upon registration pursuant to division (A) of this 410
section, the legislative agent shall be issued a card by the joint 411
committee showing that the legislative agent is registered. The 412
registration card and the legislative agent's registration shall 413
be valid from the date of their issuance until the next 414
thirty-first day of December of an even-numbered year. 415

(G) The executive director of the joint committee shall be 416
responsible for reviewing each registration statement filed with 417

the joint committee under this section and for determining whether
the statement contains all of the information required by this
section. If the joint committee determines that the registration
statement does not contain all of the required information or that
a legislative agent or employer has failed to file a registration
statement, the joint committee shall send written notification by
certified mail to the person who filed the registration statement
regarding the deficiency in the statement or to the person who
failed to file the registration statement regarding the failure.
Any person so notified by the joint committee shall, not later
than fifteen days after receiving the notice, file a registration
statement or an amended registration statement that does contain
all of the information required by this section. 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 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.

Sec. 101.83. (A) An agency in existence on January 1, 2005,
shall expire on December 31, 2010, unless the agency is renewed in
accordance with division (D) of this section and, if so renewed,
shall expire thereafter on the thirty-first day of December of the
fourth year after the year in which it was most recently renewed
unless the agency is renewed in accordance with division (D) of
this section. An agency created after January 1, 2005, that is

created on the thirty-first day of December shall expire not later 449
than four years after its creation, unless the agency is renewed 450
in accordance with division (D) of this section. An agency created 451
after January 1, 2005, that is created on any other date shall be 452
considered for the purpose of this section to have been created on 453
the preceding thirty-first day of December, and the agency shall 454
expire not later than four years after the date it was considered 455
to have been created, unless the agency is renewed in accordance 456
with division (D) of this section. Any act creating or renewing an 457
agency shall contain a distinct section providing a specific 458
expiration date for the agency in accordance with this division. 459

(B) If the general assembly does not renew or transfer an 460
agency on or before its expiration date, it shall expire on that 461
date. 462

The ~~auditor~~ director of ~~state budget and management~~ shall not 463
authorize the expenditure of any moneys for any agency on or after 464
the date of its expiration. 465

(C) The general assembly may provide by law for the orderly, 466
efficient, and expeditious conclusion of an agency's business and 467
operation. The rules, orders, licenses, contracts, and other 468
actions made, taken, granted, or performed by the agency shall 469
continue in effect according to their terms notwithstanding the 470
agency's abolition, unless the general assembly provides otherwise 471
by law. The general assembly may provide by law for the temporary 472
or permanent transfer of some or all of a terminated or 473
transferred agency's functions and personnel to a successor agency 474
or officer. 475

The abolition, termination, or transfer of an agency shall 476
not cause the termination or dismissal of any claim pending 477
against the agency by any person, or any claim pending against any 478
person by the agency. Unless the general assembly provides 479
otherwise by law for the substitution of parties, the attorney 480

general shall succeed the agency with reference to any pending 481
claim. 482

(D) An agency may be renewed by passage of a bill that 483
continues the statutes creating and empowering the agency, that 484
amends or repeals those statutes, or that enacts new statutes, to 485
improve agency usefulness, performance, or effectiveness. 486

Sec. 101.92. (A) Each retirement system lobbyist and each 487
employer shall file with the joint legislative ethics committee, 488
within ten days following the engagement of a retirement system 489
lobbyist, an initial registration statement showing all of the 490
following: 491

(1) The name, business address, and occupation of the 492
retirement system lobbyist; 493

(2) The name and business address of the employer or of the 494
real party in interest on whose behalf the retirement system 495
lobbyist is acting, if it is different from the employer. For the 496
purposes of division (A) of this section, where a trade 497
association or other charitable or fraternal organization that is 498
exempt from federal income taxation under subsection 501(c) of the 499
federal Internal Revenue Code is the employer, the statement need 500
not list the names and addresses of every member of the 501
association or organization, so long as the association or 502
organization itself is listed. 503

(3) A brief description of the retirement system decision to 504
which the engagement relates; 505

(4) The name of the retirement system or systems to which the 506
engagement relates. 507

(B) In addition to the initial registration statement 508
required by division (A) of this section, each retirement system 509
lobbyist and employer shall file with the joint committee, not 510

later than the last day of January, May, and September of each 511
year, an updated registration statement that confirms the 512
continuing existence of each engagement described in an initial 513
registration statement and that lists the specific retirement 514
system decisions that the lobbyist sought to influence under the 515
engagement during the period covered by the updated statement, and 516
with it any statement of expenditures required to be filed by 517
section 101.93 of the Revised Code and any details of financial 518
transactions required to be filed by section 101.94 of the Revised 519
Code. 520

(C) If a retirement system lobbyist is engaged by more than 521
one employer, the lobbyist shall file a separate initial and 522
updated registration statement for each engagement. If an employer 523
engages more than one retirement system lobbyist, the employer 524
need file only one updated registration statement under division 525
(B) of this section, which shall contain the information required 526
by division (B) of this section regarding all of the retirement 527
system lobbyists engaged by the employer. 528

(D)(1) A change in any information required by division 529
(A)(1), (2), or (B) of this section shall be reflected in the next 530
updated registration statement filed under division (B) of this 531
section. 532

(2) Within thirty days following the termination of an 533
engagement, the ~~executive agency~~ retirement system lobbyist who 534
was employed under the engagement shall send written notification 535
of the termination to the joint committee. 536

(E) A registration fee of twenty-five dollars shall be 537
charged for filing an initial registration statement. All money 538
collected from ~~this fee~~ registration fees under this division and 539
late filing fees under division (G) of this section shall be 540
deposited into the ~~general revenue fund of the state~~ treasury to 541

the credit of the joint legislative ethics committee fund created 542
under section 101.34 of the Revised Code. 543

(F) Upon registration pursuant to this section, a retirement 544
system lobbyist shall be issued a card by the joint committee 545
showing that the lobbyist is registered. The registration card and 546
the retirement system lobbyist's registration shall be valid from 547
the date of their issuance until the thirty-first day of January 548
of the year following the year in which the initial registration 549
was filed. 550

(G) The executive director of the joint committee shall be 551
responsible for reviewing each registration statement filed with 552
the joint committee under this section and for determining whether 553
the statement contains all of the required information. If the 554
joint committee determines that the registration statement does 555
not contain all of the required information or that a retirement 556
system lobbyist or employer has failed to file a registration 557
statement, the joint committee shall send written notification by 558
certified mail to the person who filed the registration statement 559
regarding the deficiency in the statement or to the person who 560
failed to file the registration statement regarding the failure. 561
Any person so notified by the joint committee shall, not later 562
than fifteen days after receiving the notice, file a registration 563
statement or an amended registration statement that contains all 564
of the required information. If any person who receives a notice 565
under this division fails to file a registration statement or such 566
an amended registration statement within this fifteen-day period, 567
the joint committee shall assess a late filing fee equal to twelve 568
dollars and fifty cents per day, up to a maximum fee of one 569
hundred dollars, upon that person. The joint committee may waive 570
the late filing fee for good cause shown. 571

(H) On or before the fifteenth day of March of each year, the 572
joint committee shall, in the manner and form that it determines, 573

publish a report containing statistical information on the 574
registration statements filed with it under this section during 575
the preceding year. 576

(I) If an employer who engages a retirement system lobbyist 577
is the recipient of a contract, grant, lease, or other financial 578
arrangement pursuant to which funds of the state or of a 579
retirement system are distributed or allocated, the executive 580
agency or any aggrieved party may consider the failure of the 581
employer or the retirement system lobbyist to comply with this 582
section as a breach of a material condition of the contract, 583
grant, lease, or other financial arrangement. 584

(J) Retirement system officials may require certification 585
from any person seeking the award of a contract, grant, lease, or 586
financial arrangement that the person and the person's employer 587
are in compliance with this section. 588

Sec. 107.40. (A) There is hereby created the governor's 589
residence advisory commission. The commission shall provide for 590
the preservation, restoration, acquisition, and conservation of 591
all decorations, objects of art, chandeliers, china, silver, 592
statues, paintings, furnishings, accouterments, and other 593
aesthetic materials that have been acquired, donated, loaned, or 594
otherwise obtained by the state for the governor's residence and 595
that have been approved by the commission. In addition, the 596
commission shall provide for the maintenance of plants that have 597
been acquired, donated, loaned, or otherwise obtained by the state 598
for the governor's residence and that have been approved by the 599
commission. 600

(B) The commission shall be responsible for the care, 601
provision, repair, and placement of furnishings and other objects 602
and accessories of the grounds and public areas of the first story 603
of the governor's residence and for the care and placement of 604

plants on the grounds. In exercising this responsibility, the
commission shall preserve and seek to further establish ~~both~~ all
of the following:

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

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

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

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

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

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

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

These duties shall not affect the obligation of the
department of administrative services to provide for the general
maintenance and operating expenses of the governor's residence.

(C) The commission shall consist of eleven members. One
member shall be the director of administrative services or the
director's designee, who shall serve during the director's term of
office and shall serve as chairperson. One member shall be the
director of the Ohio historical society or the director's
designee, who shall serve during the director's term of office and
shall serve as vice-chairperson. One member shall represent the
Columbus landmarks foundation. One member shall represent the
Bexley historical society. One member shall be the mayor of the
city of Bexley, who shall serve during the mayor's term of office.

One member shall be the chief executive officer of the Franklin
park conservatory joint recreation district, who shall serve
during the term of employment as chief executive officer. The
remaining five members shall be appointed by the governor with the
advice and consent of the senate. The five members appointed by
the governor shall be persons with knowledge of Ohio history,
architecture, decorative arts, or historic preservation, and one
of those members shall have knowledge of landscape architecture,
garden design, horticulture, and plants native to this state.

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(D) Of the initial appointees, the representative of the
Columbus landmarks foundation shall serve for a term expiring
December 31, 1996, and the representative of the Bexley historical
society shall serve for a term expiring December 31, 1997. Of the
five members appointed by the governor, three shall serve for
terms ending December 31, 1998, and two shall serve for terms
ending December 31, 1999. Thereafter, each term shall be for four
years, commencing on the first day of January and ending on the
last day of December. The member having knowledge of landscape
architecture, garden design, horticulture, and plants native to
this state initially shall be appointed upon the first vacancy on
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 667
appointed, the commission shall meet and select one member as 668
secretary and another as treasurer. Organizational meetings of the 669
commission shall be held at the time and place designated by call 670
of the chairperson. Meetings of the commission may be held 671
anywhere in the state and shall be in compliance with Chapters 672
121. and 149. of the Revised Code. The commission may adopt, 673
pursuant to section 111.15 of the Revised Code, rules necessary to 674
carry out the purposes of this section. 675

(G) Members of the commission shall serve without 676
remuneration, but shall be compensated for actual and necessary 677
expenses incurred in the performance of their official duties. 678

(H) All expenses incurred in carrying out this section are 679
payable solely from money accrued under this section or 680
appropriated for these purposes by the general assembly, and the 681
commission shall incur no liability or obligation beyond such 682
money. 683

(I) The commission may accept any donation, gift, bequest, or 684
devise for the governor's residence or as an endowment for the 685
maintenance and care of the garden on the grounds of the 686
governor's residence in furtherance of its duties. Any revenue 687
received by the commission shall be deposited into the governor's 688
residence fund, which is hereby established in the state treasury, 689
for use by the commission in accordance with the performance of 690
its duties. All investment earnings of the fund shall be credited 691
to the fund. Title to all property acquired by the commission 692
shall be taken in the name of the state and shall be held for the 693
use and benefit of the commission. 694

(J) Nothing in this section limits the ability of a person or 695
other entity to purchase decorations, objects of art, chandeliers, 696
china, silver, statues, paintings, furnishings, accouterments, 697

plants, or other aesthetic materials for placement in the 698
governor's residence or on the grounds of the governor's residence 699
or donation to the commission. No such object or plant, however, 700
shall be placed on the grounds or public areas of the first story 701
of the governor's residence without the consent of the commission. 702

(K) The heritage garden established under this section shall 703
be officially known as "the heritage garden at the Ohio governor's 704
residence." 705

(L) As used in this section, "heritage garden" means the 706
botanical garden of native plants established at the governor's 707
residence. 708

Sec. 121.482. Money the inspector general receives pursuant 709
to court orders or settlements shall be deposited into the state 710
treasury to the credit of the general revenue fund. 711

Sec. 121.62. (A) Each executive agency lobbyist and each 712
employer shall file with the joint legislative ethics committee, 713
within ten days following the engagement of an executive agency 714
lobbyist, an initial registration statement showing all of the 715
following: 716

(1) The name, business address, and occupation of the 717
executive agency lobbyist; 718

(2) The name and business address of the employer or of the 719
real party in interest on whose behalf the executive agency 720
lobbyist is acting, if it is different from the employer. For the 721
purposes of division (A) of this section, where a trade 722
association or other charitable or fraternal organization that is 723
exempt from federal income taxation under subsection 501(c) of the 724
federal Internal Revenue Code is the employer, the statement need 725
not list the names and addresses of every member of the 726
association or organization, so long as the association or 727

organization itself is listed.	728
(3) A brief description of the executive agency decision to which the engagement relates;	729 730
(4) The name of the executive agency or agencies to which the engagement relates.	731 732
(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.	733 734 735 736 737 738 739 740 741 742 743 744 745
(C) If an executive agency lobbyist is engaged by more than one employer, the lobbyist shall file a separate initial and updated registration statement for each engagement. If an employer engages more than one executive agency lobbyist, the employer need file only one updated registration statement under division (B) of this section, which shall contain the information required by division (B) of this section regarding all of the executive agency lobbyists engaged by the employer.	746 747 748 749 750 751 752 753
(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.	754 755 756 757
(2) Within thirty days following the termination of an	758

engagement, the executive agency lobbyist who was employed under 759
the engagement shall send written notification of the termination 760
to the joint committee. 761

(E) A registration fee of twenty-five dollars shall be 762
charged for filing an initial registration statement. All money 763
collected from ~~this fee~~ registration fees under this division and 764
late filing fees under division (G) of this section shall be 765
deposited into the ~~general revenue fund of the state~~ treasury to 766
the credit of the joint legislative ethics committee fund created 767
under section 101.34 of the Revised Code. 768

(F) Upon registration pursuant to this section, an executive 769
agency lobbyist shall be issued a card by the joint committee 770
showing that the lobbyist is registered. The registration card and 771
the executive agency lobbyist's registration shall be valid from 772
the date of their issuance until the thirty-first day of January 773
of the year following the year in which the initial registration 774
was filed. 775

(G) The executive director of the joint committee shall be 776
responsible for reviewing each registration statement filed with 777
the joint committee under this section and for determining whether 778
the statement contains all of the required information. If the 779
joint committee determines that the registration statement does 780
not contain all of the required information or that an executive 781
agency lobbyist or employer has failed to file a registration 782
statement, the joint committee shall send written notification by 783
certified mail to the person who filed the registration statement 784
regarding the deficiency in the statement or to the person who 785
failed to file the registration statement regarding the failure. 786
Any person so notified by the joint committee shall, not later 787
than fifteen days after receiving the notice, file a registration 788
statement or an amended registration statement that contains all 789
of the required information. If any person who receives a notice 790

under this division fails to file a registration statement or such 791
an amended registration statement within this fifteen-day period, 792
the joint committee shall assess a late filing fee equal to twelve 793
dollars and fifty cents per day, up to a maximum fee of one 794
hundred dollars, upon that person. The joint committee may waive 795
the late filing fee for good cause shown. 796

(H) On or before the fifteenth day of March of each year, the 797
joint committee shall, in the manner and form that it determines, 798
publish a report containing statistical information on the 799
registration statements filed with it under this section during 800
the preceding year. 801

(I) If an employer who engages an executive agency lobbyist 802
is the recipient of a contract, grant, lease, or other financial 803
arrangement pursuant to which funds of the state or of an 804
executive agency are distributed or allocated, the executive 805
agency or any aggrieved party may consider the failure of the 806
employer or the executive agency lobbyist to comply with this 807
section as a breach of a material condition of the contract, 808
grant, lease, or other financial arrangement. 809

(J) Executive agency officials may require certification from 810
any person seeking the award of a contract, grant, lease, or 811
financial arrangement that the person and the person's employer 812
are in compliance with this section. 813

Sec. 122.17. (A) As used in this section: 814

(1) "Full-time employee" means an individual who is employed 815
for consideration for at least an average of thirty-five hours a 816
week, or who renders any other standard of service generally 817
accepted by custom or specified by contract as full-time 818
employment, or who is employed for consideration for such time or 819
renders such service but is on active duty reserve or Ohio 820

national guard service. 821

(2) "New employee" means one of the following: 822

(a) A full-time employee first employed by a taxpayer in the 823
project that is the subject of the agreement after the taxpayer 824
enters into a tax credit agreement with the tax credit authority 825
under this section; 826

(b) A full-time employee first employed by a taxpayer in the 827
project that is the subject of the tax credit after the tax credit 828
authority approves a project for a tax credit under this section 829
in a public meeting, as long as the taxpayer enters into the tax 830
credit agreement prepared by the department of development after 831
such meeting within sixty days after receiving the agreement from 832
the department. If the taxpayer fails to enter into the agreement 833
within sixty days, "new employee" has the same meaning as under 834
division (A)(2)(a) of this section. A full-time employee may be 835
considered a "new employee" of a taxpayer, despite previously 836
having been employed by a related member of the taxpayer, if all 837
of the following apply: 838

(i) The related member is a party to the tax credit agreement 839
at the time the employee is first employed with the taxpayer; 840

(ii) The related member will remain subject to the tax 841
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 842
under Chapter 5751. of the Revised Code for the remainder of the 843
term of the tax credit, and the tax credit is taken against 844
liability for that same tax through the remainder of the term of 845
the tax credit; and 846

(iii) The employee was considered a new employee of the 847
related member prior to employment with the taxpayer. 848

Under division (A)(2)(a) or (b) of this section, if the tax 849
credit authority determines it appropriate, "new employee" also 850
may include an employee re-hired or called back from lay-off to 851

work in a new facility or on a new product or service established 852
or produced by the taxpayer after entering into the agreement 853
under this section or after the tax credit authority approves the 854
tax credit in a public meeting. Except as otherwise provided in 855
this paragraph, "new employee" does not include any employee of 856
the taxpayer who was previously employed in this state by a 857
related member of the taxpayer and whose employment was shifted to 858
the taxpayer after the taxpayer entered into the tax credit 859
agreement or after the tax credit authority approved the credit in 860
a public meeting, or any employee of the taxpayer for which the 861
taxpayer has been granted a certificate under division (B) of 862
section 5709.66 of the Revised Code. However, if the taxpayer is 863
engaged in the enrichment and commercialization of uranium or 864
uranium products or is engaged in research and development 865
activities related thereto and if the tax credit authority 866
determines it appropriate, "new employee" may include an employee 867
of the taxpayer who was previously employed in this state by a 868
related member of the taxpayer and whose employment was shifted to 869
the taxpayer after the taxpayer entered into the tax credit 870
agreement or after the tax credit authority approved the credit in 871
a public meeting. "New employee" does not include an employee of 872
the taxpayer who is employed in an employment position that was 873
relocated to a project from other operations of the taxpayer in 874
this state or from operations of a related member of the taxpayer 875
in this state. In addition, "new employee" does not include a 876
child, grandchild, parent, or spouse, other than a spouse who is 877
legally separated from the individual, of any individual who is an 878
employee of the taxpayer and who has a direct or indirect 879
ownership interest of at least five per cent in the profits, 880
capital, or value of the taxpayer. Such ownership interest shall 881
be determined in accordance with section 1563 of the Internal 882
Revenue Code and regulations prescribed thereunder. 883

(3) "New income tax revenue" means the total amount withheld 884
under section 5747.06 of the Revised Code by the taxpayer during 885
the taxable year, or during the calendar year that includes the 886
tax period, from the compensation of new employees for the tax 887
levied under Chapter 5747. of the Revised Code. 888

(4) "Related member" has the same meaning as under division 889
(A)(6) of section 5733.042 of the Revised Code without regard to 890
division (B) of that section. 891

(B) The tax credit authority may make grants under this 892
section to foster job creation in this state. Such a grant shall 893
take the form of a refundable credit allowed against the tax 894
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 895
under Chapter 5751. of the Revised Code. The credit shall be 896
claimed for the taxable years or tax periods specified in the 897
taxpayer's agreement with the tax credit authority under division 898
(D) of this section. With respect to taxes imposed under section 899
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 900
credit shall be claimed in the order required under section 901
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 902
the credit available for a taxable year or for a calendar year 903
that includes a tax period equals the new income tax revenue for 904
that year multiplied by the percentage specified in the agreement 905
with the tax credit authority. Any credit granted under this 906
section against the tax imposed by section 5733.06 or 5747.02 of 907
the Revised Code, to the extent not fully utilized against such 908
tax for taxable years ending prior to 2008, shall automatically be 909
converted without any action taken by the tax credit authority to 910
a credit against the tax levied under Chapter 5751. of the Revised 911
Code for tax periods beginning on or after July 1, 2008, provided 912
that the person to whom the credit was granted is subject to such 913
tax. The converted credit shall apply to those calendar years in 914
which the remaining taxable years specified in the agreement end. 915

(C) A taxpayer or potential taxpayer who proposes a project 916
to create new jobs in this state may apply to the tax credit 917
authority to enter into an agreement for a tax credit under this 918
section. The director of development shall prescribe the form of 919
the application. After receipt of an application, the authority 920
may enter into an agreement with the taxpayer for a credit under 921
this section if it determines all of the following: 922

(1) The taxpayer's project will create new jobs in this 923
state; 924

(2) The taxpayer's project is economically sound and will 925
benefit the people of this state by increasing opportunities for 926
employment and strengthening the economy of this state; 927

(3) Receiving the tax credit is a major factor in the 928
taxpayer's decision to go forward with the project. 929

(D) An agreement under this section shall include all of the 930
following: 931

(1) A detailed description of the project that is the subject 932
of the agreement; 933

(2) The term of the tax credit, which shall not exceed 934
fifteen years, and the first taxable year, or first calendar year 935
that includes a tax period, for which the credit may be claimed; 936

(3) A requirement that the taxpayer shall maintain operations 937
at the project location for at least twice the number of years as 938
the term of the tax credit; 939

(4) The percentage, as determined by the tax credit 940
authority, of new income tax revenue that will be allowed as the 941
amount of the credit for each taxable year or for each calendar 942
year that includes a tax period; 943

(5) A specific method for determining how many new employees 944
are employed during a taxable year or during a calendar year that 945

includes a tax period;

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

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

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

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

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

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

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For purposes of this section, the movement of an employment position from one political subdivision to another political

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subdivision shall be considered a relocation of an employment 976
position, but the transfer of an individual employee from one 977
political subdivision to another political subdivision shall not 978
be considered a relocation of an employment position as long as 979
the individual's employment position in the first political 980
subdivision is refilled. 981

(E) If a taxpayer fails to meet or comply with any condition 982
or requirement set forth in a tax credit agreement, the tax credit 983
authority may amend the agreement to reduce the percentage or term 984
of the tax credit. The reduction of the percentage or term shall 985
take effect (1) in the taxable year immediately following the 986
taxable year in which the authority amends the agreement or the 987
director of development notifies the taxpayer in writing of such 988
failure, or (2) in the first tax period beginning in the calendar 989
year immediately following the calendar year in which the 990
authority amends the agreement or the director notifies the 991
taxpayer in writing of such failure. If the taxpayer fails to 992
annually report any of the information required by division (D)(6) 993
of this section within the time required by the director, the 994
reduction of the percentage or term may take effect in the current 995
taxable year. If the taxpayer relocates employment positions in 996
violation of the provision required under division (D)(8)(a) of 997
this section, the taxpayer shall not claim the tax credit under 998
section 5733.0610 of the Revised Code for any tax years following 999
the calendar year in which the relocation occurs, or shall not 1000
claim the tax credit under section 5725.32, 5729.032, or 5747.058 1001
of the Revised Code for the taxable year in which the relocation 1002
occurs and any subsequent taxable years, and shall not claim the 1003
tax credit under division (A) of section 5751.50 of the Revised 1004
Code for any tax period in the calendar year in which the 1005
relocation occurs and any subsequent tax periods. 1006

(F) Projects that consist solely of point-of-final-purchase 1007

retail facilities are not eligible for a tax credit under this 1008
section. If a project consists of both point-of-final-purchase 1009
retail facilities and nonretail facilities, only the portion of 1010
the project consisting of the nonretail facilities is eligible for 1011
a tax credit and only the new income tax revenue from new 1012
employees of the nonretail facilities shall be considered when 1013
computing the amount of the tax credit. If a warehouse facility is 1014
part of a point-of-final-purchase retail facility and supplies 1015
only that facility, the warehouse facility is not eligible for a 1016
tax credit. Catalog distribution centers are not considered 1017
point-of-final-purchase retail facilities for the purposes of this 1018
division, and are eligible for tax credits under this section. 1019

(G) Financial statements and other information submitted to 1020
the department of development or the tax credit authority by an 1021
applicant or recipient of a tax credit under this section, and any 1022
information taken for any purpose from such statements or 1023
information, are not public records subject to section 149.43 of 1024
the Revised Code. However, the chairperson of the authority may 1025
make use of the statements and other information for purposes of 1026
issuing public reports or in connection with court proceedings 1027
concerning tax credit agreements under this section. Upon the 1028
request of the tax commissioner or, if the applicant or recipient 1029
is an insurance company, upon the request of the superintendent of 1030
insurance, the chairperson of the authority shall provide to the 1031
commissioner or superintendent any statement or information 1032
submitted by an applicant or recipient of a tax credit in 1033
connection with the credit. The commissioner or superintendent 1034
shall preserve the confidentiality of the statement or 1035
information. 1036

(H) A taxpayer claiming a credit under this section shall 1037
submit to the tax commissioner or, if the taxpayer is an insurance 1038
company, to the superintendent of insurance, a copy of the 1039

director of development's certificate of verification under 1040
division (D)(7) of this section with the taxpayer's tax report or 1041
return for the taxable year or for the calendar year that includes 1042
the tax period. Failure to submit a copy of the certificate with 1043
the report or return does not invalidate a claim for a credit if 1044
the taxpayer submits a copy of the certificate to the commissioner 1045
or superintendent within sixty days after the commissioner or 1046
superintendent requests it. 1047

(I) The director of development, after consultation with the 1048
tax commissioner and the superintendent of insurance and in 1049
accordance with Chapter 119. of the Revised Code, shall adopt 1050
rules necessary to implement this section. The rules may provide 1051
for recipients of tax credits under this section to be charged 1052
fees to cover administrative costs of the tax credit program. At 1053
the time the director gives public notice under division (A) of 1054
section 119.03 of the Revised Code of the adoption of the rules, 1055
the director shall submit copies of the proposed rules to the 1056
chairpersons of the standing committees on economic development in 1057
the senate and the house of representatives. 1058

(J) For the purposes of this section, a taxpayer may include 1059
a partnership, a corporation that has made an election under 1060
subchapter S of chapter one of subtitle A of the Internal Revenue 1061
Code, or any other business entity through which income flows as a 1062
distributive share to its owners. A credit received under this 1063
section by a partnership, S-corporation, or other such business 1064
entity shall be apportioned among the persons to whom the income 1065
or profit of the partnership, S-corporation, or other entity is 1066
distributed, in the same proportions as those in which the income 1067
or profit is distributed. 1068

(K) If the director of development determines that a taxpayer 1069
who has received a credit under this section is not complying with 1070
the requirement under division (D)(3) of this section, the 1071

director shall notify the tax credit authority of the 1072
noncompliance. After receiving such a notice, and after giving the 1073
taxpayer an opportunity to explain the noncompliance, the tax 1074
credit authority may require the taxpayer to refund to this state 1075
a portion of the credit in accordance with the following: 1076

(1) If the taxpayer maintained operations at the project 1077
location for at least one and one-half times the number of years 1078
of the term of the tax credit, an amount not exceeding twenty-five 1079
per cent of the sum of any previously allowed credits under this 1080
section; 1081

(2) If the taxpayer maintained operations at the project 1082
location for at least the number of years of the term of the tax 1083
credit, an amount not exceeding fifty per cent of the sum of any 1084
previously allowed credits under this section; 1085

(3) If the taxpayer maintained operations at the project 1086
location for less than the number of years of the term of the tax 1087
credit, an amount not exceeding one hundred per cent of the sum of 1088
any previously allowed credits under this section. 1089

In determining the portion of the tax credit to be refunded 1090
to this state, the tax credit authority shall consider the effect 1091
of market conditions on the taxpayer's project and whether the 1092
taxpayer continues to maintain other operations in this state. 1093
After making the determination, the authority shall certify the 1094
amount to be refunded to the tax commissioner or superintendent of 1095
insurance, as appropriate. If the amount is certified to the 1096
commissioner, the commissioner shall make an assessment for that 1097
amount against the taxpayer under Chapter 5733., 5747., or 5751. 1098
of the Revised Code. If the amount is certified to the 1099
superintendent, the superintendent shall make an assessment for 1100
that amount against the taxpayer under Chapter 5725. or 5729. of 1101
the Revised Code. The time limitations on assessments under those 1102

chapters do not apply to an assessment under this division, but 1103
the commissioner or superintendent, as appropriate, shall make the 1104
assessment within one year after the date the authority certifies 1105
to the commissioner or superintendent the amount to be refunded. 1106

(L) On or before the thirty-first day of March each year, the 1107
director of development shall submit a report to the governor, the 1108
president of the senate, and the speaker of the house of 1109
representatives on the tax credit program under this section. The 1110
report shall include information on the number of agreements that 1111
were entered into under this section during the preceding calendar 1112
year, a description of the project that is the subject of each 1113
such agreement, and an update on the status of projects under 1114
agreements entered into before the preceding calendar year. 1115

(M) There is hereby created the tax credit authority, which 1116
consists of the director of development and four other members 1117
appointed as follows: the governor, the president of the senate, 1118
and the speaker of the house of representatives each shall appoint 1119
one member who shall be a specialist in economic development; the 1120
governor also shall appoint a member who is a specialist in 1121
taxation. Of the initial appointees, the members appointed by the 1122
governor shall serve a term of two years; the members appointed by 1123
the president of the senate and the speaker of the house of 1124
representatives shall serve a term of four years. Thereafter, 1125
terms of office shall be for four years. Initial appointments to 1126
the authority shall be made within thirty days after January 13, 1127
1993. Each member shall serve on the authority until the end of 1128
the term for which the member was appointed. Vacancies shall be 1129
filled in the same manner provided for original appointments. Any 1130
member appointed to fill a vacancy occurring prior to the 1131
expiration of the term for which the member's predecessor was 1132
appointed shall hold office for the remainder of that term. 1133
Members may be reappointed to the authority. Members of the 1134

authority shall receive their necessary and actual expenses while
engaged in the business of the authority. The director of
development shall serve as chairperson of the authority, and the
members annually shall elect a vice-chairperson from among
themselves. Three members of the authority constitute a quorum to
transact and vote on the business of the authority. The majority
vote of the membership of the authority is necessary to approve
any such business, including the election of the vice-chairperson.

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

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

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

(1) "Capital investment project" means a plan of investment
at a project site for the acquisition, construction, renovation,
or repair of buildings, machinery, or equipment, or for
capitalized costs of basic research and new product development
determined in accordance with generally accepted accounting
principles, but does not include any of the following:

(a) Payments made for the acquisition of personal property
through operating leases;

(b) Project costs paid before January 1, 2002;

(c) Payments made to a related member as defined in section 1165
5733.042 of the Revised Code or to an elected consolidated 1166
taxpayer or a combined taxpayer as defined in section 5751.01 of 1167
the Revised Code. 1168

(2) "Eligible business" means a business with Ohio operations 1169
satisfying all of the following: 1170

(a) Employed an average of at least one thousand employees in 1171
full-time employment positions at a project site during each of 1172
the twelve months preceding the application for a tax credit under 1173
this section; and 1174

(b) On or after January 1, 2002, has made payments for the 1175
capital investment project of either of the following: 1176

(i) At least two hundred million dollars in the aggregate at 1177
the project site during a period of three consecutive calendar 1178
years including the calendar year that includes a day of the 1179
taxpayer's taxable year or tax period with respect to which the 1180
credit is granted; 1181

(ii) If the average wage of all full-time employment 1182
positions at the project site is greater than four hundred per 1183
cent of the federal minimum wage, at least one hundred million 1184
dollars in the aggregate at the project site during a period of 1185
three consecutive calendar years including the calendar year that 1186
includes a day of the taxpayer's taxable year or tax period with 1187
respect to which the credit is granted. 1188

(c) Is engaged at the project site primarily as a 1189
manufacturer or is providing significant corporate administrative 1190
functions; 1191

(d) Has had a capital investment project reviewed and 1192
approved by the tax credit authority as provided in divisions (C), 1193
(D), and (E) of this section. 1194

(3) "Full-time employment position" means a position of 1195
employment for consideration for at least an average of 1196
thirty-five hours a week that has been filled for at least one 1197
hundred eighty days immediately preceding the filing of an 1198
application under this section and for at least one hundred eighty 1199
days during each taxable year or each calendar year that includes 1200
a tax period with respect to which the credit is granted, or is 1201
employed in such position for consideration for such time, but is 1202
on active duty reserve or Ohio national guard service. 1203

(4) "Manufacturer" has the same meaning as in section 1204
5739.011 of the Revised Code. 1205

(5) "Project site" means an integrated complex of facilities 1206
in this state, as specified by the tax credit authority under this 1207
section, within a fifteen-mile radius where a taxpayer is 1208
primarily operating as an eligible business. 1209

(6) "Applicable corporation" means a corporation satisfying 1210
all of the following: 1211

(a)(i) For the entire taxable year immediately preceding the 1212
tax year, the corporation develops software applications primarily 1213
to provide telecommunication billing and information services 1214
through outsourcing or licensing to domestic or international 1215
customers. 1216

(ii) Sales and licensing of software generated at least six 1217
hundred million dollars in revenue during the taxable year 1218
immediately preceding the tax year the corporation is first 1219
entitled to claim the credit provided under division (B) of this 1220
section. 1221

(b) For the entire taxable year immediately preceding the tax 1222
year, the corporation or one or more of its related members 1223
provides customer or employee care and technical support for 1224
clients through one or more contact centers within this state, and 1225

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

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

year. 1257

(c) If the resulting difference is negative, the applicable 1258
tax difference for the tax year shall be zero. 1259

(B) The tax credit authority created under section 122.17 of 1260
the Revised Code may grant tax credits under this section for the 1261
purpose of fostering job retention in this state. Upon application 1262
by an eligible business and upon consideration of the 1263
recommendation of the director of budget and management, tax 1264
commissioner, and director of development under division (C) of 1265
this section, the tax credit authority may grant to an eligible 1266
business a nonrefundable credit against the tax imposed by section 1267
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1268
taxable years and against the tax levied by Chapter 5751. of the 1269
Revised Code for a period of up to fifteen calendar years. The 1270
credit shall be in an amount not exceeding seventy-five per cent 1271
of the Ohio income tax withheld from the employees of the eligible 1272
business occupying full-time employment positions at the project 1273
site during the calendar year that includes the last day of such 1274
business' taxable year or tax period with respect to which the 1275
credit is granted. The amount of the credit shall not be based on 1276
the Ohio income tax withheld from full-time employees for a 1277
calendar year prior to the calendar year in which the minimum 1278
investment requirement referred to in division (A)(2)(b) of this 1279
section is completed. The credit shall be claimed only for the 1280
taxable years or tax periods specified in the eligible business' 1281
agreement with the tax credit authority under division (E) of this 1282
section, but in no event shall the credit be claimed for a taxable 1283
year or tax period terminating before the date specified in the 1284
agreement. Any credit granted under this section against the tax 1285
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 1286
extent not fully utilized against such tax for taxable years 1287
ending prior to 2008, shall automatically be converted without any 1288

action taken by the tax credit authority to a credit against the 1289
tax levied under Chapter 5751. of the Revised Code for tax periods 1290
beginning on or after July 1, 2008, provided that the person to 1291
whom the credit was granted is subject to such tax. The converted 1292
credit shall apply to those calendar years in which the remaining 1293
taxable years specified in the agreement end. 1294

The credit computed under this division is in addition to any 1295
credit allowed under division (M) of this section which the tax 1296
credit authority may also include in the agreement. 1297

Any unused portion of a tax credit may be carried forward for 1298
not more than three additional years after the year for which the 1299
credit is granted. 1300

(C) A taxpayer that proposes a capital investment project to 1301
retain jobs in this state may apply to the tax credit authority to 1302
enter into an agreement for a tax credit under this section. The 1303
director of development shall prescribe the form of the 1304
application. After receipt of an application, the authority shall 1305
forward copies of the application to the director of budget and 1306
management, the tax commissioner, and the director of development, 1307
each of whom shall review the application to determine the 1308
economic impact the proposed project would have on the state and 1309
the affected political subdivisions and shall submit a summary of 1310
their determinations and recommendations to the authority. 1311

(D) Upon review of the determinations and recommendations 1312
described in division (C) of this section, the tax credit 1313
authority may enter into an agreement with the taxpayer for a 1314
credit under this section if the authority determines all of the 1315
following: 1316

(1) The taxpayer's capital investment project will result in 1317
the retention of full-time employment positions in this state. 1318

(2) The taxpayer is economically sound and has the ability to 1319

complete the proposed capital investment project. 1320

(3) The taxpayer intends to and has the ability to maintain 1321
operations at the project site for at least twice the term of the 1322
credit. 1323

(4) Receiving the credit is a major factor in the taxpayer's 1324
decision to begin, continue with, or complete the project. 1325

(5) The political subdivisions in which the project is 1326
located have agreed to provide substantial financial support to 1327
the project. 1328

(E) An agreement under this section shall include all of the 1329
following: 1330

(1) A detailed description of the project that is the subject 1331
of the agreement, including the amount of the investment, the 1332
period over which the investment has been or is being made, and 1333
the number of full-time employment positions at the project site. 1334

(2) The method of calculating the number of full-time 1335
employment positions as specified in division (A)(3) of this 1336
section. 1337

(3) The term and percentage of the tax credit, and the first 1338
year for which the credit may be claimed. 1339

(4) A requirement that the taxpayer maintain operations at 1340
the project site for at least twice the number of years as the 1341
term of the credit. 1342

(5) A requirement that the taxpayer retain a specified number 1343
of full-time employment positions at the project site and within 1344
this state for the term of the credit, including a requirement 1345
that the taxpayer continue to employ at least one thousand 1346
employees in full-time employment positions at the project site 1347
during the entire term of any agreement, subject to division 1348
(E)(7) of this section. 1349

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

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

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

(b) The taxpayer may relocate employment positions from

elsewhere in this state to the project site that is the subject of 1382
the agreement if the director of development determines both of 1383
the following: 1384

(i) That the site from which the employment positions would 1385
be relocated is inadequate to meet market and industry conditions, 1386
expansion plans, consolidation plans, or other business 1387
considerations affecting the taxpayer; 1388

(ii) That the legislative authority of the county, township, 1389
or municipal corporation from which the employment positions would 1390
be relocated has been notified of the relocation. 1391

For purposes of this section, the movement of an employment 1392
position from one political subdivision to another political 1393
subdivision shall be considered a relocation of an employment 1394
position unless the movement is confined to the project site. The 1395
transfer of an individual employee from one political subdivision 1396
to another political subdivision shall not be considered a 1397
relocation of an employment position as long as the individual's 1398
employment position in the first political subdivision is 1399
refilled. 1400

(9) A waiver by the taxpayer of any limitations periods 1401
relating to assessments or adjustments resulting from the 1402
taxpayer's failure to comply with the agreement. 1403

(F) If a taxpayer fails to meet or comply with any condition 1404
or requirement set forth in a tax credit agreement, the tax credit 1405
authority may amend the agreement to reduce the percentage or term 1406
of the credit. The reduction of the percentage or term shall take 1407
effect (1) in the taxable year immediately following the taxable 1408
year in which the authority amends the agreement or the director 1409
of development notifies the taxpayer in writing of such failure, 1410
or (2) in the first tax period beginning in the calendar year 1411
immediately following the calendar year in which the authority 1412

amends the agreement or the director notifies the taxpayer in 1413
writing of such failure. If the taxpayer fails to annually report 1414
any of the information required by division (E)(6) of this section 1415
within the time required by the director, the reduction of the 1416
percentage or term may take effect in the current taxable year. If 1417
the taxpayer relocates employment positions in violation of the 1418
provision required under division (D)(8)(a) of this section, the 1419
taxpayer shall not claim the tax credit under section 5733.0610 of 1420
the Revised Code for any tax years following the calendar year in 1421
which the relocation occurs, shall not claim the tax credit under 1422
section 5747.058 of the Revised Code for the taxable year in which 1423
the relocation occurs and any subsequent taxable years, and shall 1424
not claim the tax credit under division (A) of section 5751.50 of 1425
the Revised Code for the tax period in which the relocation occurs 1426
and any subsequent tax periods. 1427

(G) Financial statements and other information submitted to 1428
the department of development or the tax credit authority by an 1429
applicant for or recipient of a tax credit under this section, and 1430
any information taken for any purpose from such statements or 1431
information, are not public records subject to section 149.43 of 1432
the Revised Code. However, the chairperson of the authority may 1433
make use of the statements and other information for purposes of 1434
issuing public reports or in connection with court proceedings 1435
concerning tax credit agreements under this section. Upon the 1436
request of the tax commissioner, the chairperson of the authority 1437
shall provide to the commissioner any statement or other 1438
information submitted by an applicant for or recipient of a tax 1439
credit in connection with the credit. The commissioner shall 1440
preserve the confidentiality of the statement or other 1441
information. 1442

(H) A taxpayer claiming a tax credit under this section shall 1443
submit to the tax commissioner a copy of the director of 1444

development's certificate of verification under division (E)(7) of 1445
this section with the taxpayer's tax report or return for the 1446
taxable year or for the calendar year that includes the tax 1447
period. Failure to submit a copy of the certificate with the 1448
report or return does not invalidate a claim for a credit if the 1449
taxpayer submits a copy of the certificate to the commissioner 1450
within sixty days after the commissioner requests it. 1451

(I) For the purposes of this section, a taxpayer may include 1452
a partnership, a corporation that has made an election under 1453
subchapter S of chapter one of subtitle A of the Internal Revenue 1454
Code, or any other business entity through which income flows as a 1455
distributive share to its owners. A tax credit received under this 1456
section by a partnership, S-corporation, or other such business 1457
entity shall be apportioned among the persons to whom the income 1458
or profit of the partnership, S-corporation, or other entity is 1459
distributed, in the same proportions as those in which the income 1460
or profit is distributed. 1461

(J) If the director of development determines that a taxpayer 1462
that received a tax credit under this section is not complying 1463
with the requirement under division (E)(4) of this section, the 1464
director shall notify the tax credit authority of the 1465
noncompliance. After receiving such a notice, and after giving the 1466
taxpayer an opportunity to explain the noncompliance, the 1467
authority may terminate the agreement and require the taxpayer to 1468
refund to the state all or a portion of the credit claimed in 1469
previous years, as follows: 1470

(1) If the taxpayer maintained operations at the project site 1471
for less than the term of the credit, the amount required to be 1472
refunded shall not exceed the amount of any tax credits previously 1473
allowed and received under this section. 1474

(2) If the taxpayer maintained operations at the project site 1475

longer than the term of the credit but less than one and one-half 1476
times the term of the credit, the amount required to be refunded 1477
shall not exceed fifty per cent of the sum of any tax credits 1478
previously allowed and received under this section. 1479

(3) If the taxpayer maintained operations at the project site 1480
for at least one and one-half times the term of the credit but 1481
less than twice the term of the credit, the amount required to be 1482
refunded shall not exceed twenty-five per cent of the sum of any 1483
tax credits previously allowed and received under this section. 1484

In determining the portion of the credit to be refunded to 1485
this state, the authority shall consider the effect of market 1486
conditions on the taxpayer's project and whether the taxpayer 1487
continues to maintain other operations in this state. After making 1488
the determination, the authority shall certify the amount to be 1489
refunded to the tax commissioner. The commissioner shall make an 1490
assessment for that amount against the taxpayer under Chapter 1491
5733., 5747., or 5751. of the Revised Code. The time limitations 1492
on assessments under those chapters do not apply to an assessment 1493
under this division, but the commissioner shall make the 1494
assessment within one year after the date the authority certifies 1495
to the commissioner the amount to be refunded. 1496

If the director of development determines that a taxpayer 1497
that received a tax credit under this section has reduced the 1498
number of employees agreed to under division (E)(5) of this 1499
section by more than ten per cent, the director shall notify the 1500
tax credit authority of the noncompliance. After receiving such 1501
notice, and after providing the taxpayer an opportunity to explain 1502
the noncompliance, the authority may amend the agreement to reduce 1503
the percentage or term of the tax credit. The reduction in the 1504
percentage or term shall take effect in the taxable year, or in 1505
the calendar year that includes the tax period, in which the 1506
authority amends the agreement. 1507

(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 (B) to (E) and division (J) of this section.

(2) A person qualifying as an applicable corporation under this section for a tax year does not necessarily qualify as an applicable corporation for any other tax year. No person is entitled to the credit allowed under division (M) of this section for the tax year immediately following the taxable year during which the person fails to meet the requirements in divisions

(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 1540
to the credit allowed under division (M) of this section for any 1541
tax year for which the person is not eligible for the credit 1542
provided under division (B) of this section. 1543

Sec. 126.11. (A)(1) The director of budget and management 1544
shall, upon consultation with the treasurer of state, coordinate 1545
and approve the scheduling of initial sales of publicly offered 1546
securities of the state and of publicly offered fractionalized 1547
interests in or securitized issues of public obligations of the 1548
state. The director shall from time to time develop and distribute 1549
to state issuers an approved sale schedule for each of the 1550
obligations covered by division (A) or (B) of this section. 1551
Division (A) of this section applies only to those obligations on 1552
which the state or a state agency is the direct obligor or obligor 1553
on any backup security or related credit enhancement facility or 1554
source of money subject to state appropriations that is intended 1555
for payment of those obligations. 1556

(2) The issuers of obligations pursuant to section 151.03, 1557
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 152. or 5537. 1558
of the Revised Code shall submit to the director: 1559

(a) For review and approval: the projected sale date, amount, 1560
and type of obligations proposed to be sold; their purpose, 1561
security, and source of payment; the proposed structure and 1562
maturity schedule; the trust agreement and any supplemental 1563
agreements; and any credit enhancement facilities or interest rate 1564
hedges for the obligations; 1565

(b) For review and comment: the authorizing order or 1566
resolution; preliminary and final offering documents; method of 1567
sale; preliminary and final pricing information; and any written 1568
reports or recommendations of financial advisors or consultants 1569
relating to those obligations; 1570

(c) Promptly after each sale of those obligations: final 1571
terms, including sale price, maturity schedule and yields, and 1572
sources and uses; names of the original purchasers or 1573
underwriters; a copy of the final offering document and of the 1574
transcript of proceedings; and any other pertinent information 1575
requested by the director. 1576

(3) The issuer of obligations pursuant to section 151.06 or 1577
151.40 or Chapter 154. of the Revised Code shall submit to the 1578
director: 1579

(a) For review and mutual agreement: the projected sale date, 1580
amount, and type of obligations proposed to be sold; their 1581
purpose, security, and source of payment; the proposed structure 1582
and maturity schedule; the trust agreement and any supplemental 1583
agreements; and any credit enhancement facilities or interest rate 1584
hedges for the obligations; 1585

(b) For review and comment: the authorizing order or 1586
resolution; preliminary and final offering documents; method of 1587
sale; preliminary and final pricing information; and any written 1588
reports or recommendations of financial advisors or consultants 1589
relating to those obligations; 1590

(c) Promptly after each sale of those obligations: final 1591
terms, including sale price, maturity schedule and yields, and 1592
sources and uses; names of the original purchasers or 1593
underwriters; a copy of the final offering document and of the 1594
transcript of proceedings; and any other pertinent information 1595
requested by the director. 1596

(4) The issuers of obligations pursuant to Chapter 166., 1597
4981., 5540., or 6121., or section 5531.10, of the Revised Code 1598
shall submit to the director: 1599

(a) For review and comment: the projected sale date, amount, 1600
and type of obligations proposed to be sold; the purpose, 1601

security, and source of payment; and preliminary and final 1602
offering documents; 1603

(b) Promptly after each sale of those obligations: final 1604
terms, including a maturity schedule; names of the original 1605
purchasers or underwriters; a copy of the complete continuing 1606
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 1607
rule as from time to time in effect; and any other pertinent 1608
information requested by the director. 1609

(5) Not later than thirty days after the end of a fiscal 1610
year, each issuer of obligations subject to divisions (A) and (B) 1611
of this section shall submit to the director and to the treasurer 1612
of state a sale plan for the then current fiscal year for each 1613
type of obligation, projecting the amount and term of each 1614
issuance, the method of sale, and the month of sale. 1615

(B) Issuers of obligations pursuant to section 3318.085 or 1616
Chapter 175., 3366., 3706., 3737., ~~5537.~~, 6121., or 6123. of the 1617
Revised Code shall submit to the director copies of the 1618
preliminary and final offering documents upon their availability 1619
if not previously submitted pursuant to division (A) of this 1620
section. 1621

(C) Not later than the first day of January of each year, 1622
every state agency obligated to make payments on outstanding 1623
public obligations with respect to which fractionalized interests 1624
have been publicly issued, such as certificates of participation, 1625
shall submit a report to the director of the amounts payable from 1626
state appropriations under those public obligations during the 1627
then current and next two fiscal years, identifying the 1628
appropriation or intended appropriation from which payment is 1629
expected to be made. 1630

(D)(1) Information relating generally to the historic, 1631
current, or future demographics or economy or financial condition 1632

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

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

(3) The materials approved and provided pursuant to division
(D) of this section are the information relating to the particular
subjects provided by the state or state agencies that are required
or contemplated by any applicable state or federal securities laws
and any commitments by the state or state agencies made under
those laws. Reliance for the purpose should not be placed on any
other information publicly provided, in any format including
electronic, by any state agency for other purposes, including
general information provided to the public or to portions of the
public. A statement to that effect shall be included in those
materials so approved or provided.

(E) Issuers of obligations referred to in division (A) of
this section may take steps, by formal agreement, covenants in the

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

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

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

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

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

Sec. 131.02. (A) Except as otherwise provided in section 4123.37 and division (J) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. In the case of an amount payable by a student enrolled in a state institution of higher education, the amount shall be certified within the later of forty-five days after the amount is due or the tenth day after the beginning of the next academic

semester, quarter, or other session following the session for 1728
which the payment is payable. The attorney general may assess the 1729
collection cost to the amount certified in such manner and amount 1730
as prescribed by the attorney general. 1731

For the purposes of this section, the attorney general and 1732
the officer, employee, or agent responsible for administering the 1733
law under which the amount is payable shall agree on the time a 1734
payment is due, and that agreed upon time shall be one of the 1735
following times: 1736

(1) If a law, including an administrative rule, of this state 1737
prescribes the time a payment is required to be made or reported, 1738
when the payment is required by that law to be paid or reported. 1739

(2) If the payment is for services rendered, when the 1740
rendering of the services is completed. 1741

(3) If the payment is reimbursement for a loss, when the loss 1742
is incurred. 1743

(4) In the case of a fine or penalty for which a law or 1744
administrative rule does not prescribe a time for payment, when 1745
the fine or penalty is first assessed. 1746

(5) If the payment arises from a legal finding, judgment, or 1747
adjudication order, when the finding, judgment, or order is 1748
rendered or issued. 1749

(6) If the payment arises from an overpayment of money by the 1750
state to another person, when the overpayment is discovered. 1751

(7) The date on which the amount for which an individual is 1752
personally liable under section 5735.35, section 5739.33, or 1753
division (G) of section 5747.07 of the Revised Code is determined. 1754

(8) Upon proof of claim being filed in a bankruptcy case. 1755

(9) Any other appropriate time determined by the attorney 1756
general and the officer, employee, or agent responsible for 1757

administering the law under which the amount is payable on the 1758
basis of statutory requirements or ordinary business processes of 1759
the state agency to which the payment is owed. 1760

(B)(1) The attorney general shall give immediate notice by 1761
mail or otherwise to the party indebted of the nature and amount 1762
of the indebtedness. 1763

(2) If the amount payable to this state arises from a tax 1764
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 1765
Revised Code, the notice also shall specify all of the following: 1766

(a) The assessment or case number; 1767

(b) The tax pursuant to which the assessment is made; 1768

(c) The reason for the liability, including, if applicable, 1769
that a penalty or interest is due; 1770

(d) An explanation of how and when interest will be added to 1771
the amount assessed; 1772

(e) That the attorney general and tax commissioner, acting 1773
together, have the authority, but are not required, to compromise 1774
the claim and accept payment over a reasonable time, if such 1775
actions are in the best interest of the state. 1776

(C) The attorney general shall collect the claim or secure a 1777
judgment and issue an execution for its collection. 1778

(D) Each claim shall bear interest, from the day on which the 1779
claim became due, at the rate per annum required by section 1780
5703.47 of the Revised Code. 1781

(E) The attorney general and the chief officer of the agency 1782
reporting a claim, acting together, may do any of the following if 1783
such action is in the best interests of the state: 1784

(1) Compromise the claim; 1785

(2) Extend for a reasonable period the time for payment of 1786

the claim by agreeing to accept monthly or other periodic 1787
payments. The agreement may require security for payment of the 1788
claim. 1789

(3) Add fees to recover the cost of processing checks or 1790
other draft instruments returned for insufficient funds and the 1791
cost of providing electronic payment options. 1792

(F)(1) Except as provided in division (F)(2) of this section, 1793
if the attorney general finds, after investigation, that any claim 1794
due and owing to the state is uncollectible, the attorney general, 1795
with the consent of the chief officer of the agency reporting the 1796
claim, may do the following: 1797

(a) Sell, convey, or otherwise transfer the claim to one or 1798
more private entities for collection; 1799

(b) Cancel the claim or cause it to be canceled. 1800

(2) The attorney general shall cancel or cause to be canceled 1801
an unsatisfied claim on the date that is forty years after the 1802
date the claim is certified. 1803

(3) No initial action shall be commenced to collect any tax 1804
payable to the state that is administered by the tax commissioner, 1805
whether or not such tax is subject to division (B) of this 1806
section, or any penalty, interest, or additional charge on such 1807
tax, after the expiration of the period ending on the later of the 1808
dates specified in divisions (F)(3)(a) and (b) of this section, 1809
provided that such period shall be extended by the period of any 1810
stay to such collection or by any other period to which the 1811
parties mutually agree+. If the initial action in aid of execution 1812
is commenced before the later of the dates specified in divisions 1813
(F)(3)(a) and (b) of this section, any and all subsequent actions 1814
may be pursued in aid of execution of judgment for as long as the 1815
debt exists. 1816

(a) Seven years after the assessment of the tax, penalty, 1817
interest, or additional charge is issued. 1818

(b) Four years after the assessment of the tax, penalty, 1819
interest, or additional charge becomes final. For the purposes of 1820
division (F)(3)(b) of this section, the assessment becomes final 1821
at the latest of the following: upon expiration of the period to 1822
petition for reassessment, or if applicable, to appeal a final 1823
determination of the commissioner or decision of the board of tax 1824
appeals or a court, or, if applicable, upon decision of the United 1825
States supreme court. 1826

For the purposes of division (F)(3) of this section, an 1827
initial action to collect a tax debt is commenced at the time when 1828
any action, including any action in aid of execution on a 1829
judgment, commences after a certified copy of the tax 1830
commissioner's entry making an assessment final has been filed in 1831
the office of the clerk of court of common pleas in the county in 1832
which the taxpayer resides or has its principal place of business 1833
in this state, or in the office of the clerk of court of common 1834
pleas of Franklin county, as provided in section 5739.13, 5741.14, 1835
5747.13, or 5751.09 of the Revised Code or in any other applicable 1836
law requiring such a filing. If an assessment has not been issued 1837
and there is no time limitation on the issuance of an assessment 1838
under applicable law, an action to collect a tax debt commences 1839
when the action is filed in the courts of this state to collect 1840
the liability. 1841

(4) If information contained in a claim that is sold, 1842
conveyed, or transferred to a private entity pursuant to this 1843
section is confidential pursuant to federal law or a section of 1844
the Revised Code that implements a federal law governing 1845
confidentiality, such information remains subject to that law 1846
during and following the sale, conveyance, or transfer. 1847

Sec. 133.021. The general assembly hereby finds and declares 1848
that the "Tax Reform Act of 1986" (the "Act") establishes a 1849
unified volume ceiling on the aggregate amount of private activity 1850
bonds that can be issued in each state. The amount of the unified 1851
volume ceiling shall be the amount determined as set forth in 1852
section 146(d) of the Internal Revenue Code. 1853

The general assembly further finds and declares that the Act 1854
requires the state to allocate its volume ceiling according to a 1855
specified formula unless a different procedure is established by 1856
the governor or general assembly. 1857

The general assembly further finds and declares that pursuant 1858
to authorization of state legislation the general assembly has, by 1859
division (D)(3) of section 133.02 of the Revised Code, effective 1860
October 30, 1989, provided for delegating such function to the 1861
governor and for further delegation as therein provided, subject 1862
to such prospectively effective actions as may subsequently be 1863
taken by the general assembly. 1864

The general assembly further finds and declares that it 1865
desires to by legislation provide for an efficient, effective, and 1866
equitable procedure under which the state will allocate the 1867
unified volume ceiling. 1868

The general assembly therefore finds and declares that it is 1869
necessary to create the joint select committee on volume cap to 1870
create a process for the allocation of the unified volume ceiling. 1871

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 1872
Revenue Code, which provides that a state may by law provide a 1873
different formula for allocating the state ceiling, there is 1874
hereby created the joint select committee on volume cap to provide 1875
for the allocation and the reallocation of the unified volume 1876
ceiling among the governmental units (or other authorities) in the 1877

state having authority to issue tax exempt private activity bonds. 1878

(B) The committee shall consist of eight members. Two members 1879
shall be from the house of representatives appointed by the 1880
speaker of the house of representatives; two members shall be from 1881
the senate appointed by the president of the senate; and four 1882
members shall be appointed by the governor. Each member shall be 1883
selected for the member's knowledge and experience in tax exempt 1884
private activity bonds. The members shall serve at the pleasure of 1885
the appointing authority. A vacancy shall be filled in the same 1886
manner as the original appointment. 1887

(C) The purpose of the committee shall be to maximize the 1888
economic benefits of the unified volume ceiling to all citizens of 1889
the state. To this end, the joint select committee on volume cap 1890
shall: 1891

(1) Set forth procedures for making allocations, reallocation 1892
and carry forward of the state's unified volume ceiling in 1893
accordance with the Act; 1894

(2) Develop strategies for allocating and reallocating the 1895
unified volume ceiling which are designed to maximize the 1896
availability of tax exempt private activity bonds among competing 1897
sectors of the state. 1898

(D) To provide for the orderly and prompt issuance of private 1899
activity bonds, the committee is authorized to allocate the 1900
unified volume ceiling among those governmental units (or other 1901
authorities) in the state having authority to issue tax exempt 1902
private activity bonds. The committee shall reserve a portion of 1903
the unified volume ceiling to be allocated for multi-family rental 1904
housing projects. The committee in determination of unified volume 1905
ceiling allocations and reallocations shall consider the 1906
following: 1907

(1) The interest of the state with regard to long-term 1908

economic development, housing, education, redevelopment, and solid waste management;	1909 1910
(2) The projected increase of jobs in the state;	1911
(3) The needs of political subdivisions.	1912
(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.	1913 1914 1915
<u>(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:</u>	1916 1917 1918 1919
<u>(1) The nonprofit corporation designated under division (B) of section 3351.07 of the Revised Code;</u>	1920 1921
<u>(2) The treasurer of state for the purposes of carrying out the student loan program described in Chapter 3366. of the Revised Code.</u>	1922 1923 1924
Sec. 133.07. (A) A county shall not incur, without a vote of the electors, either of the following:	1925 1926
(1) Net indebtedness for all purposes that exceeds an amount equal to one per cent of its tax valuation;	1927 1928
(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.	1929 1930 1931 1932
(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:	1933 1934 1935
(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;	1936 1937

(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars,	1938
three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;	1939
	1940
	1941
(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.	1942
	1943
	1944
	1945
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	1946
	1947
(1) Securities described in section 307.201 of the Revised Code;	1948
	1949
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	1950
	1951
	1952
(a) Water systems or facilities;	1953
(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;	1954
	1955
	1956
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	1957
	1958
	1959
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	1960
	1961
	1962
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	1963
	1964
	1965
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	1966
	1967

(g) Facilities for natural resources exploration,	1968
development, recovery, use, and sale;	1969
(h) Correctional and detention facilities and related	1970
rehabilitation facilities.	1971
(3) Securities issued for the purpose of purchasing,	1972
constructing, improving, or extending water or sanitary or surface	1973
and storm water sewerage systems or facilities, or a combination	1974
of those systems or facilities, to the extent that an agreement	1975
entered into with another subdivision requires the other	1976
subdivision to pay to the county amounts equivalent to debt	1977
charges on the securities;	1978
(4) Voted general obligation securities issued for the	1979
purpose of permanent improvements for sanitary sewerage or water	1980
systems or facilities to the extent that the total principal	1981
amount of voted securities outstanding for the purpose does not	1982
exceed an amount equal to two per cent of the county's tax	1983
valuation;	1984
(5) Securities issued for permanent improvements to house	1985
agencies, departments, boards, or commissions of the county or of	1986
any municipal corporation located, in whole or in part, in the	1987
county, to the extent that the revenues, other than revenues from	1988
unvoted county property taxes, derived from leases or other	1989
agreements between the county and those agencies, departments,	1990
boards, commissions, or municipal corporations relating to the use	1991
of the permanent improvements are sufficient to cover the cost of	1992
all operating expenses of the permanent improvements paid by the	1993
county and debt charges on the securities;	1994
(6) Securities issued pursuant to section 133.08 of the	1995
Revised Code;	1996
(7) Securities issued for the purpose of acquiring or	1997
constructing roads, highways, bridges, or viaducts, for the	1998

purpose of acquiring or making other highway permanent	1999
improvements, or for the purpose of procuring and maintaining	2000
computer systems for the office of the clerk of any	2001
county-operated municipal court, for the office of the clerk of	2002
the court of common pleas, or for the office of the clerk of the	2003
probate, juvenile, or domestic relations division of the court of	2004
common pleas to the extent that the legislation authorizing the	2005
issuance of the securities includes a covenant to appropriate from	2006
moneys distributed to the county pursuant to division (B) of	2007
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or	2008
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a	2009
sufficient amount to cover debt charges on and financing costs	2010
relating to the securities as they become due;	2011
(8) Securities issued for the purpose of acquiring,	2012
constructing, improving, and equipping a county, multicounty, or	2013
multicounty-municipal jail, workhouse, juvenile detention	2014
facility, or correctional facility;	2015
(9) Securities issued for the acquisition, construction,	2016
equipping, or repair of any permanent improvement or any class or	2017
group of permanent improvements enumerated in a resolution adopted	2018
pursuant to division (D) of section 5739.026 of the Revised Code	2019
to the extent that the legislation authorizing the issuance of the	2020
securities includes a covenant to appropriate from moneys received	2021
from the taxes authorized under section 5739.023 and division	2022
(A)(5) of section 5739.026 of the Revised Code an amount	2023
sufficient to pay debt charges on the securities and those moneys	2024
shall be pledged for that purpose;	2025
(10) Securities issued for county or joint county solid waste	2026
or hazardous waste collection, transfer, or disposal facilities,	2027
or resource recovery and solid or hazardous waste recycling	2028
facilities, or any combination of those facilities;	2029

(11) Securities issued for the acquisition, construction, and equipping of a port authority educational and cultural facility under section 307.671 of the Revised Code;	2030 2031 2032
(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code;	2033 2034 2035 2036
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	2037 2038
(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;	2039 2040 2041 2042
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	2043 2044 2045 2046 2047 2048 2049 2050
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;	2051 2052 2053 2054 2055 2056 2057 2058 2059
(17) Bonds or notes issued under section 133.60 of the	2060

Revised Code if the legislation authorizing issuance of the bonds 2061
or notes includes a covenant to appropriate from revenue received 2062
from a tax authorized under division (A)(9) of section 5739.026 2063
and section 5741.023 of the Revised Code an amount sufficient to 2064
pay the debt charges on the bonds or notes, and the board of 2065
county commissioners pledges that revenue for that purpose; 2066

(18) Securities issued under section 3707.55 of the Revised 2067
Code for the acquisition of real property by a general health 2068
district; 2069

(19) Securities issued under division (A)(3) of section 2070
3313.37 of the Revised Code for the acquisition of real and 2071
personal property by an educational service center; 2072

(20) Securities issued for the purpose of paying the costs of 2073
acquiring, constructing, reconstructing, renovating, 2074
rehabilitating, expanding, adding to, equipping, furnishing, or 2075
otherwise improving an arena, convention center, or a combination 2076
of an arena and convention center under section 307.695 of the 2077
Revised Code. 2078

(D) In calculating the net indebtedness of a county, no 2079
obligation incurred under division (D) of section 339.06 of the 2080
Revised Code shall be considered. 2081

Sec. 133.08. (A) In addition to any power to issue securities 2082
under other provisions of the Revised Code for the purposes, a 2083
county may issue revenue securities as authorized in this section. 2084

(B) A county may issue revenue securities to fund or refund 2086
revenue securities previously issued, or for any purposes for 2087
which it could issue self-supporting securities and, without 2088
limitation, any of the following general purposes: 2089

(1) For one or more established sewer districts, any of the 2090

purposes provided in divisions (C)(2)(a) and (b) of section 133.07	2091
of the Revised Code;	2092
(2) Hospital facilities as defined in division (E) of section	2093
140.01 of the Revised Code;	2094
(3) Facilities described in division (C)(10) of section	2095
133.07 of the Revised Code;	2096
(4) Off-street parking facilities pursuant to section 307.02	2097
of the Revised Code;	2098
<u>(5) An arena, a convention center, or a combination of an</u>	2099
<u>arena and convention center under section 307.695 of the Revised</u>	2100
<u>Code.</u>	2101
(C) The county shall establish rates or charges for the use,	2102
availability, or rental of the facilities to which the financing	2103
relates, being the improvement, enterprise, system, project, or	2104
categories of improvements or the operation or function that the	2105
facilities serve, which rates or charges shall be designed to	2106
provide revenues to the county sufficient to pay the costs of all	2107
current expenses of the facilities payable by the county and to	2108
pay the debt charges on the securities and to establish and	2109
maintain any contractually required special funds relating to the	2110
securities or the facilities.	2111
(D) Revenue securities issued under this section shall not be	2112
general obligations of the county. Revenue securities issued under	2113
this section shall be secured only by a pledge of and lien upon	2114
the revenues of the county, derived from its ownership or	2115
operation of the facilities, including those rates or charges or	2116
rents and any interest subsidies or debt charges, grants, or other	2117
payments by federal or state agencies available therefor, and the	2118
covenants of the county to maintain sufficient rentals, rates, and	2119
charges to produce revenues sufficient to pay all current expenses	2120
of the facilities payable by the county and to pay the debt	2121

charges on the securities and to establish and maintain any 2122
contractually required special funds relating to the securities or 2123
the facilities, and, if the securities are anticipatory 2124
securities, to issue the revenue securities in anticipation of the 2125
issuance of which the revenue securities are issued. Revenue 2126
securities may also be secured by a pledge of and lien on the 2127
proceeds of any securities issued to fund or refund those revenue 2128
securities. 2129

(E) The county officers authorized by the county taxing 2130
authority shall execute the necessary documents, including but not 2131
limited to trust agreements and leases, to provide for the pledge, 2132
protection, and disposition of the pledged revenues from which 2133
debt charges and any special fund deposits are to be paid. 2134

(F) As long as any of these revenue securities, in either 2135
original or refunded form, remain outstanding, except as otherwise 2136
provided in those documents, all parts of the facilities the 2137
revenues from which are pledged, shall remain under the control of 2138
the county taxing authority, whether any parts of the facilities 2139
are leased to or operated by others or are in or thereafter come 2140
within the boundaries of any municipal corporation, and the 2141
facilities shall remain subject to the power and duty of the 2142
taxing authority to fix and collect rates or charges or rents for 2143
the use of facilities. 2144

(G) The authority to issue securities of the county under 2145
this section for permanent improvements described in division 2146
(B)(2) of this section or division (C)(2)(d) of section 133.07 of 2147
the Revised Code may separately and independently be exercised by 2148
a board of county hospital trustees established under section 2149
339.02 of the Revised Code for those permanent improvements and 2150
related operations under the control of that board. 2151

(H) Sections 9.98 to 9.983 of the Revised Code apply to 2152

securities issued under this section, notwithstanding any other 2153
provision in this chapter. 2154

Sec. 133.20. (A) This section applies to bonds that are 2155
general obligation Chapter 133. securities. If the bonds are 2156
payable as to principal by provision for annual installments, the 2157
period of limitations on their last maturity, referred to as their 2158
maximum maturity, shall be measured from a date twelve months 2159
prior to the first date on which provision for payment of 2160
principal is made. If the bonds are payable as to principal by 2161
provision for semiannual installments, the period of limitations 2162
on their last maturity shall be measured from a date six months 2163
prior to the first date on which provision for payment of 2164
principal is made. 2165

(B) Bonds issued for the following permanent improvements or 2166
for permanent improvements for the following purposes shall have 2167
maximum maturities not exceeding the number of years stated: 2168

(1) Fifty years: 2169

(a) The clearance and preparation of real property for 2170
redevelopment as an urban redevelopment project; 2171

(b) Acquiring, constructing, widening, relocating, enlarging, 2172
extending, and improving a publicly owned railroad or line of 2173
railway or a light or heavy rail rapid transit system, including 2174
related bridges, overpasses, underpasses, and tunnels, but not 2175
including rolling stock or equipment; 2176

(c) Pursuant to section 307.675 of the Revised Code, 2177
constructing or repairing a bridge using long life expectancy 2178
material for the bridge deck, and purchasing, installing, and 2179
maintaining any performance equipment to monitor the physical 2180
condition of a bridge so constructed or repaired. Additionally, 2181
the average maturity of the bonds shall not exceed the expected 2182

useful life of the bridge deck as determined by the county	2183
engineer under that section.	2184
(2) Forty years:	2185
(a) General waterworks or water system permanent	2186
improvements, including buildings, water mains, or other	2187
structures and facilities in connection therewith;	2188
(b) Sewers or sewage treatment or disposal works or	2189
facilities, including fireproof buildings or other structures in	2190
connection therewith;	2191
(c) Storm water drainage, surface water, and flood prevention	2192
facilities.	2193
(3) Thirty-five years: sports	2194
(a) <u>An arena, a convention center, or a combination of an</u>	2195
<u>arena and convention center under section 307.695 of the Revised</u>	2196
<u>Code;</u>	2197
(b) <u>Sports</u> facilities.	2198
(4) Thirty years:	2199
(a) Municipal recreation, excluding recreational equipment;	2200
(b) Urban redevelopment projects;	2201
(c) Acquisition of real property;	2202
(d) Street or alley lighting purposes or relocating overhead	2203
wires, cables, and appurtenant equipment underground.	2204
(5) Twenty years: constructing, reconstructing, widening,	2205
opening, improving, grading, draining, paving, extending, or	2206
changing the line of roads, highways, expressways, freeways,	2207
streets, sidewalks, alleys, or curbs and gutters, and related	2208
bridges, viaducts, overpasses, underpasses, grade crossing	2209
eliminations, service and access highways, and tunnels.	2210

(6) Fifteen years:	2211
(a) Resurfacing roads, highways, streets, or alleys;	2212
(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;	2213 2214
(c) Passenger buses used for mass transportation;	2215
(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.	2216 2217
(7) Ten years:	2218
(a) Water meters;	2219
(b) Fire department apparatus and equipment;	2220
(c) Road rollers and other road construction and servicing vehicles;	2221 2222
(d) Furniture, equipment, and furnishings;	2223
(e) Landscape planting and other site improvements;	2224
(f) Playground, athletic, and recreational equipment and apparatus;	2225 2226
(g) Energy conservation measures as authorized by section 307.041, 505.264, or 717.02 of the Revised Code.	2227 2228
(8) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.	2229 2230 2231
(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have the maturities, not to exceed forty years, that the	2232 2233 2234 2235 2236 2237 2238

taxing authority shall specify. 2239

(D) Securities issued under section 505.265 or 717.07 of the 2240
Revised Code shall mature not later than December 31, 2035. 2241

(E) A securities issue for one purpose may include permanent 2242
improvements within two or more categories under divisions (B) and 2243
(C) of this section. The maximum maturity of such a bond issue 2244
shall not exceed the average number of years of life or period of 2245
usefulness of the permanent improvements as measured by the 2246
weighted average of the amounts expended or proposed to be 2247
expended for the categories of permanent improvements. 2248

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 2249
151.40 of the Revised Code and in the applicable bond proceedings 2250
unless otherwise provided: 2251

(1) "Bond proceedings" means the resolutions, orders, 2252
agreements, and credit enhancement facilities, and amendments and 2253
supplements to them, or any one or more or combination of them, 2254
authorizing, awarding, or providing for the terms and conditions 2255
applicable to or providing for the security or liquidity of, the 2256
particular obligations, and the provisions contained in those 2257
obligations. 2258

(2) "Bond service fund" means the respective bond service 2259
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 2260
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 2261
any accounts in that fund, including all moneys and investments, 2262
and earnings from investments, credited and to be credited to that 2263
fund and accounts as and to the extent provided in the applicable 2264
bond proceedings. 2265

(3) "Capital facilities" means capital facilities or projects 2266
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 2267
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 2268

(4) "Costs of capital facilities" means the costs of 2269
acquiring, constructing, reconstructing, rehabilitating, 2270
remodeling, renovating, enlarging, improving, equipping, or 2271
furnishing capital facilities, and of the financing of those 2272
costs. "Costs of capital facilities" includes, without limitation, 2273
and in addition to costs referred to in section 151.03, 151.04, 2274
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 2275
of the Revised Code, the cost of clearance and preparation of the 2276
site and of any land to be used in connection with capital 2277
facilities, the cost of any indemnity and surety bonds and 2278
premiums on insurance, all related direct administrative expenses 2279
and allocable portions of direct costs of the issuing authority, 2280
costs of engineering and architectural services, designs, plans, 2281
specifications, surveys, and estimates of cost, financing costs, 2282
interest on obligations from their date to the time when interest 2283
is to be paid from sources other than proceeds of obligations, 2284
amounts necessary to establish any reserves as required by the 2285
bond proceedings, the reimbursement of all moneys advanced or 2286
applied by or borrowed from any person or governmental agency or 2287
entity for the payment of any item of costs of capital facilities, 2288
and all other expenses necessary or incident to planning or 2289
determining feasibility or practicability with respect to capital 2290
facilities, and such other expenses as may be necessary or 2291
incident to the acquisition, construction, reconstruction, 2292
rehabilitation, remodeling, renovation, enlargement, improvement, 2293
equipment, and furnishing of capital facilities, the financing of 2294
those costs, and the placing of the capital facilities in use and 2295
operation, including any one, part of, or combination of those 2296
classes of costs and expenses. For purposes of sections 122.085 to 2297
122.0820 of the Revised Code, "costs of capital facilities" 2298
includes "allowable costs" as defined in section 122.085 of the 2299
Revised Code. 2300

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

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

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

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

(9) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any appertaining interest coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 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 2332
obligations is initially calculated. Principal amount does not 2333
include any premium paid to the state by the initial purchaser of 2334
the obligations. "Principal amount" of a capital appreciation 2335
bond, as defined in division (C) of section 3334.01 of the Revised 2336
Code, means its face amount, and "principal amount" of a zero 2337
coupon bond, as defined in division (J) of section 3334.01 of the 2338
Revised Code, means the discounted offering price at which the 2339
bond is initially sold to the public, disregarding any purchase 2340
price discount to the original purchaser, if provided for pursuant 2341
to the bond proceedings. 2342

(11) "Special funds" or "funds," unless the context indicates 2343
otherwise, means the bond service fund, and any other funds, 2344
including any reserve funds, created under the bond proceedings 2345
and stated to be special funds in those proceedings, including 2346
moneys and investments, and earnings from investments, credited 2347
and to be credited to the particular fund. Special funds do not 2348
include the school building program assistance fund created by 2349
section 3318.25 of the Revised Code, the higher education 2350
improvement fund created by division (F) of section 154.21 of the 2351
Revised Code, the highway capital improvement bond fund created by 2352
section 5528.53 of the Revised Code, the state parks and natural 2353
resources fund created by section 1557.02 of the Revised Code, the 2354
coal research and development fund created by section 1555.15 of 2355
the Revised Code, the clean Ohio conservation fund created by 2356
section 164.27 of the Revised Code, the clean Ohio revitalization 2357
fund created by section 122.658 of the Revised Code, the job ready 2358
site development fund created by section 122.0820 of the Revised 2359
Code, the third frontier research and development fund created by 2360
section 184.19 of the Revised Code, the third frontier research 2361
and development taxable bond fund created by section 184.191 of 2362
the Revised Code, or other funds created by the bond proceedings 2363

that are not stated by those proceedings to be special funds. 2364

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, or 15, and Section 2365
17, of Article VIII, Ohio Constitution, the state, by the issuing 2366
authority, is authorized to issue and sell, as provided in 2367
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 2368
respective aggregate principal amounts as from time to time 2369
provided or authorized by the general assembly, general 2370
obligations of this state for the purpose of paying costs of 2371
capital facilities or projects identified by or pursuant to 2372
general assembly action. 2373

(C) Each issue of obligations shall be authorized by 2374
resolution or order of the issuing authority. The bond proceedings 2375
shall provide for or authorize the manner for determining the 2376
principal amount or maximum principal amount of obligations of an 2377
issue, the principal maturity or maturities, the interest rate or 2378
rates, the date of and the dates of payment of interest on the 2379
obligations, their denominations, and the place or places of 2380
payment of debt service which may be within or outside the state. 2381
Unless otherwise provided by law, the latest principal maturity 2382
may not be later than the earlier of the thirty-first day of 2383
December of the twenty-fifth calendar year after the year of 2384
issuance of the particular obligations or of the twenty-fifth 2385
calendar year after the year in which the original obligation to 2386
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 2387
and 9.983 of the Revised Code apply to obligations. The purpose of 2388
the obligations may be stated in the bond proceedings in general 2389
terms, such as, as applicable, "financing or assisting in the 2390
financing of projects as provided in Section 2l of Article VIII, 2391
Ohio Constitution," "financing or assisting in the financing of 2392
highway capital improvement projects as provided in Section 2m of 2393
Article VIII, Ohio Constitution," "paying costs of capital 2394
facilities for a system of common schools throughout the state as 2395

authorized by Section 2n of Article VIII, Ohio Constitution," 2396
"paying costs of capital facilities for state-supported and 2397
state-assisted institutions of higher education as authorized by 2398
Section 2n of Article VIII, Ohio Constitution," "paying costs of 2399
coal research and development as authorized by Section 15 of 2400
Article VIII, Ohio Constitution," "financing or assisting in the 2401
financing of local subdivision capital improvement projects as 2402
authorized by Section 2m of Article VIII, Ohio Constitution," 2403
"paying costs of conservation projects as authorized by Section 2o 2404
of Article VIII, Ohio Constitution," "paying costs of 2405
revitalization projects as authorized by Section 2o of Article 2406
VIII, Ohio Constitution," "paying costs of preparing sites for 2407
industry, commerce, distribution, or research and development as 2408
authorized by Section 2p of Article VIII, Ohio Constitution," or 2409
"paying costs of research and development as authorized by Section 2410
2p of Article VIII, Ohio Constitution." 2411

(D) The issuing authority may appoint or provide for the 2412
appointment of paying agents, bond registrars, securities 2413
depositories, clearing corporations, and transfer agents, and may 2414
without need for any other approval retain or contract for the 2415
services of underwriters, investment bankers, financial advisers, 2416
accounting experts, marketing, remarketing, indexing, and 2417
administrative agents, other consultants, and independent 2418
contractors, including printing services, as are necessary in the 2419
judgment of the issuing authority to carry out the issuing 2420
authority's functions under this chapter. When the issuing 2421
authority is the Ohio public facilities commission, the issuing 2422
authority also may without need for any other approval retain or 2423
contract for the services of attorneys and other professionals for 2424
that purpose. Financing costs are payable, as may be provided in 2425
the bond proceedings, from the proceeds of the obligations, from 2426
special funds, or from other moneys available for the purpose. 2427

(E) The bond proceedings may contain additional provisions 2428
customary or appropriate to the financing or to the obligations or 2429
to particular obligations including, but not limited to, 2430
provisions for: 2431

(1) The redemption of obligations prior to maturity at the 2432
option of the state or of the holder or upon the occurrence of 2433
certain conditions, and at particular price or prices and under 2434
particular terms and conditions; 2435

(2) The form of and other terms of the obligations; 2436

(3) The establishment, deposit, investment, and application 2437
of special funds, and the safeguarding of moneys on hand or on 2438
deposit, in lieu of the applicability of provisions of Chapter 2439
131. or 135. of the Revised Code, but subject to any special 2440
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 2441
Code with respect to the application of particular funds or 2442
moneys. Any financial institution that acts as a depository of any 2443
moneys in special funds or other funds under the bond proceedings 2444
may furnish indemnifying bonds or pledge securities as required by 2445
the issuing authority. 2446

(4) Any or every provision of the bond proceedings being 2447
binding upon the issuing authority and upon such governmental 2448
agency or entity, officer, board, commission, authority, agency, 2449
department, institution, district, or other person or body as may 2450
from time to time be authorized to take actions as may be 2451
necessary to perform all or any part of the duty required by the 2452
provision; 2453

(5) The maintenance of each pledge or instrument comprising 2454
part of the bond proceedings until the state has fully paid or 2455
provided for the payment of the debt service on the obligations or 2456
met other stated conditions; 2457

(6) In the event of default in any payments required to be 2458

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

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

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

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

(10) Amendment of the bond proceedings;

(11) Any other or additional agreements with the owners of
obligations, and such other provisions as the issuing authority
determines, including limitations, conditions, or qualifications,
relating to any of the foregoing.

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

obligation, that signature or facsimile is nevertheless valid and 2490
sufficient for all purposes as if that individual had remained the 2491
authorized signer until delivery. 2492

(G) Obligations are investment securities under Chapter 1308. 2493
of the Revised Code. Obligations may be issued in bearer or in 2494
registered form, registrable as to principal alone or as to both 2495
principal and interest, or both, or in certificated or 2496
uncertificated form, as the issuing authority determines. 2497
Provision may be made for the exchange, conversion, or transfer of 2498
obligations and for reasonable charges for registration, exchange, 2499
conversion, and transfer. Pending preparation of final 2500
obligations, the issuing authority may provide for the issuance of 2501
interim instruments to be exchanged for the final obligations. 2502

(H) Obligations may be sold at public sale or at private 2503
sale, in such manner, and at such price at, above or below par, 2504
all as determined by and provided by the issuing authority in the 2505
bond proceedings. 2506

(I) Except to the extent that rights are restricted by the 2507
bond proceedings, any owner of obligations or provider of a credit 2508
enhancement facility may by any suitable form of legal proceedings 2509
protect and enforce any rights relating to obligations or that 2510
facility under the laws of this state or granted by the bond 2511
proceedings. Those rights include the right to compel the 2512
performance of all applicable duties of the issuing authority and 2513
the state. Each duty of the issuing authority and that authority's 2514
officers, staff, and employees, and of each state entity or 2515
agency, or using district or using institution, and its officers, 2516
members, staff, or employees, undertaken pursuant to the bond 2517
proceedings, is hereby established as a duty of the entity or 2518
individual having authority to perform that duty, specifically 2519
enjoined by law and resulting from an office, trust, or station 2520
within the meaning of section 2731.01 of the Revised Code. The 2521

individuals who are from time to time the issuing authority, 2522
members or officers of the issuing authority, or those members' 2523
designees acting pursuant to section 151.02 of the Revised Code, 2524
or the issuing authority's officers, staff, or employees, are not 2525
liable in their personal capacities on any obligations or 2526
otherwise under the bond proceedings. 2527

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, or 15, and 2528
Section 17, of Article VIII, Ohio Constitution and sections 151.01 2529
to 151.11 or 151.40 of the Revised Code, the issuing authority 2530
may, in addition to the authority referred to in division (B) of 2531
this section, authorize and provide for the issuance of: 2532

(a) Obligations in the form of bond anticipation notes, and 2533
may provide for the renewal of those notes from time to time by 2534
the issuance of new notes. The holders of notes or appertaining 2535
interest coupons have the right to have debt service on those 2536
notes paid solely from the moneys and special funds that are or 2537
may be pledged to that payment, including the proceeds of bonds or 2538
renewal notes or both, as the issuing authority provides in the 2539
bond proceedings authorizing the notes. Notes may be additionally 2540
secured by covenants of the issuing authority to the effect that 2541
the issuing authority and the state will do all things necessary 2542
for the issuance of bonds or renewal notes in such principal 2543
amount and upon such terms as may be necessary to provide moneys 2544
to pay when due the debt service on the notes, and apply their 2545
proceeds to the extent necessary, to make full and timely payment 2546
of debt service on the notes as provided in the applicable bond 2547
proceedings. In the bond proceedings authorizing the issuance of 2548
bond anticipation notes the issuing authority shall set forth for 2549
the bonds anticipated an estimated schedule of annual principal 2550
payments the latest of which shall be no later than provided in 2551
division (C) of this section. While the notes are outstanding 2552
there shall be deposited, as shall be provided in the bond 2553

proceedings for those notes, from the sources authorized for 2554
payment of debt service on the bonds, amounts sufficient to pay 2555
the principal of the bonds anticipated as set forth in that 2556
estimated schedule during the time the notes are outstanding, 2557
which amounts shall be used solely to pay the principal of those 2558
notes or of the bonds anticipated. 2559

(b) Obligations for the refunding, including funding and 2560
retirement, and advance refunding with or without payment or 2561
redemption prior to maturity, of any obligations previously 2562
issued. Refunding obligations may be issued in amounts sufficient 2563
to pay or to provide for repayment of the principal amount, 2564
including principal amounts maturing prior to the redemption of 2565
the remaining prior obligations, any redemption premium, and 2566
interest accrued or to accrue to the maturity or redemption date 2567
or dates, payable on the prior obligations, and related financing 2568
costs and any expenses incurred or to be incurred in connection 2569
with that issuance and refunding. Subject to the applicable bond 2570
proceedings, the portion of the proceeds of the sale of refunding 2571
obligations issued under division (J)(1)(b) of this section to be 2572
applied to debt service on the prior obligations shall be credited 2573
to an appropriate separate account in the bond service fund and 2574
held in trust for the purpose by the issuing authority or by a 2575
corporate trustee. Obligations authorized under this division 2576
shall be considered to be issued for those purposes for which the 2577
prior obligations were issued. 2578

(2) Except as otherwise provided in sections 151.01 to 151.11 2579
or 151.40 of the Revised Code, bonds or notes authorized pursuant 2580
to division (J) of this section are subject to the provisions of 2581
those sections pertaining to obligations generally. 2582

(3) The principal amount of refunding or renewal obligations 2583
issued pursuant to division (J) of this section shall be in 2584
addition to the amount authorized by the general assembly as 2585

referred to in division (B) of the following sections: section 2586
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 2587
151.11, or 151.40 of the Revised Code. 2588

(K) Obligations are lawful investments for banks, savings and 2589
loan associations, credit union share guaranty corporations, trust 2590
companies, trustees, fiduciaries, insurance companies, including 2591
domestic for life and domestic not for life, trustees or other 2592
officers having charge of sinking and bond retirement or other 2593
special funds of the state and political subdivisions and taxing 2594
districts of this state, the sinking fund, the administrator of 2595
workers' compensation subject to the approval of the workers' 2596
compensation board, the state teachers retirement system, the 2597
public employees retirement system, the school employees 2598
retirement system, and the Ohio police and fire pension fund, 2599
notwithstanding any other provisions of the Revised Code or rules 2600
adopted pursuant to those provisions by any state agency with 2601
respect to investments by them, and are also acceptable as 2602
security for the repayment of the deposit of public moneys. The 2603
exemptions from taxation in Ohio as provided for in particular 2604
sections of the Ohio Constitution and section 5709.76 of the 2605
Revised Code apply to the obligations. 2606

(L)(1) Unless otherwise provided or provided for in any 2607
applicable bond proceedings, moneys to the credit of or in a 2608
special fund shall be disbursed on the order of the issuing 2609
authority. No such order is required for the payment, from the 2610
bond service fund or other special fund, when due of debt service 2611
or required payments under credit enhancement facilities. 2612

(2) Payments received by the state under interest rate hedges 2613
entered into as credit enhancement facilities under this chapter 2614
shall be deposited to the credit of the bond service fund for the 2615
obligations to which those credit enhancement facilities relate. 2616

(M) The full faith and credit, revenue, and taxing power of 2617
the state are and shall be pledged to the timely payment of debt 2618
service on outstanding obligations as it comes due, all in 2619
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of Article 2620
VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 2621
151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the Revised 2622
Code. Moneys referred to in Section 5a of Article XII, Ohio 2623
Constitution, may not be pledged or used for the payment of debt 2624
service except on obligations referred to in section 151.06 of the 2625
Revised Code. Net state lottery proceeds, as provided for and 2626
referred to in section 3770.06 of the Revised Code, may not be 2627
pledged or used for the payment of debt service except on 2628
obligations referred to in section 151.03 of the Revised Code. The 2629
state covenants, and that covenant shall be controlling 2630
notwithstanding any other provision of law, that the state and the 2631
applicable officers and agencies of the state, including the 2632
general assembly, shall, so long as any obligations are 2633
outstanding in accordance with their terms, maintain statutory 2634
authority for and cause to be levied, collected and applied 2635
sufficient pledged excises, taxes, and revenues of the state so 2636
that the revenues shall be sufficient in amounts to pay debt 2637
service when due, to establish and maintain any reserves and other 2638
requirements, and to pay financing costs, including costs of or 2639
relating to credit enhancement facilities, all as provided for in 2640
the bond proceedings. Those excises, taxes, and revenues are and 2641
shall be deemed to be levied and collected, in addition to the 2642
purposes otherwise provided for by law, to provide for the payment 2643
of debt service and financing costs in accordance with sections 2644
151.01 to 151.11 of the Revised Code and the bond proceedings. 2645

(N) The general assembly may from time to time repeal or 2646
reduce any excise, tax, or other source of revenue pledged to the 2647
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 2648

20, 2p, or 15 of Article VIII, Ohio Constitution, and sections 2649
151.01 to 151.11 or 151.40 of the Revised Code, and may levy, 2650
collect and apply any new or increased excise, tax, or revenue to 2651
meet the pledge, to the payment of debt service on outstanding 2652
obligations, of the state's full faith and credit, revenue and 2653
taxing power, or of designated revenues and receipts, except fees, 2654
excises or taxes referred to in Section 5a of Article XII, Ohio 2655
Constitution, for other than obligations referred to in section 2656
151.06 of the Revised Code and except net state lottery proceeds 2657
for other than obligations referred to in section 151.03 of the 2658
Revised Code. Nothing in division (N) of this section authorizes 2659
any impairment of the obligation of this state to levy and collect 2660
sufficient excises, taxes, and revenues to pay debt service on 2661
obligations outstanding in accordance with their terms. 2662

(O) Each bond service fund is a trust fund and is hereby 2663
pledged to the payment of debt service on the applicable 2664
obligations. Payment of that debt service shall be made or 2665
provided for by the issuing authority in accordance with the bond 2666
proceedings without necessity for any act of appropriation. The 2667
bond proceedings may provide for the establishment of separate 2668
accounts in the bond service fund and for the application of those 2669
accounts only to debt service on specific obligations, and for 2670
other accounts in the bond service fund within the general 2671
purposes of that fund. 2672

(P) Subject to the bond proceedings pertaining to any 2673
obligations then outstanding in accordance with their terms, the 2674
issuing authority may in the bond proceedings pledge all, or such 2675
portion as the issuing authority determines, of the moneys in the 2676
bond service fund to the payment of debt service on particular 2677
obligations, and for the establishment and maintenance of any 2678
reserves for payment of particular debt service. 2679

(Q) The issuing authority shall by the fifteenth day of July 2680

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

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

(1) Notes, bonds, or other direct obligations of the United
States or of any agency or instrumentality of the United States,
or in no-front-end-load money market mutual funds consisting

exclusively of those obligations, or in repurchase agreements, 2713
including those issued by any fiduciary, secured by those 2714
obligations, or in collective investment funds consisting 2715
exclusively of those obligations; 2716

(2) Obligations of this state or any political subdivision of 2717
this state; 2718

(3) Certificates of deposit of any national bank located in 2719
this state and any bank, as defined in section 1101.01 of the 2720
Revised Code, subject to inspection by the superintendent of 2721
financial institutions; 2722

(4) The treasurer of state's pooled investment program under 2723
section 135.45 of the Revised Code. 2724

The income from investments referred to in division (R) of 2725
this section shall, unless otherwise provided in sections 151.01 2726
to 151.11 or 151.40 of the Revised Code, be credited to special 2727
funds or otherwise as the issuing authority determines in the bond 2728
proceedings. Those investments may be sold or exchanged at times 2729
as the issuing authority determines, provides for, or authorizes. 2730

(S) The treasurer of state shall have responsibility for 2731
keeping records, making reports, and making payments, relating to 2732
any arbitrage rebate requirements under the applicable bond 2733
proceedings. 2734

Sec. 151.09. (A) As used in this section: 2735

(1) "Costs of conservation projects" includes related direct 2736
administrative expenses and allocable portions of the direct costs 2737
of those projects of the department of agriculture, the department 2738
of natural resources, or the Ohio public works commission. 2739

(2) "Obligations" means obligations as defined in section 2740
151.01 of the Revised Code issued to pay costs of projects for 2741
conservation purposes as referred to in division (A)(1) of Section 2742

20 of Article VIII, Ohio Constitution. 2743

(B)(1) The issuing authority shall issue general obligations 2744
of the state to pay costs of conservation projects pursuant to 2745
division (B)(1) of Section 20 of Article VIII, Ohio Constitution, 2746
section 151.01 of the Revised Code, and this section. The issuing 2747
authority, upon the certification to it by the Ohio public works 2748
commission of amounts needed in and for the purposes of the clean 2749
Ohio conservation fund created by section 164.27 of the Revised 2750
Code, the clean Ohio agricultural easement fund created by section 2751
901.21 of the Revised Code, and the clean Ohio trail fund created 2752
by section 1519.05 of the Revised Code, shall issue obligations in 2753
the amount determined by the issuing authority to be required for 2754
those purposes. ~~The total~~ Not more than two hundred million 2755
dollars principal amount of obligations issued under this section 2756
~~shall not exceed two hundred million dollars~~ for conservation 2757
purposes may be outstanding at any one time. Not more than fifty 2758
million dollars principal amount of obligations, plus the 2759
principal amount of obligations that in any prior fiscal year 2760
could have been, but were not issued within the 2761
fifty-million-dollar fiscal year limit, may be issued in any 2762
fiscal year. 2763

(2) In making the certification required under division 2764
(B)(1) of this section, the Ohio public works commission shall 2765
consult with the department of agriculture and the department of 2766
natural resources. The commission shall certify amounts that 2767
correspond to the distribution of the net proceeds of obligations 2768
provided in division (C) of this section. 2769

(C) Net proceeds of obligations shall be deposited as 2770
follows: 2771

(1) Seventy-five per cent into the clean Ohio conservation 2772
fund created by section 164.27 of the Revised Code; 2773

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

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

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

Sec. 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;	2804 2805
(b) Activities to develop and commercialize products and processes;	2806 2807
(c) Intellectual property matters such as copyrights and patents;	2808 2809
(d) Property interests including timesharing arrangements, capital formation, direct operating costs, and costs of research and facilities including interests in real property therefore; and	2810 2811 2812
(e) Support for public and private institutions of higher education, research organizations or institutions, and private sector entities.	2813 2814 2815
(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.	2816 2817 2818 2819
(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 educational or scientific institution located in this state with all or part of the cost of the project being paid from a grant or loan from the third frontier research and development fund <u>or the third frontier research and development taxable bond fund</u> or a loan guaranteed under Chapter 184. of the Revised Code, including all buildings and facilities determined necessary for the operation of the project, together with all property, rights, easements, and interests that may be required for the operation of the project.	2820 2821 2822 2823 2824 2825 2826 2827 2828 2829 2830 2831 2832 2833

(B) The issuing authority shall issue general obligations of 2834
the state to pay costs of research and development projects 2835
pursuant to division (B)(2) of Section 2p of Article VIII, Ohio 2836
Constitution, section 151.01 of the Revised Code, and this 2837
section. The issuing authority shall issue obligations in the 2838
amount determined by the issuing authority to be required for 2839
those purposes. The total principal amount of obligations issued 2840
under this section shall not exceed five hundred million dollars. 2841

(C) Net proceeds of obligations shall be deposited into the 2842
third frontier research and development fund created by section 2843
184.19 of the Revised Code or into the third frontier research and 2844
development taxable bond fund created by section 184.191 of the 2845
Revised Code if the obligations are federally taxable. 2846

(D) There is hereby created in the state treasury the third 2847
frontier research and development projects bond service fund. All 2848
moneys received by the state and required by the bond proceedings, 2849
consistent with section 151.01 of the Revised Code and this 2850
section, to be deposited, transferred, or credited to the bond 2851
service fund, and all other moneys transferred or allocated to or 2852
received for the purposes of that fund, shall be deposited and 2853
credited to the bond service fund, subject to any applicable 2854
provisions of the bond proceedings, but without necessity for any 2855
act of appropriation. During the period beginning with the date of 2856
the first issuance of obligations and continuing during the time 2857
that any obligations are outstanding in accordance with their 2858
terms, so long as moneys in the bond service fund are insufficient 2859
to pay debt service when due on those obligations payable from 2860
that fund, except the principal amounts of bond anticipation notes 2861
payable from the proceeds of renewal notes or bonds anticipated, 2862
and due in the particular fiscal year, a sufficient amount of 2863
revenues of the state is committed and, without necessity for 2864
further act of appropriation, shall be paid to the bond service 2865

fund for the purpose of paying that debt service when due.	2866
Sec. 151.40. (A) As used in this section:	2867
(1) "Bond proceedings" includes any trust agreements, and any amendments or supplements to them, as authorized by this section.	2868 2869
(2) "Costs of revitalization projects" includes related direct administrative expenses and allocable portions of the direct costs of those projects of the department of development or the environmental protection agency.	2870 2871 2872 2873
(3) "Issuing authority" means the treasurer of state.	2874
(4) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay the costs of projects for revitalization purposes as referred to in division (A)(2) of Section 2o of Article VIII, Ohio Constitution.	2875 2876 2877 2878
(5) "Pledged liquor profits" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as it was in effect on May 2, 1980, to be paid into the state treasury.	2879 2880 2881 2882 2883 2884 2885 2886 2887
(6) "Pledged receipts" means, as and to the extent provided in bond proceedings:	2888 2889
(a) Pledged liquor profits. The pledge of pledged liquor profits to obligations is subject to the priority of the pledge of those profits to obligations issued and to be issued pursuant to Chapter 166. of the Revised Code.	2890 2891 2892 2893
(b) Moneys accruing to the state from the lease, sale, or	2894

other disposition or use of revitalization projects or from the	2895
repayment, including any interest, of loans or advances made from	2896
net proceeds;	2897
(c) Accrued interest received from the sale of obligations;	2898
(d) Income from the investment of the special funds;	2899
(e) Any gifts, grants, donations, or pledges, and receipts	2900
therefrom, available for the payment of debt service;	2901
(f) Additional or any other specific revenues or receipts	2902
lawfully available to be pledged, and pledged, pursuant to further	2903
authorization by the general assembly, to the payment of debt	2904
service.	2905
(B)(1) The issuing authority shall issue obligations of the	2906
state to pay costs of revitalization projects pursuant to division	2907
(B)(2) of Section 20 of Article VIII, Ohio Constitution, section	2908
151.01 of the Revised Code as applicable to this section, and this	2909
section. The issuing authority, upon the certification to it by	2910
the clean Ohio council of the amount of moneys needed in and for	2911
the purposes of the clean Ohio revitalization fund created by	2912
section 122.658 of the Revised Code, shall issue obligations in	2913
the amount determined by the issuing authority to be required for	2914
those purposes. <u>The total Not more than two hundred million</u>	2915
<u>dollars principal amount of obligations issued under this section</u>	2916
<u>shall not exceed two hundred million dollars for revitalization</u>	2917
<u>purposes may be outstanding at any one time. Not more than fifty</u>	2918
<u>million dollars principal amount of obligations, plus the</u>	2919
<u>principal amount of obligations that in any prior fiscal year</u>	2920
<u>could have been, but were not issued within the</u>	2921
<u>fifty-million-dollar fiscal year limit, may be issued in any</u>	2922
<u>fiscal year. The</u>	2923
(2) <u>The</u> provisions and authorizations in section 151.01 of	2924
the Revised Code apply to the obligations and the bond proceedings	2925

except as otherwise provided or provided for in those obligations 2926
and bond proceedings. 2927

(C) Net proceeds of obligations shall be deposited in the 2928
clean Ohio revitalization fund created in section 122.658 of the 2929
Revised Code. 2930

(D) There is hereby created the revitalization projects bond 2931
service fund, which shall be in the custody of the treasurer of 2932
state, but shall be separate and apart from and not a part of the 2933
state treasury. All money received by the state and required by 2934
the bond proceedings, consistent with section 151.01 of the 2935
Revised Code and this section, to be deposited, transferred, or 2936
credited to the bond service fund, and all other money transferred 2937
or allocated to or received for the purposes of that fund, shall 2938
be deposited and credited to the bond service fund, subject to any 2939
applicable provisions of the bond proceedings, but without 2940
necessity for any act of appropriation. During the period 2941
beginning with the date of the first issuance of obligations and 2942
continuing during the time that any obligations are outstanding in 2943
accordance with their terms, so long as moneys in the bond service 2944
fund are insufficient to pay debt service when due on those 2945
obligations payable from that fund, except the principal amounts 2946
of bond anticipation notes payable from the proceeds of renewal 2947
notes or bonds anticipated, and due in the particular fiscal year, 2948
a sufficient amount of pledged receipts is committed and, without 2949
necessity for further act of appropriation, shall be paid to the 2950
bond service fund for the purpose of paying that debt service when 2951
due. 2952

(E) The issuing authority may pledge all, or such portion as 2953
the issuing authority determines, of the pledged receipts to the 2954
payment of the debt service charges on obligations issued under 2955
this section, and for the establishment and maintenance of any 2956
reserves, as provided in the bond proceedings, and make other 2957

provisions in the bond proceedings with respect to pledged 2958
receipts as authorized by this section, which provisions are 2959
controlling notwithstanding any other provisions of law pertaining 2960
to them. 2961

(F) The issuing authority may covenant in the bond 2962
proceedings, and such covenants shall be controlling 2963
notwithstanding any other provision of law, that the state and 2964
applicable officers and state agencies, including the general 2965
assembly, so long as any obligations issued under this section are 2966
outstanding, shall maintain statutory authority for and cause to 2967
be charged and collected wholesale or retail prices for spirituous 2968
liquor sold by the state or its agents so that the available 2969
pledged receipts are sufficient in time and amount to meet debt 2970
service payable from pledged liquor profits and for the 2971
establishment and maintenance of any reserves and other 2972
requirements provided for in the bond proceedings. 2973

(G) Obligations may be further secured, as determined by the 2974
issuing authority, by a trust agreement between the state and a 2975
corporate trustee, which may be any trust company or bank having 2976
its principal place of business within the state. Any trust 2977
agreement may contain the resolution or order authorizing the 2978
issuance of the obligations, any provisions that may be contained 2979
in any bond proceedings, and other provisions that are customary 2980
or appropriate in an agreement of that type, including, but not 2981
limited to: 2982

(1) Maintenance of each pledge, trust agreement, or other 2983
instrument comprising part of the bond proceedings until the state 2984
has fully paid or provided for the payment of debt service on the 2985
obligations secured by it; 2986

(2) In the event of default in any payments required to be 2987
made by the bond proceedings, enforcement of those payments or 2988

agreements by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of them;

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

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

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

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

(2) "State agencies" means the state of Ohio and branches, officers, boards, commissions, authorities, departments, divisions, courts, general assembly, or other units or agencies of the state. "State agency" also includes counties, municipal corporations, and governmental entities of this state that enter into leases with the Ohio building authority pursuant to section 152.31 of the Revised Code or that are designated by law as state

agencies for the purpose of performing a state function that is to 3019
be housed by a capital facility for which the Ohio building 3020
authority is authorized to issue revenue obligations pursuant to 3021
sections 152.09 to 152.33 of the Revised Code. 3022

(3) "Bond service charges" means principal, including 3023
mandatory sinking fund requirements for retirement of obligations, 3024
and interest, and redemption premium, if any, required to be paid 3025
by the Ohio building authority on obligations. 3026

(4) "Capital facilities" means buildings, structures, and 3027
other improvements, and equipment, real estate, and interests in 3028
real estate therefor, within the state, and any one, part of, or 3029
combination of the foregoing, for housing of branches and agencies 3030
of state government, including capital facilities for the purpose 3031
of housing personnel, equipment, or functions, or any combination 3032
thereof that the state agencies are responsible for housing, for 3033
which the Ohio building authority is authorized to issue 3034
obligations pursuant to Chapter 152. of the Revised Code, and 3035
includes storage and parking facilities related to such capital 3036
facilities. 3037

(5) "Cost of capital facilities" means the costs of 3038
assessing, planning, acquiring, constructing, reconstructing, 3039
rehabilitating, remodeling, renovating, enlarging, improving, 3040
altering, maintaining, equipping, furnishing, repairing, painting, 3041
decorating, managing, or operating capital facilities, and the 3042
financing thereof, including the cost of clearance and preparation 3043
of the site and of any land to be used in connection with capital 3044
facilities, the cost of participating in capital facilities 3045
pursuant to section 152.33 of the Revised Code, the cost of any 3046
indemnity and surety bonds and premiums on insurance, all related 3047
direct administrative expenses and allocable portions of direct 3048
costs of the authority and lessee state agencies, cost of 3049
engineering and architectural services, designs, plans, 3050

specifications, surveys, and estimates of cost, legal fees, fees 3051
and expenses of trustees, depositories, and paying agents for the 3052
obligations, cost of issuance of the obligations and financing 3053
charges and fees and expenses of financial advisers and 3054
consultants in connection therewith, interest on obligations from 3055
the date thereof to the time when interest is to be covered from 3056
sources other than proceeds of obligations, amounts that represent 3057
the portion of investment earnings to be rebated or to be paid to 3058
the federal government in order to maintain the exclusion from 3059
gross income for federal income tax purposes of interest on those 3060
obligations pursuant to section 148(f) of the Internal Revenue 3061
Code, amounts necessary to establish reserves as required by the 3062
resolutions or the obligations, trust agreements, or indentures, 3063
costs of audits, the reimbursement of all moneys advanced or 3064
applied by or borrowed from any governmental entity, whether to or 3065
by the authority or others, from whatever source provided, for the 3066
payment of any item or items of cost of the capital facilities, 3067
any share of the cost undertaken by the authority pursuant to 3068
arrangements made with governmental entities under division (J) of 3069
section 152.21 of the Revised Code, and all other expenses 3070
necessary or incident to assessing, planning, or determining the 3071
feasibility or practicability with respect to capital facilities, 3072
and such other expenses as may be necessary or incident to the 3073
assessment, planning, acquisition, construction, reconstruction, 3074
rehabilitation, remodeling, renovation, enlargement, improvement, 3075
alteration, maintenance, equipment, furnishing, repair, painting, 3076
decoration, management, or operation of capital facilities, the 3077
financing thereof and the placing of the same in use and 3078
operation, including any one, part of, or combination of such 3079
classes of costs and expenses. 3080

(6) "Governmental entity" means any state agency, municipal 3081
corporation, county, township, school district, and any other 3082
political subdivision or special district in this state 3083

established pursuant to law, and, except where otherwise 3084
indicated, also means the United States or any of the states or 3085
any department, division, or agency thereof, and any agency, 3086
commission, or authority established pursuant to an interstate 3087
compact or agreement. 3088

(7) "Governing body" means: 3089

(a) In the case of a county, the board of county 3090
commissioners or other legislative authority; in the case of a 3091
municipal corporation, the legislative authority; in the case of a 3092
township, the board of township trustees; in the case of a school 3093
district, the board of education; 3094

(b) In the case of any other governmental entity, the 3095
officer, board, commission, authority, or other body having the 3096
general management of the entity or having jurisdiction or 3097
authority in the particular circumstances. 3098

(8) "Available receipts" means fees, charges, revenues, 3099
grants, subsidies, income from the investment of moneys, proceeds 3100
from the sale of goods or services, and all other revenues or 3101
receipts received by or on behalf of any state agency for which 3102
capital facilities are financed with obligations issued under 3103
Chapter 152. of the Revised Code, any state agency participating 3104
in capital facilities pursuant to section 152.33 of the Revised 3105
Code, or any state agency by which the capital facilities are 3106
constructed or financed; revenues or receipts derived by the 3107
authority from the operation, leasing, or other disposition of 3108
capital facilities, and the proceeds of obligations issued under 3109
Chapter 152. of the Revised Code; and also any moneys appropriated 3110
by a governmental entity, gifts, grants, donations, and pledges, 3111
and receipts therefrom, available for the payment of bond service 3112
charges on such obligations. 3113

(B) Pursuant to the powers granted to the general assembly 3114

under Section 2i of Article VIII, Ohio Constitution, to authorize 3115
the issuance of revenue obligations and other obligations, the 3116
owners or holders of which are not given the right to have excises 3117
or taxes levied by the general assembly for the payment of 3118
principal thereof or interest thereon, the Ohio building authority 3119
may issue obligations, in accordance with Chapter 152. of the 3120
Revised Code, and shall cause the net proceeds thereof, after any 3121
deposits of accrued interest for the payment of bond service 3122
charges and after any deposit of all or such lesser portion as the 3123
authority may direct of the premium received upon the sale of 3124
those obligations for the payment of the bond service charges, to 3125
be applied to the costs of capital facilities designated by or 3126
pursuant to act of the general assembly for housing state agencies 3127
as authorized by Chapter 152. of the Revised Code. The authority 3128
shall provide by resolution for the issuance of such obligations. 3129
The bond service charges and all other payments required to be 3130
made by the trust agreement or indenture securing such obligations 3131
shall be payable solely from available receipts of the authority 3132
pledged thereto as provided in such resolution. The available 3133
receipts pledged and thereafter received by the authority are 3134
immediately subject to the lien of such pledge without any 3135
physical delivery thereof or further act, and the lien of any such 3136
pledge is valid and binding against all parties having claims of 3137
any kind against the authority, irrespective of whether those 3138
parties have notice thereof, and creates a perfected security 3139
interest for all purposes of Chapter 1309. of the Revised Code and 3140
a perfected lien for purposes of any real property interest, all 3141
without the necessity for separation or delivery of funds or for 3142
the filing or recording of the resolution, trust agreement, 3143
indenture, or other agreement by which such pledge is created or 3144
any certificate, statement, or other document with respect 3145
thereto; and the pledge of such available receipts is effective 3146
and the money therefrom and thereof may be applied to the purposes 3147

for which pledged. Every pledge, and every covenant and agreement 3148
made with respect to the pledge, made in the resolution may 3149
therein be extended to the benefit of the owners and holders of 3150
obligations authorized by Chapter 152. of the Revised Code, and to 3151
any trustee therefor, for the further securing of the payment of 3152
the bond service charges, and all or any rights under any 3153
agreement or lease made under this section may be assigned for 3154
such purpose. Obligations may be issued at one time or from time 3155
to time, and each issue shall be dated, shall mature at such time 3156
or times as determined by the authority not exceeding forty years 3157
from the date of issue, and may be redeemable before maturity at 3158
the option of the authority at such price or prices and under such 3159
terms and conditions as are fixed by the authority prior to the 3160
issuance of the obligations. The authority shall determine the 3161
form of the obligations, fix their denominations, establish their 3162
interest rate or rates, which may be a variable rate or rates, or 3163
the maximum interest rate, and establish within or without this 3164
state a place or places of payment of bond service charges. 3165

(C) The obligations shall be signed by the authority 3166
chairperson, vice-chairperson, and secretary-treasurer, and the 3167
authority seal shall be affixed. The signatures may be facsimile 3168
signatures and the seal affixed may be a facsimile seal, as 3169
provided by resolution of the authority. Any coupons attached may 3170
bear the facsimile signature of the chairperson. In case any 3171
officer who has signed any obligations, or caused the officer's 3172
facsimile signature to be affixed thereto, ceases to be such 3173
officer before such obligations have been delivered, such 3174
obligations may, nevertheless, be issued and delivered as though 3175
the person who had signed the obligations or caused the person's 3176
facsimile signature to be affixed thereto had not ceased to be 3177
such officer. 3178

Any obligations may be executed on behalf of the authority by 3179

an officer who, on the date of execution, is the proper officer 3180
although on the date of such obligations such person was not the 3181
proper officer. 3182

(D) All obligations issued by the authority shall have all 3183
the qualities and incidents of negotiable instruments and may be 3184
issued in coupon or in registered form, or both, as the authority 3185
determines. Provision may be made for the registration of any 3186
obligations with coupons attached thereto as to principal alone or 3187
as to both principal and interest, their exchange for obligations 3188
so registered, and for the conversion or reconversion into 3189
obligations with coupons attached thereto of any obligations 3190
registered as to both principal and interest, and for reasonable 3191
charges for such registration, exchange, conversion, and 3192
reconversion. The authority may sell its obligations in any manner 3193
and for such prices as it determines, except that the authority 3194
shall sell obligations sold at public or private sale in 3195
accordance with section 152.091 of the Revised Code. 3196

(E) The obligations of the authority, principal, interest, 3197
and any proceeds from their sale or transfer, are exempt from all 3198
taxation within this state. 3199

(F) The authority is authorized to issue revenue obligations 3200
and other obligations under Section 2i of Article VIII, Ohio 3201
Constitution, for the purpose of paying the cost of capital 3202
facilities for housing of branches and agencies of state 3203
government, including capital facilities for the purpose of 3204
housing personnel, equipment, or functions, or any combination 3205
thereof that the state agencies are responsible for housing, as 3206
are authorized by Chapter 152. of the Revised Code, and that are 3207
authorized by the general assembly by the appropriation of lease 3208
payments or other moneys for such capital facilities or by any 3209
other act of the general assembly, but not including the 3210
appropriation of moneys for feasibility studies for such capital 3211

facilities. This division does not authorize the authority to 3212
issue obligations pursuant to Section 2i of Article VIII, Ohio 3213
Constitution, to pay the cost of capital facilities for mental 3214
hygiene and retardation, parks and recreation, or state-supported 3215
or state-assisted institutions of higher education. 3216

Sec. 152.18. Whenever the Ohio building authority constructs, 3217
reconstructs, rehabilitates, remodels, renovates, enlarges, 3218
improves, alters, maintains, equips, furnishes, repairs, paints, 3219
or decorates capital facilities pursuant to section 152.19, 3220
152.21, or 152.31 of the Revised Code or buildings, facilities, 3221
and other properties for use and occupancy of persons pursuant to 3222
section 152.04 of the Revised Code, the authority shall make the 3223
necessary plans and specifications, and shall advertise for bids 3224
for all work to be placed under contract once a week for two 3225
consecutive weeks in a newspaper of general circulation in the 3226
county within which the work is to be done, and shall award the 3227
contract to the lowest responsive and responsible bidder in 3228
accordance with section 9.312 of the Revised Code. When the 3229
authority determines, subject to approval by the controlling 3230
board, that a real and present emergency exists or if the cost of 3231
such a contract does not exceed fifty thousand dollars, such a 3232
contract may be awarded without advertising and receipt of bids. A 3233
bid guaranty pursuant to sections 153.54 to 153.571 of the Revised 3234
Code shall be required for any contract under this section. 3235

In all other cases of capital facilities financed by the 3236
authority, the construction, reconstruction, rehabilitation, 3237
remodeling, renovation, enlargement, improvement, alteration, 3238
maintenance, ~~equipment~~ equipping, furnishing, repair, painting, or 3239
decoration of capital facilities by or for the state or any 3240
governmental entity shall be the responsibility of the department 3241
of administrative services, ~~division of public works~~, or, with the 3242

consent of the department of administrative services, shall be the 3243
responsibility of the state agency using the capital facility, or 3244
the governmental entity with which a state agency is participating 3245
pursuant to section 152.33 of the Revised Code, and shall be 3246
undertaken by the department in compliance with Chapter 153. of 3247
the Revised Code, or by such state agency or governmental entity 3248
in accordance with otherwise applicable law. 3249

Sec. 152.19. (A) The Ohio building authority may assess, 3250
plan, acquire, purchase, construct, reconstruct, rehabilitate, 3251
remodel, renovate, enlarge, improve, alter, maintain, equip, 3252
furnish, repair, paint, decorate, manage, and operate capital 3253
facilities for the use of state agencies on one or more sites 3254
within the state. 3255

(B) In the exercise of any of the authority granted by 3256
division (A) of this section, the Ohio building authority may 3257
follow the procedures of section 125.81 of the Revised Code. 3258

Sec. 152.21. With respect to capital facilities described in 3259
sections 152.19 and 152.31 of the Revised Code, the Ohio building 3260
authority may: 3261

(A) Acquire, by appropriation subject to Chapter 163. of the 3262
Revised Code, or by gift, grant, lease, or purchase; hold; lease; 3263
mortgage in the case of capital facilities the real property or 3264
interest therein of which was not acquired by the authority 3265
pursuant to sections 152.05 and 152.06 of the Revised Code, 3266
including options and rights of first refusal to acquire; convey; 3267
and dispose of real estate and interests in real estate and 3268
personal property suitable for its purposes; 3269

(B) ~~Acquire~~ Assess, plan, acquire, purchase, construct, 3270
reconstruct, rehabilitate, remodel, renovate, enlarge, improve, 3271
alter, maintain, equip, furnish, repair, paint, decorate, and 3272

operate capital facilities as provided in sections 152.18, 152.19,	3273
and 152.31 of the Revised Code;	3274
(C) Issue obligations to secure funds to accomplish its	3275
purposes as more fully set forth in sections 152.09 to 152.33 of	3276
the Revised Code;	3277
(D) Enter into contracts and execute all instruments	3278
necessary in the conduct of its business;	3279
(E) Fix, alter, and charge rentals for the use and occupancy	3280
of its capital facilities and enter into leases for such use and	3281
occupancy as provided in section 152.24 of the Revised Code;	3282
(F) Employ financial consultants, appraisers, consulting	3283
engineers, architects, superintendents, managers, construction and	3284
accounting experts, attorneys at law, and other employees and	3285
agents as are necessary, in its judgment, and fix their	3286
compensation;	3287
(G) Manage and have general custodial care and supervision of	3288
its capital facilities or enter into contracts with the department	3289
of administrative services or the using state agency or	3290
governmental entity for such purposes;	3291
(H) Pledge, hypothecate, or otherwise encumber all or such	3292
portion as it determines of the available receipts to the payment	3293
of bond service charges on obligations or series of obligations	3294
issued pursuant to Chapter 152. of the Revised Code and for the	3295
establishment and maintenance of any reserves, as provided in the	3296
bond resolution, and make other provisions therein with respect to	3297
such available receipts as authorized by Chapter 152. of the	3298
Revised Code, which shall be controlling notwithstanding any other	3299
provisions of law pertaining thereto, and enter into trust	3300
agreements or indentures for the benefit of holders of its	3301
obligations;	3302
(I) Borrow money or accept advances, loans, gifts, grants,	3303

devises, or bequests from, and enter into contracts or agreements 3304
with, any federal agency or other governmental or private source, 3305
and hold and apply advances, loans, gifts, grants, devises, or 3306
bequests according to the terms thereof. Such advances, loans, 3307
gifts, grants, or devises of real estate may be in fee simple or 3308
of any lesser estate and may be subject to any reasonable 3309
reservations. Any advances or loans received from any federal or 3310
other governmental or private source may be repaid in accordance 3311
with the terms of such advance or loan. 3312

(J) Enter into lawful arrangements with the appropriate 3313
governmental entity for the planning and installation of streets 3314
and sidewalks, public utility facilities, and other necessary 3315
appurtenances to its capital facilities, and grant necessary 3316
easements for such purposes; 3317

(K) Purchase property insurance, including all risk or 3318
extended coverage, and boiler, rents, and public liability 3319
insurance for or relating to its property; 3320

(L) Establish rules for the use and operation of its 3321
buildings and facilities; 3322

(M) Do all other acts necessary to the fulfillment of its 3323
purposes. 3324

Any instrument by which real property is acquired pursuant to 3325
this section shall identify the agency of the state that has the 3326
use and benefit of the real property as specified in section 3327
5301.012 of the Revised Code. 3328

Sec. 152.24. (A) Except as otherwise provided with respect to 3329
leasing of capital facilities in sections 152.241, 152.242, 3330
152.31, and 152.33 of the Revised Code, the department of 3331
administrative services or, with the consent of the department of 3332
administrative services, the state agency using an office facility 3333

and related storage and parking facilities, or participating in 3334
such facilities pursuant to section 152.33 of the Revised Code, 3335
shall lease any office facility and related storage and ~~parking~~ 3336
parking facility acquired, purchased, constructed, reconstructed, 3337
rehabilitated, remodeled, renovated, enlarged, improved, altered, 3338
operated, maintained, equipped, furnished, repaired, painted, 3339
decorated, or financed by the Ohio building authority for housing 3340
any state agencies. An agreement between the authority and the 3341
department of administrative services or such using or 3342
participating agency may provide for the transfer of the property 3343
to the state after bonds and notes issued by the authority for the 3344
purpose of the acquisition, purchase, construction, 3345
reconstruction, rehabilitation, remodeling, renovation, 3346
enlargement, improvement, alteration, equipping, furnishing, 3347
repair, painting, decorating, or financing of such building or 3348
facility have been repaid. A lease between the authority and the 3349
department of administrative services or a using or participating 3350
agency shall be for a period not exceeding the then current 3351
two-year period for which appropriations have been made by the 3352
general assembly to the department of administrative services and 3353
the state agencies which will occupy or participate in the office 3354
facility and related storage and parking facility being leased, 3355
and such lease may contain such other terms as the department of 3356
administrative services, or a using or participating agency, and 3357
the authority agree notwithstanding any other provision of law, 3358
including provision that rental payments in amounts at least 3359
sufficient to pay bond service charges payable during the current 3360
two-year lease term shall be an absolute and unconditional 3361
obligation of the department of administrative services, or the 3362
using or participating agency, independent of all other duties 3363
under the lease without setoff or deduction or any other similar 3364
rights or defenses. Such an agreement may provide for renewal of a 3365
lease at the end of each term for another term, not exceeding two 3366

years, provided that no renewal shall be effective until the 3367
effective date of an appropriation enacted by the general assembly 3368
from which the department of administrative services, or the using 3369
or participating agency, may lawfully pay rentals under such 3370
lease. For purposes of this section, the term "lease" may include, 3371
without limitation, any agreement between the department of 3372
administrative services, or the using or participating agency, and 3373
the authority with respect to any costs of capital facilities to 3374
be incurred prior to land acquisition. 3375

(B) If the director of administrative services or the 3376
director of a state agency using or participating in an office 3377
facility and related storage and parking facility certifies that 3378
space in such facility acquired, purchased, constructed, 3379
reconstructed, rehabilitated, remodeled, renovated, enlarged, 3380
improved, altered, operated, maintained, equipped, furnished, 3381
repaired, painted, decorated, or financed by the authority has 3382
become unnecessary for state use, the authority may lease any 3383
excess space in such facility and related storage and parking 3384
facility to any governmental entity. 3385

(C) If space in any office facility leased by the authority 3386
to the department of administrative services is not immediately 3387
necessary for state use, the department of administrative services 3388
may exercise its authority under division (A)(9) of section 123.01 3389
of the Revised Code with respect to such space. 3390

(D) Capital facilities acquired, purchased, constructed, 3391
reconstructed, rehabilitated, remodeled, renovated, enlarged, 3392
improved, altered, operated, maintained, equipped, furnished, 3393
repaired, painted, decorated, or financed by the Ohio building 3394
authority, other than any office facility and related storage and 3395
parking facility required to be leased pursuant to division (A) of 3396
this section, shall be leased to the department of administrative 3397
services ~~or to~~, the state agency using the capital facilities, or 3398

the state agency participating in the capital facilities pursuant 3399
to section 152.33 of the Revised Code. The department of 3400
administrative services or the using or participating state agency 3401
may sublease such capital facilities to other state agencies or 3402
other governmental entities. Such parties, including other state 3403
agencies or state-supported or state-assisted institutions of 3404
higher education, may make other agreements for the use, 3405
construction, or operation of such capital facilities in any 3406
manner permitted by the lease or agreement with the authority and 3407
for the charging, collection, and deposit of such revenues and 3408
receipts of the using or participating state agency constituting 3409
available receipts, all upon such terms and conditions as the 3410
parties may agree upon and pursuant to this chapter 3411
notwithstanding other provisions of law affecting the leasing, 3412
acquisition, operation, or disposition of capital facilities by 3413
such parties. Any such lease between the authority and the 3414
department of administrative services or a using or participating 3415
state agency shall be for a period not to exceed the then current 3416
two-year period for which appropriations have been made by the 3417
general assembly to the department of administrative services or 3418
such using or participating state agency. The lease between the 3419
authority and the department of administrative services or the 3420
using or participating state agency may provide for renewal of the 3421
lease at the end of each term for another term, not exceeding two 3422
years, but no renewal shall be effective until the effective date 3423
of an appropriation enacted by the general assembly from which the 3424
department of administrative services or the using or 3425
participating state agency may lawfully pay rentals under such 3426
lease. Any such leases, subleases, or agreements may set forth the 3427
responsibilities of the authority, state agencies, 3428
state-supported, or state-assisted institutions of higher 3429
education, or other governmental entities as to the financing, 3430
assessment, planning, acquisition, purchase, construction, 3431

reconstruction, rehabilitation, remodeling, renovation, 3432
enlargement, improvement, alteration, subleasing, management, 3433
operation, maintenance, equipping, furnishing, repair, painting, 3434
decorating, and insuring of such capital facilities and other 3435
terms and conditions applicable thereto, and any other provisions 3436
mutually agreed upon for the purposes of this chapter. Promptly 3437
upon execution thereof, a signed or conformed copy of each such 3438
lease or sublease or agreement, and any supplement thereto, 3439
between the authority and a governmental entity shall be filed by 3440
the authority with the department of administrative services and 3441
the director of budget and management, and, promptly upon 3442
execution thereof, a signed or conformed copy of each such 3443
sublease or agreement between two governmental entities, not 3444
including the authority, shall be filed with the authority and the 3445
director of budget and management. For purposes of this section, 3446
the term "lease" may include, without limitation, any agreement 3447
between the department of administrative services or the state 3448
agency using or participating in such capital facilities and the 3449
authority with respect to any costs of capital facilities to be 3450
incurred prior to land acquisition. 3451

(E) The transfer of tangible personal property by lease under 3452
authority of this chapter is not a sale as used in Chapter 5739. 3453
of the Revised Code. Any agreement of a governmental entity to 3454
make rental, use, or other payments or payment of purchase price, 3455
in installments or otherwise, or repayments to or on account of 3456
the authority and the obligations issued by the authority, shall 3457
not be deemed to constitute indebtedness, bonded or otherwise, or 3458
bonds, notes, or other evidence of indebtedness of such 3459
governmental entity for the purpose of Chapter 133. of the Revised 3460
Code or any other purpose; such leases and agreements requiring 3461
payments beyond the current fiscal year are continuing contracts 3462
for the purposes of sections 5705.41 and 5705.44 of the Revised 3463
Code. 3464

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

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

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

The department of administrative services and all agencies of 3496
the state government shall cooperate with the authority ~~and the~~ 3497
~~legislative office building committee~~ in supplying any services or 3498
information and in relocating offices to carry out this chapter. 3499

Sec. 154.02. (A) Pursuant to the provisions of Chapter 154. 3500
of the Revised Code, the issuing authority may issue obligations 3501
as from time to time authorized by or pursuant to act or 3502
resolution of the general assembly, consistent with such 3503
limitations thereon, subject to section 154.12 of the Revised 3504
Code, as the general assembly may thereby prescribe as to 3505
principal amount, bond service charges, or otherwise, and shall 3506
cause the proceeds thereof to be applied to those capital 3507
facilities designated by or pursuant to act of the general 3508
assembly for ~~mental hygiene and retardation, state supported and~~ 3509
~~assisted institutions of higher education, including technical~~ 3510
~~education, parks and recreation, Ohio cultural facilities, and~~ 3511
~~Ohio sports facilities~~ any of the following: 3512

(1) Mental hygiene and retardation, including housing for 3513
mental hygiene and retardation patients under Section 16 of 3514
Article VIII, Ohio Constitution; 3515

(2) State supported and assisted institutions of higher 3516
education, including technical education; 3517

(3) Parks and recreation; 3518

(4) Ohio cultural facilities; 3519

(5) Ohio sports facilities. 3520

(B) The authority provided by Chapter 154. of the Revised 3521
Code is in addition to any other authority provided by law for the 3522
same or similar purposes, except as may otherwise specifically be 3523
provided in Chapter 154. of the Revised Code. In case any section 3524
or provision of Chapter 154. of the Revised Code or in case any 3525

covenant, stipulation, obligation, resolution, trust agreement, 3526
indenture, lease agreement, act, or action, or part thereof, made, 3527
assumed, entered into, or taken under Chapter 154. of the Revised 3528
Code, or any application thereof, is for any reason held to be 3529
illegal or invalid, such illegality or invalidity shall not affect 3530
the remainder thereof or any other section or provision of Chapter 3531
154. of the Revised Code or any other covenant, stipulation, 3532
obligation, resolution, trust agreement, indenture, lease, 3533
agreement, act, or action, or part thereof, made, assumed, entered 3534
into, or taken under such chapter, which shall be construed and 3535
enforced as if such illegal or invalid portion were not contained 3536
therein, nor shall such illegality or invalidity or any 3537
application thereof affect any legal and valid application 3538
thereof, and each such section, provision, covenant, stipulation, 3539
obligation, resolution, trust agreement, indenture, lease, 3540
agreement, act, or action, or part thereof, shall be deemed to be 3541
effective, operative, made, entered into or taken in the manner 3542
and to the full extent permitted by law. 3543

Sec. 154.20. (A) Subject to authorization by the general 3544
assembly under section 154.02 of the Revised Code, the issuing 3545
authority may issue obligations pursuant to this chapter to pay 3546
costs of capital facilities for mental hygiene and retardation, 3547
including housing for mental hygiene and retardation patients. 3548

(B) Any capital facilities for mental hygiene or retardation, 3549
including housing for mental hygiene and retardation patients, may 3550
be leased by the commission to the department of mental health, 3551
the department of mental retardation and developmental 3552
disabilities, or the department of alcohol and drug addiction 3553
services, and other agreements may be made by the commission and 3554
any one or more of these departments with respect to the use or 3555
purchase of such capital facilities or, subject to the approval of 3556

the director of the department, the commission may lease such 3557
capital facilities to, and make or provide for other agreements 3558
with respect to the use or purchase thereof with, any governmental 3559
agency having authority under law to operate such capital 3560
facilities, and the director of the department may sublease such 3561
capital facilities to, and make other agreements with respect to 3562
the use or purchase thereof with, any such governmental agency, 3563
which may include provisions for transmittal to the mental health 3564
bond service trust fund created under division (E) of this 3565
section, by such governmental agency or by a nonprofit corporation 3566
providing mental hygiene and retardation services for or under 3567
contract with or the supervision of that governmental agency, of 3568
receipts of that agency or nonprofit corporation from charges for 3569
the treatment or care of mental hygiene and retardation patients, 3570
all upon such terms and conditions as the parties may agree upon 3571
and pursuant to this chapter, notwithstanding any other provision 3572
of law affecting the leasing, acquisition, or disposition of 3573
capital facilities by the parties. 3574

(C) For purposes of this section, "available receipts" means 3575
all receipts of the state from charges for the treatment or care 3576
of mental hygiene and retardation patients, including support 3577
payments received under Chapter 5121. of the Revised Code and 3578
moneys required to be transmitted to the mental health bond 3579
service trust fund pursuant to subleases and other agreements 3580
between any of the departments and another governmental agency 3581
pursuant to division (B) of this section as the subleases and 3582
other agreements may be further implemented for internal planning, 3583
budgeting, and accounting purposes pursuant to rules adopted by 3584
the director of mental health, director of mental retardation and 3585
developmental disabilities, or director of alcohol and drug 3586
addiction services, any revenues or receipts derived by the 3587
commission from the operation, leasing, or other disposition of 3588
capital facilities financed under this section, the proceeds of 3589

obligations issued under this section and sections 154.11 and 3590
154.12 of the Revised Code, and also means any gifts, grants, 3591
donations, and pledges, and receipts therefrom, available for the 3592
payment of bond service charges on such obligations. The issuing 3593
authority may pledge all, or such portion as that authority 3594
determines, of the available receipts to the payment of bond 3595
service charges on obligations issued under this section and under 3596
sections 154.11 and 154.12 of the Revised Code and for the 3597
establishment and maintenance of any reserves, as provided in the 3598
bond proceedings, and make other provisions therein with respect 3599
to such available receipts as authorized by this chapter, which 3600
provisions shall be controlling notwithstanding any other 3601
provision of law pertaining thereto. 3602

(D) The issuing authority may covenant in the bond 3603
proceedings that the state and state agencies shall, so long as 3604
any obligations issued under this section are outstanding, cause 3605
to be charged and collected charges for the treatment or care of 3606
mental hygiene and retardation patients sufficient in amount to 3607
provide for the payment of bond service charges on such 3608
obligations and for the establishment and maintenance of any 3609
reserves, as provided in the bond proceedings, and such covenants 3610
shall be controlling notwithstanding any other provision of law 3611
pertaining to such charges. 3612

(E) There is hereby created the mental health bond service 3613
trust fund, which shall be in the custody of the treasurer of 3614
state but shall be separate and apart from and not a part of the 3615
state treasury. All moneys received by or on account of the 3616
commission or issuing authority or state agencies and required by 3617
the applicable bond proceedings to be deposited, transferred, or 3618
credited to the fund, and all other moneys transferred or 3619
allocated to or received for the purposes of the fund, shall be 3620
deposited with the treasurer of state and credited to such fund, 3621

subject to applicable provisions of the bond proceedings, but 3622
without necessity for any act of appropriation. The mental health 3623
bond service trust fund is a trust fund and is hereby pledged to 3624
the payment of bond service charges on the obligations issued 3625
pursuant to this section and sections 154.11 and 154.12 of the 3626
Revised Code to the extent provided in the applicable bond 3627
proceedings, and payment thereof from such fund shall be made or 3628
provided for by the treasurer of state in accordance with such 3629
bond proceedings without necessity for any act of appropriation. 3630

(F) There is hereby created in the state treasury the mental 3631
health facilities improvement fund. Subject to the bond 3632
proceedings therefor, all of the proceeds of the sale of 3633
obligations pursuant to this section shall be credited to the 3634
fund, except that any accrued interest shall be credited to the 3635
mental health bond service fund. The mental health facilities 3636
improvement fund may also be comprised of gifts, grants, 3637
appropriated moneys, and other sums and securities received to the 3638
credit of such fund. The fund shall be applied only to the ~~purpose~~ 3639
~~of paying~~ following purposes: 3640

(1) Paying costs of capital facilities for mental hygiene and 3641
retardation, including housing for mental hygiene and retardation 3642
patients, under the jurisdiction of the department of mental 3643
health, department of mental retardation and developmental 3644
disabilities, or department of alcohol and drug addiction services 3645
~~or for participation;~~ 3646

(2) Participating in capital facilities for mental hygiene 3647
and retardation, including housing for mental hygiene and 3648
retardation patients, with the federal government, municipal 3649
corporations, counties, or other governmental agencies, or ~~to~~ a 3650
nonprofit corporation specifically chartered to provide a mental 3651
health or mental retardation service when such service fulfills a 3652
public purpose, which participation may be by grants or 3653

contributions to them for such capital facilities. Except as 3654
provided in division (G) of this section, the nonprofit 3655
corporation may act in concert with a limited partnership or a 3656
limited liability company eligible to participate in the nonprofit 3657
set-aside described in section 42(h)(5) of the "Internal Revenue 3658
Code of 1986," 100 Stat. 2198, 26 U.S.C. 42, and the Ohio housing 3659
finance agency's housing tax credit program for the purpose of 3660
making use of low-income housing tax credits in support of housing 3661
for mental hygiene and retardation patients. 3662

(G) A nonprofit corporation providing a mental retardation 3663
service must obtain written approval from the director of mental 3664
retardation and developmental disabilities before acting in 3665
concert with a limited partnership or limited liability company as 3666
described in division (F)(2) of this section. However, the 3667
director may issue one blanket approval for all such nonprofit 3668
corporations. 3669

(H) This section is to be applied with other applicable 3670
provisions of this chapter. 3671

Sec. 169.13. (A) All agreements to pay a fee, compensation, 3672
commission, or other remuneration to locate, deliver, recover, or 3673
assist in the recovery of unclaimed funds reported under section 3674
169.03 of the Revised Code, entered into within two years 3675
immediately after the date a report is filed under division (C) of 3676
section 169.03 of the Revised Code, are invalid. 3677

(B) An agreement entered into any time after such two-year 3678
period is valid only if both of the following conditions are met: 3679

(1) The aggregate fee, compensation, commission, or other 3680
remuneration agreed upon, paid directly or indirectly, is not in 3681
excess of ten per cent of the amount recovered and paid to the 3682
owner by the ~~auditor~~ director of state budget and management; 3683

(2) The agreement is in writing, signed by the owner, and 3684
discloses all of the following items: 3685

(a) The nature and value of the property; 3686

(b) The amount the owner will receive after the fee or 3687
compensation has been subtracted; 3688

(c) The name and address of the person or entity in 3689
possession of the property. 3690

(C) No person shall receive a fee, compensation, commission, 3691
or other remuneration, or engage in any activity for the purpose 3692
of locating, delivering, recovering, or assisting in the recovery 3693
of unclaimed funds, under an agreement that is invalid under this 3694
section. 3695

(D) Whoever violates division (C) of this section is guilty 3696
of a misdemeanor of the first degree for a first offense and of a 3697
felony of the fifth degree for each subsequent offense. 3698

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 3699
the contrary, the rate of wages payable for the various 3700
occupations covered by sections 4115.03 to 4115.16 of the Revised 3701
Code to persons employed on a project who are not any of the 3702
following shall be determined according to this section: 3703

(a) Qualified volunteers; 3704

(b) Persons required to participate in a work activity, 3705
developmental activity, or alternative work activity under 3706
sections 5107.40 to 5107.69 of the Revised Code except those 3707
engaged in paid employment or subsidized employment pursuant to 3708
the activity; 3709

(c) Food stamp benefit recipients required to participate in 3710
employment and training activities established by rules adopted 3711
under section 5101.54 of the Revised Code. 3712

An association representing the general contractors or 3713
subcontractors that engage in the business of residential 3714
construction in a certain locality shall negotiate with the 3715
applicable building and construction trades council in that 3716
locality an agreement or understanding that sets forth the 3717
residential prevailing rate of wages, payable on projects in that 3718
locality, for each of the occupations employed on those projects. 3719

(2) Notwithstanding any residential prevailing rate of wages 3720
established prior to July 1, 1995, if, by October 1, 1995, the 3721
parties are unable to agree under division (A)(1) of this section 3722
as to the rate of wages payable for each occupation covered by 3723
sections 4115.03 to 4115.16 of the Revised Code, the director of 3724
commerce shall establish the rate of wages payable for each 3725
occupation. 3726

(3) The residential prevailing rate of wages established 3727
under division (A)(1) or (2) of this section shall not be equal to 3728
or greater than the prevailing rate of wages determined by the 3729
director pursuant to sections 4115.03 to 4115.16 of the Revised 3730
Code for any of the occupations covered by those sections. 3731

(B) Except for the prevailing rate of wages determined by the 3732
director pursuant to sections 4115.03 to 4115.16 of the Revised 3733
Code, those sections and section 4115.99 of the Revised Code apply 3734
to projects. 3735

(C) The residential prevailing rate of wages established 3736
under division (A) of this section is not payable to any 3737
individual or member of that individual's family who provides 3738
labor in exchange for acquisition of the property for 3739
homeownership or who provides labor in place of or as a supplement 3740
to any rental payments for the property. 3741

(D) For the purposes of this section: 3742

(1) "Project" means any construction, rehabilitation, 3743

remodeling, or improvement of residential housing, whether on a 3744
single or multiple site for which a person, as defined in section 3745
1.59 of the Revised Code, or municipal corporation, county, or 3746
township receives financing, that is financed in whole or in part 3747
from state moneys or pursuant to this chapter, section 133.51 or 3748
307.698 of the Revised Code, or Chapter 174. or 175. of the 3749
Revised Code, except for any of the following: 3750

(a) The single-family mortgage revenue bonds homeownership 3751
program under Chapter 175. of the Revised Code, including 3752
owner-occupied dwellings of one to four units; 3753

(b) Projects consisting of fewer than six units developed by 3754
any entity that is not a nonprofit organization exempt from 3755
federal income tax under section 501(c)(3) of the Internal Revenue 3756
Code; 3757

(c) Projects of fewer than twenty-five units developed by any 3758
nonprofit organization that is exempt from federal income tax 3759
under section 501(c)(3) of the Internal Revenue Code; 3760

(d) Programs undertaken by any municipal corporation, county, 3761
or township, including lease-purchase programs, using mortgage 3762
revenue bond financing; 3763

(e) Any individual project, that is sponsored or developed by 3764
a nonprofit organization that is exempt from federal income tax 3765
under section 501(c)(3) of the Internal Revenue Code, for which 3766
the federal government or any of its agencies furnishes by loan, 3767
grant, low-income housing tax credit, or insurance more than 3768
twelve per cent of the costs of the project. For purposes of 3769
division (D)(2)(e) of this section, the value of the low-income 3770
housing tax credits shall be calculated as the proceeds from the 3771
sale of the tax credits, less the costs of the sale. 3772

As used in division (D)(1)(e) of this section, "sponsored" 3773
means that ~~the~~ a general partner of a limited partnership owning 3774

the project or a managing member of a limited liability company 3775
owning the project is either a nonprofit organization that is 3776
exempt from federal income tax under section 501(c)(3) of the 3777
Internal Revenue Code or a person, as defined in section 1.59 of 3778
the Revised Code, or a limited liability company in which such a 3779
nonprofit organization maintains controlling interest. For 3780
purposes of this division, a general partner of a limited 3781
partnership that is a nonprofit organization described under this 3782
division is not required to be the sole general partner in the 3783
limited partnership, and a managing member of a limited liability 3784
company that is a nonprofit organization described under this 3785
division is not required to be the sole managing member in the 3786
limited liability company. 3787

Nothing in division (D)(1)(e) of this section shall be 3788
construed as permitting unrelated projects to be combined for the 3789
sole purpose of determining the total percentage of project costs 3790
furnished by the federal government or any of its agencies. 3791

(2) A "project" is a "public improvement" and the state or a 3792
political subdivision that undertakes or participates in the 3793
financing of a project is a "public authority," as both of the 3794
last two terms are defined in section 4115.03 of the Revised Code. 3795

(3) "Qualified volunteers" are volunteers who are working 3796
without compensation for a nonprofit organization that is exempt 3797
from federal income tax under section 501(c)(3) of the Internal 3798
Revenue Code, and that is providing housing or housing assistance 3799
only to families and individuals in a county whose incomes are not 3800
greater than one hundred forty per cent of the median income of 3801
that county as determined under section 174.04 of the Revised 3802
Code. 3803

Sec. 184.191. The third frontier research and development 3804
taxable bond fund is hereby created in the state treasury. The 3805

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 earnings of the fund shall be credited to the fund. Moneys in the fund shall be used in accordance with sections 184.10 to 184.18 and 184.20 of the Revised Code and for associated administrative expenses.

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

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

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

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

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

<u>Chapter 351. of the Revised Code.</u>	3836
<u>(5) "Lodging taxes" means excise taxes levied under division</u>	3837
<u>(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and</u>	3838
<u>the revenues arising therefrom.</u>	3839
<u>(6) "Nonprofit corporation" means a nonprofit corporation</u>	3840
<u>that is organized under the laws of this state and that includes</u>	3841
<u>within the purposes for which it is incorporated the authorization</u>	3842
<u>to lease and operate facilities such as a convention center or an</u>	3843
<u>arena or a combination of an arena and convention center.</u>	3844
<u>(7) "Project" means acquiring, constructing, reconstructing,</u>	3845
<u>renovating, rehabilitating, expanding, adding to, equipping,</u>	3846
<u>furnishing or otherwise improving an arena, a convention center,</u>	3847
<u>or a combination of an arena and convention center. For purposes</u>	3848
<u>of this section, a project is a permanent improvement for one</u>	3849
<u>purpose under Chapter 133. of the Revised Code.</u>	3850
<u>(8) "Project revenues" means money received by an eligible</u>	3851
<u>county, other than money from taxes or from the proceeds of</u>	3852
<u>securities secured by taxes, in connection with, derived from,</u>	3853
<u>related to, or resulting from a project, including, but not</u>	3854
<u>limited to, rentals and other payments received under a lease or</u>	3855
<u>agreement with respect to the project, ticket charges or</u>	3856
<u>surcharges for admission to events at a project, charges or</u>	3857
<u>surcharges for parking for events at a project, charges for the</u>	3858
<u>use of a project or any portion of a project, including suites and</u>	3859
<u>seating rights, the sale of naming rights for the project or a</u>	3860
<u>portion of the project, unexpended proceeds of any county revenue</u>	3861
<u>bonds issued for the project, and any income and profit from the</u>	3862
<u>investment of the proceeds of any such revenue bonds or any</u>	3863
<u>project revenues.</u>	3864
<u>(9) "Chapter 133. securities," "debt charges," "general</u>	3865
<u>obligation," "legislation," "one purpose," "outstanding,"</u>	3866

"permanent improvement," "person," and "securities" have the 3867
meanings given to those terms in section 133.01 of the Revised 3868
Code. 3869

(B) A board of county commissioners may enter into an 3870
agreement with a convention and visitors' bureau operating in the 3871
county under which: 3872

(1) The bureau agrees to construct and equip a convention 3873
center in the county and to pledge and contribute from the tax 3874
revenues received by it under division (A) of section 5739.09 of 3875
the Revised Code, not more than such portion thereof that it is 3876
authorized to pledge and contribute for the purpose described in 3877
division (C) of this section; and 3878

(2) The board agrees to levy a tax under division (C) of 3879
section 5739.09 of the Revised Code and pledge and contribute the 3880
revenues therefrom for the purpose described in division (C) of 3881
this section. 3882

(C) The purpose of the pledges and contributions described in 3883
divisions (B)(1) and (2) of this section is payment of principal, 3884
interest, and premium, if any, on bonds and notes issued by or for 3885
the benefit of the bureau to finance the construction and 3886
equipping of a convention center. The pledges and contributions 3887
provided for in the agreement shall be for the period stated in 3888
the agreement, ~~but not to exceed thirty years~~. Revenues determined 3889
from time to time by the board to be needed to cover the real and 3890
actual costs of administering the tax imposed by division (C) of 3891
section 5739.09 of the Revised Code may not be pledged or 3892
contributed. The agreement shall provide that any such bonds and 3893
notes shall be secured by a trust agreement between the bureau or 3894
other issuer acting for the benefit of the bureau and a corporate 3895
trustee that is a trust company or bank having the powers of a 3896
trust company within or without the state, and the trust agreement 3897

shall pledge or assign to the retirement of the bonds or notes, 3898
all moneys paid by the county under this section. A tax the 3899
revenues from which are pledged under an agreement entered into by 3900
a board of county commissioners under this section shall not be 3901
subject to diminution by initiative or referendum, or diminution 3902
by statute, unless provision is made therein for an adequate 3903
substitute therefor reasonably satisfactory to the trustee under 3904
the trust agreement that secures the bonds and notes. 3905

(D) A pledge of money by a county under division (B) of this 3906
section shall not be indebtedness of the county for purposes of 3907
Chapter 133. of the Revised Code. 3908

(E) If the terms of the agreement so provide, the board of 3909
county commissioners may acquire and lease real property to the 3910
convention bureau as the site of the convention center. The lease 3911
~~shall be for a term not to exceed thirty years and shall be on~~ 3912
such terms as are set forth in the agreement. The purchase and 3913
lease are not subject to the limitations of sections 307.02 and 3914
307.09 of the Revised Code. 3915

(F) In addition to the authority granted to a board of county 3916
commissioners under divisions (B) to (E) of this section, a board 3917
of county commissioners in a county with a population of one 3918
million two hundred thousand or more may establish and provide 3919
local funding options for constructing and equipping a convention 3920
center. 3921

(G) The board of county commissioners of an eligible county 3922
may undertake, finance, operate, and maintain a project. The board 3923
may lease a project to an entity on terms that the board 3924
determines to be in the best interest of the county and in 3925
furtherance of the public purpose of the project; the lease may be 3926
for a term of thirty-five years or less and may provide for an 3927
option of the entity to renew the lease for a term of thirty-five 3928
years or less. The board may enter into an agreement with an 3929

entity with respect to a project on terms that the board 3930
determines to be in the best interest of the county and in 3931
furtherance of the public purpose of the project. To the extent 3932
provided for in an agreement or a lease with an entity, the board 3933
may authorize the entity to administer on behalf of the board any 3934
contracts for the project. The board may enter into an agreement 3935
providing for the sale to a person of naming rights to a project 3936
or portion of a project, for a period, for consideration, and on 3937
other terms and conditions that the board determines to be in the 3938
best interest of the county and in furtherance of the public 3939
purpose of the project. The board may enter into an agreement with 3940
a person owning or operating a professional athletic or sports 3941
team providing for the use by that person of a project or portion 3942
of a project for that team's offices, training, practices, and 3943
home games for a period, for consideration, and on other terms and 3944
conditions that the board determines to be in the best interest of 3945
the county and in furtherance of the public purpose of the 3946
project. The board may establish ticket charges or surcharges for 3947
admission to events at a project, charges or surcharges for 3948
parking for events at a project, and charges for the use of a 3949
project or any portion of a project, including suites and seating 3950
rights, and may, as necessary, enter into agreements related 3951
thereto with persons for a period, for consideration, and on other 3952
terms and conditions that the board determines to be in the best 3953
interest of the county and in furtherance of the public purpose of 3954
the project. A lease or agreement authorized by this division is 3955
not subject to sections 307.02, 307.09, and 307.12 of the Revised 3956
Code. 3957

(H) Notwithstanding any contrary provision in Chapter 5739. 3958
of the Revised Code, after adopting a resolution declaring it to 3959
be in the best interest of the county to undertake a project as 3960
described in division (G) of this section, the board of county 3961

commissioners of an eligible county may adopt a resolution 3962
enacting or increasing any lodging taxes within the limits 3963
specified in Chapter 5739. of the Revised Code with respect to 3964
those lodging taxes and amending any prior resolution under which 3965
any of its lodging taxes have been imposed in order to provide 3966
that those taxes, after deducting the real and actual costs of 3967
administering the taxes and any portion of the taxes returned to 3968
any municipal corporation or township as provided in division 3969
(A)(1) of section 5739.09 of the Revised Code, shall be used by 3970
the board for the purposes of undertaking, financing, operating, 3971
and maintaining the project, including paying debt charges on any 3972
securities issued by the board under division (I) of this section, 3973
or to make contributions to the convention and visitors' bureau 3974
operating within the county, or to promote, advertise, and market 3975
the region in which the county is located, all as the board may 3976
determine and make appropriations for from time to time, subject 3977
to the terms of any pledge to the payment of debt charges on 3978
outstanding general obligation securities or special obligation 3979
securities authorized under division (I) of this section. A 3980
resolution adopted under division (H) of this section shall be 3981
adopted not earlier than January 15, 2007, and not later than 3982
January 15, 2008. 3983

A resolution adopted under division (H) of this section may 3984
direct the board of elections to submit the question of enacting 3985
or increasing lodging taxes, as the case may be, to the electors 3986
of the county at a special election held on the date specified by 3987
the board in the resolution, provided that the election occurs not 3988
less than seventy-five days after a certified copy of the 3989
resolution is transmitted to the board of elections and no later 3990
than January 15, 2008. A resolution submitted to the electors 3991
under this division shall not go into effect unless it is approved 3992
by a majority of those voting upon it. A resolution adopted under 3993

division (H) of this section that is not submitted to the electors 3994
of the county for their approval or disapproval is subject to a 3995
referendum as provided in sections 305.31 to 305.41 of the Revised 3996
Code. 3997

A resolution adopted under division (H) of this section takes 3998
effect upon its adoption, unless the resolution is submitted to 3999
the electors of the county for their approval or disapproval, in 4000
which case the resolution takes effect on the date the board of 4001
county commissioners receives notification from the board of 4002
elections of the affirmative vote. Lodging taxes received after 4003
the effective date of the resolution may be used for the purposes 4004
described in division (H) of this section, except that lodging 4005
taxes that have been pledged to the payment of debt charges on any 4006
bonds or notes issued by or for the benefit of a convention and 4007
visitors' bureau under division (C) of this section shall be used 4008
exclusively for that purpose until such time as the bonds or notes 4009
are no longer outstanding under the trust agreement securing those 4010
bonds or notes. 4011

(I)(1) The board of county commissioners of an eligible 4012
county may issue the following securities of the county for the 4013
purpose of paying costs of the project, refunding any outstanding 4014
county securities issued for that purpose, refunding any 4015
outstanding bonds or notes issued by or for the benefit of the 4016
bureau under division (C) of this section, or for any combination 4017
of those purposes: 4018

(a) General obligation securities issued under Chapter 133. 4019
of the Revised Code. The resolution authorizing these securities 4020
may include covenants to appropriate annually from lawfully 4021
available lodging taxes, and to continue to levy and collect those 4022
lodging taxes in, amounts necessary to meet the debt charges on 4023
those securities. 4024

(b) Special obligation securities issued under Chapter 133. 4025
of the Revised Code that are secured only by lawfully available 4026
lodging taxes and any other taxes and revenues pledged to pay the 4027
debt charges on those securities, except ad valorem property 4028
taxes. The resolution authorizing those securities shall include a 4029
pledge of and covenants to appropriate annually from lawfully 4030
available lodging taxes and any other taxes and revenues pledged 4031
for such purpose, and to continue to collect any of those revenues 4032
pledged for such purpose and to levy and collect those lodging 4033
taxes and any other taxes pledged for such purpose, in amounts 4034
necessary to meet the debt charges on those securities. The pledge 4035
is valid and binding from the time the pledge is made, and the 4036
lodging taxes so pledged and thereafter received by the county are 4037
immediately subject to the lien of the pledge without any physical 4038
delivery of the lodging taxes or further act. The lien of any 4039
pledge is valid and binding as against all parties having claims 4040
of any kind in tort, contract, or otherwise against the county, 4041
regardless of whether such parties have notice of the lien. 4042
Neither the resolution nor any trust agreement by which a pledge 4043
is created or further evidenced is required to be filed or 4044
recorded except in the records of the board. The special 4045
obligation securities shall contain a statement on their face to 4046
the effect that they are not general obligation securities, and, 4047
unless paid from other sources, are payable from the pledged 4048
lodging taxes. 4049

(c) Revenue securities authorized under section 133.08 of the 4050
Revised Code and issued under Chapter 133. of the Revised Code 4051
that are secured only by lawfully available project revenues 4052
pledged to pay the debt charges on those securities. 4053

(2) The securities described in division (I)(1) of this 4054
section are subject to Chapter 133. of the Revised Code. 4055

(3) Section 133.34 of the Revised Code, except for division 4056

(A) of that section, applies to the issuance of any refunding securities authorized under this division. In lieu of division (A) of section 133.34 of the Revised Code, the board of county commissioners shall establish the maturity date or dates, the interest payable on, and other terms of refunding securities as it considers necessary or appropriate for their issuance, provided that the final maturity of refunding securities shall not exceed by more than ten years the final maturity of any bonds refunded by refunding securities.

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

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

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Sec. 333.04. (A) After review of the items submitted under division (A) of section 333.03 of the Revised Code, and after receipt of the certification from the director of development

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under division (B) of that section, a board of county 4087
commissioners, before ~~December 1, 2006~~ June 1, 2007, may enter 4088
into an agreement under section 333.02 of the Revised Code, 4089
provided that the board has determined all of the following: 4090

(1) The proposed impact facility is economically sound; 4091

(2) Construction of the proposed impact facility has not 4092
begun prior to the day the agreement is entered into; 4093

(3) The impact facility will benefit the county by increasing 4094
employment opportunities and strengthening the local and regional 4095
economy; and 4096

(4) Receiving payments from the board of county commissioners 4097
is a major factor in the person's decision to go forward with 4098
construction of the impact facility. 4099

(B) An agreement entered into under this section shall 4100
include all of the following: 4101

(1) A description of the impact facility that is the subject 4102
of the agreement, including the existing investment level, if any, 4103
the proposed amount of investments, the scheduled starting and 4104
completion dates for the facility, and the number and type of 4105
full-time equivalent positions to be created at the facility; 4106

(2) The percentage of the county sales and use tax collected 4107
at the impact facility that will be used to make payments to the 4108
person entering into the agreement; 4109

(3) The term of the payments and the first calendar quarter 4110
in which the person may apply for a payment under section 333.06 4111
of the Revised Code; 4112

(4) A requirement that the amount of payments made to the 4113
person during the term established under division (B)(3) of this 4114
section shall not exceed the person's qualifying investment, and 4115
that all payments cease when that amount is reached; 4116

(5) A requirement that the person maintain operations at the 4117
impact facility for at least the term established under division 4118
(B)(3) of this section; 4119

(6) A requirement that the person annually certify to the 4120
board of county commissioners, on or before a date established by 4121
the board in the agreement, the level of investment in, the number 4122
of employees and type of full-time equivalent positions at, and 4123
the amount of county sales and use tax collected and remitted to 4124
the tax commissioner or treasurer of state from sales made at, the 4125
facility; 4126

(7) A provision stating that the creation of the proposed 4127
impact facility does not involve the relocation of more than ten 4128
full-time equivalent positions and two million dollars in taxable 4129
assets to the impact facility from another facility owned by the 4130
person, or a related member of the person, that is located in 4131
another political subdivision of this state, other than the 4132
political subdivision in which the impact facility is or will be 4133
located; 4134

(8) A provision stating that the person will not relocate 4135
more than ten full-time equivalent positions and two million 4136
dollars in taxable assets to the impact facility from another 4137
facility in another political subdivision of this state during the 4138
term of the payments without the written approval of the director 4139
of development; 4140

(9) A detailed explanation of how the person determined that 4141
more than fifty per cent of the visitors to the facility live at 4142
least one hundred miles from the facility. 4143

(C) For purposes of this section, the transfer of a full-time 4144
equivalent position or taxable asset from another political 4145
subdivision in this state to the political subdivision in which 4146
the impact facility is or will be located shall be considered a 4147

relocation, unless the person refills the full-time equivalent 4148
position, or replaces the taxable asset with an asset of equal or 4149
greater taxable value, within six months after the transfer. The 4150
person may not receive a payment under this chapter for any year 4151
in which more than ten relocations occurred without the written 4152
consent of the board of county commissioners. 4153

Sec. 340.03. (A) Subject to rules issued by the director of 4154
mental health after consultation with relevant constituencies as 4155
required by division (A)(11) of section 5119.06 of the Revised 4156
Code, with regard to mental health services, the board of alcohol, 4157
drug addiction, and mental health services shall: 4158

(1) Serve as the community mental health planning agency for 4159
the county or counties under its jurisdiction, and in so doing it 4160
shall: 4161

(a) Evaluate the need for facilities and community mental 4162
health services; 4163

(b) In cooperation with other local and regional planning and 4164
funding bodies and with relevant ethnic organizations, assess the 4165
community mental health needs, set priorities, and develop plans 4166
for the operation of facilities and community mental health 4167
services; 4168

(c) In accordance with guidelines issued by the director of 4169
mental health after consultation with board representatives, 4170
develop and submit to the department of mental health, no later 4171
than six months prior to the conclusion of the fiscal year in 4172
which the board's current plan is scheduled to expire, a community 4173
mental health plan listing community mental health needs, 4174
including the needs of all residents of the district now residing 4175
in state mental institutions and severely mentally disabled 4176
adults, children, and adolescents; all children subject to a 4177

determination made pursuant to section 121.38 of the Revised Code; 4178
and all the facilities and community mental health services that 4179
are or will be in operation or provided during the period for 4180
which the plan will be in operation in the service district to 4181
meet such needs. 4182

The plan shall include, but not be limited to, a statement of 4183
which of the services listed in section 340.09 of the Revised Code 4184
the board intends to ~~provide or purchase,~~ make available. The 4185
board must include crisis intervention services for individuals in 4186
an emergency situation in the plan and explain how the board 4187
intends to make such services available. The plan must also 4188
include an explanation of how the board intends to make any 4189
payments that it may be required to pay under section 5119.62 of 4190
the Revised Code, a statement of the inpatient and community-based 4191
services the board proposes that the department operate, an 4192
assessment of the number and types of residential facilities 4193
needed, ~~and~~ such other information as the department requests, and 4194
a budget for moneys the board expects to receive. The board shall 4195
also submit an allocation request for state and federal funds. 4196
Within sixty days after the department's determination that the 4197
plan and allocation request are complete, the department shall 4198
approve or disapprove the plan and request, in whole or in part, 4199
according to the criteria developed pursuant to section 5119.61 of 4200
the Revised Code. The department's statement of approval or 4201
disapproval shall specify the inpatient and the community-based 4202
services that the department will operate for the board. 4203

Eligibility 4204

Eligibility for ~~financial support~~ state and federal funding 4205
shall be contingent upon an approved plan or relevant part of a 4206
plan. The department may provide state and federal funding for 4207
services included in a plan only if the services are for 4208
individuals whose focus of treatment or prevention is a mental 4209

disorder according to the edition of the American psychiatric 4210
association's diagnostic and statistical manual of mental 4211
disorders that is current at the time the funding is provided. 4212
This shall include such services for individuals who have a mental 4213
disorder and a co-occurring substance use disorder, 4214
substance-induced disorder, chronic dementing organic mental 4215
disorder, mental retardation, or developmental disability. The 4216
department may not provide state or federal funding under a plan 4217
for a service for individuals whose focus of treatment or 4218
prevention is solely a substance use disorder, substance-induced 4219
disorder, chronic dementing organic mental disorder, mental 4220
retardation, or developmental disability. 4221

If the director disapproves all or part of any plan, the 4222
director shall inform the board of the reasons for the disapproval 4223
and of the criteria that must be met before the plan may be 4224
approved. The director shall provide the board an opportunity to 4225
present its case on behalf of the plan. The director shall give 4226
the board a reasonable time in which to meet the criteria, and 4227
shall offer the board technical assistance to help it meet the 4228
criteria. 4229

If the approval of a plan remains in dispute thirty days 4230
prior to the conclusion of the fiscal year in which the board's 4231
current plan is scheduled to expire, the board or the director may 4232
request that the dispute be submitted to a mutually agreed upon 4233
third-party mediator with the cost to be shared by the board and 4234
the department. The mediator shall issue to the board and the 4235
department recommendations for resolution of the dispute. Prior to 4236
the conclusion of the fiscal year in which the current plan is 4237
scheduled to expire, the director, taking into consideration the 4238
recommendations of the mediator, shall make a final determination 4239
and approve or disapprove the plan, in whole or in part. 4240

If a board determines that it is necessary to amend a plan or 4241

an allocation request that has been approved under division 4242
(A)(1)(c) of this section, the board shall submit a proposed 4243
amendment to the director. The director may approve or disapprove 4244
all or part of the amendment. If the director does not approve all 4245
or part of the amendment within thirty days after it is submitted, 4246
the amendment or part of it shall be considered to have been 4247
approved. The director shall inform the board of the reasons for 4248
disapproval of all or part of an amendment and of the criteria 4249
that must be met before the amendment may be approved. The 4250
director shall provide the board an opportunity to present its 4251
case on behalf of the amendment. The director shall give the board 4252
a reasonable time in which to meet the criteria, and shall offer 4253
the board technical assistance to help it meet the criteria. 4254

The board shall implement the plan approved by the 4255
department. 4256

(d) Receive, compile, and transmit to the department of 4257
mental health applications for state reimbursement; 4258

(e) Promote, arrange, and implement working agreements with 4259
social agencies, both public and private, and with judicial 4260
agencies. 4261

(2) Investigate, or request another agency to investigate, 4262
any complaint alleging abuse or neglect of any person receiving 4263
services from a community mental health agency as defined in 4264
section 5122.01 of the Revised Code, or from a residential 4265
facility licensed under section 5119.22 of the Revised Code. If 4266
the investigation substantiates the charge of abuse or neglect, 4267
the board shall take whatever action it determines is necessary to 4268
correct the situation, including notification of the appropriate 4269
authorities. Upon request, the board shall provide information 4270
about such investigations to the department. 4271

(3) For the purpose of section 5119.611 of the Revised Code, 4272

cooperate with the director of mental health in visiting and 4273
evaluating whether the services of a community mental health 4274
agency satisfy the certification standards established by rules 4275
adopted under that section; 4276

(4) In accordance with criteria established under division 4277
(G) of section 5119.61 of the Revised Code, review and evaluate 4278
the quality, effectiveness, and efficiency of services provided 4279
through its community mental health plan and submit its findings 4280
and recommendations to the department of mental health; 4281

(5) In accordance with section 5119.22 of the Revised Code, 4282
review applications for residential facility licenses and 4283
recommend to the department of mental health approval or 4284
disapproval of applications; 4285

(6) Audit, in accordance with rules adopted by the auditor of 4286
state pursuant to section 117.20 of the Revised Code, at least 4287
annually all programs and services provided under contract with 4288
the board. In so doing, the board may contract for or employ the 4289
services of private auditors. A copy of the fiscal audit report 4290
shall be provided to the director of mental health, the auditor of 4291
state, and the county auditor of each county in the board's 4292
district. 4293

(7) Recruit and promote local financial support for mental 4294
health programs from private and public sources; 4295

(8)(a) Enter into contracts with public and private 4296
facilities for the operation of facility services included in the 4297
board's community mental health plan and enter into contracts with 4298
public and private community mental health agencies for the 4299
provision of community mental health services that are listed in 4300
section 340.09 of the Revised Code and included in the board's 4301
community mental health plan. ~~Contracts~~ The board may not contract 4302
with a community mental health ~~agencies are subject~~ agency to 4303

provide community mental health services included in the board's 4304
community mental health plan unless the services are certified by 4305
the director of mental health under section 5119.611 of the 4306
Revised Code. Section 307.86 of the Revised Code does not apply to 4307
contracts entered into under this division. In contracting with a 4308
community mental health agency, a board shall consider the cost 4309
effectiveness of services provided by that agency and the quality 4310
and continuity of care, and may review cost elements, including 4311
salary costs, of the services to be provided. A utilization review 4312
process shall be established as part of the contract for services 4313
entered into between a board and a community mental health agency. 4314
The board may establish this process in a way that is most 4315
effective and efficient in meeting local needs. In the case of a 4316
contract with a community mental health facility, as defined in 4317
section 5111.023 of the Revised Code, to provide services listed 4318
in division (B) of that section, the contract shall provide for 4319
the facility to be paid in accordance with the contract entered 4320
into between the departments of job and family services and mental 4321
health under section 5111.91 of the Revised Code and any rules 4322
adopted under division (A) of section 5119.61 of the Revised Code. 4323

If either the board or a facility or community mental health 4324
agency with which the board contracts under division (A)(8)(a) of 4325
this section proposes not to renew the contract or proposes 4326
substantial changes in contract terms, the other party shall be 4327
given written notice at least one hundred twenty days before the 4328
expiration date of the contract. During the first sixty days of 4329
this one hundred twenty-day period, both parties shall attempt to 4330
resolve any dispute through good faith collaboration and 4331
negotiation in order to continue to provide services to persons in 4332
need. If the dispute has not been resolved sixty days before the 4333
expiration date of the contract, either party may notify the 4334
department of mental health of the unresolved dispute. The 4335
director may require both parties to submit the dispute to a third 4336

party with the cost to be shared by the board and the facility or
community mental health agency. The third party shall issue to the
board, the facility or agency, and the department recommendations
on how the dispute may be resolved twenty days prior to the
expiration date of the contract, unless both parties agree to a
time extension. The director shall adopt rules establishing the
procedures of this dispute resolution process.

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

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

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

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

The director shall not give a board approval to operate a
facility or provide a community mental health service under
division (A)(8)(b)(ii) or (iii) of this section unless the

director determines that it is not feasible to have the department 4368
operate the facility or provide the service. 4369

The director shall not give a board approval to operate a 4370
facility or provide a community mental health service under 4371
division (A)(8)(b)(iii) of this section unless the director 4372
determines that the board will provide greater administrative 4373
efficiency and more or better services than would be available if 4374
the board contracted with a private or public facility or 4375
community mental health agency. 4376

The director shall not give a board approval to operate a 4377
facility previously operated by a person or other government 4378
entity unless the board has established to the director's 4379
satisfaction that the person or other government entity cannot 4380
effectively operate the facility or that the person or other 4381
government entity has requested the board to take over operation 4382
of the facility. The director shall not give a board approval to 4383
provide a community mental health service previously provided by a 4384
community mental health agency unless the board has established to 4385
the director's satisfaction that the agency cannot effectively 4386
provide the service or that the agency has requested the board 4387
take over providing the service. 4388

The director shall review and evaluate a board's operation of 4389
a facility and provision of community mental health service under 4390
division (A)(8)(b) of this section. 4391

Nothing in division (A)(8)(b) of this section authorizes a 4392
board to administer or direct the daily operation of any facility 4393
or community mental health agency, but a facility or agency may 4394
contract with a board to receive administrative services or staff 4395
direction from the board under the direction of the governing body 4396
of the facility or agency. 4397

(9) Approve fee schedules and related charges or adopt a unit 4398

cost schedule or other methods of payment for contract services 4399
provided by community mental health agencies in accordance with 4400
guidelines issued by the department as necessary to comply with 4401
state and federal laws pertaining to financial assistance; 4402

(10) Submit to the director and the county commissioners of 4403
the county or counties served by the board, and make available to 4404
the public, an annual report of the programs under the 4405
jurisdiction of the board, including a fiscal accounting; 4406

(11) Establish, to the extent resources are available, a 4407
community support system, which provides for treatment, support, 4408
and rehabilitation services and opportunities. The essential 4409
elements of the system include, but are not limited to, the 4410
following components in accordance with section 5119.06 of the 4411
Revised Code: 4412

(a) To locate persons in need of mental health services to 4413
inform them of available services and benefits mechanisms; 4414

(b) Assistance for clients to obtain services necessary to 4415
meet basic human needs for food, clothing, shelter, medical care, 4416
personal safety, and income; 4417

(c) Mental health care, including, but not limited to, 4418
outpatient, partial hospitalization, and, where appropriate, 4419
inpatient care; 4420

(d) Emergency services and crisis intervention; 4421

(e) Assistance for clients to obtain vocational services and 4422
opportunities for jobs; 4423

(f) The provision of services designed to develop social, 4424
community, and personal living skills; 4425

(g) Access to a wide range of housing and the provision of 4426
residential treatment and support; 4427

(h) Support, assistance, consultation, and education for 4428

families, friends, consumers of mental health services, and 4429
others; 4430

(i) Recognition and encouragement of families, friends, 4431
neighborhood networks, especially networks that include racial and 4432
ethnic minorities, churches, community organizations, and 4433
meaningful employment as natural supports for consumers of mental 4434
health services; 4435

(j) Grievance procedures and protection of the rights of 4436
consumers of mental health services; 4437

(k) Case management, which includes continual individualized 4438
assistance and advocacy to ensure that needed services are offered 4439
and procured. 4440

(12) Designate the treatment program, agency, or facility for 4441
each person involuntarily committed to the board pursuant to 4442
Chapter 5122. of the Revised Code and authorize payment for such 4443
treatment. The board shall provide the least restrictive and most 4444
appropriate alternative that is available for any person 4445
involuntarily committed to it and shall assure that the services 4446
listed in section 340.09 of the Revised Code are available to 4447
severely mentally disabled persons residing within its service 4448
district. The board shall establish the procedure for authorizing 4449
payment for services, which may include prior authorization in 4450
appropriate circumstances. The board may provide for services 4451
directly to a severely mentally disabled person when life or 4452
safety is endangered and when no community mental health agency is 4453
available to provide the service. 4454

(13) Establish a method for evaluating referrals for 4455
involuntary commitment and affidavits filed pursuant to section 4456
5122.11 of the Revised Code in order to assist the probate 4457
division of the court of common pleas in determining whether there 4458
is probable cause that a respondent is subject to involuntary 4459

hospitalization and what alternative treatment is available and 4460
appropriate, if any; 4461

(14) Ensure that apartments or rooms built, subsidized, 4462
renovated, rented, owned, or leased by the board or a community 4463
mental health agency have been approved as meeting minimum fire 4464
safety standards and that persons residing in the rooms or 4465
apartments are receiving appropriate and necessary services, 4466
including culturally relevant services, from a community mental 4467
health agency. This division does not apply to residential 4468
facilities licensed pursuant to section 5119.22 of the Revised 4469
Code. 4470

(15) Establish a mechanism for involvement of consumer 4471
recommendation and advice on matters pertaining to mental health 4472
services in the alcohol, drug addiction, and mental health service 4473
district; 4474

(16) Perform the duties under section 3722.18 of the Revised 4475
Code required by rules adopted under section 5119.61 of the 4476
Revised Code regarding referrals by the board or mental health 4477
agencies under contract with the board of individuals with mental 4478
illness or severe mental disability to adult care facilities and 4479
effective arrangements for ongoing mental health services for the 4480
individuals. The board is accountable in the manner specified in 4481
the rules for ensuring that the ongoing mental health services are 4482
effectively arranged for the individuals. 4483

(B) The board shall establish such rules, operating 4484
procedures, standards, and bylaws, and perform such other duties 4485
as may be necessary or proper to carry out the purposes of this 4486
chapter. 4487

(C) A board of alcohol, drug addiction, and mental health 4488
services may receive by gift, grant, devise, or bequest any 4489
moneys, lands, or property for the benefit of the purposes for 4490

which the board is established, and may hold and apply it 4491
according to the terms of the gift, grant, or bequest. All money 4492
received, including accrued interest, by gift, grant, or bequest 4493
shall be deposited in the treasury of the county, the treasurer of 4494
which is custodian of the alcohol, drug addiction, and mental 4495
health services funds to the credit of the board and shall be 4496
available for use by the board for purposes stated by the donor or 4497
grantor. 4498

(D) No board member or employee of a board of alcohol, drug 4499
addiction, and mental health services shall be liable for injury 4500
or damages caused by any action or inaction taken within the scope 4501
of the board member's official duties or the employee's 4502
employment, whether or not such action or inaction is expressly 4503
authorized by this section, section 340.033, or any other section 4504
of the Revised Code, unless such action or inaction constitutes 4505
willful or wanton misconduct. Chapter 2744. of the Revised Code 4506
applies to any action or inaction by a board member or employee of 4507
a board taken within the scope of the board member's official 4508
duties or employee's employment. For the purposes of this 4509
division, the conduct of a board member or employee shall not be 4510
considered willful or wanton misconduct if the board member or 4511
employee acted in good faith and in a manner that the board member 4512
or employee reasonably believed was in or was not opposed to the 4513
best interests of the board and, with respect to any criminal 4514
action or proceeding, had no reasonable cause to believe the 4515
conduct was unlawful. 4516

(E) The meetings held by any committee established by a board 4517
of alcohol, drug addiction, and mental health services shall be 4518
considered to be meetings of a public body subject to section 4519
121.22 of the Revised Code. 4520

Sec. 340.09. The department of mental health shall provide 4521

assistance to any county for the operation of boards of alcohol,	4522
drug addiction, and mental health services and the provision of	4523
the following services from funds appropriated for that purpose by	4524
the general assembly:	4525
(A) Outpatient;	4526
(B) Inpatient;	4527
(C) Partial hospitalization;	4528
(D) Rehabilitation;	4529
(E) Consultation;	4530
(F) Mental health education and other preventive services;	4531
(G) Emergency;	4532
(H) <u>Crisis intervention</u> ;	4533
(I) Research;	4534
(I) (J) Administrative;	4535
(J) (K) Referral and information;	4536
(K) (L) Residential;	4537
(L) (M) Training;	4538
(M) (N) Substance abuse;	4539
(N) (O) Service and program evaluation;	4540
(O) (P) Community support system;	4541
(P) (Q) Case management;	4542
(Q) (R) Residential housing;	4543
(R) (S) Other services approved by the board and the director	4544
of mental health.	4545
Sec. 340.12. No board of alcohol, drug addiction, and mental	4546
health services or any agency, corporation, or association under	4547

contract with such a board shall discriminate in the provision of 4548
services under its authority, in employment, or contract on the 4549
basis of race, color, sex, creed, disability, or national origin, 4550
~~or the inability to pay.~~ 4551

Each board, each community mental health agency, and each 4552
alcohol and drug addiction program shall have a written 4553
affirmative action program. The affirmative action program shall 4554
include goals for the employment and effective utilization of, 4555
including contracts with, members of economically disadvantaged 4556
groups as defined in division (E)(1) of section 122.71 of the 4557
Revised Code in percentages reflecting as nearly as possible the 4558
composition of the alcohol, drug addiction, and mental health 4559
service district served by the board. Each board, agency, and 4560
program shall file a description of the affirmative action program 4561
and a progress report on its implementation with the department of 4562
mental health or the department of alcohol and drug addiction 4563
services. 4564

Sec. 715.70. (A) This section and section 715.71 of the 4565
Revised Code apply only to: 4566

(1) Municipal corporations and townships within a county that 4567
has adopted a charter under Sections 3 and 4 of Article X, Ohio 4568
Constitution; 4569

(2) Municipal corporations and townships that have created a 4570
joint economic development district comprised entirely of real 4571
property owned by a municipal corporation at the time the district 4572
was created under this section. The real property owned by the 4573
municipal corporation shall include an airport owned by the 4574
municipal corporation and located entirely beyond the municipal 4575
corporation's corporate boundary. 4576

(3) Municipal corporations or townships that are part of or 4577
contiguous to a transportation improvement district created under 4578

Chapter 5540. of the Revised Code and that have created a joint 4579
economic development district under this section or section 715.71 4580
of the Revised Code prior to November 15, 1995; 4581

(4) Municipal corporations that have previously entered into 4582
a contract creating a joint economic development district pursuant 4583
to division (A)(2) of this section, even if the territory to be 4584
included in the district does not meet the requirements of that 4585
division. 4586

(B)(1) One or more municipal corporations and one or more 4587
townships may enter into a contract approved by the legislative 4588
authority of each contracting party pursuant to which they create 4589
as a joint economic development district an area or areas for the 4590
purpose of facilitating economic development to create or preserve 4591
jobs and employment opportunities and to improve the economic 4592
welfare of the people in the state and in the area of the 4593
contracting parties. A municipal corporation described in division 4594
(A)(4) of this section may enter into a contract with other 4595
municipal corporations and townships to create a new joint 4596
economic development district. In a district that includes a 4597
municipal corporation described in division (A)(4) of this 4598
section, the territory of each of the contracting parties shall be 4599
contiguous to the territory of at least one other contracting 4600
party, or contiguous to the territory of a township or municipal 4601
corporation that is contiguous to another contracting party, even 4602
if the intervening township or municipal corporation is not a 4603
contracting party. The area or areas of land to be included in the 4604
district shall not include any parcel of land owned in fee by a 4605
municipal corporation or a township or parcel of land that is 4606
leased to a municipal corporation or a township, unless the 4607
municipal corporation or township is a party to the contract or 4608
unless the municipal corporation or township has given its consent 4609
to have its parcel of land included in the district by the 4610

adoption of a resolution. As used in this division, "parcel of
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 4642
corporation or township included within the district shall file a 4643
copy of the fully executed contract with the county recorder of 4644
each county within which a party to the contract is located, in 4645
the miscellaneous records of the county. No annexation proceeding 4646
pursuant to Chapter 709. of the Revised Code that proposes the 4647
annexation to, merger, or consolidation with a municipal 4648
corporation of any unincorporated territory within the district 4649
shall be commenced for a period of three years after the contract 4650
is filed with the county recorder of each county within which a 4651
party to the contract is located unless each board of township 4652
trustees whose territory is included, in whole or part, within the 4653
district and the territory proposed to be annexed, merged, or 4654
consolidated adopts a resolution consenting to the commencement of 4655
the proceeding and a copy of the resolution is filed with the 4656
legislative authority of each county within which a party to the 4657
contract is located or unless the contract is terminated during 4658
this period. 4659

The contract entered into between the municipal corporations 4660
and townships pursuant to this section may provide for the 4661
prohibition of any annexation by the participating municipal 4662
corporations of any unincorporated territory within the district 4663
beyond the three-year mandatory prohibition of any annexation 4664
provided for in division (B)(5) of this section. 4665

(C)(1) After the legislative authority of a municipal 4666
corporation and the board of township trustees have adopted an 4667
ordinance and resolution approving a contract to create a joint 4668
economic development district pursuant to this section, and after 4669
a contract has been signed, the municipal corporations and 4670
townships shall jointly file a petition with the legislative 4671
authority of each county within which a party to the contract is 4672
located. 4673

- (a) The petition shall contain all of the following: 4674
- (i) A statement that the area or areas of the district is not 4675
greater than two thousand acres and is located within the 4676
territory of one or more of the contracting parties; 4677
- (ii) A brief summary of the services to be provided by each 4678
party to the contract or a reference to the portion of the 4679
contract describing those services; 4680
- (iii) A description of the area or areas to be designated as 4681
the district; 4682
- (iv) The signature of a representative of each of the 4683
contracting parties. 4684
- (b) The following documents shall be filed with the petition: 4685
- (i) A signed copy of the contract, together with copies of 4686
district maps and plans related to or part of the contract; 4687
- (ii) A certified copy of the ordinances and resolutions of 4688
the contracting parties approving the contract; 4689
- (iii) A certificate from each of the contracting parties 4690
indicating that the public hearings required by division (D)(2) of 4691
this section have been held, the date of the hearings, and 4692
evidence of publication of the notice of the hearings; 4693
- (iv) One or more signed statements of persons who are owners 4694
of property located in whole or in part within the area to be 4695
designated as the district, requesting that the property be 4696
included within the district, provided that those statements shall 4697
represent a majority of the persons owning property located in 4698
whole or in part within the district and persons owning a majority 4699
of the acreage located within the district. A signature may be 4700
withdrawn by the signer up to but not after the time of the public 4701
hearing required by division (D)(2) of this section. 4702
- (2) The legislative authority of each county within which a 4703

party to the contract is located shall adopt a resolution 4704
approving the petition for the creation of the district if the 4705
petition and other documents have been filed in accordance with 4706
the requirements of division (C)(1) of this section. If the 4707
petition and other documents do not substantially meet the 4708
requirements of that division, the legislative authority of any 4709
county within which a party to the contract is located may adopt a 4710
resolution disapproving the petition for the creation of the 4711
district. The legislative authority of each county within which a 4712
party to the contract is located shall adopt a resolution 4713
approving or disapproving the petition within thirty days after 4714
the petition was filed. If the legislative authority of each such 4715
county does not adopt the resolution within the thirty-day period, 4716
the petition shall be deemed approved and the contract shall go 4717
into effect immediately after that approval or at such other time 4718
as the contract specifies. 4719

(D)(1) The contract creating the district shall set forth or 4720
provide for the amount or nature of the contribution of each 4721
municipal corporation and township to the development and 4722
operation of the district and may provide for the sharing of the 4723
costs of the operation of and improvements for the district. The 4724
contributions may be in any form to which the contracting 4725
municipal corporations and townships agree and may include but are 4726
not limited to the provision of services, money, real or personal 4727
property, facilities, or equipment. The contract may provide for 4728
the contracting parties to share revenue from taxes levied on 4729
property by one or more of the contracting parties if those 4730
revenues may lawfully be applied to that purpose under the 4731
legislation by which those taxes are levied. The contract shall 4732
provide for new, expanded, or additional services, facilities, or 4733
improvements, including expanded or additional capacity for or 4734
other enhancement of existing services, facilities, or 4735

improvements, provided that those services, facilities, or 4736
improvements, or expanded or additional capacity for or 4737
enhancement of existing services, facilities, or improvements, 4738
required herein have been provided within the two-year period 4739
prior to the execution of the contract. 4740

(2) Before the legislative authority of a municipal 4741
corporation or a board of township trustees passes any ordinance 4742
or resolution approving a contract to create a joint economic 4743
development district pursuant to this section, the legislative 4744
authority of the municipal corporation and the board of township 4745
trustees shall each hold a public hearing concerning the joint 4746
economic development district contract and shall provide thirty 4747
days' public notice of the time and place of the public hearing in 4748
a newspaper of general circulation in the municipal corporation 4749
and the township. The board of township trustees may provide 4750
additional notice to township residents in accordance with section 4751
9.03 of the Revised Code, and any additional notice shall include 4752
the public hearing announcement; a summary of the terms of the 4753
contract; a statement that the entire text of the contract and 4754
district maps and plans are on file for public examination in the 4755
office of the township fiscal officer; and information pertaining 4756
to any tax changes that will or may occur as a result of the 4757
contract. 4758

During the thirty-day period prior to the public hearing, a 4759
copy of the text of the contract together with copies of district 4760
maps and plans related to or part of the contract shall be on 4761
file, for public examination, in the offices of the clerk of the 4762
legislative authority of the municipal corporation and of the 4763
township fiscal officer. The public hearing provided for in 4764
division (D)(2) of this section shall allow for public comment and 4765
recommendations from the public on the proposed contract. The 4766
contracting parties may include in the contract any of those 4767

recommendations prior to the approval of the contract. 4768

(3) Any resolution of the board of township trustees that 4769
approves a contract that creates a joint economic development 4770
district pursuant to this section shall be subject to a referendum 4771
of the electors of the township. When a referendum petition, 4772
signed by ten per cent of the number of electors in the township 4773
who voted for the office of governor at the most recent general 4774
election for the office of governor, is presented to the board of 4775
township trustees within thirty days after the board of township 4776
trustees adopted the resolution, ordering that the resolution be 4777
submitted to the electors of the township for their approval or 4778
rejection, the board of township trustees shall, after ten days 4779
and not later than four p.m. of the seventy-fifth day before the 4780
election, certify the text of the resolution to the board of 4781
elections. The board of elections shall submit the resolution to 4782
the electors of the township for their approval or rejection at 4783
the next general, primary, or special election occurring 4784
subsequent to seventy-five days after the certifying of the 4785
petition to the board of elections. 4786

(4) Upon the creation of a district under this section or 4787
section 715.71 of the Revised Code, one of the contracting parties 4788
shall file a copy of the following with the director of 4789
development: 4790

(a) The petition and other documents described in division 4791
(C)(1) of this section, if the district is created under this 4792
section; 4793

(b) The documents described in division (D) of section 715.71 4794
of the Revised Code, if the district is created under this 4795
section. 4796

(E) The district created by the contract shall be governed by 4797
a board of directors that shall be established by or pursuant to 4798

the contract. The board is a public body for the purposes of 4799
section 121.22 of the Revised Code. The provisions of Chapter 4800
2744. of the Revised Code apply to the board and the district. The 4801
members of the board shall be appointed as provided in the 4802
contract from among the elected members of the legislative 4803
authorities and the elected chief executive officers of the 4804
contracting parties, provided that there shall be at least two 4805
members appointed from each of the contracting parties. 4806

(F) The contract shall enumerate the specific powers, duties, 4807
and functions of the board of directors of a district, and the 4808
contract shall provide for the determination of procedures that 4809
are to govern the board of directors. The contract may grant to 4810
the board the power to adopt a resolution to levy an income tax 4811
within the district. The income tax shall be used for the purposes 4812
of the district and for the purposes of the contracting municipal 4813
corporations and townships pursuant to the contract. The income 4814
tax may be levied in the district based on income earned by 4815
persons working or residing within the district and based on the 4816
net profits of businesses located in the district. The income tax 4817
shall follow the provisions of Chapter 718. of the Revised Code, 4818
except that a vote shall be required by the electors residing in 4819
the district to approve the rate of income tax. If no electors 4820
reside within the district, then division (F)(4) of this section 4821
applies. The rate of the income tax shall be no higher than the 4822
highest rate being levied by a municipal corporation that is a 4823
party to the contract. 4824

(1) Within one hundred eighty days after the first meeting of 4825
the board of directors, the board may levy an income tax, provided 4826
that the rate of the income tax is first submitted to and approved 4827
by the electors of the district at the succeeding regular or 4828
primary election, or a special election called by the board, 4829
occurring subsequent to seventy-five days after a certified copy 4830

of the resolution levying the income tax and calling for the 4831
election is filed with the board of elections. If the voters 4832
approve the levy of the income tax, the income tax shall be in 4833
force for the full period of the contract establishing the 4834
district. Any increase in the rate of an income tax that was first 4835
levied within one hundred eighty days after the first meeting of 4836
the board of directors shall be approved by a vote of the electors 4837
of the district, shall be in force for the remaining period of the 4838
contract establishing the district, and shall not be subject to 4839
division (F)(2) of this section. 4840

(2) Any resolution of the board of directors levying an 4841
income tax that is adopted subsequent to one hundred eighty days 4842
after the first meeting of the board of directors shall be subject 4843
to a referendum as provided in division (F)(2) of this section. 4844
Any resolution of the board of directors levying an income tax 4845
that is adopted subsequent to one hundred eighty days after the 4846
first meeting of the board of directors shall be subject to an 4847
initiative proceeding to amend or repeal the resolution levying 4848
the income tax as provided in division (F)(2) of this section. 4849
When a referendum petition, signed by ten per cent of the number 4850
of electors in the district who voted for the office of governor 4851
at the most recent general election for the office of governor, is 4852
filed with the county auditor of each county within which a party 4853
to the contract is located within thirty days after the resolution 4854
is adopted by the board or when an initiative petition, signed by 4855
ten per cent of the number of electors in the district who voted 4856
for the office of governor at the most recent general election for 4857
the office of governor, is filed with the county auditor of each 4858
such county ordering that a resolution to amend or repeal a prior 4859
resolution levying an income tax be submitted to the electors 4860
within the district for their approval or rejection, the county 4861
auditor of each such county, after ten days and not later than 4862

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. 4894

(b) Except as otherwise specified by this division, any 4895
referendum or initiative proceeding within a district shall be 4896
conducted in the same manner as is required for such proceedings 4897
within a municipal corporation pursuant to sections 731.28 to 4898
731.40 of the Revised Code. 4899

(G) Membership on the board of directors does not constitute 4900
the holding of a public office or employment within the meaning of 4901
any section of the Revised Code or any charter provision 4902
prohibiting the holding of other public office or employment, and 4903
shall not constitute an interest, either direct or indirect, in a 4904
contract or expenditure of money by any municipal corporation, 4905
township, county, or other political subdivision with which the 4906
member may be connected. No member of a board of directors shall 4907
be disqualified from holding any public office or employment, nor 4908
shall such member forfeit or be disqualified from holding any such 4909
office or employment, by reason of the member's membership on the 4910
board of directors, notwithstanding any law or charter provision 4911
to the contrary. 4912

(H) The powers and authorizations granted pursuant to this 4913
section or section 715.71 of the Revised Code are in addition to 4914
and not in derogation of all other powers granted to municipal 4915
corporations and townships pursuant to law. When exercising a 4916
power or performing a function or duty under a contract authorized 4917
pursuant to this section or section 715.71 of the Revised Code, a 4918
municipal corporation may exercise all of the powers of a 4919
municipal corporation, and may perform all the functions and 4920
duties of a municipal corporation, within the district, pursuant 4921
to and to the extent consistent with the contract. When exercising 4922
a power or performing a function or duty under a contract 4923
authorized pursuant to this section or section 715.71 of the 4924
Revised Code, a township may exercise all of the powers of a 4925

township, and may perform all the functions and duties of a 4926
township, within the district, pursuant to and to the extent 4927
consistent with the contract. The district board of directors has 4928
no powers except those specifically set forth in the contract as 4929
agreed to by the participating parties. No political subdivision 4930
shall authorize or grant any tax exemption pursuant to Chapter 4931
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 4932
Revised Code on any property located within the district, ~~except~~ 4933
~~that a political subdivision that is a contracting party may grant~~ 4934
~~a tax exemption under section 5709.62, 5709.63, or 5709.632 of the~~ 4935
~~Revised Code on property located within the district, with without~~ 4936
the consent of the ~~other~~ contracting parties. The prohibition for 4937
any tax exemption pursuant to this division shall not apply to any 4938
exemption filed, pending, or approved, or for which an agreement 4939
has been entered into, before the effective date of the contract 4940
entered into by the parties. 4941

(I) Municipal corporations and townships may enter into 4942
binding agreements pursuant to a contract authorized under this 4943
section or section 715.71 of the Revised Code with respect to the 4944
substance and administration of zoning and other land use 4945
regulations, building codes, public permanent improvements, and 4946
other regulatory and proprietary matters that are determined, 4947
pursuant to the contract, to be for a public purpose and to be 4948
desirable with respect to the operation of the district or to 4949
facilitate new or expanded economic development in the state or 4950
the district, provided that no contract shall exempt the territory 4951
within the district from the procedures and processes of land use 4952
regulation applicable pursuant to municipal corporation, township, 4953
and county regulations, including but not limited to procedures 4954
and processes concerning zoning. 4955

(J) A contract entered into pursuant to this section or 4956
section 715.71 of the Revised Code may be amended and it may be 4957

renewed, canceled, or terminated as provided in or pursuant to the
contract. The contract may be amended to add property owned by one
of the contracting parties to the district, or may be amended to
delete property from the district whether or not one of the
contracting parties owns the deleted property. The contract shall
continue in existence throughout its term and shall be binding on
the contracting parties and on any entities succeeding to such
parties, whether by annexation, merger, or otherwise. The income
tax levied by the board pursuant to this section or section 715.71
of the Revised Code shall apply in the entire district throughout
the term of the contract, notwithstanding that all or a portion of
the district becomes subject to annexation, merger, or
incorporation. No township or municipal corporation is divested of
its rights or obligations under the contract because of
annexation, merger, or succession of interests.

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

Sec. 715.81. The powers granted under sections 715.72 to
715.81 of the Revised Code are in addition to and not in the
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 entered into under
section 715.72 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 joint economic development district, pursuant to and to
the extent consistent with the contract. When exercising a power
or performing a function or duty under a contract entered into

under either section 715.72 or section 715.691 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 joint economic development district, or joint economic development zone that is subject to division (I)(2) of section 715.691 of the Revised Code, pursuant to and to the extent consistent with the contract. No political subdivision shall grant any tax exemption under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district, or zone that is subject to division (I)(2) of section 715.691 of the Revised Code, ~~except that a political subdivision that is a contracting party may grant a tax exemption under section 5709.62, 5709.63, or 5709.632 of the Revised Code on property located within the district, or zone that is subject to division (I)(2) of section 715.691 of the Revised Code, with~~ without the consent of the ~~other~~ contracting parties. The prohibition against granting a tax exemption under this section does not apply to any exemption filed, pending, or approved before the effective date of the contract entered into under either section 715.72 or section 715.691 of the Revised Code.

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

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

Prior to proposing the conveyance of any canal lands, the

director shall consider the local government needs and economic 5020
development potential with respect to the canal lands and the 5021
recreational, ecological, and historical value of the canal lands. 5022
In addition, the conveyance of canal lands shall be conducted in 5023
accordance with the director's policies governing the protection 5024
and conservation of canal lands established under this section. 5025

(2) With regard to canal lands, the chief of the division of 5026
water, with the approval of the director, may sell, lease, or 5027
transfer minerals or mineral rights when the chief and the 5028
director determine that the sale, lease, or transfer is in the 5029
best interest of the state. Consideration for minerals and mineral 5030
rights shall be by rental or on a royalty basis as prescribed by 5031
the chief and payable as prescribed by contract. Moneys collected 5032
under division (B)(2) of this section shall be paid into the state 5033
treasury to the credit of the canal lands fund created in section 5034
1520.05 of the Revised Code. 5035

(C)(1) Not later than one year after July 1, 1989, the 5036
director of transportation and the director of the Ohio historical 5037
society shall identify all canal lands that are or may be of use 5038
to any program operated by the department of transportation or the 5039
Ohio historical society, respectively, and shall notify the 5040
director of natural resources of those lands. The director of 5041
natural resources may transfer any canal lands so identified to 5042
the exclusive care, custody, and control of the department of 5043
transportation or the Ohio historical society, as applicable, by 5044
means of a departmental transfer not later than six months after 5045
receiving notification under division (C)(1) of this section. 5046

(2) The director of natural resources may transfer to the 5047
Ohio historical society any equipment, maps, and records used on 5048
or related to canal lands that are of historical interest and that 5049
are not needed by the director to administer this chapter. 5050

(D) If the director of natural resources determines that any 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, 5081
distribution to members does not deprive it of the status of a 5082
nonprofit corporation. 5083

(D) "State" means the United States; any state, territory, 5084
insular possession, or other political subdivision of the United 5085
States, including the District of Columbia; any foreign country or 5086
nation; and any province, territory, or other political 5087
subdivision of a foreign country or nation. 5088

(E) "Articles" includes original articles of incorporation, 5089
agreements of merger or consolidation if and only to the extent 5090
that articles of incorporation are adopted or amended in the 5091
agreements, amended articles, and amendments to any of these, and, 5092
in the case of a corporation created before September 1, 1851, the 5093
special charter and any amendments to it made by special act of 5094
the ~~General Assembly~~ general assembly or pursuant to general law. 5095

(F) "Incorporator" means a person who signed the original 5096
articles of incorporation. 5097

(G) "Member" means one having membership rights and 5098
privileges in a corporation in accordance with its articles or 5099
regulations. 5100

(H) "Voting member" means a member possessing voting rights, 5101
either generally or in respect of the particular question 5102
involved, as the case may be. 5103

(I) "Person" includes, but is not limited to, a nonprofit 5104
corporation, a business corporation, a partnership, an 5105
unincorporated society or association, and two or more persons 5106
having a joint or common interest. 5107

(J) The location of the "principal office" of a corporation 5108
is the place named as such in its articles. 5109

(K) "Directors" means the persons vested with the authority 5110

to conduct the affairs of the corporation irrespective of the 5111
name, such as trustees, by which they are designated. 5112

(L) "Insolvent" means that the corporation is unable to pay 5113
its obligations as they become due in the usual course of its 5114
affairs. 5115

(M)(1) Subject to division (M)(2) of this section, 5116
"volunteer" means a director, officer, or agent of a corporation, 5117
or another person associated with a corporation, who satisfies 5118
both of the following: 5119

(a) Performs services for or on behalf of, and under the 5120
authority or auspices of, that corporation; 5121

(b) Does not receive compensation, either directly or 5122
indirectly, for performing those services. 5123

(2) For purposes of division (M)(1) of this section, 5124
"compensation" does not include any of the following: 5125

(a) Actual and necessary expenses that are incurred by a 5126
volunteer in connection with the services performed for a 5127
corporation, and that are reimbursed to the volunteer or otherwise 5128
paid; 5129

(b) Insurance premiums paid on behalf of a volunteer, and 5130
amounts paid or reimbursed, pursuant to division (E) of section 5131
1702.12 of the Revised Code; 5132

(c) Modest perquisites. 5133

(N) "Business corporation" means any entity, as defined in 5134
section 1701.01 of the Revised Code, other than a public benefit 5135
corporation or a mutual benefit corporation, that is organized 5136
pursuant to Chapter 1701. of the Revised Code. 5137

(O) "Mutual benefit corporation" means any corporation 5138
organized under this chapter other than a public benefit 5139
corporation. 5140

(P) "Public benefit corporation" means a corporation that is 5141
recognized as exempt from federal income taxation under section 5142
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 5143
26 U.S.C. 1, as amended, or is organized for a public or 5144
charitable purpose and that upon dissolution must distribute its 5145
assets to a public benefit corporation, the United States, a state 5146
or any political subdivision of a state, or a person that is 5147
recognized as exempt from federal income taxation under section 5148
501(c)(3) of the "Internal Revenue Code of 1986," as amended. 5149
"Public benefit corporation" does not include a nonprofit 5150
corporation that is organized by one or more municipal 5151
corporations to further a public purpose that is not a charitable 5152
purpose. 5153

(Q) "Authorized communications equipment" means any 5154
communications equipment ~~to which both of the following apply:~~ 5155

~~(1) The articles, regulations, or bylaws, or the regulations, 5156
constitution, or other fundamental agreement if section 1702.08 of 5157
the Revised Code applies, permit the use of the communications 5158
equipment for the purpose of giving notice of meetings or any 5159
notice required by this chapter, attending and participating in 5160
meetings, giving a copy of any document or transmitting any 5161
writing required or permitted under this chapter, or voting. 5162~~

~~(2) The communications equipment that provides a 5163
transmission, including, but not limited to, by telephone, 5164
telecopy, or any electronic means, from which it can be determined 5165
that the transmission was authorized by, and accurately reflects 5166
the intention of, the member or director involved and, with 5167
respect to meetings, allows all persons participating in the 5168
meeting to contemporaneously communicate with each other. 5169~~

Sec. 1702.08. (A) When an unincorporated society or 5170
association, organized for any of the purposes for which a 5171

corporation could be formed under this chapter, authorizes the 5172
incorporation of that society or association, by the same 5173
procedure and affirmative vote of its voting members that the 5174
regulations, constitution, or other fundamental agreement of the 5175
society or association requires for an amendment to that 5176
fundamental agreement or, if no such vote is specified, by a 5177
majority vote of the voting members present in person ~~or, if~~ 5178
~~permitted, by mail, by proxy, or~~ by the use of authorized 5179
communications equipment, by mail, or, if permitted, by proxy, at 5180
a duly convened meeting the purpose of which is stated in the 5181
notice of the meeting, then upon the filing of the articles under 5182
section 1702.04 of the Revised Code setting forth those facts and 5183
that the required vote has been obtained, that society or 5184
association shall become a corporation, and the members of the 5185
society or association shall become members of that corporation in 5186
accordance with provisions in the articles to that effect. 5187

(B) All the rights, privileges, immunities, powers, 5188
franchises, and authority, and all the property and obligations of 5189
that unincorporated society or association, shall thereupon pass 5190
to, vest in, and (in the case of liabilities and obligations) be 5191
obligations of the corporation so formed. 5192

Sec. 1702.11. (A) Without limiting the generality of such 5193
authority, the regulations, whether designated a constitution or 5194
rules, or by some other term, may include provisions with respect 5195
to the following: 5196

(1) The place, if any, and time for holding, the manner of 5197
and authority for calling, giving notice of, and conducting, and 5198
the requirements of a quorum for, meetings of members, or their 5199
elected representatives or delegates; 5200

(2) The qualifications, admission, voluntary withdrawal, 5201

censure, and suspension of members, and the termination of	5202
membership;	5203
(3) The fees and dues of members;	5204
(4) The rights of members or classes of members, or of their	5205
elected representatives or delegates, to vote; the manner of	5206
conducting votes of members on matters, including any right to	5207
vote <u>voting</u> by mail, by the use of authorized communications	5208
equipment, if permitted by this chapter, or by proxy; the	5209
specification of the relative rights and privileges among members	5210
and in the property of the corporation; and limitations upon or	5211
regulations governing the right of members to examine the books	5212
and records of the corporation;	5213
(5) The election of representatives or delegates of members	5214
and their authority, rights, and privileges;	5215
(6) The number, classification, manner of fixing or changing	5216
the number, qualifications, term of office, voting rights,	5217
compensation or manner of fixing compensation, and the removal of	5218
directors;	5219
(7) The place, if any, and time for holding, the manner of	5220
and authority for calling, giving notice of, and conducting, and	5221
the requirements of a quorum for, meetings of the directors;	5222
(8) The appointment of an executive and other committees of	5223
the directors or of members, their authority, and the method by	5224
which they take action;	5225
(9) The titles, qualifications, duties, term of office,	5226
compensation or manner of fixing compensation, and the removal, of	5227
officers;	5228
(10) Defining, limiting, or regulating the exercise of the	5229
authority of the corporation, the directors, the officers, the	5230
members, or any class of members;	5231

(11) The method by which voting members may change the regulations; 5232
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(12) Providing for the use of authorized communications equipment. 5234
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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. 5236
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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. 5244
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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 5249
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may be done by corporations for profit under division (C) of 5263
section 1701.11 of the Revised Code. 5264

(D) Any change in the regulations made in accordance with 5265
their provisions or pursuant to division (B) of this section shall 5266
be binding on all members. 5267

(E) If the regulations are amended or new regulations adopted 5268
without a meeting of the voting members, the secretary of the 5269
corporation shall send by mail, overnight delivery service, or 5270
authorized communications equipment a copy of the amendment or the 5271
new regulations to each voting member who would have been entitled 5272
to vote on the amendment or new regulations and did not 5273
participate in the adoption of the amendment or new regulations. 5274
If the secretary of the corporation mails the copy or sends it by 5275
overnight delivery service, the secretary shall send the copy of 5276
the amendment or the new regulations to the voting member at the 5277
voting member's address as it appears on the records of the 5278
corporation. If the secretary sends the copy by means of 5279
authorized communications equipment, the secretary shall send the 5280
copy of the amendment or the new regulations to the address 5281
provided by the voting member for transmissions by authorized 5282
communications equipment. 5283

(F) No person dealing with the corporation shall be charged 5284
with constructive notice of the regulations. 5285

(G) Unless expressly prohibited by the articles or 5286
regulations, or unless otherwise provided by the emergency 5287
regulations, and notwithstanding any different provision in this 5288
chapter, the special rules provided for corporations for profit 5289
under division (F) of section 1701.11 of the Revised Code are 5290
applicable to a nonprofit corporation during an emergency, as 5291
defined in division (U) of section 1701.01 of the Revised Code. 5292

Sec. 1702.17. (A) Meetings of voting members may be called by 5293
any of the following: 5294

(1) The chairperson of the board, the president, or, in case 5295
of the president's absence, death, or disability, the 5296
vice-president authorized to exercise the authority of the 5297
president; 5298

(2) The directors by action at a meeting, or a majority of 5299
the directors acting without a meeting; 5300

(3) The lesser of (a) ten per cent of the voting members or 5301
(b) twenty-five of the voting members, unless the articles or the 5302
regulations specify for such purpose a smaller or larger 5303
proportion or number, but not in excess of fifty per cent of the 5304
voting members; 5305

(4) Any other officers or persons that the articles or the 5306
regulations authorize to call such meetings. 5307

(B) If so provided in the articles or the regulations, 5308
meetings of voting members may be held either within or without 5309
this state or solely by means of authorized communications 5310
equipment. 5311

(C) ~~If authorized by~~ Unless the directors articles or 5312
regulations provide otherwise, the voting members and proxyholders 5313
who are not physically present at a meeting of voting members may 5314
attend the meeting by the use of authorized communications 5315
equipment that enables the voting members and proxyholders an 5316
opportunity to participate in the meeting and to vote on matters 5317
submitted to the voting members, including an opportunity to read 5318
or hear the proceedings of the meeting, participate in the 5319
proceedings, and contemporaneously communicate with the persons 5320
who are physically present at the meeting. Any voting member who 5321
uses authorized communications equipment under this division is 5322

deemed to be present in person at the meeting whether the meeting 5323
is held at a designated place or solely by means of authorized 5324
communications equipment. The directors may adopt procedures and 5325
guidelines for the use of authorized communications equipment in 5326
connection with a meeting of voting members to permit the 5327
corporation to verify that a person is a voting member or 5328
proxyholder and to maintain a record of any vote or other action 5329
taken at the meeting. 5330

Sec. 1702.19. (A) Notice of the place, if any, the time, and 5331
the purposes of any meeting of voting members or directors, as the 5332
case may be, whether required by law, the articles, the 5333
regulations, or (in the case of directors) the bylaws, may be 5334
waived in writing, either before or after the holding of such 5335
meeting, by any member, or by any director, which writing shall be 5336
filed with or entered upon the records of the meeting. A 5337
transmission by authorized communications equipment that contains 5338
a waiver is a writing for purposes of this division. 5339

(B) If a member or director attends a meeting described in 5340
division (A) of this section without protesting prior to or at the 5341
commencement of the meeting, then the lack of proper notice shall 5342
be deemed to be a waiver by the member or director of notice of 5343
the meeting. 5344

(C) ~~A~~ Unless the articles or regulations provide otherwise, a 5345
~~member or director~~ shall be considered in attendance at a meeting 5346
described in division (A) of this section, ~~if the member or~~ 5347
~~director is present in person or, if permitted by the regulations,~~ 5348
~~is present~~ by the use of authorized communications equipment, by 5349
mail, or, if permitted, by proxy. Unless the articles or 5350
regulations provide otherwise, a director shall be considered in 5351
attendance at a meeting described in division (A) of this section 5352
if the director is present in person or by the use of authorized 5353

communications equipment. 5354

Sec. 1702.20. (A) Except as otherwise provided in the 5355
articles or the regulations, each member, regardless of class, 5356
shall be entitled to one vote on each matter properly submitted to 5357
the members for their vote, consent, waiver, release, or other 5358
action. 5359

(B) ~~The~~ Unless the articles or the regulations ~~may~~ provide 5360
~~that otherwise,~~ voting at elections and votes on other matters may 5361
be conducted by mail or by the use of authorized communications 5362
equipment. 5363

(C) Participation by a member in a meeting through the use of 5364
any of the means of communication described in division (B) of 5365
this section constitutes presence in person of that member at the 5366
meeting. The directors may adopt procedures and guidelines for the 5367
use of authorized communications equipment to permit the 5368
corporation to verify that a person is a voting member and to 5369
maintain a record of any vote. 5370

(D) Unless the articles or the regulations otherwise provide, 5371
no member who is a natural person shall vote or act by proxy. 5372

Sec. 1702.22. Unless the articles or the regulations 5373
otherwise provide: 5374

(A)(1) The voting members present in person ~~or, if permitted,~~ 5375
~~by mail, by proxy, or~~ by the use of authorized communications 5376
equipment, by mail, or, if permitted, by proxy at any meeting of 5377
voting members shall constitute a quorum for the meeting. 5378

(2) The affirmative vote of a majority of the voting members 5379
present at a meeting at which a quorum is present as provided in 5380
division (A)(1) of this section shall be necessary for the 5381
authorization or taking of any action voted upon by the members, 5382
except that no action required by law, the articles, or the 5383

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. 5414

(4) The articles or the regulations may provide that persons 5415
occupying certain positions within or without the corporation 5416
shall be ex officio directors, but, unless otherwise provided in 5417
the articles or the regulations, such ex officio directors shall 5418
not be considered for quorum purposes and shall have no vote. 5419

(B) The court of common pleas of the county in which the 5420
corporation maintains its principal office may, pursuant to 5421
division (A) of section 1702.521 of the Revised Code, order the 5422
appointment of a provisional director for the corporation without 5423
regard to the number or qualifications of directors stated in the 5424
articles or regulations of the corporation. 5425

Sec. 1702.38. (A) The articles may be amended from time to 5426
time in any respect if the articles as amended set forth all the 5427
provisions that are required in, and only those provisions that 5428
may properly be in, original articles filed at the time of 5429
adopting the amendment, other than with respect to the initial 5430
directors, except that a public benefit corporation shall not 5431
amend its articles in such manner that it will cease to be a 5432
public benefit corporation. 5433

(B) Without limiting the generality of the authority 5434
described in division (A) of this section, the articles may be 5435
amended to: 5436

(1) Change the name of the corporation; 5437

(2) Change the place in this state where its principal office 5438
is to be located; 5439

(3) Change, enlarge, or diminish its purpose or purposes; 5440

(4) Change any provision of the articles or add any provision 5441
that may properly be included in the articles. 5442

(C)(1) The voting members present in person ~~or, if permitted,~~ 5443
~~by mail, by proxy, or~~ by use of authorized communications 5444
equipment, by mail, or, if permitted, by proxy at a meeting held 5445
for that purpose, may adopt an amendment by the affirmative vote 5446
of a majority of the voting members present if a quorum is present 5447
or, if the articles or the regulations provide or permit, by the 5448
affirmative vote of a greater or lesser proportion or number of 5449
the voting members, and by the affirmative vote of the voting 5450
members of any particular class that is required by the articles 5451
or the regulations. 5452

(2) For purposes of division (C)(1) of this section, 5453
participation by a voting member at a meeting through the use of 5454
any of the means of communication described in that division 5455
constitutes presence in person of that voting member at the 5456
meeting for purposes of determining a quorum. 5457

(D) In addition to or in lieu of adopting an amendment to the 5458
articles, the voting members may adopt amended articles by the 5459
same action or vote as that required to adopt the amendment. 5460

(E) The directors may adopt amended articles to consolidate 5461
the original articles and all previously adopted amendments to the 5462
articles that are in force at the time, or the voting members at a 5463
meeting held for that purpose may adopt the amended articles by 5464
the same vote as that required to adopt an amendment. 5465

(F) Amended articles shall set forth all the provisions that 5466
are required in, and only the provisions that may properly be in, 5467
original articles filed at the time of adopting the amended 5468
articles, other than with respect to the initial directors, and 5469
shall contain a statement that they supersede the existing 5470
articles. 5471

(G) Upon the adoption of any amendment or amended articles, a 5472
certificate containing a copy of the resolution adopting the 5473

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 5505
affirmative vote of a majority of the voting members present as 5506
described in this division, if a quorum is present, or, if the 5507
articles or the regulations provide or permit, by the affirmative 5508
vote of a greater or lesser proportion or number of the voting 5509
members, and by the affirmative vote of the voting members of any 5510
particular class that is required by the articles or the 5511
regulations. Notice of the meeting of the members shall be given 5512
to all members entitled to vote at the meeting. Such notice shall 5513
be accompanied by a copy or summary of the terms of that 5514
transaction. 5515

(2) For purposes of division (A)(1) of this section, 5516
participation by a voting member at a meeting through the use of 5517
any of the means of communication described in that division 5518
constitutes presence in person of that voting member at the 5519
meeting for purposes of determining a quorum. 5520

(B)(1) A public benefit corporation may not dispose of its 5521
assets with value equal to more than fifty per cent of the fair 5522
market value of the net tangible and intangible assets, including 5523
goodwill, of the corporation over a period of thirty-six 5524
consecutive months in a transaction or series of transactions, 5525
including the lease, sale, exchange, transfer, or other 5526
disposition of those assets, that are outside the ordinary course 5527
of its business or that are not in accordance with the purpose or 5528
purposes for which the corporation was organized, as set forth in 5529
its articles or the terms of any trust on which the corporation 5530
holds such assets, unless one or more of the following apply: 5531

(a) The transaction has received the prior approval of the 5532
court of common pleas of the county in this state in which the 5533
principal office of the corporation is located, in a proceeding of 5534
which the attorney general's charitable law section has been given 5535

written notice by certified mail within three days of the 5536
initiation of the proceeding, and in which proceeding the attorney 5537
general may intervene as of right. 5538

(b)(i) The corporation has provided written notice of the 5539
proposed transaction, including a copy or summary of the terms of 5540
such transaction, at least twenty days before consummation of the 5541
lease, sale, exchange, transfer, or other disposition of the 5542
assets, to the attorney general's charitable law section and to 5543
the members of the corporation, and the proposed transaction has 5544
been approved by the voting members present in person ~~or, if~~ 5545
~~permitted, by mail, by proxy, or~~ by the use of authorized 5546
communications equipment, by mail, or, if permitted, by proxy at a 5547
meeting held for that purpose, by the affirmative vote of a 5548
majority of the voting members present as described in this 5549
division, if a quorum is present, or, if the articles or 5550
regulations provide or permit, by the affirmative vote of a 5551
greater or lesser proportion or number of the voting members, and 5552
if the articles or regulations require, by the affirmative vote of 5553
the voting members of any particular class. 5554

(ii) For purposes of division (B)(1)(b)(i) of this section, 5555
participation by a voting member at a meeting through the use of 5556
any of the means of communication described in that division 5557
constitutes presence in person of that voting member at the 5558
meeting for purposes of determining a quorum. 5559

(c) The transaction is in accordance with the purpose or 5560
purposes for which the corporation was organized, as set forth in 5561
its articles or the terms of any trust on which the corporation 5562
holds the assets, and the lessee, purchaser, or transferee of the 5563
assets is also a public benefit corporation or a foreign 5564
corporation that would qualify under the Revised Code as a public 5565
benefit corporation. 5566

(2) The attorney general may require, pursuant to section 5567
109.24 of the Revised Code, the production of the documents 5568
necessary for review of a proposed transaction under division 5569
(B)(1) of this section. The attorney general may retain, at the 5570
expense of the public benefit corporation, one or more experts, 5571
including an investment banker, actuary, appraiser, certified 5572
public accountant, or other expert, that the attorney general 5573
considers reasonably necessary to provide assistance in reviewing 5574
a proposed transaction under division (B)(1) of this section. 5575

(C) The attorney general may institute a civil action to 5576
enforce the requirements of division (B)(1) of this section in the 5577
court of common pleas of the county in this state in which the 5578
principal office of the corporation is located or in the Franklin 5579
county court of common pleas. In addition to any civil remedies 5580
that may exist under common law or the Revised Code, a court may 5581
rescind the transaction or grant injunctive relief or impose any 5582
combination of these remedies. 5583

(D) The corporation by its directors may abandon the proposed 5584
lease, sale, exchange, transfer, or other disposition of the 5585
assets of the corporation pursuant to division (A) or (B) of this 5586
section, subject to the contract rights of other persons, if that 5587
power of abandonment is conferred upon the directors either by the 5588
terms of the transaction or by the same vote of voting members and 5589
at the same meeting of members as that referred to in division (A) 5590
or (B) of this section, as applicable, or at any subsequent 5591
meeting. 5592

(E) An action to set aside a conveyance by a corporation, on 5593
the ground that any section of the Revised Code applicable to the 5594
lease, sale, exchange, transfer, or other disposition of the 5595
assets of such corporation has not been complied with, shall be 5596
brought within one year after that transaction, or the action 5597
shall be forever barred. 5598

Sec. 1702.42. (A) The directors of each constituent 5599
corporation, upon approving an agreement of merger or 5600
consolidation, shall direct that the agreement be submitted to the 5601
voting members entitled to vote on it at a meeting of voting 5602
members of such corporation held for that purpose, and notice of 5603
the meeting shall be given to all members of the constituent 5604
corporation entitled to vote at the meeting. The notice shall be 5605
accompanied by a copy or summary of the agreement. 5606

(B)(1) At each meeting described in division (A) of this 5607
section, a vote of the members shall be taken on the proposed 5608
agreement. In order to be adopted, the agreement (including any 5609
amendments or additions to the agreement proposed at each such 5610
meeting) must receive the affirmative vote of a majority of the 5611
voting members of each constituent corporation present at that 5612
meeting in person ~~or, if permitted, by mail, by proxy, or~~ by the 5613
use of authorized communications equipment, by mail, or, if 5614
permitted, by proxy if a quorum is present, or, if the articles or 5615
the regulations of that corporation provide or permit, the 5616
affirmative vote of a greater or lesser proportion or number of 5617
the voting members, and the affirmative vote of the voting members 5618
of any particular class that is required by the articles or the 5619
regulations of such corporation. If the agreement would authorize 5620
any particular corporate action that, under any applicable 5621
provision of law or under the existing articles of one or more of 5622
the constituent corporations, could be authorized only by or 5623
pursuant to a specified vote of voting members, the agreement 5624
(including any amendments or additions to the agreement proposed 5625
at each such meeting) in order to be adopted must receive the 5626
affirmative vote so specified. 5627

(2) For purposes of division (B)(1) of this section, 5628
participation by a voting member at a meeting through the use of 5629

any of the means of communication described in that division 5630
constitutes presence in person of that voting member at the 5631
meeting for purposes of determining a quorum. 5632

(C) At any time prior to the filing of the agreement, the 5633
merger or consolidation may be abandoned by the directors of one 5634
or more of the constituent corporations, if the power of 5635
abandonment is conferred upon those directors either by the 5636
agreement or by the same vote of voting members of each of the 5637
constituent corporations and at the same meetings as those 5638
referred to in division (B) of this section or at subsequent 5639
meetings. 5640

Sec. 1702.58. (A) Except as provided in sections 1702.01 to 5641
1702.58 of the Revised Code, the provisions of those sections 5642
shall apply only to domestic corporations, and except as otherwise 5643
provided in this section, the provisions of those sections shall 5644
apply to all domestic corporations, whether formed under those 5645
sections or under previous laws of this state. 5646

(B) Special provisions in the Revised Code for the 5647
organization, conduct, or government of designated classes of 5648
corporations shall govern to the exclusion of the provisions of 5649
sections 1702.01 to 1702.58 of the Revised Code on the same 5650
subject, except where it clearly appears that a special provision 5651
is cumulative, in which case, that provision and the provisions of 5652
those sections on the same subject shall apply. 5653

(C) A corporation incorporated prior to June 9, 1927, with 5654
authority to issue shares may continue to issue and reissue shares 5655
in accordance with its articles, but shall be without authority to 5656
amend its articles in order to increase the authorized number of 5657
shares. 5658

(D) A corporation created before September 1, 1851, that (1) 5659

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;	5722
In Logan county, two judges, one to be elected in 1956, term to begin January 1, 1957, and one to be elected in 2004, term to begin January 2, 2005;	5723 5724 5725
In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	5726 5727 5728
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	5729 5730
In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;	5731 5732 5733
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	5734 5735
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	5736 5737
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	5738 5739
In Sandusky county, two <u>two</u> judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	5740 5741 5742
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	5743 5744 5745 5746
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	5747 5748 5749 5750

In Athens county, two judges, one to be elected in 1954, term 5751
to begin February 9, 1955, and one to be elected in 1990, term to 5752
begin July 1, 1991; 5753

In Erie county, four judges, one to be elected in 1956, term 5754
to begin January 1, 1957, the second to be elected in 1970, term 5755
to begin January 2, 1971, the third to be elected in 2004, term to 5756
begin January 2, 2005, and the fourth to be elected in 2008, term 5757
to begin February 9, 2009; 5758

In Fairfield county, three judges, one to be elected in 1954, 5759
term to begin February 9, 1955, the second to be elected in 1970, 5760
term to begin January 1, 1971, and the third to be elected in 5761
1994, term to begin January 2, 1995; 5762

In Geauga county, two judges, one to be elected in 1956, term 5763
to begin January 1, 1957, and the second to be elected in 1976, 5764
term to begin January 6, 1977; 5765

In Greene county, four judges, one to be elected in 1956, 5766
term to begin February 9, 1957, the second to be elected in 1960, 5767
term to begin January 1, 1961, the third to be elected in 1978, 5768
term to begin January 2, 1979, and the fourth to be elected in 5769
1994, term to begin January 1, 1995; 5770

In Hancock county, two judges, one to be elected in 1952, 5771
term to begin January 1, 1953, and the second to be elected in 5772
1978, term to begin January 1, 1979; 5773

In Lawrence county, two judges, one to be elected in 1954, 5774
term to begin February 9, 1955, and the second to be elected in 5775
1976, term to begin January 1, 1977; 5776

In Marion county, three judges, one to be elected in 1952, 5777
term to begin January 1, 1953, the second to be elected in 1976, 5778
term to begin January 2, 1977, and the third to be elected in 5779
1998, term to begin February 9, 1999; 5780

In Medina county, three judges, one to be elected in 1956, 5781
term to begin January 1, 1957, the second to be elected in 1966, 5782
term to begin January 1, 1967, and the third to be elected in 5783
1994, term to begin January 1, 1995; 5784

In Miami county, two judges, one to be elected in 1954, term 5785
to begin February 9, 1955, and one to be elected in 1970, term to 5786
begin on January 1, 1971; 5787

In Muskingum county, three judges, one to be elected in 1968, 5788
term to begin August 9, 1969, one to be elected in 1978, term to 5789
begin January 1, 1979, and one to be elected in 2002, term to 5790
begin January 2, 2003; 5791

In Portage county, three judges, one to be elected in 1956, 5792
term to begin January 1, 1957, the second to be elected in 1960, 5793
term to begin January 1, 1961, and the third to be elected in 5794
1986, term to begin January 2, 1987; 5795

In Ross county, two judges, one to be elected in 1956, term 5796
to begin February 9, 1957, and the second to be elected in 1976, 5797
term to begin January 1, 1977; 5798

In Scioto county, three judges, one to be elected in 1954, 5799
term to begin February 10, 1955, the second to be elected in 1960, 5800
term to begin January 1, 1961, and the third to be elected in 5801
1994, term to begin January 2, 1995; 5802

In Seneca county, two judges, one to be elected in 1956, term 5803
to begin January 1, 1957, and the second to be elected in 1986, 5804
term to begin January 2, 1987; 5805

In Warren county, four judges, one to be elected in 1954, 5806
term to begin February 9, 1955, the second to be elected in 1970, 5807
term to begin January 1, 1971, the third to be elected in 1986, 5808
term to begin January 1, 1987, and the fourth to be elected in 5809
2004, term to begin January 2, 2005; 5810

In Washington county, two judges, one to be elected in 1952, 5811
term to begin January 1, 1953, and one to be elected in 1986, term 5812
to begin January 1, 1987; 5813

In Wood county, three judges, one to be elected in 1968, term 5814
beginning January 1, 1969, the second to be elected in 1970, term 5815
to begin January 2, 1971, and the third to be elected in 1990, 5816
term to begin January 1, 1991; 5817

In Belmont and Jefferson counties, two judges, to be elected 5818
in 1954, terms to begin January 1, 1955, and February 9, 1955, 5819
respectively; 5820

In Clark county, four judges, one to be elected in 1952, term 5821
to begin January 1, 1953, the second to be elected in 1956, term 5822
to begin January 2, 1957, the third to be elected in 1986, term to 5823
begin January 3, 1987, and the fourth to be elected in 1994, term 5824
to begin January 2, 1995. 5825

In Clermont county, five judges, one to be elected in 1956, 5826
term to begin January 1, 1957, the second to be elected in 1964, 5827
term to begin January 1, 1965, the third to be elected in 1982, 5828
term to begin January 2, 1983, the fourth to be elected in 1986, 5829
term to begin January 2, 1987; and the fifth to be elected in 5830
2006, term to begin January 3, 2007; 5831

In Columbiana county, two judges, one to be elected in 1952, 5832
term to begin January 1, 1953, and the second to be elected in 5833
1956, term to begin January 1, 1957; 5834

In Delaware county, two judges, one to be elected in 1990, 5835
term to begin February 9, 1991, the second to be elected in 1994, 5836
term to begin January 1, 1995; 5837

In Lake county, six judges, one to be elected in 1958, term 5838
to begin January 1, 1959, the second to be elected in 1960, term 5839
to begin January 2, 1961, the third to be elected in 1964, term to 5840

begin January 3, 1965, the fourth and fifth to be elected in 1978, 5841
terms to begin January 4, 1979, and January 5, 1979, respectively, 5842
and the sixth to be elected in 2000, term to begin January 6, 5843
2001; 5844

In Licking county, four judges, one to be elected in 1954, 5845
term to begin February 9, 1955, one to be elected in 1964, term to 5846
begin January 1, 1965, one to be elected in 1990, term to begin 5847
January 1, 1991, and one to be elected in 2004, term to begin 5848
January 1, 2005; 5849

In Lorain county, ten judges, two to be elected in 1952, 5850
terms to begin January 1, 1953, and January 2, 1953, respectively, 5851
one to be elected in 1958, term to begin January 3, 1959, one to 5852
be elected in 1968, term to begin January 1, 1969, two to be 5853
elected in 1988, terms to begin January 4, 1989, and January 5, 5854
1989, respectively, two to be elected in 1998, terms to begin 5855
January 2, 1999, and January 3, 1999, respectively; one to be 5856
elected in 2006, term to begin January 6, 2007; and one to be 5857
elected in 2008, term to begin February 9, 2009, as described in 5858
division (C)(1)(c) of section 2301.03 of the Revised Code; 5859

In Butler county, eleven judges, one to be elected in 1956, 5860
term to begin January 1, 1957; two to be elected in 1954, terms to 5861
begin January 1, 1955, and February 9, 1955, respectively; one to 5862
be elected in 1968, term to begin January 2, 1969; one to be 5863
elected in 1986, term to begin January 3, 1987; two to be elected 5864
in 1988, terms to begin January 1, 1989, and January 2, 1989, 5865
respectively; one to be elected in 1992, term to begin January 4, 5866
1993; two to be elected in 2002, terms to begin January 2, 2003, 5867
and January 3, 2003, respectively; and one to be elected in 2006, 5868
term to begin January 3, 2007; 5869

In Richland county, four judges, one to be elected in 1956, 5870
term to begin January 1, 1957, the second to be elected in 1960, 5871

term to begin February 9, 1961, the third to be elected in 1968, 5872
term to begin January 2, 1969, and the fourth to be elected in 5873
2004, term to begin January 3, 2005; 5874

In Tuscarawas county, two judges, one to be elected in 1956, 5875
term to begin January 1, 1957, and the second to be elected in 5876
1960, term to begin January 2, 1961; 5877

In Wayne county, two judges, one to be elected in 1956, term 5878
beginning January 1, 1957, and one to be elected in 1968, term to 5879
begin January 2, 1969; 5880

In Trumbull county, six judges, one to be elected in 1952, 5881
term to begin January 1, 1953, the second to be elected in 1954, 5882
term to begin January 1, 1955, the third to be elected in 1956, 5883
term to begin January 1, 1957, the fourth to be elected in 1964, 5884
term to begin January 1, 1965, the fifth to be elected in 1976, 5885
term to begin January 2, 1977, and the sixth to be elected in 5886
1994, term to begin January 3, 1995; 5887

(C) In Cuyahoga county, thirty-nine judges; eight to be 5888
elected in 1954, terms to begin on successive days beginning from 5889
January 1, 1955, to January 7, 1955, and February 9, 1955, 5890
respectively; eight to be elected in 1956, terms to begin on 5891
successive days beginning from January 1, 1957, to January 8, 5892
1957; three to be elected in 1952, terms to begin from January 1, 5893
1953, to January 3, 1953; two to be elected in 1960, terms to 5894
begin on January 8, 1961, and January 9, 1961, respectively; two 5895
to be elected in 1964, terms to begin January 4, 1965, and January 5896
5, 1965, respectively; one to be elected in 1966, term to begin on 5897
January 10, 1967; four to be elected in 1968, terms to begin on 5898
successive days beginning from January 9, 1969, to January 12, 5899
1969; two to be elected in 1974, terms to begin on January 18, 5900
1975, and January 19, 1975, respectively; five to be elected in 5901
1976, terms to begin on successive days beginning January 6, 1977, 5902

to January 10, 1977; two to be elected in 1982, terms to begin 5903
January 11, 1983, and January 12, 1983, respectively; and two to 5904
be elected in 1986, terms to begin January 13, 1987, and January 5905
14, 1987, respectively; 5906

In Franklin county, twenty-two judges; two to be elected in 5907
1954, terms to begin January 1, 1955, and February 9, 1955, 5908
respectively; four to be elected in 1956, terms to begin January 5909
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 5910
begin January 1, 1959, to January 4, 1959; three to be elected in 5911
1968, terms to begin January 5, 1969, to January 7, 1969; three to 5912
be elected in 1976, terms to begin on successive days beginning 5913
January 5, 1977, to January 7, 1977; one to be elected in 1982, 5914
term to begin January 8, 1983; one to be elected in 1986, term to 5915
begin January 9, 1987; two to be elected in 1990, terms to begin 5916
July 1, 1991, and July 2, 1991, respectively; one to be elected in 5917
1996, term to begin January 2, 1997; and one to be elected in 5918
2004, term to begin July 1, 2005; 5919

In Hamilton county, twenty-one judges; eight to be elected in 5920
1966, terms to begin January 1, 1967, January 2, 1967, and from 5921
February 9, 1967, to February 14, 1967, respectively; five to be 5922
elected in 1956, terms to begin from January 1, 1957, to January 5923
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 5924
one to be elected in 1974, term to begin January 15, 1975; one to 5925
be elected in 1980, term to begin January 16, 1981; two to be 5926
elected at large in the general election in 1982, terms to begin 5927
April 1, 1983; one to be elected in 1990, term to begin July 1, 5928
1991; and two to be elected in 1996, terms to begin January 3, 5929
1997, and January 4, 1997, respectively; 5930

In Lucas county, fourteen judges; two to be elected in 1954, 5931
terms to begin January 1, 1955, and February 9, 1955, 5932
respectively; two to be elected in 1956, terms to begin January 1, 5933
1957, and October 29, 1957, respectively; two to be elected in 5934

1952, terms to begin January 1, 1953, and January 2, 1953, 5935
respectively; one to be elected in 1964, term to begin January 3, 5936
1965; one to be elected in 1968, term to begin January 4, 1969; 5937
two to be elected in 1976, terms to begin January 4, 1977, and 5938
January 5, 1977, respectively; one to be elected in 1982, term to 5939
begin January 6, 1983; one to be elected in 1988, term to begin 5940
January 7, 1989; one to be elected in 1990, term to begin January 5941
2, 1991; and one to be elected in 1992, term to begin January 2, 5942
1993; 5943

In Mahoning county, seven judges; three to be elected in 5944
1954, terms to begin January 1, 1955, January 2, 1955, and 5945
February 9, 1955, respectively; one to be elected in 1956, term to 5946
begin January 1, 1957; one to be elected in 1952, term to begin 5947
January 1, 1953; one to be elected in 1968, term to begin January 5948
2, 1969; and one to be elected in 1990, term to begin July 1, 5949
1991; 5950

In Montgomery county, fifteen judges; three to be elected in 5951
1954, terms to begin January 1, 1955, January 2, 1955, and January 5952
3, 1955, respectively; four to be elected in 1952, terms to begin 5953
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 5954
respectively; one to be elected in 1964, term to begin January 3, 5955
1965; one to be elected in 1968, term to begin January 3, 1969; 5956
three to be elected in 1976, terms to begin on successive days 5957
beginning January 4, 1977, to January 6, 1977; two to be elected 5958
in 1990, terms to begin July 1, 1991, and July 2, 1991, 5959
respectively; and one to be elected in 1992, term to begin January 5960
1, 1993. 5961

In Stark county, eight judges; one to be elected in 1958, 5962
term to begin on January 2, 1959; two to be elected in 1954, terms 5963
to begin on January 1, 1955, and February 9, 1955, respectively; 5964
two to be elected in 1952, terms to begin January 1, 1953, and 5965
April 16, 1953, respectively; one to be elected in 1966, term to 5966

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

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division, except in Lorain county in which the judges of the
domestic relations division of the Lorain county court of common
pleas elected pursuant to this section also shall perform the
duties and functions of the judge of the probate division, and
except in Morrow county in which the ~~successors to the judge~~
judges of the court of common pleas elected ~~in 1956~~ pursuant to
this section also shall ~~serve as~~ perform the duties and functions
of the judge of the probate division.

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Sec. 2305.26. (A) An action by the state or an agency or
political subdivision of the state to enforce a lien upon real or
personal property created under and by virtue of section 1901.21,
2505.13, 2937.25, 4123.76, 4123.78, 4141.23, 4509.60, or 5719.04
of the Revised Code shall be brought within ~~twelve~~ fifteen years
from the date when the lien or notice of continuation of the lien
has been filed in the office of the county recorder. The
fifteen-year limitation period applies to liens and notices of
continuation of liens filed before, on, or after the effective
date of the amendment of this section by H.B. 699 of the 126th
general assembly.

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(B)(1) Except as otherwise provided in division (B)(2) of
this section, beginning February 1, 2007, a notice of continuation
of lien may be filed in the office of the county recorder within
six months prior to the expiration of the ~~twelve-year~~ fifteen-year
period following the original filing of the lien or the filing of
the notice of continuation of the lien as specified in division
(A) of this section. The notice must identify the original notice
of lien and state that the original lien is still effective. Upon
timely filing of a notice of continuation of lien, the
effectiveness of the original lien is continued for ~~twelve~~ fifteen
years after the last date on which the lien was effective,
whereupon it lapses, unless another notice of continuation of lien

is filed prior to the lapse. Succeeding notices of continuation of
lien may be filed in the same manner to continue the effectiveness
of the original lien.

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

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

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

(C) The recorder shall mark each notice of continuation of
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~~ 6062
~~charge and collect the fees set forth in section 317.32 of the~~ 6063
~~Revised Code.~~ 6064

(D) A notice of continuation of lien must be signed and filed 6065
by the clerk of the court or the magistrate in cases of liens 6066
arising under sections 1901.21, 2505.13, and 2937.25 of the 6067
Revised Code, by the industrial commission in cases of liens 6068
arising under sections 4123.76 and 4123.78 of the Revised Code, by 6069
the director of job and family services in cases of liens arising 6070
under section 4141.23 of the Revised Code, by the registrar of 6071
motor vehicles in cases of liens arising under section 4509.60 of 6072
the Revised Code, and by the county auditor in cases of liens 6073
arising under section 5719.04 of the Revised Code. 6074

Sec. 2329.07. (A)(1) If neither execution on a judgment 6075
rendered in a court of record or certified to the clerk of the 6076
court of common pleas in the county in which the judgment was 6077
rendered is issued, nor a certificate of judgment for obtaining a 6078
lien upon lands and tenements is issued and filed, as provided in 6079
sections 2329.02 and 2329.04 of the Revised Code, within five 6080
years from the date of the judgment or within five years from the 6081
date of the issuance of the last execution thereon or the issuance 6082
and filing of the last such certificate, whichever is later, then, 6083
unless the judgment is in favor of the state, the judgment shall 6084
be dormant and shall not operate as a lien upon the estate of the 6085
judgment debtor. 6086

(2) If the judgment is in favor of the state, the judgment 6087
shall not become dormant and shall not cease to operate as a lien 6088
against the estate of the judgment debtor provided that either 6089
execution on the judgment is issued or a certificate of judgment 6090
is issued and filed, as provided in sections 2329.02 and 2329.04 6091
of the Revised Code, within ten years from the date of the 6092

judgment or within ~~twelve~~ fifteen years from the date of the 6093
issuance of the last execution thereon or the issuance and filing 6094
of the last such certificate, whichever is later, except as 6095
otherwise provided in division (C) of this section. The 6096
fifteen-year limitation period applies to executions issued and 6097
certificates of judgments issued and filed before, on, or after 6098
the effective date of the amendment of this section by 6099
of the 126th general assembly. 6100

(B) If, in any county other than that in which a judgment was 6101
rendered, the judgment has become a lien by reason of the filing, 6102
in the office of the clerk of the court of common pleas of that 6103
county, of a certificate of the judgment as provided in sections 6104
2329.02 and 2329.04 of the Revised Code, and if no execution is 6105
issued for the enforcement of the judgment within that county, or 6106
no further certificate of the judgment is filed in that county, 6107
within five years or, if the judgment is in favor of the state, 6108
within ~~twelve~~ fifteen years from the date of issuance of the last 6109
execution for the enforcement of the judgment within that county 6110
or the date of filing of the last certificate in that county, 6111
whichever is the later, then the judgment shall cease to operate 6112
as a lien upon lands and tenements of the judgment debtor within 6113
that county, except as otherwise provided in division (C) of this 6114
section. The fifteen-year limitation period applies to executions 6115
issued and certificates of judgments issued and filed before, on, 6116
or after the effective date of the amendment of this section by 6117
H.B. 699 of the 126th general assembly. 6118

(C)(1) As used in division (C) of this section, "interim 6119
period" means the period beginning September 26, 2003, and ending 6120
~~the day before the effective date of Sub. H.B. 390 of the 126th~~ 6121
~~general assembly~~ September 27, 2006. 6122

(2) Division (C) of this section applies only to judgments in 6123
favor of the state that are subject to this section and to which 6124

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~~ 6156
~~officer administering such oath.~~ 6157

~~If such certificate is not transmitted to the clerk within~~ 6158
~~twenty days, the person entitled to receive such commission is~~ 6159
~~deemed to have refused to accept the office, and such office shall~~ 6160
~~be considered vacant. The clerk shall forthwith certify the fact~~ 6161
~~to the governor who shall fill the vacancy.~~ 6162

Sec. ~~206.09.84~~ 3310.41. (A) As used in this section: 6163

(1) "Alternative public provider" means either of the 6164
following providers that agrees to enroll a child in the 6165
provider's special education program to implement the child's 6166
individualized education program and to which the child's parent 6167
owes fees for the services provided to the child: 6168

(a) A school district that is not the school district in 6169
which the child is entitled to attend school; 6170

(b) A public entity other than a school district. 6171

(2) "Entitled to attend school" means entitled to attend 6172
school in a school district under section 3313.64 or 3313.65 of 6173
the Revised Code. 6174

~~(2)~~(3) "Formula ADM" and "category six special education ADM" 6175
have the same meanings as in section 3317.02 of the Revised Code. 6176

~~(3)~~ "Individualized (4) "Handicapped preschool child" and 6177
"individualized education program" has have the same meaning 6178
meanings as in section 3323.01 of the Revised Code. 6179

~~(4)~~(5) "Parent" has the same meaning as in section 3313.64 of 6180
the Revised Code, except that "parent" does not mean a parent 6181
whose custodial rights have been terminated. 6182

~~(5)~~(6) "Preschool scholarship ADM" means the number of 6183
handicapped preschool children reported under division (B)(3)(h) 6184

of section 3317.03 of the Revised Code. 6185

(7) "Qualified special education child" is a child for whom 6186
all of the following conditions apply: 6187

(a) The school district in which the child is entitled to 6188
attend school has identified the child as autistic. A child who 6189
has been identified as having a "pervasive developmental disorder 6190
- not otherwise specified (PPD-NOS)" shall be considered to be an 6191
autistic child for purposes of this section. 6192

(b) The school district in which the child is entitled to 6193
attend school has developed an individualized education program 6194
under Chapter 3323. of the Revised Code for the child. 6195

(c) The child either: 6196

(i) Was enrolled in the school district in which the child is 6197
entitled to attend school in any grade from preschool through 6198
twelve in the school year prior to the year in which a scholarship 6199
under this section is first sought for the child; or 6200

(ii) Is eligible to enter school in any grade preschool 6201
through twelve in the school district in which the child is 6202
entitled to attend school in the school year in which a 6203
scholarship under this section is first sought for the child. 6204

~~(6)~~(8) "Registered private provider" means a nonpublic school 6205
or other nonpublic entity that has been approved by the Department 6206
of Education to participate in the program established under this 6207
section. 6208

(B) There is hereby established the ~~Pilot Project Special~~ 6209
~~Education Scholarship Program~~ autism scholarship program. Under 6210
the program, ~~in fiscal years 2006 and 2007,~~ the Department 6211
department of ~~Education~~ education shall pay a scholarship to the 6212
parent of each qualified special education child upon application 6213
of that parent pursuant to procedures and deadlines established by 6214

rule of the ~~State Board~~ state board of ~~Education~~ education. Each 6215
scholarship shall be used only to pay tuition for the child on 6216
whose behalf the scholarship is awarded to attend a special 6217
education program that implements the child's individualized 6218
education program and that is operated by a ~~school district~~ other 6219
~~than the school district in which the child is entitled to attend~~ 6220
~~school, by another public entity, an alternative public provider~~ 6221
or by a registered private provider. Each scholarship shall be in 6222
an amount not to exceed the lesser of the tuition charged for the 6223
child by the special education program or twenty thousand dollars. 6224
The purpose of the scholarship is to permit the parent of a 6225
qualified special education child the choice to send the child to 6226
a special education program, instead of the one operated by or for 6227
the school district in which the child is entitled to attend 6228
school, to receive the services prescribed in the child's 6229
individualized education program once the individualized education 6230
program is finalized. A scholarship under this section shall not 6231
be awarded to the parent of a child while the child's 6232
individualized education program is being developed by the school 6233
district in which the child is entitled to attend school, or while 6234
any administrative or judicial mediation or proceedings with 6235
respect to the content of the child's individualized education 6236
program are pending. A scholarship under this section shall not be 6237
used for a child to attend a public special education program that 6238
operates under a contract, compact, or other bilateral agreement 6239
between the school district in which the child is entitled to 6240
attend school and another school district or other public 6241
provider, or for a child to attend a community school established 6242
under Chapter 3314. of the Revised Code. However, nothing in this 6243
section or in any rule adopted by the ~~State Board of Education~~ 6244
state board shall prohibit a parent whose child attends a public 6245
special education program under a contract, compact, or other 6246
bilateral agreement, or a parent whose child attends a community 6247

school, from applying for and accepting a scholarship under this 6248
section so that the parent may withdraw the child from that 6249
program or community school and use the scholarship for the child 6250
to attend a special education program for which the parent is 6251
required to pay for services for the child. A child attending a 6252
special education program with a scholarship under this section 6253
shall continue to be entitled to transportation to and from that 6254
program in the manner prescribed by law. 6255

(C)(1) ~~Notwithstanding anything to the contrary in As~~ 6256
prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(10) of 6257
section 3317.03 of the Revised Code, a child who is not a 6258
handicapped preschool child for whom a scholarship is awarded 6259
under this section shall be counted in the formula ADM and the 6260
category six special education ADM of the district in which the 6261
child is entitled to attend school and not in the formula ADM and 6262
the category six special education ADM of any other school 6263
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 6264
section 3317.03 of the Revised Code, a child who is a handicapped 6265
preschool child for whom a scholarship is awarded under this 6266
section shall be counted in the preschool scholarship ADM and 6267
category six special education ADM of the school district in which 6268
the child is entitled to attend school and not in the preschool 6269
scholarship ADM or category six special education ADM of any other 6270
school district. 6271

(2) In each fiscal year, the ~~Department~~ department shall 6272
deduct from the amounts paid to each school district under Chapter 6273
3317. of the Revised Code, and, if necessary, sections 321.24 and 6274
323.156 of the Revised Code, the aggregate amount of scholarships 6275
awarded under this section for qualified special education 6276
children included in the formula ADM, or preschool scholarship 6277
ADM, and in the category six special education ADM of that school 6278
district as provided in division (C)(1) of this section. The 6279

scholarships deducted shall be considered as an approved special 6280
education and related services expense for the purpose of the 6281
school district's compliance with division (C)(5) of section 6282
3317.022 of the Revised Code. 6283

(3) From time to time, the ~~Department~~ department shall make a 6284
payment to the parent of each qualified special education child 6285
for whom a scholarship has been awarded under this section. The 6286
scholarship amount shall be proportionately reduced in the case of 6287
any such child who is not enrolled in the special education 6288
program for which a scholarship was awarded under this section for 6289
the entire school year. The ~~Department~~ department shall make no 6290
payments to the parent of a child while any administrative or 6291
judicial mediation or proceedings with respect to the content of 6292
the child's individualized education program are pending. 6293

(D) A scholarship shall not be paid to a parent for payment 6294
of tuition owed to a nonpublic entity unless that entity is a 6295
registered private provider. The ~~Department~~ department shall 6296
approve entities that meet the standards established by rule of 6297
the ~~State Board~~ state board for the program established under this 6298
section. 6299

(E) The ~~State Board~~ state board shall adopt rules under 6300
Chapter 119. of the Revised Code prescribing procedures necessary 6301
to implement this section, including, but not limited to, 6302
procedures and deadlines for parents to apply for scholarships, 6303
standards for registered private providers, and procedures for 6304
approval of entities as registered private providers. ~~The Board~~ 6305
~~shall adopt the rules so that the program established under this~~ 6306
~~section is operational by January 1, 2004.~~ 6307

Sec. 3317.013. ~~This~~ Except for a handicapped preschool child 6308
for whom a scholarship has been awarded under section 3310.41 of 6309
the Revised Code, this section does not apply to handicapped 6310

preschool students. 6311

Analysis of special education cost data has resulted in a 6312
finding that the average special education additional cost per 6313
pupil, including the costs of related services, can be expressed 6314
as a multiple of the base cost per pupil calculated under section 6315
3317.012 of the Revised Code. The multiples for the following 6316
categories of special education programs, as these programs are 6317
defined for purposes of Chapter 3323. of the Revised Code, and 6318
adjusted as provided in this section, are as follows: 6319

(A) A multiple of 0.2892 for students whose primary or only 6320
identified handicap is a speech and language handicap, as this 6321
term is defined pursuant to Chapter 3323. of the Revised Code; 6322

(B) A multiple of 0.3691 for students identified as specific 6323
learning disabled or developmentally handicapped, as these terms 6324
are defined pursuant to Chapter 3323. of the Revised Code, or 6325
other health handicapped-minor; 6326

(C) A multiple of 1.7695 for students identified as hearing 6327
handicapped, vision impaired, or severe behavior handicapped, as 6328
these terms are defined pursuant to Chapter 3323. of the Revised 6329
Code; 6330

(D) A multiple of 2.3646 for students identified as 6331
orthopedically handicapped, as this term is defined pursuant to 6332
Chapter 3323. of the Revised Code or other health handicapped - 6333
major; 6334

(E) A multiple of 3.1129 for students identified as 6335
multihandicapped, as this term is defined pursuant to Chapter 6336
3323. of the Revised Code; 6337

(F) A multiple of 4.7342 for students identified as autistic, 6338
having traumatic brain injuries, or as both visually and hearing 6339
disabled, as these terms are defined pursuant to Chapter 3323. of 6340
the Revised Code. 6341

In fiscal year 2004, the multiples specified in divisions (A) 6342
to (F) of this section shall be adjusted by multiplying them by 6343
0.88. In fiscal years 2005, 2006, and 2007, the multiples 6344
specified in those divisions shall be adjusted by multiplying them 6345
by 0.90. 6346

Not later than the thirtieth day of May in 2004, 2005, 2006, 6347
and 2007, the department shall submit to the office of budget and 6348
management a report that specifies for each city, local, exempted 6349
village, and joint vocational school district the fiscal year 6350
allocation of the state and local shares of special education and 6351
related services additional weighted funding and federal special 6352
education funds passed through to the district. 6353

Sec. 3317.022. (A) The department of education shall compute 6354
and distribute state base cost funding to each school district for 6355
the fiscal year using the information obtained under section 6356
3317.021 of the Revised Code in the calendar year in which the 6357
fiscal year begins. 6358

(1) Compute the following for each eligible district: 6359

$$\{[\text{cost-of-doing-business factor X} \quad 6360$$

the formula amount X $(\text{formula ADM} + \text{preschool scholarship ADM})\} +$ 6361
the sum of the base funding supplements 6362
prescribed in divisions (C)(1) to (4) 6363
of section 3317.012 of the Revised Code $\} -$ 6364
 $[\text{.023} \times (\text{the sum of recognized valuation} \quad 6365$
and property exemption value)] 6366

If the difference obtained is a negative number, the 6367
district's computation shall be zero. 6368

(2) Compute both of the following for each school district: 6369

(a) The difference of (i) the district's fiscal year 2005 6370
base cost payment under the version of division (A)(1) of this 6371

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	6402
3317.013 of the Revised Code;	6403
(b) The district's category two special education ADM	6404
multiplied by the multiple specified in division (B) of section	6405
3317.013 of the Revised Code;	6406
(c) The district's category three special education ADM	6407
multiplied by the multiple specified in division (C) of section	6408
3317.013 of the Revised Code;	6409
(d) The district's category four special education ADM	6410
multiplied by the multiple specified in division (D) of section	6411
3317.013 of the Revised Code;	6412
(e) The district's category five special education ADM	6413
multiplied by the multiple specified in division (E) of section	6414
3317.013 of the Revised Code;	6415
(f) The district's category six special education ADM	6416
multiplied by the multiple specified in division (F) of section	6417
3317.013 of the Revised Code.	6418
(2) "State share percentage" means the percentage calculated	6419
for a district as follows:	6420
(a) Calculate the state base cost funding amount for the	6421
district for the fiscal year under division (A) of this section.	6422
If the district would not receive any state base cost funding for	6423
that year under that division, the district's state share	6424
percentage is zero.	6425
(b) If the district would receive state base cost funding	6426
under that division, divide that amount by an amount equal to the	6427
following:	6428
(Cost-of-doing-business factor X	6429
the formula amount X formula ADM) +	6430
the sum of the base funding supplements	6431

prescribed in divisions (C)(1) to (4)	6432
of section 3317.012 of the Revised Code	6433
The resultant number is the district's state share	6434
percentage.	6435
(3) "Related services" includes:	6436
(a) Child study, special education supervisors and	6437
coordinators, speech and hearing services, adaptive physical	6438
development services, occupational or physical therapy, teacher	6439
assistants for handicapped children whose handicaps are described	6440
in division (B) of section 3317.013 or division (F)(3) of section	6441
3317.02 of the Revised Code, behavioral intervention, interpreter	6442
services, work study, nursing services, and specialized	6443
integrative services as those terms are defined by the department;	6444
(b) Speech and language services provided to any student with	6445
a handicap, including any student whose primary or only handicap	6446
is a speech and language handicap;	6447
(c) Any related service not specifically covered by other	6448
state funds but specified in federal law, including but not	6449
limited to, audiology and school psychological services;	6450
(d) Any service included in units funded under former	6451
division (O)(1) of section 3317.023 of the Revised Code;	6452
(e) Any other related service needed by handicapped children	6453
in accordance with their individualized education plans.	6454
(4) The "total vocational education weight" for a district	6455
means the sum of the following amounts:	6456
(a) The district's category one vocational education ADM	6457
multiplied by the multiple specified in division (A) of section	6458
3317.014 of the Revised Code;	6459
(b) The district's category two vocational education ADM	6460
multiplied by the multiple specified in division (B) of section	6461

3317.014 of the Revised Code. 6462

(5) "Preschool scholarship ADM" means the number of 6463
handicapped preschool children reported under division (B)(3)(h) 6464
of section 3317.03 of the Revised Code. 6465

(C)(1) The department shall compute and distribute state 6466
special education and related services additional weighted costs 6467
funds to each school district in accordance with the following 6468
formula: 6469

The district's state share percentage 6470
X the formula amount for the year 6471
for which the aid is calculated 6472
X the district's total special education weight 6473

(2) The attributed local share of special education and 6474
related services additional weighted costs equals: 6475

(1 - the district's state share percentage) X 6476
the district's total special education weight X 6477
the formula amount 6478

(3)(a) The department shall compute and pay in accordance 6479
with this division additional state aid to school districts for 6480
students in categories two through six special education ADM. If a 6481
district's costs for the fiscal year for a student in its 6482
categories two through six special education ADM exceed the 6483
threshold catastrophic cost for serving the student, the district 6484
may submit to the superintendent of public instruction 6485
documentation, as prescribed by the superintendent, of all its 6486
costs for that student. Upon submission of documentation for a 6487
student of the type and in the manner prescribed, the department 6488
shall pay to the district an amount equal to the sum of the 6489
following: 6490

(i) One-half of the district's costs for the student in 6491
excess of the threshold catastrophic cost; 6492

(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 6524
the personnel allowance X 6525
the state share percentage 6526

(5) In any fiscal year, a school district shall spend for 6527
purposes that the department designates as approved for special 6528
education and related services expenses at least the amount 6529
calculated as follows: 6530

(cost-of-doing-business factor X 6531
formula amount X the sum of categories 6532
one through six special education ADM) + 6533
(total special education weight X formula amount) 6534

The purposes approved by the department for special education 6535
expenses shall include, but shall not be limited to, 6536
identification of handicapped children, compliance with state 6537
rules governing the education of handicapped children and 6538
prescribing the continuum of program options for handicapped 6539
children, provision of speech language pathology services, and the 6540
portion of the school district's overall administrative and 6541
overhead costs that are attributable to the district's special 6542
education student population. 6543

The scholarships deducted from the school district's account 6544
under section 3310.41 of the Revised Code shall be considered to 6545
be an approved special education and related services expense for 6546
the purpose of the school district's compliance with division 6547
(C)(5) of this section. 6548

The department shall require school districts to report data 6549
annually to allow for monitoring compliance with division (C)(5) 6550
of this section. The department shall annually report to the 6551
governor and the general assembly the amount of money spent by 6552
each school district for special education and related services. 6553

(6) In any fiscal year, a school district shall spend for the 6554

provision of speech language pathology services not less than the 6555
sum of the amount calculated under division (C)(1) of this section 6556
for the students in the district's category one special education 6557
ADM and the amount calculated under division (C)(4) of this 6558
section. 6559

(D)(1) As used in this division: 6560

(a) "Daily bus miles per student" equals the number of bus 6561
miles traveled per day, divided by transportation base. 6562

(b) "Transportation base" equals total student count as 6563
defined in section 3301.011 of the Revised Code, minus the number 6564
of students enrolled in preschool handicapped units, plus the 6565
number of nonpublic school students included in transportation 6566
ADM. 6567

(c) "Transported student percentage" equals transportation 6568
ADM divided by transportation base. 6569

(d) "Transportation cost per student" equals total operating 6570
costs for board-owned or contractor-operated school buses divided 6571
by transportation base. 6572

(2) Analysis of student transportation cost data has resulted 6573
in a finding that an average efficient transportation use cost per 6574
student can be calculated by means of a regression formula that 6575
has as its two independent variables the number of daily bus miles 6576
per student and the transported student percentage. For fiscal 6577
year 1998 transportation cost data, the average efficient 6578
transportation use cost per student is expressed as follows: 6579

51.79027 + (139.62626 X daily bus miles per student) + 6580
(116.25573 X transported student percentage) 6581

The department of education shall annually determine the 6582
average efficient transportation use cost per student in 6583
accordance with the principles stated in division (D)(2) of this 6584

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. 6645

(b) "Total rough road miles" means a school district's total 6646
bus miles traveled in one year times its county rough road 6647
percentage. 6648

(c) "Density multiplier" means a figure calculated in 6649
accordance with the following formula: 6650

1 - [(minimum student density - district student 6651
density)/(minimum student density - 6652
statewide student density)] 6653

(i) "Minimum student density" means the lowest district 6654
student density in the state. 6655

(ii) "District student density" means a school district's 6656
transportation base divided by the number of square miles in the 6657
district. 6658

(iii) "Statewide student density" means the sum of the 6659
transportation bases for all school districts divided by the sum 6660
of the square miles in all school districts. 6661

(6) In addition to funds paid under divisions (D)(2) to (5) 6662
of this section, each district shall receive in accordance with 6663
rules adopted by the state board of education a payment for 6664
students transported by means other than board-owned or 6665
contractor-operated buses and whose transportation is not funded 6666
under division (G) of section 3317.024 of the Revised Code. The 6667
rules shall include provisions for school district reporting of 6668
such students. 6669

(E)(1) The department shall compute and distribute state 6670
vocational education additional weighted costs funds to each 6671
school district in accordance with the following formula: 6672

state share percentage X 6673
the formula amount X 6674

total vocational education weight 6675

In any fiscal year, a school district receiving funds under 6676
division (E)(1) of this section shall spend those funds only for 6677
the purposes that the department designates as approved for 6678
vocational education expenses. Vocational educational expenses 6679
approved by the department shall include only expenses connected 6680
to the delivery of career-technical programming to 6681
career-technical students. The department shall require the school 6682
district to report data annually so that the department may 6683
monitor the district's compliance with the requirements regarding 6684
the manner in which funding received under division (E)(1) of this 6685
section may be spent. 6686

(2) The department shall compute for each school district 6687
state funds for vocational education associated services in 6688
accordance with the following formula: 6689

state share percentage X .05 X 6690

the formula amount X the sum of categories one and two 6691

vocational education ADM 6692

In any fiscal year, a school district receiving funds under 6693
division (E)(2) of this section, or through a transfer of funds 6694
pursuant to division (L) of section 3317.023 of the Revised Code, 6695
shall spend those funds only for the purposes that the department 6696
designates as approved for vocational education associated 6697
services expenses, which may include such purposes as 6698
apprenticeship coordinators, coordinators for other vocational 6699
education services, vocational evaluation, and other purposes 6700
designated by the department. The department may deny payment 6701
under division (E)(2) of this section to any district that the 6702
department determines is not operating those services or is using 6703
funds paid under division (E)(2) of this section, or through a 6704
transfer of funds pursuant to division (L) of section 3317.023 of 6705
the Revised Code, for other purposes. 6706

(F) The actual local share in any fiscal year for the 6707
combination of special education and related services additional 6708
weighted costs funding calculated under division (C)(1) of this 6709
section, transportation funding calculated under divisions (D)(2) 6710
and (3) of this section, and vocational education and associated 6711
services additional weighted costs funding calculated under 6712
divisions (E)(1) and (2) of this section shall not exceed for any 6713
school district the product of three and three-tenths mills times 6714
the district's recognized valuation. The department annually shall 6715
pay each school district as an excess cost supplement any amount 6716
by which the sum of the district's attributed local shares for 6717
that funding exceeds that product. For purposes of calculating the 6718
excess cost supplement: 6719

(1) The attributed local share for special education and 6720
related services additional weighted costs funding is the amount 6721
specified in division (C)(2) of this section. 6722

(2) The attributed local share of transportation funding 6723
equals the difference of the total amount calculated for the 6724
district using the formula developed under division (D)(2) of this 6725
section minus the actual amount paid to the district after 6726
applying the percentage specified in division (D)(3) of this 6727
section. 6728

(3) The attributed local share of vocational education and 6729
associated services additional weighted costs funding is the 6730
amount determined as follows: 6731

(1 - state share percentage) X 6732
[(total vocational education weight X 6733
the formula amount) + the payment under 6734
division (E)(2) of this section] 6735

Sec. 3317.029. (A) As used in this section: 6736

(1) "Poverty percentage" means the quotient obtained by 6737
dividing the five-year average number of children ages five to 6738
seventeen residing in the school district and living in a family 6739
receiving assistance under the Ohio works first program or an 6740
antecedent program known as TANF or ADC, as certified or adjusted 6741
under section 3317.10 of the Revised Code, by the district's 6742
three-year average formula ADM. 6743

(2) "Statewide poverty percentage" means the five-year 6744
average of the total number of children ages five to seventeen 6745
years residing in the state and receiving assistance under the 6746
Ohio works first program or an antecedent program known as TANF or 6747
ADC, divided by the sum of the three-year average formula ADMs for 6748
all school districts in the state. 6749

(3) "Poverty index" means the quotient obtained by dividing 6750
the school district's poverty percentage by the statewide poverty 6751
percentage. 6752

(4) "Poverty student count" means the five-year average 6753
number of children ages five to seventeen residing in the school 6754
district and living in a family receiving assistance under the 6755
Ohio works first program or an antecedent program known as TANF or 6756
ADC, as certified under section 3317.10 of the Revised Code. 6757

(5) "Kindergarten ADM" means the number of students reported 6758
under section 3317.03 of the Revised Code as enrolled in 6759
kindergarten, excluding any kindergarten students reported under 6760
division (B)(3)(e) ~~or~~, (f), or (g) of section 3317.03 of the 6761
Revised Code. 6762

(6) "Kindergarten through third grade ADM" means the amount 6763
calculated as follows: 6764

(a) Multiply the kindergarten ADM by the sum of one plus the 6765
all-day kindergarten percentage; 6766

(b) Add the number of students in grades one through three; 6767

(c) Subtract from the sum calculated under division (A)(6)(b) 6768
of this section the number of special education students in grades 6769
kindergarten through three. 6770

"Kindergarten through third grade ADM" shall not include any 6771
students reported under division (B)(3)(e) ~~or~~, (f), or (g) of 6772
section 3317.03 of the Revised Code. 6773

(7) "All-day kindergarten" means a kindergarten class that is 6774
in session five days per week for not less than the same number of 6775
clock hours each day as for pupils in grades one through six. 6776

(8) "All-day kindergarten percentage" means the percentage of 6777
a district's actual total number of students enrolled in 6778
kindergarten who are enrolled in all-day kindergarten. 6779

(9) "Buildings with the highest concentration of need" means 6780
the school buildings in a district with percentages of students in 6781
grades kindergarten through three receiving assistance under Ohio 6782
works first at least as high as the district-wide percentage of 6783
students receiving such assistance. 6784

If, in any fiscal year, the information provided by the 6785
department of job and family services under section 3317.10 of the 6786
Revised Code is insufficient to determine the Ohio works first 6787
percentage in each building, "buildings with the highest 6788
concentration of need" has the meaning given in rules that the 6789
department of education shall adopt. The rules shall base the 6790
definition of "buildings with the highest concentration of need" 6791
on family income of students in grades kindergarten through three 6792
in a manner that, to the extent possible with available data, 6793
approximates the intent of this division and division (K) of this 6794
section to designate buildings where the Ohio works first 6795
percentage in those grades equals or exceeds the district-wide 6796
Ohio works first percentage. 6797

(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; 6828

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 6829
and 1.00 in fiscal year 2007. 6830

(b) If the district's poverty index is greater than or equal 6831
to 0.75: 6832

 large-group intervention units X hourly rate X 6833
 level one hours X phase-in percentage 6834

Where "large-group intervention units," "hourly rate," "level 6835
one hours," and "phase-in percentage" have the same meanings as in 6836
division (C)(1)(a) of this section. 6837

(2) If the district's poverty index is greater than or equal 6838
to 0.75, calculate the district's level two amount for 6839
medium-group academic intervention for all students as follows: 6840

(a) If the district's poverty index is greater than or equal 6841
to 0.75 but less than 1.50: 6842

 medium-group intervention units X hourly rate 6843
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 6844
 X phase-in percentage 6845

Where: 6846

(i) "Medium group intervention units" equals the district's 6847
formula ADM divided by 15; 6848

(ii) "Hourly rate," "level one hours," and "phase-in 6849
percentage" have the same meanings as in division (C)(1)(a) of 6850
this section. 6851

(b) If the district's poverty index is greater than or equal 6852
to 1.50: 6853

 medium-group intervention units X hourly rate X 6854
 level two hours X phase-in percentage 6855

Where: 6856

(i) "Medium group intervention units" has the same meaning as 6857
in division (C)(2)(a)(i) of this section; 6858

(ii) "Hourly rate" and "phase-in percentage" have the same 6859
meanings as in division (C)(1)(a) of this section; 6860

(iii) "Level two hours" equals 50 hours. 6861

(3) If the district's poverty index is greater than or equal 6862
to 1.50, calculate the district's level three amount for 6863
small-group academic intervention for impoverished students as 6864
follows: 6865

(a) If the district's poverty index is greater than or equal 6866
to 1.50 but less than 2.50: 6867

small group intervention units X hourly rate X 6868
{level one hours + [level three hours X 6869
(poverty index - 1.50)]} X phase-in percentage 6870

Where: 6871

(i) "Small group intervention units" equals the quotient of 6872
(the district's poverty student count times 3) divided by 10; 6873

(ii) "Hourly rate," "level one hours," and "phase-in 6874
percentage" have the same meanings as in division (C)(1)(a) of 6875
this section; 6876

(iii) "Level three hours" equals 135 hours. 6877

(b) If the district's poverty index is greater than or equal 6878
to 2.50: 6879

small group intervention units X hourly rate 6880
X level three hours X phase-in percentage 6881

Where: 6882

(i) "Small group intervention units" has the same meaning as 6883
in division (C)(3)(a)(i) of this section; 6884

(ii) "Hourly rate" and "phase-in percentage" have the same 6885

meanings as in division (C)(1)(a) of this section; 6886

(iii) "Level three hours" equals 160 hours. 6887

Any district that receives funds under division (C)(2) or (3) 6888
of this section annually shall submit to the department of 6889
education by a date established by the department a plan 6890
describing how the district will deploy those funds. The 6891
deployment measures described in that plan shall comply with any 6892
applicable spending requirements prescribed in division (J)(6) of 6893
this section or with any order issued by the superintendent of 6894
public instruction under section 3317.017 of the Revised Code. 6895

(D) A payment for all-day kindergarten if the poverty index 6896
of the school district is greater than or equal to 1.0 or if the 6897
district's three-year average formula ADM exceeded seventeen 6898
thousand five hundred. In addition, the department shall make a 6899
payment under this division to any school district that, in a 6900
prior fiscal year, qualified for this payment and provided all-day 6901
kindergarten, regardless of changes to the district's poverty 6902
index. The department shall calculate the payment under this 6903
division by multiplying the all-day kindergarten percentage by the 6904
kindergarten ADM and multiplying that product by the formula 6905
amount. 6906

(E) A class-size reduction payment based on calculating the 6907
number of new teachers necessary to achieve a lower 6908
student-teacher ratio, as follows: 6909

(1) Determine or calculate a formula number of teachers per 6910
one thousand students based on the poverty index of the school 6911
district as follows: 6912

(a) If the poverty index of the school district is less than 6913
1.0, the formula number of teachers is 50.0, which is the number 6914
of teachers per one thousand students at a student-teacher ratio 6915
of twenty to one; 6916

(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 6947
fringe benefits. 6948

(F) A payment for services to limited English proficient 6949
students, if the district's poverty index is greater than or equal 6950
to 1.0 and the proportion of its students who are limited English 6951
proficient, as reported in 2003 on its school district report 6952
issued under section 3302.03 of the Revised Code for the 2002-2003 6953
school year, is greater than or equal to 2.0%, calculated as 6954
follows: 6955

(1) If the district's poverty index is greater than or equal 6956
to 1.0, but less than 1.75, determine the amount per limited 6957
English proficient student as follows: 6958

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\} \quad 6959$$

X formula amount 6960

(2) If the district's poverty index is greater than or equal 6961
to 1.75, the amount per limited English proficient student equals: 6962
0.25 X formula amount 6963

(3) Multiply the per student amount determined for the 6964
district under division (F)(1) or (2) of this section by the 6965
number of the district's limited English proficient students, 6966
times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 6967
in fiscal year 2007. For purposes of this calculation, the number 6968
of limited English proficient students for each district shall be 6969
the number determined by the department when it calculated the 6970
district's percentage of limited English proficient students for 6971
its school district report card issued in 2003 for the 2002-2003 6972
school year. 6973

Not later than December 31, 2006, the department of education 6974
shall recommend to the general assembly and the director of budget 6975
and management a method of identifying the number of limited 6976
English proficient students for purposes of calculating payments 6977

under this division after fiscal year 2007. 6978

(G) A payment for professional development of teachers, if 6979
the district's poverty index is greater than or equal to 1.0, 6980
calculated as follows: 6981

(1) If the district's poverty index is greater than or equal 6982
to 1.0, but less than 1.75, determine the amount per teacher as 6983
follows: 6984

$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$ 6985

(2) If the district's poverty index is greater than or equal 6986
to 1.75, the amount per teacher equals: 6987

$0.045 \times \text{formula amount}$ 6988

(3) Determine the number of teachers, as follows: 6989

$(\text{formula ADM}/17)$ 6990

(4) Multiply the per teacher amount determined for the 6991
district under division (G)(1) or (2) of this section by the 6992
number of teachers determined under division (G)(3) of this 6993
section, times a phase-in percentage of 0.40 in fiscal year 2006 6994
and 0.70 in fiscal year 2007. 6995

(H) A payment for dropout prevention, if the district is a 6996
big eight school district as defined in section 3314.02 of the 6997
Revised Code, calculated as follows: 6998

$0.005 \times \text{formula amount} \times \text{poverty index}$ 6999
 $\times \text{formula ADM} \times \text{phase-in percentage}$ 7000

Where "phase-in percentage" equals 0.40 in fiscal year 2006 7001
and 0.70 in fiscal year 2007. 7002

(I) An amount for community outreach, if the district is an 7003
urban school district as defined in section 3314.02 of the Revised 7004
Code, calculated as follows: 7005

$0.005 \times \text{formula amount} \times \text{poverty index} \times$ 7006
 $\text{formula ADM} \times \text{phase-in percentage}$ 7007

Where "phase-in percentage" equals 0.40 in fiscal year 2006 7008
and 0.70 in fiscal year 2007. 7009

(J) This division applies only to school districts whose 7010
poverty index is 1.0 or greater. 7011

(1) Each school district subject to this division shall first 7012
utilize funds received under this section so that, when combined 7013
with other funds of the district, sufficient funds exist to 7014
provide all-day kindergarten to at least the number of children in 7015
the district's all-day kindergarten percentage. To satisfy this 7016
requirement, a district may use funds paid under division (C), 7017
(F), (G), (H), or (I) of this section to provide all-day 7018
kindergarten in addition to the all-day kindergarten payment under 7019
division (D) of this section. 7020

(2) Except as permitted under division (J)(1) of this 7021
section, each school district shall use its payment under division 7022
(F) of this section for one or more of the following purposes: 7023

(a) To hire teachers for limited English proficient students 7024
or other personnel to provide intervention services for those 7025
students; 7026

(b) To contract for intervention services for those students; 7027

(c) To provide other services to assist those students in 7028
passing the third-grade reading achievement test, and to provide 7029
for those students the intervention services required by section 7030
3313.608 of the Revised Code. 7031

(3) Except as permitted under division (J)(1) of this 7032
section, each school district shall use its payment under division 7033
(G) of this section for professional development of teachers or 7034
other licensed personnel providing educational services to 7035
students only in one or more of the following areas: 7036

(a) Data-based decision making; 7037

(b) Standards-based curriculum models; 7038

(c) Job-embedded professional development activities that are 7039
research-based, as defined in federal law. 7040

In addition, each district shall use the payment only to 7041
implement programs identified on a list of eligible professional 7042
development programs provided by the department of education. The 7043
department annually shall provide the list to each district 7044
receiving a payment under division (G) of this section. However, a 7045
district may apply to the department for a waiver to implement an 7046
alternative professional development program in one or more of the 7047
areas specified in divisions (J)(3)(a) to (c) of this section. If 7048
the department grants the waiver, the district may use its payment 7049
under division (G) of this section to implement the alternative 7050
program. 7051

(4) Except as permitted under division (J)(1) of this 7052
section, each big eight school district shall use its payment 7053
under division (H) of this section either for preventing at-risk 7054
students from dropping out of school, for safety and security 7055
measures described in division (J)(5)(b) of this section, for 7056
academic intervention services described in division (J)(6) of 7057
this section, or for a combination of those purposes. Not later 7058
than September 1, 2005, the department of education shall provide 7059
each big eight school district with a list of dropout prevention 7060
programs that it has determined are successful. The department 7061
subsequently may update the list. Each district that elects to use 7062
its payment under division (H) of this section for dropout 7063
prevention shall use the payment only to implement a dropout 7064
prevention program specified on the department's list. However, a 7065
district may apply to the department for a waiver to implement an 7066
alternative dropout prevention program. If the department grants 7067
the waiver, the district may use its payment under division (H) of 7068
this section to implement the alternative program. 7069

(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 7132
regular days of instruction to the school calendar or by providing 7133
summer programs. 7134

(K) Each district shall not expend any funds received under 7135
division (E) of this section in any school buildings that are not 7136
buildings with the highest concentration of need, unless there is 7137
a ratio of instructional personnel to students of no more than 7138
fifteen to one in each kindergarten and first grade class in all 7139
buildings with the highest concentration of need. This division 7140
does not require that the funds used in buildings with the highest 7141
concentration of need be spent solely to reduce the ratio of 7142
instructional personnel to students in kindergarten and first 7143
grade. A school district may spend the funds in those buildings in 7144
any manner permitted by division (J)(7) of this section, but may 7145
not spend the money in other buildings unless the fifteen-to-one 7146
ratio required by this division is attained. 7147

(L)(1) By the first day of August of each fiscal year, each 7148
school district wishing to receive any funds under division (D) of 7149
this section shall submit to the department of education an 7150
estimate of its all-day kindergarten percentage. Each district 7151
shall update its estimate throughout the fiscal year in the form 7152
and manner required by the department, and the department shall 7153
adjust payments under this section to reflect the updates. 7154

(2) Annually by the end of December, the department of 7155
education, utilizing data from the information system established 7156
under section 3301.0714 of the Revised Code, shall determine for 7157
each school district subject to division (J) of this section 7158
whether in the preceding fiscal year the district's ratio of 7159
instructional personnel to students and its number of kindergarten 7160
students receiving all-day kindergarten appear reasonable, given 7161
the amounts of money the district received for that fiscal year 7162
pursuant to divisions (D) and (E) of this section. If the 7163

department is unable to verify from the data available that
students are receiving reasonable amounts of instructional
attention and all-day kindergarten, given the funds the district
has received under this section and that class-size reduction
funds are being used in school buildings with the highest
concentration of need as required by division (K) of this section,
the department shall conduct a more intensive investigation to
ensure that funds have been expended as required by this section.
The department shall file an annual report of its findings under
this division with the chairpersons of the committees in each
house of the general assembly dealing with finance and education.

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(M)(1) Each school district with a poverty index less than
1.0 that receives a payment under division (D) of this section
shall first utilize funds received under this section so that,
when combined with other funds of the district, sufficient funds
exist to provide all-day kindergarten to at least the number of
children in the district's all-day kindergarten percentage. To
satisfy this requirement, a district may use funds paid under
division (C) or (I) of this section to provide all-day
kindergarten in addition to the all-day kindergarten payment under
division (D) of this section.

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(2) Except as permitted under division (M)(1) of this
section, each school district with a poverty index less than 1.0
that receives a payment under division (C) of this section shall
use its payment under that division in accordance with all
requirements of division (J)(6) of this section.

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(3) Except as permitted under division (M)(1) of this
section, each school district with a poverty index less than 1.0
that receives a payment under division (I) of this section shall
use its payment under that division for one or a combination of
the following purposes:

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(a) To hire or contract for community liaison officers,	7195
attendance or truant officers, or safety and security personnel;	7196
(b) To implement programs designed to ensure that schools are	7197
free of drugs and violence and have a disciplined environment	7198
conducive to learning;	7199
(c) To implement academic intervention services described in	7200
division (J)(6) of this section.	7201
(4) Each school district to which division (M)(1), (2), or	7202
(3) of this section applies shall expend the remaining funds	7203
received under this section, and any other district with a poverty	7204
index less than 1.0 shall expend all funds received under this	7205
section, for any of the following purposes:	7206
(a) The purchase of technology for instructional purposes for	7207
remediation;	7208
(b) All-day kindergarten;	7209
(c) Reduction of class sizes in grades kindergarten through	7210
three, as described in division (J)(7) of this section;	7211
(d) Summer school remediation;	7212
(e) Dropout prevention programs approved by the department of	7213
education under division (J)(4) of this section;	7214
(f) Guaranteeing that all third graders are ready to progress	7215
to more advanced work;	7216
(g) Summer education and work programs;	7217
(h) Adolescent pregnancy programs;	7218
(i) Head start, preschool, early childhood education, or	7219
early learning programs;	7220
(j) Reading improvement and remediation programs described by	7221
the department of education;	7222

(k) Programs designed to ensure that schools are free of 7223
drugs and violence and have a disciplined environment conducive to 7224
learning; 7225

(l) Furnishing, free of charge, materials used in courses of 7226
instruction, except for the necessary textbooks or electronic 7227
textbooks required to be furnished without charge pursuant to 7228
section 3329.06 of the Revised Code, to pupils living in families 7229
participating in Ohio works first in accordance with section 7230
3313.642 of the Revised Code; 7231

(m) School breakfasts provided pursuant to section 3313.813 7232
of the Revised Code. 7233

(N) If at any time the superintendent of public instruction 7234
determines that a school district receiving funds under division 7235
(D) of this section has enrolled less than the all-day 7236
kindergarten percentage reported for that fiscal year, the 7237
superintendent shall withhold from the funds otherwise due the 7238
district under this section a proportional amount as determined by 7239
the difference in the certified all-day kindergarten percentage 7240
and the percentage actually enrolled in all-day kindergarten. 7241

The superintendent shall also withhold an appropriate amount 7242
of funds otherwise due a district for any other misuse of funds 7243
not in accordance with this section. 7244

(O)(1) A district may use a portion of the funds calculated 7245
for it under division (D) of this section to modify or purchase 7246
classroom space to provide all-day kindergarten, if both of the 7247
following conditions are met: 7248

(a) The district certifies to the department, in a manner 7249
acceptable to the department, that it has a shortage of space for 7250
providing all-day kindergarten. 7251

(b) The district provides all-day kindergarten to the number 7252

of children in the all-day kindergarten percentage it certified 7253
under this section. 7254

(2) A district may use a portion of the funds described in 7255
division (J)(7) of this section to modify or purchase classroom 7256
space to enable it to further reduce class size in grades 7257
kindergarten through two with a goal of attaining class sizes of 7258
fifteen students per licensed teacher. To do so, the district must 7259
certify its need for additional space to the department, in a 7260
manner satisfactory to the department. 7261

Sec. 3317.0217. The department of education shall annually 7262
compute and pay state parity aid to school districts, as follows: 7263

(A) Calculate the local wealth per pupil of each school 7264
district, which equals the following sum: 7265

(1) Two-thirds times the quotient of (a) the district's 7266
recognized valuation divided by (b) its formula ADM; plus 7267

(2) One-third times the quotient of (a) the average of the 7268
total federal adjusted gross income of the school district's 7269
residents for the three years most recently reported under section 7270
3317.021 of the Revised Code divided by (b) its formula ADM. 7271

(B) Rank all school districts in order of local wealth per 7272
pupil, from the district with the lowest local wealth per pupil to 7273
the district with the highest local wealth per pupil. 7274

(C) Compute the per pupil state parity aid funding for each 7275
school district in accordance with the following formula: 7276

(threshold local wealth 7277
per pupil - the district's local 7278
wealth per pupil) X 0.0075 7279

Where: 7280

(1) Seven and one-half mills (0.0075) is an adjustment to the 7281

original parity aid standard of nine and one-half mills, to 7282
account for the general assembly's policy decision to phase-out 7283
use of the cost-of-doing-business factor in the base cost formula. 7284

(2) The "threshold local wealth per pupil" is the local 7285
wealth per pupil of the school district with the 7286
four-hundred-ninetieth lowest local wealth per pupil. 7287

If the result of the calculation for a school district under 7288
division (C) of this section is less than zero, the district's per 7289
pupil parity aid shall be zero. 7290

(D) Compute the per pupil alternative parity aid for each 7291
school district that has a combination of an income factor of 1.0 7292
or less, a poverty index of 1.0 or greater, and a fiscal year 2005 7293
cost-of-doing-business factor of 1.0375 or greater, in accordance 7294
with the following formula: 7295

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times 7296 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 7297 \end{aligned}$$

Where: 7298

(1) "Poverty index" has the same meaning as in section 7299
3317.029 of the Revised Code. 7300

(2) "Payment percentage," for purposes of division (D) of 7301
this section, equals 50% in fiscal year 2002 and 100% after fiscal 7302
year 2002. 7303

(E) Pay each district that has a combination of an income 7304
factor of 1.0 or less, a poverty index of 1.0 or greater, and a 7305
fiscal year 2005 cost-of-doing-business factor of 1.0375 or 7306
greater, the greater of the following: 7307

(1) The product of the district's per pupil parity aid 7308
calculated under division (C) of this section times its net 7309
formula ADM; 7310

(2) The product of its per pupil alternative parity aid 7311

calculated under division (D) of this section times its net 7312
formula ADM. 7313

(F) Pay every other district the product of its per pupil 7314
parity aid calculated under division (C) of this section times its 7315
net formula ADM. 7316

(G) As used in divisions (E) and (F) of this section, "net 7317
formula ADM" means formula ADM minus the number of internet- and 7318
computer-based community school students and scholarship students 7319
reported under divisions (B)(3)(e) ~~and~~, (f), and (g) of section 7320
3317.03 of the Revised Code. 7321

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 7322
(C) of this section, except as provided in division (A)(2)(h) of 7323
this section, any student enrolled in kindergarten more than half 7324
time shall be reported as one-half student under this section. 7325

(A) The superintendent of each city and exempted village 7326
school district and of each educational service center shall, for 7327
the schools under the superintendent's supervision, certify to the 7328
state board of education on or before the fifteenth day of October 7329
in each year for the first full school week in October the formula 7330
ADM. Beginning in fiscal year 2007, each superintendent also shall 7331
certify to the state board, for the schools under the 7332
superintendent's supervision, the formula ADM for the first full 7333
week in February. If a school under the superintendent's 7334
supervision is closed for one or more days during that week due to 7335
hazardous weather conditions or other circumstances described in 7336
the first paragraph of division (B) of section 3317.01 of the 7337
Revised Code, the superintendent may apply to the superintendent 7338
of public instruction for a waiver, under which the superintendent 7339
of public instruction may exempt the district superintendent from 7340
certifying the formula ADM for that school for that week and 7341
specify an alternate week for certifying the formula ADM of that 7342

school. 7343

The formula ADM shall consist of the average daily membership 7344
during such week of the sum of the following: 7345

(1) On an FTE basis, the number of students in grades 7346
kindergarten through twelve receiving any educational services 7347
from the district, except that the following categories of 7348
students shall not be included in the determination: 7349

(a) Students enrolled in adult education classes; 7350

(b) Adjacent or other district students enrolled in the 7351
district under an open enrollment policy pursuant to section 7352
3313.98 of the Revised Code; 7353

(c) Students receiving services in the district pursuant to a 7354
compact, cooperative education agreement, or a contract, but who 7355
are entitled to attend school in another district pursuant to 7356
section 3313.64 or 3313.65 of the Revised Code; 7357

(d) Students for whom tuition is payable pursuant to sections 7358
3317.081 and 3323.141 of the Revised Code; 7359

(e) Students receiving services in the district through a 7360
scholarship awarded under section 3310.41 of the Revised Code. 7361

(2) On an FTE basis, except as provided in division (A)(2)(h) 7362
of this section, the number of students entitled to attend school 7363
in the district pursuant to section 3313.64 or 3313.65 of the 7364
Revised Code, but receiving educational services in grades 7365
kindergarten through twelve from one or more of the following 7366
entities: 7367

(a) A community school pursuant to Chapter 3314. of the 7368
Revised Code, including any participation in a college pursuant to 7369
Chapter 3365. of the Revised Code while enrolled in such community 7370
school; 7371

(b) An alternative school pursuant to sections 3313.974 to 7372

3313.979 of the Revised Code as described in division (I)(2)(a) or	7373
(b) of this section;	7374
(c) A college pursuant to Chapter 3365. of the Revised Code,	7375
except when the student is enrolled in the college while also	7376
enrolled in a community school pursuant to Chapter 3314. of the	7377
Revised Code;	7378
(d) An adjacent or other school district under an open	7379
enrollment policy adopted pursuant to section 3313.98 of the	7380
Revised Code;	7381
(e) An educational service center or cooperative education	7382
district;	7383
(f) Another school district under a cooperative education	7384
agreement, compact, or contract;	7385
(g) A chartered nonpublic school with a scholarship paid	7386
under section 3310.08 of the Revised Code;	7387
<u>(h) An alternative public provider or a registered private</u>	7388
<u>provider with a scholarship awarded under section 3310.41 of the</u>	7389
<u>Revised Code. Each such scholarship student who is enrolled in</u>	7390
<u>kindergarten shall be counted as one full-time-equivalent student.</u>	7391
<u>As used in this section, "alternative public provider" and</u>	7392
<u>"registered private provider" have the same meanings as in section</u>	7393
<u>3310.41 of the Revised Code.</u>	7394
(3) Twenty per cent of the number of students enrolled in a	7395
joint vocational school district or under a vocational education	7396
compact, excluding any students entitled to attend school in the	7397
district under section 3313.64 or 3313.65 of the Revised Code who	7398
are enrolled in another school district through an open enrollment	7399
policy as reported under division (A)(2)(d) of this section and	7400
then enroll in a joint vocational school district or under a	7401
vocational education compact;	7402

(4) The number of handicapped children, other than 7403
handicapped preschool children, entitled to attend school in the 7404
district pursuant to section 3313.64 or 3313.65 of the Revised 7405
Code who are placed by the district with a county MR/DD board, 7406
minus the number of such children placed with a county MR/DD board 7407
in fiscal year 1998. If this calculation produces a negative 7408
number, the number reported under division (A)(4) of this section 7409
shall be zero. 7410

(5) Beginning in fiscal year 2007, in the case of the report 7411
submitted for the first full week in February, or the alternative 7412
week if specified by the superintendent of public instruction, the 7413
number of students reported under division (A)(1) or (2) of this 7414
section for the first full week of the preceding October but who 7415
since that week have received high school diplomas. 7416

(B) To enable the department of education to obtain the data 7417
needed to complete the calculation of payments pursuant to this 7418
chapter, in addition to the formula ADM, each superintendent shall 7419
report separately the following student counts for the same week 7420
for which formula ADM is certified: 7421

(1) The total average daily membership in regular day classes 7422
included in the report under division (A)(1) or (2) of this 7423
section for kindergarten, and each of grades one through twelve in 7424
schools under the superintendent's supervision; 7425

(2) The number of all handicapped preschool children enrolled 7426
as of the first day of December in classes in the district that 7427
are eligible for approval under division (B) of section 3317.05 of 7428
the Revised Code and the number of those classes, which shall be 7429
reported not later than the fifteenth day of December, in 7430
accordance with rules adopted under that section; 7431

(3) The number of children entitled to attend school in the 7432
district pursuant to section 3313.64 or 3313.65 of the Revised 7433

Code who are:	7434
(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;	7435 7436 7437
(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;	7438 7439 7440 7441
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	7442 7443
(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;	7444 7445 7446 7447 7448 7449
(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;	7450 7451 7452 7453
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	7454 7455
(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>	7456 7457 7458
(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>	7459 7460 7461
(i) Participating in a program operated by a county MR/DD board or a state institution.	7462 7463

(4) The number of pupils enrolled in joint vocational schools;	7464 7465
(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;	7466 7467 7468 7469
(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;	7470 7471 7472 7473
(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;	7474 7475 7476 7477
(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;	7478 7479 7480 7481
(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;	7482 7483 7484 7485
(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>	7486 7487 7488 7489 7490 7491 7492 7493

(11) The average daily membership of pupils reported under 7494
division (A)(1) or (2) of this section enrolled in category one 7495
vocational education programs or classes, described in division 7496
(A) of section 3317.014 of the Revised Code, operated by the 7497
school district or by another district, other than a joint 7498
vocational school district, or by an educational service center, 7499
excluding any student reported under division (B)(3)(e) of this 7500
section as enrolled in an internet- or computer-based community 7501
school, notwithstanding division (C) of section 3317.02 of the 7502
Revised Code and division (C)(3) of this section; 7503

(12) The average daily membership of pupils reported under 7504
division (A)(1) or (2) of this section enrolled in category two 7505
vocational education programs or services, described in division 7506
(B) of section 3317.014 of the Revised Code, operated by the 7507
school district or another school district, other than a joint 7508
vocational school district, or by an educational service center, 7509
excluding any student reported under division (B)(3)(e) of this 7510
section as enrolled in an internet- or computer-based community 7511
school, notwithstanding division (C) of section 3317.02 of the 7512
Revised Code and division (C)(3) of this section; 7513

(13) The average number of children transported by the school 7514
district on board-owned or contractor-owned and -operated buses, 7515
reported in accordance with rules adopted by the department of 7516
education; 7517

(14)(a) The number of children, other than handicapped 7518
preschool children, the district placed with a county MR/DD board 7519
in fiscal year 1998; 7520

(b) The number of handicapped children, other than 7521
handicapped preschool children, placed with a county MR/DD board 7522
in the current fiscal year to receive special education services 7523
for the category one handicap described in division (A) of section 7524

3317.013 of the Revised Code;	7525
(c) The number of handicapped children, other than	7526
handicapped preschool children, placed with a county MR/DD board	7527
in the current fiscal year to receive special education services	7528
for category two handicaps described in division (B) of section	7529
3317.013 of the Revised Code;	7530
(d) The number of handicapped children, other than	7531
handicapped preschool children, placed with a county MR/DD board	7532
in the current fiscal year to receive special education services	7533
for category three handicaps described in division (C) of section	7534
3317.013 of the Revised Code;	7535
(e) The number of handicapped children, other than	7536
handicapped preschool children, placed with a county MR/DD board	7537
in the current fiscal year to receive special education services	7538
for category four handicaps described in division (D) of section	7539
3317.013 of the Revised Code;	7540
(f) The number of handicapped children, other than	7541
handicapped preschool children, placed with a county MR/DD board	7542
in the current fiscal year to receive special education services	7543
for the category five handicap described in division (E) of	7544
section 3317.013 of the Revised Code;	7545
(g) The number of handicapped children, other than	7546
handicapped preschool children, placed with a county MR/DD board	7547
in the current fiscal year to receive special education services	7548
for category six handicaps described in division (F) of section	7549
3317.013 of the Revised Code.	7550
(C)(1) Except as otherwise provided in this section for	7551
kindergarten students, the average daily membership in divisions	7552
(B)(1) to (12) of this section shall be based upon the number of	7553
full-time equivalent students. The state board of education shall	7554
adopt rules defining full-time equivalent students and for	7555

determining the average daily membership therefrom for the 7556
purposes of divisions (A), (B), and (D) of this section. 7557

(2) A student enrolled in a community school established 7558
under Chapter 3314. of the Revised Code shall be counted in the 7559
formula ADM and, if applicable, the category one, two, three, 7560
four, five, or six special education ADM of the school district in 7561
which the student is entitled to attend school under section 7562
3313.64 or 3313.65 of the Revised Code for the same proportion of 7563
the school year that the student is counted in the enrollment of 7564
the community school for purposes of section 3314.08 of the 7565
Revised Code. 7566

(3) No child shall be counted as more than a total of one 7567
child in the sum of the average daily memberships of a school 7568
district under division (A), divisions (B)(1) to (12), or division 7569
(D) of this section, except as follows: 7570

(a) A child with a handicap described in section 3317.013 of 7571
the Revised Code may be counted both in formula ADM and in 7572
category one, two, three, four, five, or six special education ADM 7573
and, if applicable, in category one or two vocational education 7574
ADM. As provided in division (C) of section 3317.02 of the Revised 7575
Code, such a child shall be counted in category one, two, three, 7576
four, five, or six special education ADM in the same proportion 7577
that the child is counted in formula ADM. 7578

(b) A child enrolled in vocational education programs or 7579
classes described in section 3317.014 of the Revised Code may be 7580
counted both in formula ADM and category one or two vocational 7581
education ADM and, if applicable, in category one, two, three, 7582
four, five, or six special education ADM. Such a child shall be 7583
counted in category one or two vocational education ADM in the 7584
same proportion as the percentage of time that the child spends in 7585
the vocational education programs or classes. 7586

(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 7619
instruction, the superintendent of the joint vocational school 7620
district may include the number of students reported under 7621
division (D)(1) of this section for the first full week of the 7622
preceding October but who since that week have received high 7623
school diplomas. 7624

The following categories of students shall not be included in 7625
the determination made under division (D)(1) of this section: 7626

(a) Students enrolled in adult education classes; 7627

(b) Adjacent or other district joint vocational students 7628
enrolled in the district under an open enrollment policy pursuant 7629
to section 3313.98 of the Revised Code; 7630

(c) Students receiving services in the district pursuant to a 7631
compact, cooperative education agreement, or a contract, but who 7632
are entitled to attend school in a city, local, or exempted 7633
village school district whose territory is not part of the 7634
territory of the joint vocational district; 7635

(d) Students for whom tuition is payable pursuant to sections 7636
3317.081 and 3323.141 of the Revised Code. 7637

(2) To enable the department of education to obtain the data 7638
needed to complete the calculation of payments pursuant to this 7639
chapter, in addition to the formula ADM, each superintendent shall 7640
report separately the average daily membership included in the 7641
report under division (D)(1) of this section for each of the 7642
following categories of students for the same week for which 7643
formula ADM is certified: 7644

(a) Students enrolled in each grade included in the joint 7645
vocational district schools; 7646

(b) Handicapped children receiving special education services 7647
for the category one handicap described in division (A) of section 7648

3317.013 of the Revised Code;	7649
(c) Handicapped children receiving special education services	7650
for the category two handicaps described in division (B) of	7651
section 3317.013 of the Revised Code;	7652
(d) Handicapped children receiving special education services	7653
for category three handicaps described in division (C) of section	7654
3317.013 of the Revised Code;	7655
(e) Handicapped children receiving special education services	7656
for category four handicaps described in division (D) of section	7657
3317.013 of the Revised Code;	7658
(f) Handicapped children receiving special education services	7659
for the category five handicap described in division (E) of	7660
section 3317.013 of the Revised Code;	7661
(g) Handicapped children receiving special education services	7662
for category six handicaps described in division (F) of section	7663
3317.013 of the Revised Code;	7664
(h) Students receiving category one vocational education	7665
services, described in division (A) of section 3317.014 of the	7666
Revised Code;	7667
(i) Students receiving category two vocational education	7668
services, described in division (B) of section 3317.014 of the	7669
Revised Code.	7670
The superintendent of each joint vocational school district	7671
shall also indicate the city, local, or exempted village school	7672
district in which each joint vocational district pupil is entitled	7673
to attend school pursuant to section 3313.64 or 3313.65 of the	7674
Revised Code.	7675
(E) In each school of each city, local, exempted village,	7676
joint vocational, and cooperative education school district there	7677
shall be maintained a record of school membership, which record	7678

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. 7710

Notwithstanding division (E)(3) of this section, the 7711
membership of any school may include a pupil who did not take a 7712
test required by section 3301.0711 of the Revised Code if the 7713
superintendent of public instruction grants a waiver from the 7714
requirement to take the test to the specific pupil and a parent is 7715
not paying tuition for the pupil pursuant to section 3313.6410 of 7716
the Revised Code. The superintendent may grant such a waiver only 7717
for good cause in accordance with rules adopted by the state board 7718
of education. 7719

Except as provided in divisions (B)(2) and (F) of this 7720
section, the average daily membership figure of any local, city, 7721
exempted village, or joint vocational school district shall be 7722
determined by dividing the figure representing the sum of the 7723
number of pupils enrolled during each day the school of attendance 7724
is actually open for instruction during the week for which the 7725
formula ADM is being certified by the total number of days the 7726
school was actually open for instruction during that week. For 7727
purposes of state funding, "enrolled" persons are only those 7728
pupils who are attending school, those who have attended school 7729
during the current school year and are absent for authorized 7730
reasons, and those handicapped children currently receiving home 7731
instruction. 7732

The average daily membership figure of any cooperative 7733
education school district shall be determined in accordance with 7734
rules adopted by the state board of education. 7735

(F)(1) If the formula ADM for the first full school week in 7736
February is at least three per cent greater than that certified 7737
for the first full school week in the preceding October, the 7738
superintendent of schools of any city, exempted village, or joint 7739
vocational school district or educational service center shall 7740

certify such increase to the superintendent of public instruction. 7741
Such certification shall be submitted no later than the fifteenth 7742
day of February. For the balance of the fiscal year, beginning 7743
with the February payments, the superintendent of public 7744
instruction shall use the increased formula ADM in calculating or 7745
recalculating the amounts to be allocated in accordance with 7746
section 3317.022 or 3317.16 of the Revised Code. In no event shall 7747
the superintendent use an increased membership certified to the 7748
superintendent after the fifteenth day of February. Division 7749
(F)(1) of this section does not apply after fiscal year 2006. 7750

(2) If on the first school day of April the total number of 7751
classes or units for handicapped preschool children that are 7752
eligible for approval under division (B) of section 3317.05 of the 7753
Revised Code exceeds the number of units that have been approved 7754
for the year under that division, the superintendent of schools of 7755
any city, exempted village, or cooperative education school 7756
district or educational service center shall make the 7757
certifications required by this section for that day. If the 7758
department determines additional units can be approved for the 7759
fiscal year within any limitations set forth in the acts 7760
appropriating moneys for the funding of such units, the department 7761
shall approve additional units for the fiscal year on the basis of 7762
such average daily membership. For each unit so approved, the 7763
department shall pay an amount computed in the manner prescribed 7764
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 7765
Code. 7766

(3) If a student attending a community school under Chapter 7767
3314. of the Revised Code is not included in the formula ADM 7768
certified for the school district in which the student is entitled 7769
to attend school under section 3313.64 or 3313.65 of the Revised 7770
Code, the department of education shall adjust the formula ADM of 7771
that school district to include the community school student in 7772

accordance with division (C)(2) of this section, and shall 7773
recalculate the school district's payments under this chapter for 7774
the entire fiscal year on the basis of that adjusted formula ADM. 7775
This requirement applies regardless of whether the student was 7776
enrolled, as defined in division (E) of this section, in the 7777
community school during the first full school week in October. 7778

(G)(1)(a) The superintendent of an institution operating a 7779
special education program pursuant to section 3323.091 of the 7780
Revised Code shall, for the programs under such superintendent's 7781
supervision, certify to the state board of education, in the 7782
manner prescribed by the superintendent of public instruction, 7783
both of the following: 7784

(i) The average daily membership of all handicapped children 7785
other than handicapped preschool children receiving services at 7786
the institution for each category of handicap described in 7787
divisions (A) to (F) of section 3317.013 of the Revised Code; 7788

(ii) The average daily membership of all handicapped 7789
preschool children in classes or programs approved annually by the 7790
department of education for unit funding under section 3317.05 of 7791
the Revised Code. 7792

(b) The superintendent of an institution with vocational 7793
education units approved under division (A) of section 3317.05 of 7794
the Revised Code shall, for the units under the superintendent's 7795
supervision, certify to the state board of education the average 7796
daily membership in those units, in the manner prescribed by the 7797
superintendent of public instruction. 7798

(2) The superintendent of each county MR/DD board that 7799
maintains special education classes under section 3317.20 of the 7800
Revised Code or units approved pursuant to section 3317.05 of the 7801
Revised Code shall do both of the following: 7802

(a) Certify to the state board, in the manner prescribed by 7803

the board, the average daily membership in classes under section 7804
3317.20 of the Revised Code for each school district that has 7805
placed children in the classes; 7806

(b) Certify to the state board, in the manner prescribed by 7807
the board, the number of all handicapped preschool children 7808
enrolled as of the first day of December in classes eligible for 7809
approval under division (B) of section 3317.05 of the Revised 7810
Code, and the number of those classes. 7811

(3)(a) If on the first school day of April the number of 7812
classes or units maintained for handicapped preschool children by 7813
the county MR/DD board that are eligible for approval under 7814
division (B) of section 3317.05 of the Revised Code is greater 7815
than the number of units approved for the year under that 7816
division, the superintendent shall make the certification required 7817
by this section for that day. 7818

(b) If the department determines that additional classes or 7819
units can be approved for the fiscal year within any limitations 7820
set forth in the acts appropriating moneys for the funding of the 7821
classes and units described in division (G)(3)(a) of this section, 7822
the department shall approve and fund additional units for the 7823
fiscal year on the basis of such average daily membership. For 7824
each unit so approved, the department shall pay an amount computed 7825
in the manner prescribed in sections 3317.052 and 3317.053 of the 7826
Revised Code. 7827

(H) Except as provided in division (I) of this section, when 7828
any city, local, or exempted village school district provides 7829
instruction for a nonresident pupil whose attendance is 7830
unauthorized attendance as defined in section 3327.06 of the 7831
Revised Code, that pupil's membership shall not be included in 7832
that district's membership figure used in the calculation of that 7833
district's formula ADM or included in the determination of any 7834

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. 7866

Sec. 3333.34. (A) As used in this section: 7867

(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. 7868
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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. 7873
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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: 7878
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(1) Be uniform across the state; 7882

(2) Be available from an array of providers, including adult career centers, institutions of higher education, and employers; 7883
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(3) Be structured to respond to the expectations of both the workplace and higher education; 7885
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(4) Be articulated in a way that ensures the most effective interconnection of competencies offered in specialized training programs; 7887
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(5) Establish standards for earning pre-college certificates; 7890

(6) Establish transferability of pre-college certificates to college credit. 7891
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(C) The board shall develop college-level certificates that can be transferred to college credit in different subject 7893
7894

competencies. The certificates shall be based on competencies and 7895
experience and not on classroom seat time. 7896

~~Sec. 3353.07. (A) Ohio government telecommunications shall be~~ 7897
~~funded through the eTech Ohio commission and shall be managed by a~~ 7898
~~broadcasting station under a contract. The contract shall not take~~ 7899
~~effect until the program committee of Ohio government~~ 7900
~~telecommunications approves the contract. The broadcasting station~~ 7901
~~shall manage the staff of Ohio government telecommunications.~~ 7902
There is hereby created the Ohio government telecommunications 7903
service. The Ohio government telecommunications service shall 7904
provide the state government and affiliated organizations with 7905
multimedia support including audio, visual, and internet services, 7906
multimedia streaming, and hosting multimedia programs. 7907

Services relating to the official activities of the general 7908
assembly and the executive offices provided by the Ohio government 7909
telecommunications service shall be funded through grants to a 7910
public television broadcasting station that will manage the staff 7911
and provide the services of the Ohio government telecommunications 7912
service. The Ohio educational television stations shall select a 7913
member station to manage the Ohio government telecommunications 7914
service. The Ohio government telecommunications service shall 7915
receive grants from, or contract with, any of the three branches 7916
of Ohio government, and their affiliates, to provide additional 7917
services. Services provided by the Ohio government 7918
telecommunications service shall not be used for political 7919
purposes included in campaign materials, or otherwise used to 7920
influence an election, legislation, issue, judicial decision, or 7921
other policy of state government. 7922

(B)(1) There is hereby created the ~~program~~ legislative 7923
programming committee of the Ohio government telecommunications 7924
service that shall consist of the president of the senate, speaker 7925

of the house of representatives, minority leader of the senate, 7926
and minority leader of the house of representatives, or their 7927
designees, and the clerks of the senate and house of 7928
representatives as nonvoting, ex officio members. By a vote of a 7929
majority of its members, the program committee may add additional 7930
members to the committee. 7931

(2) The ~~program~~ legislative programming committee shall adopt 7932
rules that govern the operation of the Ohio government 7933
telecommunications service relating to the general assembly and 7934
~~the coverage and distribution of official governmental activities~~ 7935
~~by Ohio government telecommunications~~ any affiliated 7936
organizations. 7937

Sec. 3353.11. There is hereby created in the state treasury 7938
the governmental ~~television/telecommunications~~ telecommunications 7939
operating fund. The fund shall consist of money received from 7940
contract ~~productions~~ services of the Ohio government 7941
telecommunications ~~studio~~ service and shall be used for operations 7942
or equipment breakdowns related to the ~~studio~~ service. Only the 7943
Ohio government telecommunications service may authorize the 7944
spending of money in the fund. All investment earnings of the fund 7945
shall be credited to the fund. Once the fund has a balance of 7946
zero, the fund shall cease to exist. 7947

Sec. 3383.01. As used in this chapter: 7948

(A) "Culture" means any of the following: 7949

(1) Visual, musical, dramatic, graphic, design, and other 7950
arts, including, but not limited to, architecture, dance, 7951
literature, motion pictures, music, painting, photography, 7952
sculpture, and theater, and the provision of training or education 7953
in these arts; 7954

(2) The presentation or making available, in museums or other 7955

indoor or outdoor facilities, of principles of science and their 7956
development, use, or application in business, industry, or 7957
commerce or of the history, heritage, development, presentation, 7958
and uses of the arts described in division (A)(1) of this section 7959
and of transportation; 7960

(3) The preservation, presentation, or making available of 7961
features of archaeological, architectural, environmental, or 7962
historical interest or significance in a state historical facility 7963
or a local historical facility. 7964

(B) "Cultural organization" means either of the following: 7965

(1) A governmental agency or Ohio nonprofit corporation that 7966
provides programs or activities in areas directly concerned with 7967
culture; 7968

(2) A regional arts and cultural district as defined in 7969
section 3381.01 of the Revised Code. 7970

(C) "Cultural project" means all or any portion of an Ohio 7971
cultural facility for which the general assembly has specifically 7972
authorized the spending of money, or made an appropriation, 7973
pursuant to division (D)(3) or (E) of section 3383.07 of the 7974
Revised Code. 7975

(D) "Cooperative contract" means a contract between the Ohio 7976
cultural facilities commission and a cultural organization 7977
providing the terms and conditions of the cooperative use of an 7978
Ohio cultural facility. 7979

(E) "Costs of operation" means amounts required to manage an 7980
Ohio cultural facility that are incurred following the completion 7981
of construction of its cultural project, provided that both of the 7982
following apply: 7983

(1) Those amounts either: 7984

(a) Have been committed to a fund dedicated to that purpose; 7985

(b) Equal the principal of any endowment fund, the income 7986
from which is dedicated to that purpose. 7987

(2) The commission and the cultural organization have 7988
executed an agreement with respect to either of those funds. 7989

(F) "General building services" means general building 7990
services for an Ohio cultural facility or an Ohio sports facility, 7991
including, but not limited to, general custodial care, security, 7992
maintenance, repair, painting, decoration, cleaning, utilities, 7993
fire safety, grounds and site maintenance and upkeep, and 7994
plumbing. 7995

(G) "Governmental agency" means a state agency, a 7996
state-supported or state-assisted institution of higher education, 7997
a municipal corporation, county, township, or school district, a 7998
port authority created under Chapter 4582. of the Revised Code, 7999
any other political subdivision or special district in this state 8000
established by or pursuant to law, or any combination of these 8001
entities; except where otherwise indicated, the United States or 8002
any department, division, or agency of the United States, or any 8003
agency, commission, or authority established pursuant to an 8004
interstate compact or agreement. 8005

(H) "Local contributions" means the value of an asset 8006
provided by or on behalf of a cultural organization from sources 8007
other than the state, the value and nature of which shall be 8008
approved by the Ohio cultural facilities commission, in its sole 8009
discretion. "Local contributions" may include the value of the 8010
site where a cultural project is to be constructed. All "local 8011
contributions," except a contribution attributable to such a site, 8012
shall be for the costs of construction of a cultural project or 8013
the creation or expansion of an endowment for the costs of 8014
operation of a cultural facility. 8015

(I) "Local historical facility" means a site or facility, 8016

other than a state historical facility, of archaeological, 8017
architectural, environmental, or historical interest or 8018
significance, or a facility, including a storage facility, 8019
appurtenant to the operations of such a site or facility, that is 8020
owned by a cultural organization, provided the facility meets the 8021
requirements of division (K)(2)(b) of this section, is managed by 8022
or pursuant to a contract with the Ohio cultural facilities 8023
commission, and is used for or in connection with the activities 8024
of the commission, including the presentation or making available 8025
of culture to the public. 8026

(J) "Manage," "operate," or "management" means the provision 8027
of, or the exercise of control over the provision of, activities: 8028

(1) Relating to culture for an Ohio cultural facility, 8029
including as applicable, but not limited to, providing for 8030
displays, exhibitions, specimens, and models; booking of artists, 8031
performances, or presentations; scheduling; and hiring or 8032
contracting for directors, curators, technical and scientific 8033
staff, ushers, stage managers, and others directly related to the 8034
cultural activities in the facility; but not including general 8035
building services; 8036

(2) Relating to sports and athletic events for an Ohio sports 8037
facility, including as applicable, but not limited to, providing 8038
for booking of athletes, teams, and events; scheduling; and hiring 8039
or contracting for staff, ushers, managers, and others directly 8040
related to the sports and athletic events in the facility; but not 8041
including general building services. 8042

(K) "Ohio cultural facility" means any of the following: 8043

(1) The theaters located in the state office tower at 77 8044
South High street in Columbus; 8045

(2) Any capital facility in this state to which both of the 8046
following apply: 8047

(a) The construction of a cultural project related to the 8048
facility was authorized or funded by the general assembly pursuant 8049
to division (D)(3) of section 3383.07 of the Revised Code and 8050
proceeds of state bonds are used for costs of the cultural 8051
project. 8052

(b) The facility is managed directly by, or is subject to a 8053
cooperative or management contract with, the Ohio cultural 8054
facilities commission, and is used for or in connection with the 8055
activities of the commission, including the presentation or making 8056
available of culture to the public and the provision of training 8057
or education in culture. 8058

(3) A state historical facility or a local historical 8059
facility. 8060

(L) "State agency" means the state or any of its branches, 8061
officers, boards, commissions, authorities, departments, 8062
divisions, or other units or agencies. 8063

(M) "Construction" includes acquisition, including 8064
acquisition by lease-purchase, demolition, reconstruction, 8065
alteration, renovation, remodeling, enlargement, improvement, site 8066
improvements, and related equipping and furnishing. 8067

(N) "State historical facility" means a site or facility that 8068
has all of the following characteristics: 8069

(1) It is created, supervised, operated, protected, 8070
maintained, and promoted by the Ohio historical society pursuant 8071
to the society's performance of public functions under sections 8072
149.30 and 149.302 of the Revised Code. 8073

(2) Its title must reside wholly or in part with the state, 8074
the society, or both the state and the society. 8075

(3) It is managed directly by or is subject to a cooperative 8076
or management contract with the Ohio cultural facilities 8077

commission and is used for or in connection with the activities of 8078
the commission, including the presentation or making available of 8079
culture to the public. 8080

(O) "Ohio sports facility" means all or a portion of a 8081
stadium, arena, tennis facility, motorsports complex, or other 8082
capital facility in this state, ~~a. A primary purpose of which is~~ 8083
the facility shall be to provide a site or venue for the 8084
presentation to the public of ~~either~~ motorsports events, 8085
professional tennis tournaments, or events of one or more major or 8086
minor league professional athletic or sports teams that are 8087
associated with the state or with a city or region of the state, 8088
~~which. The facility is~~ shall be, in the case of a motorsports 8089
complex, owned by the state or governmental agency, or in all 8090
other instances, ~~is~~ owned by or ~~is~~ located on real property owned 8091
by the state or a governmental agency, and ~~including~~ includes all 8092
parking facilities, walkways, and other auxiliary facilities, 8093
equipment, furnishings, and real and personal property and 8094
interests and rights therein, that may be appropriate for or used 8095
for or in connection with the facility or its operation, for 8096
capital costs of which state funds are spent pursuant to this 8097
chapter. A facility constructed as an Ohio sports facility may be 8098
both an Ohio cultural facility and an Ohio sports facility. 8099

(P) "Motorsports" means sporting events in which motor 8100
vehicles are driven on a clearly demarcated tracked surface. 8101

Sec. 3383.07. (A) The department of administrative services 8102
shall provide for the construction of a cultural project in 8103
conformity with Chapter 153. of the Revised Code, except as 8104
follows: 8105

(1) For a cultural project other than a state historical 8106
facility, construction services may be provided on behalf of the 8107
state by the Ohio cultural facilities commission, or by a 8108

governmental agency or a cultural organization that occupies, will 8109
occupy, or is responsible for the Ohio cultural facility, as 8110
determined by the commission. For a project receiving a state 8111
appropriation of fifty thousand dollars or less, the commission 8112
may delegate to its executive director the authority to approve 8113
the provision of construction services by such an agency or 8114
organization, but not the authority to disapprove that provision. 8115
Construction services to be provided by a governmental agency or a 8116
cultural organization shall be specified in an agreement between 8117
the commission and the governmental agency or cultural 8118
organization. The agreement, or any actions taken under it, are 8119
not subject to Chapter 123. or 153. of the Revised Code, except 8120
for sections 123.081 and 153.011 of the Revised Code, and shall be 8121
subject to Chapter 4115. of the Revised Code. 8122

(2) For a cultural project that is a state historical 8123
facility, construction services may be provided by the Ohio 8124
cultural facilities commission or by a cultural organization that 8125
occupies, will occupy, or is responsible for the facility, as 8126
determined by the commission. For a facility receiving a state 8127
appropriation of fifty thousand dollars or less, the commission 8128
may delegate to its executive director the authority to approve 8129
the provision of construction services by such an organization, 8130
but not the authority to disapprove that provision. The 8131
construction services to be provided by the cultural organization 8132
shall be specified in an agreement between the commission and the 8133
cultural organization. That agreement, and any actions taken under 8134
it, are not subject to Chapter 123., 153., or 4115. of the Revised 8135
Code. 8136

(B) For an Ohio sports facility that is financed in part by 8137
obligations issued pursuant to Chapter 154. of the Revised Code, 8138
construction services shall be provided on behalf of the state by 8139
or at the direction of the governmental agency or nonprofit 8140

corporation that will own or be responsible for the management of 8141
the facility, all as determined by the Ohio cultural facilities 8142
commission. For a facility receiving a state appropriation of 8143
fifty thousand dollars or less, the commission may delegate to its 8144
executive director the authority to approve the provision of 8145
construction services by or at the direction of the agency or 8146
corporation, but not the authority to disapprove that provision. 8147
Any construction services to be provided by a governmental agency 8148
or nonprofit corporation shall be specified in an agreement 8149
between the commission and the governmental agency or nonprofit 8150
corporation. That agreement, and any actions taken under it, are 8151
not subject to Chapter 123. or 153. of the Revised Code, except 8152
for sections 123.081 and 153.011 of the Revised Code, and shall be 8153
subject to Chapter 4115. of the Revised Code. 8154

(C) General building services for an Ohio cultural facility 8155
shall be provided by the Ohio cultural facilities commission or by 8156
a cultural organization that occupies, will occupy, or is 8157
responsible for the facility, as determined by the commission, 8158
~~except that.~~ For a facility receiving a state appropriation of 8159
fifty thousand dollars or less, the commission may delegate to its 8160
executive director the authority to approve the provision of 8161
general building services by such an organization, but not the 8162
authority to disapprove that provision. Alternatively, the Ohio 8163
building authority may elect to provide those services for Ohio 8164
cultural facilities financed with proceeds of state bonds issued 8165
by the authority. The costs of management and general building 8166
services shall be paid by the cultural organization that occupies, 8167
will occupy, or is responsible for the facility as provided in an 8168
agreement between the commission and the cultural organization, 8169
except that the state may pay for general building services for 8170
state-owned cultural facilities constructed on state-owned land. 8171

General building services for an Ohio sports facility shall 8172

be provided by or at the direction of the governmental agency or
nonprofit corporation that will be responsible for the management
of the facility, all as determined by the commission. For a
facility receiving a state appropriation of fifty thousand dollars
or less, the commission may delegate to its executive director the
authority to approve the provision of general building services by
or at the direction of the agency or corporation, but not the
authority to disapprove that provision. Any general building
services to be provided by a governmental agency or nonprofit
corporation for an Ohio sports facility shall be specified in an
agreement between the commission and the governmental agency or
nonprofit corporation. That agreement, and any actions taken under
it, are not subject to Chapter 123. or 153. of the Revised Code,
except for sections 123.081 and 153.011 of the Revised Code, and
shall be subject to Chapter 4115. of the Revised Code.

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

(1) The Ohio cultural facilities commission has determined
that there is a need for the cultural project and the Ohio
cultural facility related to the project in the region of the
state in which the Ohio cultural facility is located or for which
the facility is proposed. For a project receiving a state
appropriation of fifty thousand dollars or less, the commission
may delegate to its executive director the authority to determine
need but only in the affirmative.

(2) The commission has determined that, as an indication of
substantial regional support for the cultural project, the
cultural organization has made provision satisfactory to the

commission, in its sole discretion, for local contributions 8205
amounting to not less than fifty per cent of the total state 8206
funding for the cultural project. For a project receiving a state 8207
appropriation of fifty thousand dollars or less, the commission 8208
may delegate to its executive director the authority to determine 8209
the adequacy of the regional support but only in the affirmative. 8210

(3) The general assembly has specifically authorized the 8211
spending of money on, or made an appropriation for, the 8212
construction of the cultural project, or for rental payments 8213
relating to the financing of the construction of the cultural 8214
project. Authorization to spend money, or an appropriation, for 8215
planning the cultural project does not constitute authorization to 8216
spend money on, or an appropriation for, construction of the 8217
cultural project. 8218

(E) No state funds, including any state bond proceeds, shall 8219
be spent on the construction of any state historical facility 8220
under this chapter unless the general assembly has specifically 8221
authorized the spending of money on, or made an appropriation for, 8222
the construction of the state historical project related to the 8223
facility, or for rental payments relating to the financing of the 8224
construction of the state historical project. Authorization to 8225
spend money, or an appropriation, for planning the state 8226
historical project does not constitute authorization to spend 8227
money on, or an appropriation for, the construction of the state 8228
historical project. 8229

(F) State funds shall not be used to pay or reimburse more 8230
than fifteen per cent of the initial estimated construction cost 8231
of an Ohio sports facility, excluding any site acquisition cost, 8232
and no state funds, including any state bond proceeds, shall be 8233
spent on any Ohio sports facility under this chapter unless, with 8234
respect to that facility, all of the following apply: 8235

(1) The Ohio cultural facilities commission has determined 8236
that there is a need for the facility in the region of the state 8237
for which the facility is proposed to provide the function of an 8238
Ohio sports facility as provided for in this chapter. For a 8239
facility receiving a state appropriation of fifty thousand dollars 8240
or less, the commission may delegate to its executive director the 8241
authority to determine need but only in the affirmative. 8242

(2) As an indication of substantial local support for the 8243
facility, the commission has received a financial and development 8244
plan satisfactory to it, and provision has been made, by agreement 8245
or otherwise, satisfactory to the commission, for a contribution 8246
amounting to not less than eighty-five per cent of the total 8247
estimated construction cost of the facility, excluding any site 8248
acquisition cost, from sources other than the state. For a 8249
facility receiving a state appropriation of fifty thousand dollars 8250
or less, the commission may delegate to its executive director the 8251
authority to evaluate the financial and development plan and the 8252
contribution and to determine their adequacy but only in the 8253
affirmative. 8254

(3) The general assembly has specifically authorized the 8255
spending of money on, or made an appropriation for, the 8256
construction of the facility, or for rental payments relating to 8257
state financing of all or a portion of the costs of constructing 8258
the facility. Authorization to spend money, or an appropriation, 8259
for planning or determining the feasibility of or need for the 8260
facility does not constitute authorization to spend money on, or 8261
an appropriation for, costs of constructing the facility. 8262

(4) If state bond proceeds are being used for the Ohio sports 8263
facility, the state or a governmental agency owns or has 8264
sufficient property interests in the facility or in the site of 8265
the facility or in the portion or portions of the facility 8266
financed from proceeds of state bonds, which may include, but is 8267

not limited to, the right to use or to require the use of the 8268
facility for the presentation of sport and athletic events to the 8269
public at the facility. 8270

(G) In addition to the requirements of division (F) of this 8271
section, no state funds, including any state bond proceeds, shall 8272
be spent on any Ohio sports facility that is a motorsports 8273
complex, unless, with respect to that facility, both of the 8274
following apply: 8275

(1) Motorsports events shall be presented at the facility 8276
pursuant to a lease entered into with the owner of the facility. 8277
The term of the lease shall be for a period of not less than the 8278
greater of the useful life of the portion of the facility financed 8279
from proceeds of state bonds as determined using the guidelines 8280
for maximum maturities as provided under divisions (B) and (C) of 8281
section 133.20 of the Revised Code, or the period of time 8282
remaining to the date of payment or provision for payment of 8283
outstanding state bonds allocable to costs of the facility, all as 8284
determined by the director of budget and management and certified 8285
by the director to the Ohio cultural facilities commission and to 8286
the treasurer of state. 8287

(2) Any motorsports organization that commits to using the 8288
facility for an established period of time shall give the 8289
political subdivision in which the facility is located not less 8290
than six months' advance notice if the organization intends to 8291
cease utilizing the facility prior to the expiration of that 8292
established period. Such a motorsports organization shall be 8293
liable to the state for any state funds used on the construction 8294
costs of the facility. 8295

(H) In addition to the requirements of division (F) of this 8296
section, no state bond proceeds shall be spent on any Ohio sports 8297
facility that is a tennis facility, unless the owner or manager of 8298

the facility provides contractual commitments from a national or 8299
international professional tennis organization in a form 8300
acceptable to the cultural facilities commission that assures that 8301
one or more sanctioned professional tennis events will be 8302
presented at the facility during each year that the bonds remain 8303
outstanding. 8304

Sec. 3706.01. As used in this chapter: 8305

(A) "Governmental agency" means a department, division, or 8306
other unit of state government, a municipal corporation, county, 8307
township, and other political subdivision, or any other public 8308
corporation or agency having the power to acquire, construct, or 8309
operate air quality facilities, the United States or any agency 8310
thereof, and any agency, commission, or authority established 8311
pursuant to an interstate compact or agreement. 8312

(B) "Person" means any individual, firm, partnership, 8313
association, or corporation, or any combination thereof. 8314

(C) "Air contaminant" means particulate matter, dust, fumes, 8315
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 8316
odorous substance, or any combination thereof. 8317

(D) "Air pollution" means the presence in the ambient air of 8318
one or more air contaminants in sufficient quantity and of such 8319
characteristics and duration as to injure human health or welfare, 8320
plant or animal life, or property, or that unreasonably interferes 8321
with the comfortable enjoyment of life or property. 8322

(E) "Ambient air" means that portion of the atmosphere 8323
outside of buildings and other enclosures, stacks, or ducts that 8324
surrounds human, plant, or animal life, or property. 8325

(F) "Emission" means the release into the outdoor atmosphere 8326
of an air contaminant. 8327

(G) "Air quality facility" means any of the following: 8328

- (1) Any method, modification or replacement of property, 8329
process, device, structure, or equipment that removes, reduces, 8330
prevents, contains, alters, conveys, stores, disperses, or 8331
disposes of air contaminants or substances containing air 8332
contaminants, or that renders less noxious or reduces the 8333
concentration of air contaminants in the ambient air, including, 8334
without limitation, facilities and expenditures that qualify as 8335
air pollution control facilities under section 103 (C)(4)(F) of 8336
the Internal Revenue Code of 1954, as amended, and regulations 8337
adopted thereunder; 8338
- (2) Motor vehicle inspection stations operated in accordance 8339
with, and any equipment used for motor vehicle inspections 8340
conducted under, section 3704.14 of the Revised Code and rules 8341
adopted under it; 8342
- (3) Ethanol or other biofuel facilities, including any 8343
equipment used at the ethanol or other biofuel facility for the 8344
production of ethanol or other biofuels; 8345
- (4) Any property or portion thereof used for the collection, 8346
storage, treatment, utilization, processing, or final disposal of 8347
a by-product or solid waste resulting from any method, process, 8348
device, structure, or equipment that removes, reduces, prevents, 8349
contains, alters, conveys, stores, disperses, or disposes of air 8350
contaminants, or that renders less noxious or reduces the 8351
concentration of air contaminants in the ambient air; 8352
- (5) Any property, device, or equipment that promotes the 8353
reduction of emissions of air contaminants into the ambient air 8354
through improvements in the efficiency of energy utilization or 8355
energy conservation; 8356
- (6) Any coal research and development project conducted under 8357
Chapter 1555. of the Revised Code; 8358
- (7) As determined by the director of the Ohio coal 8359

development office, any property or portion thereof that is used 8360
for the collection, storage, treatment, utilization, processing, 8361
or final disposal of a by-product resulting from a coal research 8362
and development project as defined in section 1555.01 of the 8363
Revised Code or from the use of clean coal technology, excluding 8364
any property or portion thereof that is used primarily for other 8365
subsequent commercial purposes; 8366

(8) Any property or portion thereof that is part of the 8367
FutureGen project of the United States department of energy or 8368
related to the siting of the FutureGen project. 8369

"Air quality facility" further includes any property or 8370
system to be used in whole or in part for any of the purposes in 8371
divisions (G)(1) to (8) of this section, whether another purpose 8372
is also served, and any property or system incidental to or that 8373
has to do with, or the end purpose of which is, any of the 8374
foregoing. Air quality facilities that are defined in this 8375
division for industry, commerce, distribution, or research, 8376
including public utility companies, are hereby determined to be 8377
those that qualify as facilities for the control of air pollution 8378
and thermal pollution related to air under Section 13 of Article 8379
VIII, Ohio Constitution. 8380

(H) "Project" or "air quality project" means any air quality 8381
facility, including undivided or other interests therein, acquired 8382
or to be acquired or constructed or to be constructed by the Ohio 8383
air quality development authority under this chapter, or acquired 8384
or to be acquired or constructed or to be constructed by a 8385
governmental agency or person with all or a part of the cost 8386
thereof being paid from a loan or grant from the authority under 8387
this chapter, including all buildings and facilities that the 8388
authority determines necessary for the operation of the project, 8389
together with all property, rights, easements, and interests that 8390
may be required for the operation of the project. 8391

(I) "Cost" as applied to an air quality project means the 8392
cost of acquisition and construction, the cost of acquisition of 8393
all land, rights-of-way, property rights, easements, franchise 8394
rights, and interests required for such acquisition and 8395
construction, the cost of demolishing or removing any buildings or 8396
structures on land so acquired, including the cost of acquiring 8397
any lands to which such buildings or structures may be moved, the 8398
cost of acquiring or constructing and equipping a principal office 8399
and sub-offices of the authority, the cost of diverting highways, 8400
interchange of highways, and access roads to private property, 8401
including the cost of land or easements for such access roads, the 8402
cost of public utility and common carrier relocation or 8403
duplication, the cost of all machinery, furnishings, and 8404
equipment, financing charges, interest prior to and during 8405
construction and for no more than eighteen months after completion 8406
of construction, engineering, expenses of research and development 8407
with respect to air quality facilities, legal expenses, plans, 8408
specifications, surveys, studies, estimates of cost and revenues, 8409
working capital, other expenses necessary or incident to 8410
determining the feasibility or practicability of acquiring or 8411
constructing such project, administrative expense, and such other 8412
expense as may be necessary or incident to the acquisition or 8413
construction of the project, the financing of such acquisition or 8414
construction, including the amount authorized in the resolution of 8415
the authority providing for the issuance of air quality revenue 8416
bonds to be paid into any special funds from the proceeds of such 8417
bonds, and the financing of the placing of such project in 8418
operation. Any obligation, cost, or expense incurred by any 8419
governmental agency or person for surveys, borings, preparation of 8420
plans and specifications, and other engineering services, or any 8421
other cost described above, in connection with the acquisition or 8422
construction of a project may be regarded as a part of the cost of 8423
that project and may be reimbursed out of the proceeds of air 8424

quality revenue bonds as authorized by this chapter. 8425

(J) "Owner" includes an individual, copartnership, 8426
association, or corporation having any title or interest in any 8427
property, rights, easements, or interests authorized to be 8428
acquired by this chapter. 8429

(K) "Revenues" means all rentals and other charges received 8430
by the authority for the use or services of any air quality 8431
project, any gift or grant received with respect to any air 8432
quality project, any moneys received with respect to the lease, 8433
sublease, sale, including installment sale or conditional sale, or 8434
other disposition of an air quality project, moneys received in 8435
repayment of and for interest on any loans made by the authority 8436
to a person or governmental agency, whether from the United States 8437
or any department, administration, or agency thereof, or 8438
otherwise, proceeds of such bonds to the extent that use thereof 8439
for payment of principal of, premium, if any, or interest on the 8440
bonds is authorized by the authority, proceeds from any insurance, 8441
condemnation, or guaranty pertaining to a project or property 8442
mortgaged to secure bonds or pertaining to the financing of the 8443
project, and income and profit from the investment of the proceeds 8444
of air quality revenue bonds or of any revenues. 8445

(L) "Public roads" includes all public highways, roads, and 8446
streets in the state, whether maintained by the state, county, 8447
city, township, or other political subdivision. 8448

(M) "Public utility facilities" includes tracks, pipes, 8449
mains, conduits, cables, wires, towers, poles, and other equipment 8450
and appliances of any public utility. 8451

(N) "Construction," unless the context indicates a different 8452
meaning or intent, includes reconstruction, enlargement, 8453
improvement, or providing furnishings or equipment. 8454

(O) "Air quality revenue bonds," unless the context indicates 8455

a different meaning or intent, includes air quality revenue notes, 8456
air quality revenue renewal notes, and air quality revenue 8457
refunding bonds, except that notes issued in anticipation of the 8458
issuance of bonds shall have a maximum maturity of five years as 8459
provided in section 3706.05 of the Revised Code and notes or 8460
renewal notes issued as the definitive obligation may be issued 8461
maturing at such time or times with a maximum maturity of forty 8462
years from the date of issuance of the original note. 8463

(P) "Solid waste" means any garbage; refuse; sludge from a 8464
waste water treatment plant, water supply treatment plant, or air 8465
pollution control facility; and other discarded material, 8466
including solid, liquid, semisolid, or contained gaseous material 8467
resulting from industrial, commercial, mining, and agricultural 8468
operations, and from community activities, but not including solid 8469
or dissolved material in domestic sewage, or solid or dissolved 8470
material in irrigation return flows or industrial discharges that 8471
are point sources subject to permits under section 402 of the 8472
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 8473
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 8474
byproduct material as defined by the "Atomic Energy Act of 1954," 8475
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 8476

(Q) "Sludge" means any solid, semisolid, or liquid waste, 8477
other than a recyclable by-product, generated from a municipal, 8478
commercial, or industrial waste water treatment plant, water 8479
supply plant, or air pollution control facility or any other such 8480
wastes having similar characteristics and effects. 8481

(R) "Ethanol or other biofuel facility" means a plant at 8482
which ethanol or other biofuel is produced. 8483

(S) "Ethanol" means fermentation ethyl alcohol derived from 8484
agricultural products, including potatoes, cereal, grains, cheese 8485
whey, and sugar beets; forest products; or other renewable or 8486

biomass resources, including residue and waste generated from the 8487
production, processing, and marketing of agricultural products, 8488
forest products, and other renewable or biomass resources, that 8489
meets all of the specifications in the American society for 8490
testing and materials (ASTM) specification D 4806-88 and is 8491
denatured as specified in Parts 20 and 21 of Title 27 of the Code 8492
of Federal Regulations. 8493

(T) "Biofuel" means any fuel that is made from cellulosic 8494
biomass resources, including renewable organic matter, crop waste 8495
residue, wood, aquatic plants and other crops, animal waste, solid 8496
waste, or sludge, and that is used for the production of energy 8497
for transportation or other purposes. 8498

(U) "FutureGen project" means the buildings, equipment, and 8499
real property and functionally related buildings, equipment, and 8500
real property, including related research projects that support 8501
the development and operation of the buildings, equipment, and 8502
real property, designated by the United States department of 8503
energy and the FutureGen industrial alliance, inc., as the 8504
coal-fueled, zero-emissions power plant designed to prove the 8505
technical and economic feasibility of producing electricity and 8506
hydrogen from coal and nearly eliminating carbon dioxide emissions 8507
through capture and permanent storage. 8508

Sec. 3770.05. (A) As used in this section, "person" means any 8509
person, association, corporation, partnership, club, trust, 8510
estate, society, receiver, trustee, person acting in a fiduciary 8511
or representative capacity, instrumentality of the state or any of 8512
its political subdivisions, or any other combination of 8513
individuals meeting the requirements set forth in this section or 8514
established by rule or order of the state lottery commission. 8515

(B) The director of the state lottery commission may license 8516
any person as a lottery sales agent. No license shall be issued to 8517

any person or group of persons to engage in the sale of lottery tickets as the person's or group's sole occupation or business. 8518
8519

Before issuing any license to a lottery sales agent, the director shall consider all of the following: 8520
8521

(1) The financial responsibility and security of the ~~person~~ applicant and the ~~person's~~ applicant's business or activity; 8522
8523

(2) The accessibility of the ~~agent's~~ applicant's place of business or activity to the public; 8524
8525

(3) The sufficiency of existing licensed agents to serve the public interest; 8526
8527

(4) The volume of expected sales by the applicant; 8528

(5) Any other factors pertaining to the public interest, convenience, or trust. 8529
8530

(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee: 8531
8532
8533
8534

(1) Has been convicted of a felony⁷ or has been convicted of a crime involving moral turpitude; 8535
8536

(2) Has been convicted of an offense that involves illegal gambling; 8537
8538

(3) Has been found guilty of fraud or misrepresentation in any connection; 8539
8540

(4) Has been found to have violated any rule or order of the commission; or 8541
8542

(5) Has been convicted of illegal trafficking in food stamps. 8543

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant 8544
8545
8546

or licensee is a corporation and any of the following applies: 8547

(1) Any of ~~whose~~ the corporation's directors, officers, or 8548
controlling shareholders ~~have~~ has been found guilty of any of the 8549
activities specified in divisions (C)(1) to ~~(4)~~(5) of this 8550
section; 8551

(2) ~~In which it~~ It appears to the director of the state 8552
lottery commission that, due to the experience, character, or 8553
general fitness of any director, officer, or controlling 8554
shareholder of the corporation, the granting of a license as a 8555
lottery sales agent would be inconsistent with the public 8556
interest, convenience, or trust; 8557

(3) ~~Not~~ The corporation is not the owner or lessee of the 8558
business at which it ~~will~~ would conduct a lottery sales agency 8559
pursuant to the license applied for, ~~or that any;~~ 8560

(4) Any person, firm, association, or corporation other than 8561
the applicant or licensee shares or will share in the profits of 8562
the applicant or licensee, other than receiving dividends or 8563
distributions as a shareholder, or participates or will 8564
participate in the management of the affairs of the applicant or 8565
licensee. 8566

(E)(1) The director of the state lottery commission shall 8567
refuse to grant a license to an applicant for a lottery sales 8568
agent license and shall revoke a lottery sales agent license ~~of a~~ 8569
~~licensee~~ if the applicant or licensee is or has been convicted of 8570
a violation of division (A) or (C)(1) of section 2913.46 of the 8571
Revised Code. 8572

(2) The director shall refuse to grant a license to an 8573
applicant for a lottery sales agent license that is a corporation 8574
and shall revoke the lottery sales agent license of a ~~licensee~~ 8575
~~that is a~~ corporation, if the corporation is or has been convicted 8576
of a violation of division (A) or (C)(1) of ~~a violation of~~ section 8577

2913.46 of the Revised Code. 8578

(F) The director of the state lottery commission shall 8579
request the bureau of criminal identification and investigation, 8580
the department of public safety, or any other state, local, or 8581
federal agency to supply the director with the criminal records of 8582
any applicant for a lottery sales agent license, and may 8583
periodically request ~~such~~ the criminal records of any person to 8584
whom ~~such~~ a lottery sales agent license has been issued. At or 8585
prior to the time of making such a request, the director shall 8586
require an applicant or licensee to obtain fingerprint impressions 8587
on fingerprint cards prescribed by the superintendent of the 8588
bureau of criminal identification and investigation at a qualified 8589
law enforcement agency, and the director shall cause ~~these~~ those 8590
fingerprint cards to be forwarded to the bureau of criminal 8591
identification and investigation and, to the federal bureau of 8592
investigation, or to both bureaus. The commission shall assume the 8593
cost of obtaining the fingerprint cards. ~~The~~ 8594

The director shall pay to each agency supplying ~~such~~ criminal 8595
records for each investigation a reasonable fee, as determined by 8596
the agency. ~~The~~ 8597

The commission may adopt uniform rules specifying time 8598
periods after which the persons described in divisions (C)(1) to 8599
~~(4)~~(5) and (D)(1) to ~~(3)~~(4) of this section may be issued a 8600
license and establishing requirements for ~~such~~ those persons to 8601
seek a court order to have records sealed in accordance with law. 8602

(G)(1) Each applicant for a lottery sales agent license shall 8603
do both of the following: 8604

(a) Pay to the state lottery commission, at the time the 8605
application is submitted, a fee ~~of twenty five dollars upon~~ 8606
~~approval of~~ in an amount that the application director of the 8607
state lottery commission determines by rule adopted under Chapter 8608

119. of the Revised Code and that the controlling board approves; 8609

(b) Prior to approval of the application, obtain a surety ~~or,~~ 8610
~~if required, a fidelity~~ bond in an amount ~~to be determined by the~~ 8611
director determines by rule adopted under Chapter 119. of the 8612
Revised Code or, alternatively, with the director's approval, 8613
deposit the same amount into a dedicated account for the benefit 8614
of the state lottery. The director also may approve the obtaining 8615
of a surety bond to cover part of the amount required, together 8616
with a dedicated account deposit to cover the remainder of the 8617
amount required. The 8618

A surety bond may be with any company that complies with the 8619
bonding and surety laws of this state and the requirements 8620
established by rules of the commission pursuant to this chapter. A 8621
dedicated account deposit shall be conducted in accordance with 8622
policies and procedures the director establishes. 8623

A surety bond, dedicated account, or both, as applicable, may 8624
be used to pay for the lottery sales agent's failure to make 8625
prompt and accurate payments for lottery ticket sales, for missing 8626
or stolen lottery tickets, or for damage to equipment or materials 8627
issued to the lottery sales agent, or to pay for expenses the 8628
commission incurs in connection with the lottery sales agent's 8629
license. 8630

(2) A lottery sales agent license is effective for one year. 8631
A 8632

A licensed lottery sales agent shall, on or before the date 8633
established by the director, shall renew the agent's license and 8634
provide at that time evidence to the director that the surety 8635
bond, dedicated account deposit, or both, required under division 8636
(F)(G)(1)(b) of this section has been renewed or is active, 8637
whichever applies. The director shall certify to the commission 8638
that the applicant for renewal has the required bond. 8639

The Before the commission renews a lottery sales agent 8640
license, the lottery sales agent shall submit a renewal fee to the 8641
commission in an amount that the director determines by rule 8642
adopted under Chapter 119. of the Revised Code and that the 8643
controlling board approves. The renewal fee shall not exceed the 8644
actual cost of administering the license renewal and processing 8645
changes reflected in the renewal application. The renewal of the 8646
license is effective for up to one year. 8647

(3) A lottery sales agent license shall be complete, 8648
accurate, and current at all times during the term of the license. 8649
Any changes to an original license application or a renewal 8650
application may subject the applicant or lottery sales agent, as 8651
applicable, to paying an administrative fee that shall be in an 8652
amount that the director determines by rule adopted under Chapter 8653
119. of the Revised Code, that the controlling board approves, and 8654
that shall not exceed the actual cost of administering and 8655
processing the changes to an application. 8656

(4) The relationship between the state lottery commission and 8657
a lottery sales agent is one of trust. A lottery sales agent 8658
collects funds on behalf of the commission through the sale of 8659
lottery tickets for which the agent receives a compensation. 8660

(H) Pending a final resolution of any question arising under 8661
this section, the director of the state lottery commission may 8662
issue a temporary lottery sales agent license, subject to such the 8663
terms and conditions as the director may consider considers 8664
appropriate. 8665

(I) If a lottery sales agent's rental payments for the 8666
lottery sales agent's premises are determined, in whole or in 8667
part, by the amount of retail sales the lottery sales agent makes, 8668
and if the rental agreement does not expressly provide that the 8669
amount of such those retail sales includes the amounts the lottery 8670

sales agent receives from lottery ticket sales, only the amounts 8671
the lottery sales agent receives as compensation from the state 8672
lottery commission for selling lottery tickets shall be considered 8673
to be amounts the lottery sales agent receives from the retail 8674
sales the lottery sales agent makes, for the purpose of computing 8675
the lottery sales agent's rental payments. 8676

Sec. 3770.073. (A) If a person is entitled to a lottery prize 8677
award and is indebted to the state for the payment of any tax, 8678
workers' compensation premium, unemployment contribution, payment 8679
in lieu of unemployment contribution, certified claim under 8680
section 131.02 or 131.021 of the Revised Code, lottery sales 8681
receipts held in trust on behalf of the state lottery commission 8682
as described in division (G)~~(2)~~(4) of section 3770.05 of the 8683
Revised Code, or charge, penalty, or interest arising from these 8684
debts and if the amount of the prize money or the cost of goods or 8685
services awarded as a lottery prize award is five thousand dollars 8686
or more, the director of the state lottery commission, or the 8687
director's designee, shall do either of the following: 8688

(1) If the prize award will be paid in a lump sum, deduct 8689
from the prize award and pay to the attorney general an amount in 8690
satisfaction of the debt and pay any remainder to that person. If 8691
the amount of the prize award is less than the amount of the debt, 8692
the entire amount of the prize award shall be deducted and paid in 8693
partial satisfaction of the debt. 8694

(2) If the prize award will be paid in annual installments, 8695
on the date the initial installment payment is due, deduct from 8696
that installment and pay to the attorney general an amount in 8697
satisfaction of the debt and, if necessary to collect the full 8698
amount of the debt, do the same for any subsequent annual 8699
installments, at the time the installments become due and owing to 8700
the person, until the debt is fully satisfied. 8701

(B) If a person entitled to a lottery prize award owes more than one debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first.

(C) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3905.36. (A) Except as provided in divisions (B) and (C) of this section, every insured association, company, corporation, or other person that enters, directly or indirectly, into any agreements with any insurance company, association, individual, firm, underwriter, or ~~Lloyd Lloyd's~~, not authorized to do business in this state, whereby the insured shall procure, continue, or renew contracts of insurance covering subjects of insurance resident, located, or to be performed within this state, with such unauthorized insurance company, association, individual, firm, underwriter, or ~~Lloyd Lloyd's~~, for which insurance there is a gross premium, membership fee, assessment, dues, or other consideration charged or collected, shall annually, on or before the thirty-first day of January, return to the superintendent of insurance a statement under oath showing the name and address of the insured, name and address of the insurer, subject of the insurance, general description of the coverage, and amount of gross premium, fee, assessment, dues, or other consideration for such insurance for the preceding twelve-month period and shall at the same time pay to the treasurer of state a tax of five per cent of such gross premium, fee, assessment, dues, or other consideration, after a deduction for return premium, if any, as calculated on a form prescribed by the treasurer of state. All taxes collected under this section by the treasurer of state shall be paid into the general revenue fund. If the tax is not paid when due, the tax shall be increased by a penalty of twenty-five per cent. An interest charge computed as set forth in section 5725.221

of the Revised Code shall be made on the entire sum of the tax 8733
plus penalty, which interest shall be computed from the date the 8734
tax is due until it is paid. For purposes of this section, payment 8735
is considered made when it is received by the treasurer of state, 8736
irrespective of any United States postal service marking or other 8737
stamp or mark indicating the date on which the payment may have 8738
been mailed. 8739

(B) This section does not apply to: 8740

(1) Transactions in this state involving a policy solicited, 8741
written, and delivered outside this state covering only subjects 8742
of insurance not resident, located, or to be performed in this 8743
state at the time of issuance, provided such transactions are 8744
subsequent to the issuance of the policy; 8745

(2) Attorneys-at-law acting on behalf of their clients in the 8746
adjustment of claims or losses; 8747

(3) Transactions involving policies issued by a captive 8748
insurer. For this purpose, a "captive insurer" means any of the 8749
following: 8750

(a) An insurer owned by one or more individuals or 8751
organizations, whose exclusive purpose is to insure risks of one 8752
or more of the parent organizations or individual owners and risks 8753
of one or more affiliates of the parent organizations or 8754
individual owners; 8755

(b) In the case of groups and associations, insurers owned by 8756
the group or association whose exclusive purpose is to insure 8757
risks of members of the group or association and affiliates of the 8758
members; 8759

(c) Other types of insurers, licensed and operated in 8760
accordance with the captive insurance laws of their jurisdictions 8761
of domicile and operated in a manner so as to self-insure risks of 8762
their owners and insureds. 8763

(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 the surplus line broker who placed or procured the policy of insurance at the time the policy is delivered to the insured. No license issued under section 3905.30 of the Revised Code shall be renewed until payment is made. If the tax is not paid when due, the tax shall be increased by a penalty of twenty-five per cent. An interest charge computed as set forth in section 5725.221 of the Revised Code shall be made on the entire sum of the tax plus penalty, which interest shall be computed from the date the tax is due until it is paid. For purposes of this section, payment is considered made when it is received by the treasurer of state, irrespective of any United States postal service marking or other stamp or mark indicating the date on which the payment may have been mailed.

Sec. 3931.07. In the annual statement provided in section 8796
3931.06 of the Revised Code the attorney shall set forth the gross 8797
amount of premiums or deposits received ~~by him~~ during the 8798
preceding calendar year on contracts of indemnity covering risks 8799
within the state. ~~He~~ The attorney shall also set forth therein, in 8800
separate items, premiums paid for cancellations, premiums or 8801
deposits returned and credited ratably to subscribers, and 8802
considerations both received and paid for reinsurance during such 8803
year. 8804

The superintendent shall compute a tax at the rate of ~~two one~~ 8805
and ~~one-half~~ four-tenths per cent, and in case of fire insurance 8806
an additional ~~one-half~~ three-quarters of one per cent fire marshal 8807
tax, on the balance of such gross amount of premiums or deposits, 8808
after deducting premiums and deposits returned and credited and 8809
considerations received for reinsurances. Such tax of ~~two one~~ and 8810
~~one-half~~ four-tenths per cent and, in the case of fire insurance, 8811
such additional tax of ~~one-half~~ three-quarters of one per cent, 8812
shall be paid at the time provided in sections 5729.04 and 5729.05 8813
of the Revised Code. Where insurance against fire is included with 8814
insurance against other perils at an undivided premium, a 8815
reasonable allocation from such entire premium shall be made for 8816
the fire portion of the coverage in such manner as the 8817
superintendent of insurance may direct. No further taxes shall be 8818
imposed upon such attorney or ~~his~~ the attorney's subscribers or 8819
their representatives for the privilege of transacting business in 8820
the state. 8821

If an attorney ceases doing business in the state, ~~he~~ the 8822
attorney shall thereupon make a report to the superintendent of 8823
the premiums or deposits subject to taxation, not previously 8824
reported, and forthwith pay to the superintendent a tax thereon 8825
computed according to law. If such attorney fails to make any 8826

report for taxation, or fails to pay any tax as required by this 8827
section, ~~his~~ the attorney's subscribers shall be liable to the 8828
state for such unpaid taxes, and a penalty of not more than 8829
twenty-five per cent per annum after demand therefor. Service of 8830
process in any action to recover such tax or penalty shall be made 8831
according to the law relating to actions against the attorney and 8832
~~his~~ the attorney's subscribers. 8833

Sec. 4115.04. (A) Every public authority authorized to 8834
contract for or construct with its own forces a public 8835
improvement, before advertising for bids or undertaking such 8836
construction with its own forces, shall have the director of 8837
commerce determine the prevailing rates of wages of mechanics and 8838
laborers in accordance with section 4115.05 of the Revised Code 8839
for the class of work called for by the public improvement, in the 8840
locality where the work is to be performed. Such schedule of wages 8841
shall be attached to and made part of the specifications for the 8842
work, and shall be printed on the bidding blanks where the work is 8843
done by contract. A copy of the bidding blank shall be filed with 8844
the director before such contract is awarded. A minimum rate of 8845
wages for common laborers, on work coming under the jurisdiction 8846
of the department of transportation, shall be fixed in each county 8847
of the state by said department of transportation, in accordance 8848
with section 4115.05 of the Revised Code. 8849

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 8850
apply to: 8851

(1) Public improvements in any case where the federal 8852
government or any of its agencies furnishes by loan or grant all 8853
or any part of the funds used in constructing such improvements, 8854
provided the federal government or any of its agencies prescribes 8855
predetermined minimum wages to be paid to mechanics and laborers 8856
employed in the construction of such improvements; 8857

(2) A participant in a work activity, developmental activity, 8858
or an alternative work activity under sections 5107.40 to 5107.69 8859
of the Revised Code when a public authority directly uses the 8860
labor of the participant to construct a public improvement if the 8861
participant is not engaged in paid employment or subsidized 8862
employment pursuant to the activity; 8863

(3) Public improvements undertaken by, or under contract for, 8864
the board of education of any school district or the governing 8865
board of any educational service center; 8866

(4) Public improvements undertaken by, or under contract for, 8867
a county hospital operated pursuant to Chapter 339. of the Revised 8868
Code or a municipal hospital operated pursuant to Chapter 749. of 8869
the Revised Code if none of the funds used in constructing the 8870
improvements are the proceeds of bonds or other obligations which 8871
are secured by the full faith and credit of the state, a county, a 8872
township, or a municipal corporation and none of the funds used in 8873
constructing the improvements, including funds used to repay any 8874
amounts borrowed to construct the improvements, are funds that 8875
have been appropriated for that purpose by the state, a board of 8876
county commissioners, a township, or a municipal corporation from 8877
funds generated by the levy of a tax; provided, however, that a 8878
county hospital or municipal hospital may elect to apply sections 8879
4115.03 to 4115.16 of the Revised Code to a public improvement 8880
undertaken by, or under contract for, the hospital; 8881

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) 8882
of section 176.05 of the Revised Code. 8883

Sec. 4121.121. (A) There is hereby created the bureau of 8884
workers' compensation, which shall be administered by the 8885
administrator of workers' compensation. A person appointed to the 8886
position of administrator shall possess significant management 8887
experience in effectively managing an organization or 8888

organizations of substantial size and complexity. The governor 8889
shall appoint the administrator as provided in section 121.03 of 8890
the Revised Code, and the administrator shall serve at the 8891
pleasure of the governor. The governor shall fix the 8892
administrator's salary on the basis of the administrator's 8893
experience and the administrator's responsibilities and duties 8894
under this chapter and Chapters 4123., 4127., 4131., and 4167. of 8895
the Revised Code. The governor shall not appoint to the position 8896
of administrator any person who has, or whose spouse has, given a 8897
contribution to the campaign committee of the governor in an 8898
amount greater than one thousand dollars during the two-year 8899
period immediately preceding the date of the appointment of the 8900
administrator. 8901

The administrator shall hold no other public office and shall 8902
devote full time to the duties of administrator. Before entering 8903
upon the duties of the office, the administrator shall take an 8904
oath of office as required by sections 3.22 and 3.23 of the 8905
Revised Code, and shall file in the office of the secretary of 8906
state, a bond signed by the administrator and by surety approved 8907
by the governor, for the sum of fifty thousand dollars payable to 8908
the state, conditioned upon the faithful performance of the 8909
administrator's duties. 8910

(B) The administrator is responsible for the management of 8911
the bureau of workers' compensation and for the discharge of all 8912
administrative duties imposed upon the administrator in this 8913
chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised 8914
Code, and in the discharge thereof shall do all of the following: 8915

(1) Establish the overall administrative policy of the bureau 8916
for the purposes of this chapter and Chapters 4123., 4127., 4131., 8917
and 4167. of the Revised Code, and perform all acts and exercise 8918
all authorities and powers, discretionary and otherwise that are 8919
required of or vested in the bureau or any of its employees in 8920

this chapter and Chapters 4123., 4127., 4131., and 4167. of the
Revised Code, except the acts and the exercise of authority and
power that is required of and vested in the oversight commission
or the industrial commission pursuant to those chapters. The
treasurer of state shall honor all warrants signed by the
administrator, or by one or more of the administrator's employees,
authorized by the administrator in writing, or bearing the
facsimile signature of the administrator or such employee under
sections 4123.42 and 4123.44 of the Revised Code.

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

The administrator may appoint a person ~~holding~~ who holds a
certified position in the classified service within the bureau to
~~any state~~ a position in the unclassified service ~~of~~ within the

bureau of ~~workers' compensation~~. A person ~~so~~ appointed pursuant to 8953
this division to a position in the unclassified service shall 8954
retain the right to resume the position and status held by the 8955
person in the classified service immediately prior to the person's 8956
appointment in the unclassified service. ~~If the position the~~ 8957
~~person previously held has been filled or placed in the~~ 8958
~~unclassified service, or is otherwise unavailable, the person~~ 8959
~~shall be appointed to a position in the classified service within~~ 8960
~~the bureau that the department of administrative services~~ 8961
~~certifies is comparable in compensation to the position the person~~ 8962
~~previously held. Reinstatement, regardless of the number of~~ 8963
~~positions the person held in the unclassified service. An~~ 8964
employee's right to resume a position in the classified service 8965
may only be exercised when the administrator demotes the employee 8966
to a pay range lower than the employee's current pay range or 8967
revokes the employee's appointment to the unclassified service. An 8968
employee forfeits the right to resume a position in the classified 8969
service when the employee is removed from the position in the 8970
unclassified service due to incompetence, inefficiency, 8971
dishonesty, drunkenness, immoral conduct, insubordination, 8972
discourteous treatment of the public, neglect of duty, violation 8973
of this chapter or Chapter 124., 4123., 4127., 4131., or 4167. of 8974
the Revised Code, violation of the rules of the director of 8975
administrative services or the administrator of workers' 8976
compensation, any other failure of good behavior, any other acts 8977
of misfeasance, malfeasance, or nonfeasance in office, or 8978
conviction of a felony. An employee also forfeits the right to 8979
resume a position in the classified service upon transfer to a 8980
different agency. 8981

Reinstatement to a position in the classified service shall 8982
be to a position substantially equal to that position in the 8983
classified service held previously, as certified by the department 8984
of administrative services. If the position the person previously 8985

held in the classified service has been placed in the unclassified 8986
service or is otherwise unavailable, the person shall be appointed 8987
to a position in the classified service within the bureau that the 8988
director of administrative services certifies is comparable in 8989
compensation to the position the person previously held in the 8990
classified service. Service in the position in the unclassified 8991
service shall be counted as service in the position in the 8992
classified service held by the person immediately prior to the 8993
person's appointment in the unclassified service. When a person is 8994
reinstated to a position in the classified service as provided in 8995
this ~~section~~ division, the person is entitled to all rights, 8996
status, and benefits accruing to the position during the person's 8997
time of service in the position in the unclassified service. 8998

(3) Reorganize the work of the bureau, its sections, 8999
departments, and offices to the extent necessary to achieve the 9000
most efficient performance of its functions and to that end may 9001
establish, change, or abolish positions and assign and reassign 9002
duties and responsibilities of every employee of the bureau. All 9003
persons employed by the commission in positions that, after 9004
November 3, 1989, are supervised and directed by the administrator 9005
under this section are transferred to the bureau in their 9006
respective classifications but subject to reassignment and 9007
reclassification of position and compensation as the administrator 9008
determines to be in the interest of efficient administration. The 9009
civil service status of any person employed by the commission is 9010
not affected by this section. Personnel employed by the bureau or 9011
the commission who are subject to Chapter 4117. of the Revised 9012
Code shall retain all of their rights and benefits conferred 9013
pursuant to that chapter as it presently exists or is hereafter 9014
amended and nothing in this chapter or Chapter 4123. of the 9015
Revised Code shall be construed as eliminating or interfering with 9016
Chapter 4117. of the Revised Code or the rights and benefits 9017
conferred under that chapter to public employees or to any 9018

bargaining unit. 9019

(4) Provide offices, equipment, supplies, and other 9020
facilities for the bureau. 9021

(5) Prepare and submit to the oversight commission 9022
information the administrator considers pertinent or the oversight 9023
commission requires, together with the administrator's 9024
recommendations, in the form of administrative rules, for the 9025
advice and consent of the oversight commission, for 9026
classifications of occupations or industries, for premium rates 9027
and contributions, for the amount to be credited to the surplus 9028
fund, for rules and systems of rating, rate revisions, and merit 9029
rating. The administrator shall obtain, prepare, and submit any 9030
other information the oversight commission requires for the prompt 9031
and efficient discharge of its duties. 9032

(6) Keep the accounts required by division (A) of section 9033
4123.34 of the Revised Code and all other accounts and records 9034
necessary to the collection, administration, and distribution of 9035
the workers' compensation funds and shall obtain the statistical 9036
and other information required by section 4123.19 of the Revised 9037
Code. 9038

(7) Exercise the investment powers vested in the 9039
administrator by section 4123.44 of the Revised Code in accordance 9040
with the investment objectives, policies, and criteria established 9041
by the oversight commission pursuant to section 4121.12 of the 9042
Revised Code and in consultation with the chief investment officer 9043
of the bureau of workers' compensation. The administrator shall 9044
not engage in any prohibited investment activity specified by the 9045
oversight commission pursuant to division (G)(6) of section 9046
4121.12 of the Revised Code and shall not invest in any type of 9047
investment specified in ~~division~~ divisions (G)(6)(a) to (j) of 9048
that section. All business shall be transacted, all funds 9049

invested, all warrants for money drawn and payments made, and all 9050
cash and securities and other property held, in the name of the 9051
bureau, or in the name of its nominee, provided that nominees are 9052
authorized by the administrator solely for the purpose of 9053
facilitating the transfer of securities, and restricted to the 9054
administrator and designated employees. 9055

(8) Make contracts for and supervise the construction of any 9056
project or improvement or the construction or repair of buildings 9057
under the control of the bureau. 9058

(9) Purchase supplies, materials, equipment, and services; 9059
make contracts for, operate, and superintend the telephone, other 9060
telecommunication, and computer services for the use of the 9061
bureau; and make contracts in connection with office reproduction, 9062
forms management, printing, and other services. Notwithstanding 9063
sections 125.12 to 125.14 of the Revised Code, the administrator 9064
may transfer surplus computers and computer equipment directly to 9065
an accredited public school within the state. The computers and 9066
computer equipment may be repaired or refurbished prior to the 9067
transfer. 9068

(10) Separately from the budget the industrial commission 9069
submits, prepare and submit to the director of budget and 9070
management a budget for each biennium. The budget submitted shall 9071
include estimates of the costs and necessary expenditures of the 9072
bureau in the discharge of any duty imposed by law. 9073

(11) As promptly as possible in the course of efficient 9074
administration, decentralize and relocate such of the personnel 9075
and activities of the bureau as is appropriate to the end that the 9076
receipt, investigation, determination, and payment of claims may 9077
be undertaken at or near the place of injury or the residence of 9078
the claimant and for that purpose establish regional offices, in 9079
such places as the administrator considers proper, capable of 9080
discharging as many of the functions of the bureau as is 9081

practicable so as to promote prompt and efficient administration 9082
in the processing of claims. All active and inactive lost-time 9083
claims files shall be held at the service office responsible for 9084
the claim. A claimant, at the claimant's request, shall be 9085
provided with information by telephone as to the location of the 9086
file pertaining to the claimant's claim. The administrator shall 9087
ensure that all service office employees report directly to the 9088
director for their service office. 9089

(12) Provide a written binder on new coverage where the 9090
administrator considers it to be in the best interest of the risk. 9091
The administrator, or any other person authorized by the 9092
administrator, shall grant the binder upon submission of a request 9093
for coverage by the employer. A binder is effective for a period 9094
of thirty days from date of issuance and is nonrenewable. Payroll 9095
reports and premium charges shall coincide with the effective date 9096
of the binder. 9097

(13) Set standards for the reasonable and maximum handling 9098
time of claims payment functions, ensure, by rules, the impartial 9099
and prompt treatment of all claims and employer risk accounts, and 9100
establish a secure, accurate method of time stamping all incoming 9101
mail and documents hand delivered to bureau employees. 9102

(14) Ensure that all employees of the bureau follow the 9103
orders and rules of the commission as such orders and rules relate 9104
to the commission's overall adjudicatory policy-making and 9105
management duties under this chapter and Chapters 4123., 4127., 9106
and 4131. of the Revised Code. 9107

(15) Manage and operate a data processing system with a 9108
common data base for the use of both the bureau and the commission 9109
and, in consultation with the commission, using electronic data 9110
processing equipment, shall develop a claims tracking system that 9111
is sufficient to monitor the status of a claim at any time and 9112

that lists appeals that have been filed and orders or 9113
determinations that have been issued pursuant to section 4123.511 9114
or 4123.512 of the Revised Code, including the dates of such 9115
filings and issuances. 9116

(16) Establish and maintain a medical section within the 9117
bureau. The medical section shall do all of the following: 9118

(a) Assist the administrator in establishing standard medical 9119
fees, approving medical procedures, and determining eligibility 9120
and reasonableness of the compensation payments for medical, 9121
hospital, and nursing services, and in establishing guidelines for 9122
payment policies which recognize usual, customary, and reasonable 9123
methods of payment for covered services; 9124

(b) Provide a resource to respond to questions from claims 9125
examiners for employees of the bureau; 9126

(c) Audit fee bill payments; 9127

(d) Implement a program to utilize, to the maximum extent 9128
possible, electronic data processing equipment for storage of 9129
information to facilitate authorizations of compensation payments 9130
for medical, hospital, drug, and nursing services; 9131

(e) Perform other duties assigned to it by the administrator. 9132

(17) Appoint, as the administrator determines necessary, 9133
panels to review and advise the administrator on disputes arising 9134
over a determination that a health care service or supply provided 9135
to a claimant is not covered under this chapter or Chapter 4123. 9136
of the Revised Code or is medically unnecessary. If an individual 9137
health care provider is involved in the dispute, the panel shall 9138
consist of individuals licensed pursuant to the same section of 9139
the Revised Code as such health care provider. 9140

(18) Pursuant to section 4123.65 of the Revised Code, approve 9141
applications for the final settlement of claims for compensation 9142

or benefits under this chapter and Chapters 4123., 4127., and 9143
4131. of the Revised Code as the administrator determines 9144
appropriate, except in regard to the applications of self-insuring 9145
employers and their employees. 9146

(19) Comply with section 3517.13 of the Revised Code, and 9147
except in regard to contracts entered into pursuant to the 9148
authority contained in section 4121.44 of the Revised Code, comply 9149
with the competitive bidding procedures set forth in the Revised 9150
Code for all contracts into which the administrator enters 9151
provided that those contracts fall within the type of contracts 9152
and dollar amounts specified in the Revised Code for competitive 9153
bidding and further provided that those contracts are not 9154
otherwise specifically exempt from the competitive bidding 9155
procedures contained in the Revised Code. 9156

(20) Adopt, with the advice and consent of the oversight 9157
commission, rules for the operation of the bureau. 9158

(21) Prepare and submit to the oversight commission 9159
information the administrator considers pertinent or the oversight 9160
commission requires, together with the administrator's 9161
recommendations, in the form of administrative rules, for the 9162
advice and consent of the oversight commission, for the health 9163
partnership program and the qualified health plan system, as 9164
provided in sections 4121.44, 4121.441, and 4121.442 of the 9165
Revised Code. 9166

(C) The administrator, with the advice and consent of the 9167
senate, shall appoint a chief operating officer who has 9168
significant experience in the field of workers' compensation 9169
insurance or other similar insurance industry experience if the 9170
administrator does not possess such experience. The chief 9171
operating officer shall not commence the chief operating officer's 9172
duties until after the senate consents to the chief operating 9173

officer's appointment. The chief operating officer shall serve in 9174
the unclassified civil service of the state. 9175

Sec. 4503.068. On or before the second Monday in September of 9176
each year, the county treasurer shall total the amount by which 9177
the taxes levied in that year were reduced pursuant to section 9178
4503.067 of the Revised Code, and certify that amount to the tax 9179
commissioner. Within ninety days of the receipt of the 9180
certification, the commissioner shall certify that amount to the 9181
~~auditor~~ director of ~~state budget and management~~ and the ~~auditor~~ 9182
director shall make two payments from the general revenue fund in 9183
favor of the county treasurer. One shall be in the full amount by 9184
which taxes were reduced. The other shall be in an amount equal to 9185
two per cent of such amount and shall be a payment to the county 9186
auditor and county treasurer for the costs of administering 9187
sections 4503.064 to 4503.069 of the Revised Code. 9188

Immediately upon receipt of the payment in the full amount by 9189
which taxes were reduced, the full amount of the payment shall be 9190
distributed among the taxing districts in the county as though it 9191
had been received as taxes under section 4503.06 of the Revised 9192
Code from each person for whom taxes were reduced under sections 9193
4503.064 to 4503.069 of the Revised Code. 9194

Sec. 4710.02. (A) Subject to division (C) of this section, a 9195
person engaged in debt adjusting shall do ~~both~~ all of the 9196
following: 9197

(1) Unless specifically instructed otherwise by a debtor, 9198
disburse to the appropriate creditors all funds received from the 9199
debtor, less any contributions not prohibited by division (B) of 9200
this section, within thirty days of receipt of the funds from the 9201
debtor; 9202

(2) Maintain a separate trust account for the receipt of any 9203

funds from debtors and the disbursement of the funds to creditors 9204
on behalf of the debtors; 9205

(3) Charge or accept only reasonable fees or contributions in 9206
accordance with division (B) of this section; 9207

(4) Establish and implement a policy that allows for the 9208
waiver or discontinuation of fees or contributions not prohibited 9209
by division (B) of this section if the debtor is unable to pay 9210
such fees or contributions. 9211

(B) If fees or contributions for engaging in providing debt 9212
adjusting services are charged or accepted, directly or 9213
indirectly, no person providing or engaged in debt adjusting shall 9214
do any of the following: 9215

(1) ~~Accept a~~ Charge or accept a fee or contribution exceeding 9216
seventy-five dollars from a debtor residing in this state for an 9217
initial consultation or initial set up of a debt management plan 9218
or similar plan; 9219

(2) ~~Accept a~~ Charge or accept consultation ~~contribution fees~~ 9220
or contributions exceeding one hundred dollars per calendar year 9221
from a debtor residing in this state; 9222

(3) ~~Accept~~ Charge or accept a periodic fee or contribution 9223
from a debtor residing in this state for administering a debt 9224
management plan or similar plan, which fee or contribution exceeds 9225
eight and one-half per cent of the amount paid by the debtor each 9226
month for distribution to the debtor's creditors or thirty 9227
dollars, whichever is greater. 9228

(C) Division (A) or (B) of this section does not prohibit a 9229
person engaged in debt adjusting for a debtor who is residing in 9230
this state from charging the debtor a reasonable fee for 9231
insufficient funds transactions that is in addition to fees or 9232
contributions not prohibited by division (B) of this section. 9233

(D) Any person that engages in debt adjusting, annually, 9234
shall arrange for and undergo an audit conducted by an 9235
independent, third party, certified public accountant of the 9236
person's business, including any trust funds deposited and 9237
distributed to creditors on behalf of debtors. Both of the 9238
following apply to an audit described in this division: 9239

(1) The person shall file the results of the audit and the 9240
auditor's opinion with the consumer protection division of the 9241
attorney general. 9242

(2) The attorney general shall make available a summary of 9243
the results of the audit and the auditor's opinion upon written 9244
request of a person and payment of a fee not exceeding the cost of 9245
copying the summary and opinion. 9246

(E) A person engaged in debt adjusting shall obtain and 9247
maintain at all times insurance coverage for employee dishonesty, 9248
depositor's forgery, and computer fraud in the amount of ten per 9249
cent of the monthly average for the immediate preceding six months 9250
of the aggregate amount of all deposits made with the person by 9251
all debtors. The insurance coverage shall comply with all of the 9252
following: 9253

(1) The insurance coverage is not less than one hundred 9254
thousand dollars. 9255

(2) The insurance coverage includes a deductible that does 9256
not exceed ten per cent of the face amount of the policy coverage. 9257

(3) The insurance coverage is issued by an insurer rated at 9258
least A- or its equivalent by a nationally recognized rating 9259
organization. 9260

(4) The insurance coverage provides that thirty days advance 9261
written notice be given to the consumer protection division of the 9262
attorney general before coverage is terminated. 9263

(F)(1) No person engaged in debt adjusting shall fail to 9264
comply with division (A) of this section or shall violate division 9265
(B) of this section. 9266

(2) No person engaged in debt adjusting shall fail to comply 9267
with divisions (D) and (E) of this section. 9268

Sec. 4728.03. (A) As used in this section, "experience and 9269
fitness in the capacity involved" means that the applicant for a 9270
precious metals dealer's license has had sufficient financial 9271
responsibility, reputation, and experience in the business of 9272
precious metals dealer, or a related business, to act as a 9273
precious metals dealer in compliance with this chapter. 9274

(B)(1) The division of financial institutions in the 9275
department of commerce may grant a precious metals dealer's 9276
license to any person of good character, having experience and 9277
fitness in the capacity involved, who demonstrates a net worth of 9278
at least ten thousand dollars and the ability to maintain that net 9279
worth during the licensure period. The superintendent of financial 9280
institutions shall compute the applicant's net worth according to 9281
generally accepted accounting principles. 9282

(2) In place of the demonstration of net worth required by 9283
division (B)(1) of this section, an applicant may obtain a surety 9284
bond issued by a surety company authorized to do business in this 9285
state if all of the following conditions are met: 9286

(a) A copy of the surety bond is filed with the division; 9287

(b) The bond is in favor of any person, and of the state for 9288
the benefit of any person, injured by any violation of this 9289
chapter; 9290

(c) The bond is in the amount of not less than ten thousand 9291
dollars. 9292

(3) Before granting a license under this division, the 9293

division shall determine that the applicant meets the requirements 9294
of division (B)(1) or (2) of this section. 9295

(C) The division shall require an applicant for a precious 9296
metals dealer's license to pay to the division a nonrefundable, 9297
initial investigation fee of two hundred dollars which shall be 9298
for the exclusive use of the state. The license fee for a precious 9299
metals dealer's license and the renewal fee shall be determined by 9300
the superintendent, provided that the fee may not exceed three 9301
hundred dollars. A license issued by the division shall expire on 9302
the last day of June next following the date of its issuance. 9303
Fifty per cent of license fees shall be for the use of the state, 9304
and fifty per cent shall be paid to the municipal corporation, or 9305
if outside the limits of any municipal corporation, to the county 9306
in which the office of the licensee is located. All portions of 9307
license fees payable to municipal corporations or counties shall 9308
be paid as they accrue, by the treasurer of state, on vouchers 9309
issued by the ~~auditor~~ director of ~~state~~ budget and management. 9310

(D) Every such license shall be renewed annually by the last 9311
day of June according to the standard renewal procedure of 9312
~~sections~~ Chapter 4745. of the Revised Code. No license shall be 9313
granted to any person not a resident of or the principal office of 9314
which is not located in the municipal corporation or county 9315
designated in such license, unless, and until such applicant 9316
shall, in writing and in due form, to be first approved by and 9317
filed with the division, appoint an agent, a resident of the 9318
state, and city or county where the office is to be located, upon 9319
whom all judicial and other process, or legal notice, directed to 9320
the applicant may be served; and in case of the death, removal 9321
from the state, or any legal disability or any disqualification of 9322
any agent, service of process or notice may be made upon the 9323
superintendent. 9324

(E) The division may, pursuant to Chapter 119. of the Revised 9325

Code, upon notice to the licensee and after giving the licensee 9326
reasonable opportunity to be heard, revoke or suspend any license, 9327
if the licensee or the licensee's officers, agents, or employees 9328
violate this chapter. Whenever, for any cause, the license is 9329
revoked or suspended, the division shall not issue another license 9330
to the licensee nor to the husband or wife of the licensee, nor to 9331
any copartnership or corporation of which the licensee is an 9332
officer, nor to any person employed by the licensee, until the 9333
expiration of at least one year from the date of revocation of the 9334
license. 9335

(F) In conducting an investigation to determine whether an 9336
applicant satisfies the requirements for licensure under this 9337
section, the superintendent may request that the superintendent of 9338
the bureau of criminal identification and investigation 9339
investigate and determine whether the bureau has procured any 9340
information pursuant to section 109.57 of the Revised Code 9341
pertaining to the applicant. 9342

If the superintendent of financial institutions determines 9343
that conducting an investigation to determine whether an applicant 9344
satisfies the requirements for licensure under this section will 9345
require procuring information outside the state, then, in addition 9346
to the fee established under division (C) of this section, the 9347
superintendent may require the applicant to pay any of the actual 9348
expenses incurred by the division to conduct such an 9349
investigation, provided that the superintendent shall assess the 9350
applicant a total no greater than one thousand dollars for such 9351
expenses. The superintendent may require the applicant to pay in 9352
advance of the investigation, sufficient funds to cover the 9353
estimated cost of the actual expenses. If the superintendent 9354
requires the applicant to pay investigation expenses, the 9355
superintendent shall provide to the applicant an itemized 9356
statement of the actual expenses incurred by the division to 9357

conduct the investigation. 9358

(G)(1) Except as otherwise provided in division (G)(2) of 9359
this ~~sections~~ section a precious metals dealer licensed under this 9360
section shall maintain a net worth of at least ten thousand 9361
dollars, computed as required under division (B)(1) of this 9362
section, for as long as the licensee holds a valid precious metals 9363
dealer's license issued pursuant to this section. 9364

(2) A licensee who obtains a surety bond under division 9365
(B)(2) of this section is exempt from the requirement of division 9366
(G)(1) of this section, but shall maintain the bond for at least 9367
two years after the date on which the licensee ceases to conduct 9368
business in this state. 9369

Sec. 4733.14. The state board of registration for 9370
professional engineers and surveyors shall, upon payment of the 9371
registration fee, register and issue a certificate showing initial 9372
registration of an applicant who, in the opinion of the board, has 9373
satisfactorily met all the requirements of this chapter. In the 9374
case of a registered professional engineer, the certificate shall 9375
authorize the practice of "professional engineering," and in the 9376
case of a registered professional surveyor, the certificate shall 9377
authorize the practice of "professional surveying." Certificates 9378
of registration shall show the full name of the registrant, shall 9379
have a serial number, and shall be signed by the chairperson and 9380
the secretary of the board under seal of the board. 9381

Registration by the board shall be evidence that the person 9382
named therein is entitled to all the rights and privileges of a 9383
registered professional engineer, or of a registered professional 9384
surveyor, while the registration remains unrevoked or unexpired. 9385

Each registrant may, upon completing registration, obtain a 9386
seal of the design authorized by the board, bearing the 9387

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

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

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

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

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

(b) Establishing the examination specifications for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers;

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

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

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

(f) Establishing the amount of the assessment required by division (A)(2) of section 4763.05 of the Revised Code. The board annually shall determine the amount due from each applicant for an initial certificate, registration, and license in an amount that will maintain the real estate appraiser recovery fund at the level

specified in division (A) of section 4763.16 of the Revised Code. 9450
The board may, if the fund falls below that amount, require 9451
current certificate holders, registrants, and licensees to pay an 9452
additional assessment. 9453

(g) ~~Defining, with respect to state registered real estate~~ 9454
~~appraiser assistants,~~ the educational ~~and experience~~ requirements 9455
~~of pursuant to~~ division (C)~~(1)(d)~~ of section 4763.05 of the 9456
Revised Code; 9457

(h) Establishing a real estate appraiser assistant program 9458
for the registration of real estate appraiser assistants. 9459

~~(2) Provide or procure appropriate examination questions and~~ 9460
~~answers for~~ Prescribe by rule the requirements for the 9461
examinations required by division (D) of section 4763.05 of the 9462
Revised Code, ~~and establish the criteria for successful completion~~ 9463
~~of those examinations;~~ 9464

(3) Periodically review the standards for preparation and 9465
reporting of real estate appraisals provided in this chapter and 9466
adopt rules explaining and interpreting those standards; 9467

(4) Hear appeals, pursuant to Chapter 119. of the Revised 9468
Code, from decisions and orders the superintendent of real estate 9469
issues pursuant to this chapter; 9470

(5) Request the initiation by the superintendent of 9471
investigations of violations of this chapter or the rules adopted 9472
pursuant thereto, as the board determines appropriate; 9473

(6) Determine the appropriate disciplinary actions to be 9474
taken against certificate holders, registrants, and licensees 9475
under this chapter as provided in section 4763.11 of the Revised 9476
Code. 9477

(B) In addition to any other duties imposed on the 9478
superintendent of real estate under this chapter, the 9479

superintendent shall:	9480
(1) Prescribe the form and content of all applications required by this chapter;	9481 9482
(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;	9483 9484 9485 9486
(3) Retain records and all application materials submitted to the superintendent;	9487 9488
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	9489 9490 9491
(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;	9492 9493 9494
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	9495 9496
(7) Administer this chapter;	9497
(8) Issue all orders necessary to implement this chapter;	9498
(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;	9499 9500 9501 9502 9503 9504
(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	9505 9506 9507 9508 9509

of certificate holders, registrants, and licensees during normal
business hours. The superintendent may utilize the investigators
and auditors employed pursuant to division (B)(4) of section
4735.05 of the Revised Code or currently licensed certificate
holders or licensees to assist in performing the duties of this
division.

(11) Appoint a referee or examiner for any proceeding
involving the revocation or suspension of a certificate,
registration, or license under section 3123.47 or 4763.11 of the
Revised Code;

(12) Administer the real estate appraiser recovery fund;

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

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

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

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

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

superintendent, the investigators and auditors, and other 9540
personnel of the department. 9541

(E) This section does not prevent the division of real estate 9542
and professional licensing from releasing information relating to 9543
certificate holders, registrants, and licensees to the 9544
superintendent of financial institutions for purposes relating to 9545
the administration of sections 1322.01 to 1322.12 of the Revised 9546
Code, to the superintendent of insurance for purposes relating to 9547
the administration of Chapter 3953. of the Revised Code, to the 9548
attorney general, or to local law enforcement agencies and local 9549
prosecutors. Information released by the division pursuant to this 9550
section remains confidential. 9551

(F) Any rule the board adopts shall not exceed the 9552
requirements specified in federal law or regulations. 9553

Sec. 4763.05. (A)(1)(a) A person shall make application for 9554
an initial state-certified general real estate appraiser 9555
certificate, an initial state-certified residential real estate 9556
appraiser certificate, an initial state-licensed residential real 9557
estate appraiser license, or an initial state-registered real 9558
estate appraiser assistant registration in writing to the 9559
superintendent of real estate on a form the superintendent 9560
prescribes. The application shall include the address of the 9561
applicant's principal place of business and all other addresses at 9562
which the applicant currently engages in the business of preparing 9563
real estate appraisals and the address of the applicant's current 9564
residence. The superintendent shall retain the applicant's current 9565
residence address in a separate record which shall not constitute 9566
a public record for purposes of section 149.03 of the Revised 9567
Code. The application shall indicate whether the applicant seeks 9568
certification as a general real estate appraiser or as a 9569
residential real estate appraiser, licensure as a residential real 9570

estate appraiser, or registration as a real estate appraiser 9571
assistant and be accompanied by the prescribed examination and 9572
certification, registration, or licensure fees set forth in 9573
section 4763.09 of the Revised Code. The application also shall 9574
include a fingerprint of the applicant; a pledge, signed by the 9575
applicant, that the applicant will comply with the standards set 9576
forth in this chapter; and a statement that the applicant 9577
understands the types of misconduct for which disciplinary 9578
proceedings may be initiated against the applicant pursuant to 9579
this chapter. 9580

(b) Upon the filing of an application and payment of any 9581
examination and certification, registration, or licensure fees, 9582
the superintendent of real estate shall request the superintendent 9583
of the bureau of criminal identification and investigation, or a 9584
vendor approved by the bureau, to conduct a criminal records check 9585
based on the applicant's fingerprints in accordance with division 9586
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 9587
division (J) of section 121.08 of the Revised Code, the 9588
superintendent of real estate shall request that criminal record 9589
information from the federal bureau of investigation be obtained 9590
as part of the criminal records check. Any fee required under 9591
division (C)(3) of section 109.572 of the Revised Code shall be 9592
paid by the applicant. 9593

(2) For purposes of providing funding for the real estate 9594
appraiser recovery fund established by section 4763.16 of the 9595
Revised Code, the real estate appraiser board shall levy an 9596
assessment against each person issued an initial certificate, 9597
registration, or license and against current licensees, 9598
registrants, and certificate holders, as required by board rule. 9599
The assessment is in addition to the application and examination 9600
fees for initial applicants required by division (A)(1) of this 9601
section and the renewal fees required for current certificate 9602

holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

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

~~(C)(1) Except as provided in division (C)(2) of this section,~~ An 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 9635
recognized appraisal organization, an institution of higher 9636
education, a career school registered by the state board of career 9637
colleges and schools, a state or federal commission or agency, or 9638
any other organization that represents the interests of financial 9639
institutions or real estate brokers, appraisers, or agents and 9640
that provides appraisal education, plus fifteen classroom hours 9641
related to standards of professional practice and the provisions 9642
of this chapter;~~ 9643

~~(b) If the applicant is seeking a state certified residential 9644
real estate appraiser certificate, that the applicant has 9645
successfully completed at least one hundred five classroom hours 9646
of courses in subjects related to real estate appraisal, including 9647
at least one course devoted exclusively to federal, state, and 9648
municipal fair housing law, presented by a nationally recognized 9649
appraisal organization, an institution of higher education, a 9650
career school registered by the state board of career colleges and 9651
schools, or any other organization that represents the interests 9652
of financial institutions or real estate brokers, appraisers, or 9653
agents and that provides appraisal education, plus fifteen 9654
classroom hours related to standards of professional practice and 9655
the provisions of this chapter;~~ 9656

~~(c) If the applicant is seeking a state licensed residential 9657
real estate appraiser license, that the applicant has successfully 9658
completed at least seventy five classroom hours of courses in 9659
subjects related to real estate appraisal, including at least one 9660
course devoted exclusively to federal, state, and municipal fair 9661
housing law, presented by a nationally recognized appraisal 9662
organization, an institution of higher education, a career school 9663
registered by the state board of career colleges and schools, a 9664
state or federal commission or agency, or any other organization 9665
that represents the interests of financial institutions or real 9666~~

~~estate brokers, appraisers, or agents and that provides appraisal education, plus fifteen classroom hours related to standards of professional practice and the provisions of this chapter;~~

~~(d) If the applicant is seeking a state registered real estate appraiser assistant registration, that the applicant has successfully completed at least seventy five classroom hours of courses in subjects related to real estate appraisal, including at least one course devoted exclusively to federal, state, and municipal fair housing law, presented by a nationally recognized appraisal organization, an institution of higher education, a career school registered by the state board of career colleges and schools, or any other organization that represents the interests of financial institutions or real estate brokers, appraisers, or agents, and that provides appraisal education that included at least fifteen classroom hours of instruction related to standards of professional practice and the requirements of this chapter and the rules adopted under this chapter.~~

~~(2) Each person who files an application for an initial certificate or license within one year of the date established by the board as the first date on which applications will be accepted under this section, which date shall be no later than September 1, 1990, and who, at the time of filing that application, does not satisfy the educational requirements for the certification or licensure sought of either division (C)(1)(a) or (b) of this section is exempt from those educational requirements for the term of the initial certification or licensure. In applying for a renewal certificate or license pursuant to section 4763.06 of the Revised Code, a certificate holder or licensee who was exempted from the educational requirements of division (C)(1)(a) or (b) of this section when applying for the initial certificate or license shall present satisfactory evidence to the superintendent that the certificate holder or licensee has completed the educational~~

~~requirements for the certification or licensure to be renewed of~~ 9699
~~one of those divisions before the renewal certificate or license~~ 9700
~~may be issued any education requirements the board prescribes by~~ 9701
~~rule.~~ 9702

(D) An applicant for an initial general real estate appraiser 9703
or residential real estate appraiser certificate or residential 9704
real estate appraiser license shall take and successfully complete 9705
a written examination in order to qualify for the certificate or 9706
license. ~~The examination shall require the applicant to~~ 9707
~~demonstrate all of the following:~~ 9708

~~(1) Appropriate knowledge of technical terms commonly used in~~ 9709
~~or related to real estate appraising, appraisal report writing,~~ 9710
~~and the economic concepts applicable to real estate;~~ 9711

~~(2) Understanding of the principles of land economics, real~~ 9712
~~estate appraisal processes, and problems likely to be encountered~~ 9713
~~in gathering, interpreting, and processing of data in carrying out~~ 9714
~~appraisal disciplines;~~ 9715

~~(3) Understanding of the standards for the development and~~ 9716
~~communication of real estate appraisals as provided in this~~ 9717
~~chapter and the rules adopted thereunder;~~ 9718

~~(4) Knowledge of theories of depreciation, cost estimating,~~ 9719
~~methods of capitalization, direct sales comparison, and the~~ 9720
~~mathematics of real estate appraisal that are appropriate for the~~ 9721
~~certification or licensure for which the applicant has applied;~~ 9722

~~(5) Knowledge of other principles and procedures as~~ 9723
~~appropriate for the certification or license;~~ 9724

~~(6) Basic understanding of real estate law;~~ 9725

~~(7) Understanding of the types of misconduct for which~~ 9726
~~disciplinary proceedings may be initiated against a certificate~~ 9727
~~holder and licensee The board shall prescribe the examination~~ 9728

requirements by rule. 9729

(E)(1) A nonresident, natural person of this state who has 9730
complied with this section may obtain a certificate, registration, 9731
or license. The board shall adopt rules relating to the 9732
certification, registration, and licensure of a nonresident 9733
applicant whose state of residence the board determines to have 9734
certification, registration, or licensure requirements that are 9735
substantially similar to those set forth in this chapter and the 9736
rules adopted thereunder. 9737

(2) The board shall recognize on a temporary basis a 9738
certification or license issued in another state and shall 9739
register on a temporary basis an appraiser who is certified or 9740
licensed in another state if all of the following apply: 9741

(a) The temporary registration is to perform an appraisal 9742
assignment that is part of a federally related transaction. 9743

(b) The appraiser's business in this state is of a temporary 9744
nature. 9745

(c) The appraiser registers with the board pursuant to this 9746
division. 9747

An appraiser who is certified or licensed in another state 9748
shall register with the board for temporary practice before 9749
performing an appraisal assignment in this state in connection 9750
with a federally related transaction. 9751

The board shall adopt rules relating to registration for the 9752
temporary recognition of certification and licensure of appraisers 9753
from another state. The registration for temporary recognition of 9754
certified or licensed appraisers from another state shall not 9755
authorize completion of more than one appraisal assignment in this 9756
state. The board shall not issue more than two registrations for 9757
temporary practice to any one applicant in any calendar year. 9758

(3) In addition to any other information required to be 9759
submitted with the nonresident applicant's or appraiser's 9760
application for a certificate, registration, license, or temporary 9761
recognition of a certificate or license, each nonresident 9762
applicant or appraiser shall submit a statement consenting to the 9763
service of process upon the nonresident applicant or appraiser by 9764
means of delivering that process to the secretary of state if, in 9765
an action against the applicant, certificate holder, registrant, 9766
or licensee arising from the applicant's, certificate holder's, 9767
registrant's, or licensee's activities as a certificate holder, 9768
registrant, or licensee, the plaintiff, in the exercise of due 9769
diligence, cannot effect personal service upon the applicant, 9770
certificate holder, registrant, or licensee. 9771

(F) The superintendent shall not issue a certificate, 9772
registration, or license to, or recognize on a temporary basis an 9773
appraiser from another state that is a corporation, partnership, 9774
or association. This prohibition shall not be construed to prevent 9775
a certificate holder or licensee from signing an appraisal report 9776
on behalf of a corporation, partnership, or association. 9777

(G) Every person licensed, registered, or certified under 9778
this chapter shall notify the superintendent, on a form provided 9779
by the superintendent, of a change in the address of the 9780
licensee's, registrant's, or certificate holder's principal place 9781
of business or residence within thirty days of the change. If a 9782
licensee's, registrant's, or certificate holder's license, 9783
registration, or certificate is revoked or not renewed, the 9784
licensee, registrant, or certificate holder immediately shall 9785
return the annual and any renewal certificate, registration, or 9786
license to the superintendent. 9787

(H)(1) The superintendent shall not issue a certificate, 9788
registration, or license to any person, or recognize on a 9789
temporary basis an appraiser from another state, who does not meet 9790

applicable minimum criteria for state certification, registration, 9791
or licensure prescribed by federal law or rule. 9792

(2) The superintendent shall not issue a general real estate 9793
appraiser certificate, residential real estate appraiser 9794
certificate, residential real estate appraiser license, or real 9795
estate appraiser assistant registration to any person who has been 9796
convicted of or pleaded guilty to any criminal offense involving 9797
theft, receiving stolen property, embezzlement, forgery, fraud, 9798
passing bad checks, money laundering, or drug trafficking, or any 9799
criminal offense involving money or securities, including a 9800
violation of an existing or former law of this state, any other 9801
state, or the United States that substantially is equivalent to 9802
such an offense. However, if the applicant has pleaded guilty to 9803
or been convicted of such an offense, the superintendent shall not 9804
consider the offense if the applicant has proven to the 9805
superintendent, by a preponderance of the evidence, that the 9806
applicant's activities and employment record since the conviction 9807
show that the applicant is honest, truthful, and of good 9808
reputation, and there is no basis in fact for believing that the 9809
applicant will commit such an offense again. 9810

Sec. 4763.06. (A) A person licensed, registered, or certified 9811
under this chapter may obtain a renewal certificate, registration, 9812
or license by filing a renewal application with and paying the 9813
renewal fee set forth in section 4763.09 of the Revised Code and 9814
any amount assessed pursuant to division (A)(2) of section 4763.05 9815
of the Revised Code to the superintendent of real estate. The 9816
renewal application shall include a statement, signed by the 9817
certificate holder, registrant, or licensee, that the certificate 9818
holder, registrant, or licensee has not, during the immediately 9819
preceding twelve-month period, been convicted of or pleaded guilty 9820
to any criminal offense described in division (H)(2) of section 9821

4763.05 of the Revised Code. The certificate holder, registrant, 9822
or licensee shall file the renewal application at least thirty 9823
days, but no earlier than one hundred twenty days, prior to 9824
expiration of the certificate holder's, registrant's, or 9825
licensee's current certificate, registration, or license. A 9826
~~certificate holder or licensee who applies for a renewal 9827~~
~~certificate or license who, pursuant to division (C)(2) of section 9828~~
~~4763.05 of the Revised Code, was exempted from the educational 9829~~
~~requirements of division (C)(1) of that section during the term of 9830~~
~~the initial certificate or license, as a condition of renewal, 9831~~
~~also shall present satisfactory evidence of having completed the 9832~~
~~appropriate educational requirements of either division (C)(1)(a) 9833~~
~~or (b) of that section since the effective date of the initial 9834~~
~~certificate or license. 9835~~

(B) A certificate holder, registrant, or licensee who fails 9836
to renew a certificate, registration, or license prior to its 9837
expiration is ineligible to obtain a renewal certificate, 9838
registration, or license and shall comply with section 4763.05 of 9839
the Revised Code in order to regain certification or licensure, 9840
except that a certificate holder, registrant, or licensee may, 9841
within three months after the expiration of the certificate 9842
holder's, registrant's, or licensee's certificate, registration, 9843
or license, renew the certificate, registration, or license 9844
without having to comply with section 4763.05 of the Revised Code 9845
by payment of all fees for renewal and payment of the late filing 9846
fee set forth in section 4763.09 of the Revised Code. A 9847
certificate holder, registrant, or licensee who applies for late 9848
renewal of the certificate holder's, registrant's, or licensee's 9849
certificate, registration, or license may engage in all activities 9850
permitted by the certification, registration, or license being 9851
renewed for the three-month period following the certificate's, 9852
registration's, or license's normal expiration date. 9853

Sec. 4919.76. The public utilities commission ~~of Ohio~~ shall 9854
adopt rules applicable to motor carrier registration ~~under the~~ 9855
~~single state insurance registration program. The rules shall be~~ 9856
consistent with and equivalent in scope, coverage, and content to 9857
the registration rules specified by the ~~interstate commerce~~ 9858
~~commission in accordance with the "Intermodal Surface~~ 9859
~~Transportation Efficiency Act of 1991," 105 Stat. 2146, 49~~ 9860
~~U.S.C.A. 11506~~ United States department of transportation. 9861

Sec. 5107.12. An assistance group seeking to participate in 9862
the Ohio works first program shall apply to a county department of 9863
job and family services using an application containing 9864
information the director of job and family services requires 9865
pursuant to rules adopted under section 5107.05 of the Revised 9866
Code and any additional information the county department 9867
requires. If cash assistance under the program is to be paid by 9868
the ~~auditor~~ director of ~~state budget and management~~ through the 9869
medium of direct deposit as provided by section 329.03 of the 9870
Revised Code, the application shall be accompanied by information 9871
the ~~auditor~~ director needs to make direct deposits. 9872

When a county department receives an application for 9873
participation in Ohio works first, it shall promptly make an 9874
investigation and record of the circumstances of the applicant in 9875
order to ascertain the facts surrounding the application and to 9876
obtain such other information as may be required. Upon the 9877
completion of the investigation, the county department shall 9878
determine whether the applicant is eligible to participate, the 9879
amount of cash assistance the applicant should receive, and the 9880
approximate date when participation shall begin. The amount of 9881
cash assistance so determined shall be certified to the department 9882
of job and family services in such form as the department shall 9883
prescribe. Warrants, direct deposits, or debit cards shall be 9884

delivered or made payable in the manner the department may 9885
prescribe. 9886

To the extent required by rules adopted under section 5107.05 9887
of the Revised Code, a participant of Ohio works first shall 9888
notify the county department immediately upon the receipt or 9889
possession of additional income not previously reported to the 9890
county department. Any failure to so notify a county department 9891
shall be regarded as prima-facie evidence of an intent to defraud. 9892

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8817 of 9893
the Revised Code: 9894

"Administrative agency" means the department of job and 9895
family services or, if the department assigns the day-to-day 9896
administration of the ICF/MR conversion pilot program to the 9897
department of mental retardation and developmental disabilities 9898
pursuant to section 5111.887 of the Revised Code, the department 9899
of mental retardation and developmental disabilities. 9900

"ICF/MR conversion pilot program" means the medicaid waiver 9901
component authorized by a waiver sought under division (B)(1) of 9902
this section. 9903

"ICF/MR services" means intermediate care facility for the 9904
mentally retarded services covered by the medicaid program that an 9905
intermediate care facility for the mentally retarded provides to a 9906
resident of the facility who is a medicaid recipient eligible for 9907
medicaid-covered intermediate care facility for the mentally 9908
retarded services. 9909

"Intermediate care facility for the mentally retarded" has 9910
the same meaning as in section 5111.20 of the Revised Code. 9911

"Medicaid waiver component" has the same meaning as in 9912
section 5111.85 of the Revised Code. 9913

(B) ~~By July 1, 2006, or as soon thereafter as practical, but~~ 9914

~~not~~ Not later than ~~January 1~~ June 30, 2007, the director of job 9915
and family services shall, after consulting with and receiving 9916
input from the ICF/MR conversion advisory council, submit both of 9917
the following to the United States secretary of health and human 9918
services: 9919

(1) An application for a waiver authorizing the ICF/MR 9920
conversion pilot program under which intermediate care facilities 9921
for the mentally retarded, other than such facilities operated by 9922
the department of mental retardation and developmental 9923
disabilities, may volunteer to convert in whole or in part from 9924
providing intermediate care facility for the mentally retarded 9925
services to providing home and community-based services and 9926
individuals with mental retardation or a developmental disability 9927
who are eligible for ICF/MR services may volunteer to receive 9928
instead home and community-based services; 9929

(2) An amendment to the state medicaid plan to authorize the 9930
director, beginning on the first day that the ICF/MR conversion 9931
pilot program begins implementation under section 5111.882 of the 9932
Revised Code and except as provided by section 5111.8811 of the 9933
Revised Code, to refuse to enter into or amend a medicaid provider 9934
agreement with the operator of an intermediate care facility for 9935
the mentally retarded if the provider agreement or amendment would 9936
authorize the operator to receive medicaid payments for more 9937
intermediate care facility for the mentally retarded beds than the 9938
operator receives on the day before that day. 9939

(C) The director shall notify the governor, speaker and 9940
minority leader of the house of representatives, and president and 9941
minority leader of the senate when the director submits the 9942
application for the ICF/MR conversion pilot program under division 9943
(B)(1) of this section and the amendment to the state medicaid 9944
plan under division (B)(2) of this section. The director is not 9945
required to submit the application and the amendment at the same 9946

time. 9947

Sec. 5115.06. Assistance under the disability financial 9948
assistance program may be given by warrant, direct deposit, or, if 9949
provided by the director of job and family services pursuant to 9950
section 5101.33 of the Revised Code, by electronic benefit 9951
transfer. It shall be inalienable whether by way of assignment, 9952
charge, or otherwise, and is exempt from attachment, garnishment, 9953
or other like process. 9954

Any direct deposit shall be made to a financial institution 9955
and account designated by the recipient. If disability financial 9956
assistance is to be paid by the ~~auditor~~ director of ~~state budget~~ 9957
~~and management~~ through direct deposit, the application for 9958
assistance shall be accompanied by information the ~~auditor~~ 9959
director needs to make direct deposits. 9960

The director of job and family services may adopt rules for 9961
designation of financial institutions and accounts. 9962

No financial institution shall impose any charge for direct 9963
deposit of disability financial assistance payments that it does 9964
not charge all customers for similar services. 9965

Sec. 5119.071. ~~Any~~ An appointing ~~officer~~ authority may 9966
appoint a person ~~holding~~ who holds a certified position in the 9967
classified service ~~of~~ within the department of mental health to 9968
~~any~~ a position in the unclassified service ~~of~~ within the 9969
department. A person ~~so~~ appointed pursuant to this section to a 9970
position in the unclassified service shall retain the right to 9971
resume the position and status held by ~~him~~ the person in the 9972
classified service immediately prior to ~~his~~ the person's 9973
appointment. ~~If the position the person previously held has been~~ 9974
~~placed in the unclassified service under this section, he shall be~~ 9975
~~appointed to a position in the classified service that the~~ 9976

~~director of administrative services certifies is comparable in~~ 9977
~~compensation to the position the person previously held.~~ 9978
Reinstatement to the position in the unclassified service, 9979
regardless of the number of positions the person held in the 9980
unclassified service. An employee's right to resume a position in 9981
the classified service may only be exercised when an appointing 9982
authority demotes the employee to a pay range lower than the 9983
employee's current pay range or revokes the employee's appointment 9984
to the unclassified service. An employee forfeits the right to 9985
resume a position in the classified service when the employee is 9986
removed from the position in the unclassified service due to 9987
incompetence, inefficiency, dishonesty, drunkenness, immoral 9988
conduct, insubordination, discourteous treatment of the public, 9989
neglect of duty, violation of this chapter or Chapter 124. of the 9990
Revised Code, violation of the rules of the director of 9991
administrative services or the director of mental health, any 9992
other failure of good behavior, any other acts of misfeasance, 9993
malfeasance, or nonfeasance in office, or conviction of a felony. 9994
An employee also forfeits the right to resume a position in the 9995
classified service upon transfer to a different agency. 9996

Reinstatement to a position in the classified service shall 9997
be to a position substantially equal to that position in the 9998
classified service held previously, as certified by the director 9999
of administrative services. If the position the person previously 10000
held in the classified service has been placed in the unclassified 10001
service or is otherwise unavailable, the person shall be appointed 10002
to a position in the classified service within the department that 10003
the director of administrative services certifies is comparable in 10004
compensation to the position the person previously held in the 10005
classified service. Service in the position in the unclassified 10006
service shall be counted as service in the position in the 10007
classified service held by the person immediately prior to ~~his~~ the 10008
person's appointment to the position in the unclassified service. 10009

When a person is reinstated to a position in the classified 10010
service as provided in this section, ~~he~~ the person is entitled to 10011
all rights, status, and ~~emoluments~~ benefits accruing to the 10012
position in the classified service during the person's time of ~~his~~ 10013
service in the position in the unclassified service. 10014

Sec. 5119.611. (A) ~~A board of alcohol, drug addiction, and 10015
mental health services may not contract with a community mental 10016
health agency under division (A)(8)(a) of section 340.03 of the 10017
Revised Code to provide community mental health services included 10018
in the board's community mental health plan unless the services 10019
are certified by the director of mental health under this section.~~ 10020

A community mental health agency that seeks ~~the director's~~ 10021
certification of its community mental health services shall submit 10022
an application to the director of mental health. On receipt of the 10023
application, the director may visit and shall evaluate the agency 10024
to determine whether its services satisfy the standards 10025
established by rules adopted under division ~~(C)~~(D) of this 10026
section. The director shall make the evaluation, and, if the 10027
director visits the agency, shall make the visit, in cooperation 10028
with the board of alcohol, drug addiction, and mental health 10029
services with which the agency seeks to contract under division 10030
(A)(8)(a) of section 340.03 of the Revised Code. 10031

~~If the director determines that a community mental health 10032
agency's services satisfy the standards Subject to divisions (B) 10033
and (C) of this section, the director shall certify ~~the a 10034
community mental health agency's services that the director 10035
determines satisfy the standards.~~ 10036~~

If the director determines that a community mental health 10037
agency's services do not satisfy the standards, the director shall 10038
identify the areas of noncompliance, specify what action is 10039
necessary to satisfy the standards, and offer technical assistance 10040

to the board of alcohol, drug addiction, and mental health 10041
services so that the board may assist the agency in satisfying the 10042
standards. The director shall give the agency a reasonable time 10043
within which to demonstrate that its services satisfy the 10044
standards or to bring the services into compliance with the 10045
standards. If the director concludes that the services continue to 10046
fail to satisfy the standards, the director may request that the 10047
board reallocate the funds for the community mental health 10048
services the agency was to provide to another community mental 10049
health agency whose community mental health services satisfy the 10050
standards. If the board does not reallocate those funds in a 10051
reasonable period of time, the director may withhold state and 10052
federal funds for the community mental health services and 10053
allocate those funds directly to a community mental health agency 10054
whose community mental health services satisfy the standards. 10055

(B) Each community mental health agency seeking certification 10056
of its community mental health services under this section shall 10057
pay a fee for the certification review required by this section. 10058
Fees shall be paid into the sale of goods and services fund 10059
created pursuant to section 5119.161 of the Revised Code. 10060

(C) The director may certify a community mental health 10061
service only if the service is for individuals whose focus of 10062
treatment is a mental disorder according to the edition of the 10063
American psychiatric association's diagnostic and statistical 10064
manual of mental disorders that is current at the time the 10065
director issues the certification, including such services for 10066
individuals who have a mental disorder and a co-occurring 10067
substance use disorder, substance induced disorder, chronic 10068
dementing organic mental disorder, mental retardation, or 10069
developmental disability. The director may not certify a service 10070
that is for individuals whose focus of treatment is solely a 10071
substance use disorder, substance-induced disorder, chronic 10072

dementing organic mental disorder, mental retardation, or 10073
developmental disability. 10074

(D) The director shall adopt rules in accordance with Chapter 10075
119. of the Revised Code to implement this section. The rules 10076
shall do all of the following: 10077

(1) Establish certification standards for community mental 10078
health services, including assertive community treatment and 10079
intensive home-based mental health services, that are consistent 10080
with nationally recognized applicable standards and facilitate 10081
participation in federal assistance programs. The rules shall 10082
include as certification standards only requirements that improve 10083
the quality of services or the health and safety of clients of 10084
community mental health services. The standards shall address at a 10085
minimum all of the following: 10086

(a) Reporting major unusual incidents to the director; 10087

(b) Procedures for applicants for and clients of community 10088
mental health services to file grievances and complaints; 10089

(c) Seclusion; 10090

(d) Restraint; 10091

(e) Development of written policies addressing the rights of 10092
clients, including all of the following: 10093

(i) The right to a copy of the written policies addressing 10094
client rights; 10095

(ii) The right at all times to be treated with consideration 10096
and respect for the client's privacy and dignity; 10097

(iii) The right to have access to the client's own 10098
psychiatric, medical, or other treatment records unless access is 10099
specifically restricted in the client's treatment plan for clear 10100
treatment reasons; 10101

(iv) The right to have a client rights officer provided by 10102

the agency or board of alcohol, drug addiction, and mental health 10103
services advise the client of the client's rights, including the 10104
client's rights under Chapter 5122. of the Revised Code if the 10105
client is committed to the agency or board. 10106

(2) Establish standards for qualifications of mental health 10107
professionals as defined in section 340.02 of the Revised Code and 10108
personnel who provide the community mental health services; 10109

(3) Establish the process for certification of community 10110
mental health services; 10111

(4) Set the amount of certification review fees based on a 10112
portion of the cost of performing the review; 10113

(5) Specify the type of notice and hearing to be provided 10114
prior to a decision on whether to reallocate funds. 10115

~~(D) The rules adopted under division (C)(1) of this section 10116
to establish certification standards for assertive community 10117
treatment and intensive home based mental health services shall be 10118
adopted not later than July 1, 2004. 10119~~

Sec. 5120.03. (A) The Subject to division (C) of this 10120
section, the director of rehabilitation and correction, ~~by~~ 10121
~~executive order and with the approval of the governor,~~ may change 10122
the purpose for which any institution or place under the control 10123
of the department of rehabilitation and correction, ~~is~~ being used. 10124
The director may designate a new or another use for such 10125
institution, if the change of use and new designation has for its 10126
objective, improvement in the classification, segregation, care, 10127
education, cure, or rehabilitation of persons subject to the 10128
control of the department. 10129

(B) The director of rehabilitation and correction, by 10130
executive order, issued on or before December 31, 1988, shall 10131
eliminate the distinction between penal institutions and 10132

reformatory institutions. Notwithstanding any provision of the
Revised Code or the Administrative Code to the contrary, upon the
issuance of the executive order, any distinction made between the
types of prisoners sentenced to or otherwise assigned to the
institutions under the control of the department shall be
discontinued.

(C) The director ~~may~~ shall contract under section 9.06 of the
Revised Code for the private operation and management of a
~~facility~~ not less than two facilities under the control of the
department, unless the contractor managing and operating a
facility is not in substantial compliance with the material terms
and conditions of its contract and no other person or entity is
willing and able to satisfy the obligations of the contract. All
inmates assigned to a facility operated and managed by a private
contractor remain inmates in the care and custody of the
department. The statutes, rules, and policies of the department
may apply to the private contractor and any inmate assigned to a
facility operated and managed by a private contractor as agreed to
in the contract entered into under section 9.06 of the Revised
Code.

Sec. 5123.08. ~~Any~~ An appointing officer may appoint a person
~~holding who holds~~ a certified position in the classified service
~~of~~ within the department of mental retardation and developmental
disabilities to ~~any~~ a position in the unclassified service ~~of~~
within the department. A person ~~so~~ appointed pursuant to this
section to a position in the unclassified service shall retain the
right to resume the position and status held by ~~him~~ the person in
the classified service immediately prior to ~~his~~ the person's
appointment. ~~If the position the person previously held has been
placed in the unclassified service under this section, he shall be
appointed to a position in the classified service that the~~

~~director of administrative services certifies is comparable in~~ 10164
~~compensation to the position the person previously held.~~ 10165
Reinstatement to the position in the unclassified service, 10166
regardless of the number of positions the person held in the 10167
unclassified service. An employee's right to resume a position in 10168
the classified service may only be exercised when an appointing 10169
authority demotes the employee to a pay range lower than the 10170
employee's current pay range or revokes the employee's appointment 10171
to the unclassified service. An employee forfeits the right to 10172
resume a position in the classified service when the employee is 10173
removed from the position in the unclassified service due to 10174
incompetence, inefficiency, dishonesty, drunkenness, immoral 10175
conduct, insubordination, discourteous treatment of the public, 10176
neglect of duty, violation of this chapter or Chapter 124. of the 10177
Revised Code, the rules of the director of mental retardation and 10178
developmental disabilities or the director of administrative 10179
services, any other failure of good behavior, any other acts of 10180
misfeasance, malfeasance, or nonfeasance in office, or conviction 10181
of a felony. An employee also forfeits the right to resume a 10182
position in the classified service upon transfer to a different 10183
agency. 10184

Reinstatement to a position in the classified service shall 10185
be to a position substantially equal to that position in the 10186
classified service held previously, as certified by the director 10187
of administrative services. If the position the person previously 10188
held in the classified service has been placed in the unclassified 10189
service or is otherwise unavailable, the person shall be appointed 10190
to a position in the classified service within the department that 10191
the director of administrative services certifies is comparable in 10192
compensation to the position the person previously held in the 10193
classified service. Service in the position in the unclassified 10194
service shall be counted as service in the position in the 10195
classified service held by the person immediately prior to ~~his~~ the 10196

person's appointment to the position in the unclassified service. 10197
When a person is reinstated to a position in the classified 10198
service as provided in this section, ~~he~~ the person is entitled to 10199
all rights, status, and ~~emoluments~~ benefits accruing to the 10200
position in the classified service during the time of ~~his~~ the 10201
person's service in the position in the unclassified service. 10202

Sec. 5126.01. As used in this chapter: 10203

(A) As used in this division, "adult" means an individual who 10204
is eighteen years of age or over and not enrolled in a program or 10205
service under Chapter 3323. of the Revised Code and an individual 10206
sixteen or seventeen years of age who is eligible for adult 10207
services under rules adopted by the director of mental retardation 10208
and developmental disabilities pursuant to Chapter 119. of the 10209
Revised Code. 10210

(1) "Adult services" means services provided to an adult 10211
outside the home, except when they are provided within the home 10212
according to an individual's assessed needs and identified in an 10213
individual service plan, that support learning and assistance in 10214
the area of self-care, sensory and motor development, 10215
socialization, daily living skills, communication, community 10216
living, social skills, or vocational skills. 10217

(2) "Adult services" includes all of the following: 10218

(a) Adult day habilitation services; 10219

(b) Adult day care; 10220

(c) Prevocational services; 10221

(d) Sheltered employment; 10222

(e) Educational experiences and training obtained through 10223
entities and activities that are not expressly intended for 10224
individuals with mental retardation and developmental 10225
disabilities, including trade schools, vocational or technical 10226

schools, adult education, job exploration and sampling, unpaid	10227
work experience in the community, volunteer activities, and	10228
spectator sports;	10229
(f) Community employment services and supported employment	10230
services.	10231
(B)(1) "Adult day habilitation services" means adult services	10232
that do the following:	10233
(a) Provide access to and participation in typical activities	10234
and functions of community life that are desired and chosen by the	10235
general population, including such activities and functions as	10236
opportunities to experience and participate in community	10237
exploration, companionship with friends and peers, leisure	10238
activities, hobbies, maintaining family contacts, community	10239
events, and activities where individuals without disabilities are	10240
involved;	10241
(b) Provide supports or a combination of training and	10242
supports that afford an individual a wide variety of opportunities	10243
to facilitate and build relationships and social supports in the	10244
community.	10245
(2) "Adult day habilitation services" includes all of the	10246
following:	10247
(a) Personal care services needed to ensure an individual's	10248
ability to experience and participate in vocational services,	10249
educational services, community activities, and any other adult	10250
day habilitation services;	10251
(b) Skilled services provided while receiving adult day	10252
habilitation services, including such skilled services as behavior	10253
management intervention, occupational therapy, speech and language	10254
therapy, physical therapy, and nursing services;	10255
(c) Training and education in self-determination designed to	10256

help the individual do one or more of the following: develop 10257
self-advocacy skills, exercise the individual's civil rights, 10258
acquire skills that enable the individual to exercise control and 10259
responsibility over the services received, and acquire skills that 10260
enable the individual to become more independent, integrated, or 10261
productive in the community; 10262

(d) Recreational and leisure activities identified in the 10263
individual's service plan as therapeutic in nature or assistive in 10264
developing or maintaining social supports; 10265

(e) Counseling and assistance provided to obtain housing, 10266
including such counseling as identifying options for either rental 10267
or purchase, identifying financial resources, assessing needs for 10268
environmental modifications, locating housing, and planning for 10269
ongoing management and maintenance of the housing selected; 10270

(f) Transportation necessary to access adult day habilitation 10271
services; 10272

(g) Habilitation management, as described in section 5126.14 10273
of the Revised Code. 10274

(3) "Adult day habilitation services" does not include 10275
activities that are components of the provision of residential 10276
services, family support services, or supported living services. 10277

(C) "Appointing authority" means the following: 10278

(1) In the case of a member of a county board of mental 10279
retardation and developmental disabilities appointed by, or to be 10280
appointed by, a board of county commissioners, the board of county 10281
commissioners; 10282

(2) In the case of a member of a county board appointed by, 10283
or to be appointed by, a senior probate judge, the senior probate 10284
judge. 10285

(D) "Community employment services" or "supported employment 10286

services" means job training and other services related to 10287
employment outside a sheltered workshop. "Community employment 10288
services" or "supported employment services" include all of the 10289
following: 10290

(1) Job training resulting in the attainment of competitive 10291
work, supported work in a typical work environment, or 10292
self-employment; 10293

(2) Supervised work experience through an employer paid to 10294
provide the supervised work experience; 10295

(3) Ongoing work in a competitive work environment at a wage 10296
commensurate with workers without disabilities; 10297

(4) Ongoing supervision by an employer paid to provide the 10298
supervision. 10299

(E) As used in this division, "substantial functional 10300
limitation," "developmental delay," and "established risk" have 10301
the meanings established pursuant to section 5123.011 of the 10302
Revised Code. 10303

"Developmental disability" means a severe, chronic disability 10304
that is characterized by all of the following: 10305

(1) It is attributable to a mental or physical impairment or 10306
a combination of mental and physical impairments, other than a 10307
mental or physical impairment solely caused by mental illness as 10308
defined in division (A) of section 5122.01 of the Revised Code; 10309

(2) It is manifested before age twenty-two; 10310

(3) It is likely to continue indefinitely; 10311

(4) It results in one of the following: 10312

(a) In the case of a person under age three, at least one 10313
developmental delay or an established risk; 10314

(b) In the case of a person at least age three but under age 10315

six, at least two developmental delays or an established risk; 10316

(c) In the case of a person age six or older, a substantial 10317
functional limitation in at least three of the following areas of 10318
major life activity, as appropriate for the person's age: 10319
self-care, receptive and expressive language, learning, mobility, 10320
self-direction, capacity for independent living, and, if the 10321
person is at least age sixteen, capacity for economic 10322
self-sufficiency. 10323

(5) It causes the person to need a combination and sequence 10324
of special, interdisciplinary, or other type of care, treatment, 10325
or provision of services for an extended period of time that is 10326
individually planned and coordinated for the person. 10327

(F) "Early childhood services" means a planned program of 10328
habilitation designed to meet the needs of individuals with mental 10329
retardation or other developmental disabilities who have not 10330
attained compulsory school age. 10331

(G)(1) "Environmental modifications" means the physical 10332
adaptations to an individual's home, specified in the individual's 10333
service plan, that are necessary to ensure the individual's 10334
health, safety, and welfare or that enable the individual to 10335
function with greater independence in the home, and without which 10336
the individual would require institutionalization. 10337

(2) "Environmental modifications" includes such adaptations 10338
as installation of ramps and grab-bars, widening of doorways, 10339
modification of bathroom facilities, and installation of 10340
specialized electric and plumbing systems necessary to accommodate 10341
the individual's medical equipment and supplies. 10342

(3) "Environmental modifications" does not include physical 10343
adaptations or improvements to the home that are of general 10344
utility or not of direct medical or remedial benefit to the 10345
individual, including such adaptations or improvements as 10346

carpeting, roof repair, and central air conditioning. 10347

(H) "Family support services" means the services provided 10348
under a family support services program operated under section 10349
5126.11 of the Revised Code. 10350

(I) "Habilitation" means the process by which the staff of 10351
the facility or agency assists an individual with mental 10352
retardation or other developmental disability in acquiring and 10353
maintaining those life skills that enable the individual to cope 10354
more effectively with the demands of the individual's own person 10355
and environment, and in raising the level of the individual's 10356
personal, physical, mental, social, and vocational efficiency. 10357
Habilitation includes, but is not limited to, programs of formal, 10358
structured education and training. 10359

(J) "Home and community-based services" means medicaid-funded 10360
home and community-based services specified in division (B)(1) of 10361
section 5111.87 of the Revised Code and provided under the 10362
medicaid waiver components the department of mental retardation 10363
and developmental disabilities administers pursuant to section 10364
5111.871 of the Revised Code. 10365

(K) "Immediate family" means parents, grandparents, brothers, 10366
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 10367
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 10368
daughters-in-law. 10369

(L) "Medicaid" has the same meaning as in section 5111.01 of 10370
the Revised Code. 10371

(M) "Medicaid case management services" means case management 10372
services provided to an individual with mental retardation or 10373
other developmental disability that the state medicaid plan 10374
requires. 10375

(N) "Mental retardation" means a mental impairment manifested 10376

during the developmental period characterized by significantly 10377
subaverage general intellectual functioning existing concurrently 10378
with deficiencies in the effectiveness or degree with which an 10379
individual meets the standards of personal independence and social 10380
responsibility expected of the individual's age and cultural 10381
group. 10382

(O) "Residential services" means services to individuals with 10383
mental retardation or other developmental disabilities to provide 10384
housing, food, clothing, habilitation, staff support, and related 10385
support services necessary for the health, safety, and welfare of 10386
the individuals and the advancement of their quality of life. 10387
"Residential services" includes program management, as described 10388
in section 5126.14 of the Revised Code. 10389

(P) "Resources" means available capital and other assets, 10390
including moneys received from the federal, state, and local 10391
governments, private grants, and donations; appropriately 10392
qualified personnel; and appropriate capital facilities and 10393
equipment. 10394

(Q) "Senior probate judge" means the current probate judge of 10395
a county who has served as probate judge of that county longer 10396
than any of the other current probate judges of that county. If a 10397
county has only one probate judge, "senior probate judge" means 10398
that probate judge. 10399

(R) "Service and support administration" means the duties 10400
performed by a service and support administrator pursuant to 10401
section 5126.15 of the Revised Code. 10402

(S)(1) "Specialized medical, adaptive, and assistive 10403
equipment, supplies, and supports" means equipment, supplies, and 10404
supports that enable an individual to increase the ability to 10405
perform activities of daily living or to perceive, control, or 10406
communicate within the environment. 10407

(2) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" includes the following: 10408
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(a) Eating utensils, adaptive feeding dishes, plate guards, mylatex straps, hand splints, reaches, feeder seats, adjustable pointer sticks, interpreter services, telecommunication devices for the deaf, computerized communications boards, other communication devices, support animals, veterinary care for support animals, adaptive beds, supine boards, prone boards, wedges, sand bags, sidelayers, bolsters, adaptive electrical switches, hand-held shower heads, air conditioners, humidifiers, emergency response systems, folding shopping carts, vehicle lifts, vehicle hand controls, other adaptations of vehicles for accessibility, and repair of the equipment received. 10410
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(b) Nondisposable items not covered by medicaid that are intended to assist an individual in activities of daily living or instrumental activities of daily living. 10421
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(T) "Supportive home services" means a range of services to families of individuals with mental retardation or other developmental disabilities to develop and maintain increased acceptance and understanding of such persons, increased ability of family members to teach the person, better coordination between school and home, skills in performing specific therapeutic and management techniques, and ability to cope with specific situations. 10424
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(U)(1) "Supported living" means services provided for as long as twenty-four hours a day to an individual with mental retardation or other developmental disability through any public or private resources, including moneys from the individual, that enhance the individual's reputation in community life and advance the individual's quality of life by doing the following: 10432
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(a) Providing the support necessary to enable an individual 10438

to live in a residence of the individual's choice, with any number 10439
of individuals who are not disabled, or with not more than three 10440
individuals with mental retardation and developmental disabilities 10441
unless the individuals are related by blood or marriage; 10442

(b) Encouraging the individual's participation in the 10443
community; 10444

(c) Promoting the individual's rights and autonomy; 10445

(d) Assisting the individual in acquiring, retaining, and 10446
improving the skills and competence necessary to live successfully 10447
in the individual's residence. 10448

(2) "Supported living" includes the provision of all of the 10449
following: 10450

(a) Housing, food, clothing, habilitation, staff support, 10451
professional services, and any related support services necessary 10452
to ensure the health, safety, and welfare of the individual 10453
receiving the services; 10454

(b) A combination of ~~life-long~~ lifelong or extended-duration 10455
supervision, training, and other services essential to daily 10456
living, including assessment and evaluation and assistance with 10457
the cost of training materials, transportation, fees, and 10458
supplies; 10459

(c) Personal care services and homemaker services; 10460

(d) Household maintenance that does not include modifications 10461
to the physical structure of the residence; 10462

(e) Respite care services; 10463

(f) Program management, as described in section 5126.14 of 10464
the Revised Code. 10465

Sec. 5126.02. (A) Each county shall either have its own 10466
county board of mental retardation and developmental disabilities 10467

or, pursuant to section 5126.021 or 5126.022 of the Revised Code, 10468
be a member of a multicounty board of mental retardation and 10469
developmental disabilities. Subject to division (B) of this 10470
section: 10471

(1) A county board shall be operated as a separate 10472
administrative and service entity. 10473

(2) The functions of a county board shall not be combined 10474
with the functions of any other entity of county government. 10475

(B) Division (A) of this section does not prohibit or 10476
restrict any county board from sharing administrative functions or 10477
personnel with one or more other county boards, including entering 10478
into an arrangement authorized by division (B) of section 10479
~~5126.0225~~ 5126.0226 of the Revised Code. 10480

Sec. 5126.024. (A) If a board of county commissioners and 10481
senior probate judge propose to join in the creation of, join, or 10482
terminate the county's membership in a multicounty board of mental 10483
retardation and developmental disabilities as provided in section 10484
~~5126.017~~, 5126.021, 5126.022, or 5126.023 of the Revised Code, the 10485
board of county commissioners and judge shall do both of the 10486
following: 10487

(1) Notify the county board of mental retardation and 10488
developmental disabilities in writing of their intent to join in 10489
the creation of, join, or terminate the county's membership in a 10490
multicounty board, including a written explanation of the 10491
administrative, fiscal, and performance considerations underlying 10492
the proposed action; 10493

(2) Provide the county board an opportunity to comment on the 10494
proposed action. 10495

(B) If the county board, not more than sixty days after 10496
receiving the notice under division (A) of this section, votes to 10497

oppose the proposed action and notifies the board of county
commissioners and judge of the vote, the county may join in
creation of a multicounty board, join a multicounty board, or
terminate the county's membership in a multicounty board only on
the unanimous vote of the board of county commissioners and the
order of that judge to proceed with the creation of, joining, or
termination of the county's membership in a multicounty board.

Sec. 5126.029. (A) When making appointments to a county board
of mental retardation and developmental disabilities, an
appointing authority shall do all of the following:

(1) Appoint only individuals who are residents of the county
the appointing authority serves, citizens of the United States,
and interested and knowledgeable in the field of mental
retardation and other allied fields;

(2) If the appointing authority is a board of county
commissioners, appoint, subject to division ~~(C)~~(B) of this
section, at least two individuals who are immediate family members
of individuals eligible for services provided by the county board
and, whenever possible, ensure that one of those two members is an
immediate family member of an individual eligible for adult
services and the other is an immediate family member of an
individual eligible for early intervention services or services
for preschool or school-age children;

(3) If the appointing authority is a senior probate judge,
appoint, subject to division ~~(C)~~(B) of this section, at least one
individual who is an immediate family member of an individual
eligible for residential services or supported living;

(4) Appoint, to the maximum extent possible, individuals who
have professional training and experience in business management,
finance, law, health care practice, personnel administration, or

government service; 10528

(5) Provide for the county board's membership to reflect, as 10529
nearly as possible, the composition of the county or counties that 10530
the county board serves. 10531

(B) The appointing authorities of a multicounty board shall 10532
coordinate their appointments to the extent necessary to satisfy 10533
the requirements of this section. The coordination may provide for 10534
one of the boards of county commissioners making one of the two 10535
appointments required by division ~~(B)~~(A)(2) of this section and 10536
another board of county commissioners making the other appointment 10537
required by that division. The coordination shall ensure that at 10538
least one of the senior probate judges satisfies the requirement 10539
of division ~~(B)~~(A)(3) of this section. 10540

Sec. 5126.0210. (A) None of the following individuals may 10541
serve as a member of a county board of mental retardation and 10542
developmental disabilities: 10543

(1) An elected public official, except for a township 10544
trustee, township ~~clerk~~ fiscal ~~officers~~ officer, or individual 10545
excluded from the definition of public official or employee in 10546
division (B) of section 102.01 of the Revised Code; 10547

(2) An immediate family member of another county board 10548
member; 10549

(3) A county board employee or immediate family member of a 10550
county board employee; 10551

(4) ~~An individual who had been employed by~~ A former employee 10552
of the county board not whose employment with the county board 10553
ceased less than one calendar year before the individual former 10554
employee would begin to serve as a member of the county board; 10555

(5) An individual who or whose immediate family member is a 10556
board member or an employee of an agency licensed or certified by 10557

the department of mental retardation and developmental 10558
disabilities to provide services to individuals with mental 10559
retardation or developmental disabilities; 10560

(6) An individual who or whose immediate family member is a 10561
board member or employee of an agency contracting with the county 10562
board that is not licensed or certified by the department of 10563
mental retardation and developmental disabilities to provide 10564
services to individuals with mental retardation or developmental 10565
disabilities unless there is no conflict of interest; 10566

(7) An individual with an immediate family member who serves 10567
as a county commissioner of a county served by the county board 10568
unless the individual was a member of the county board before 10569
October 31, 1980. 10570

(B) All questions relating to the existence of a conflict of 10571
interest for the purpose of division (A)~~(5)~~(6) of this section 10572
shall be submitted to the local prosecuting attorney for 10573
resolution. The Ohio ethics commission may examine any issues 10574
arising under Chapter 102. and sections 2921.42, 2921.421, and 10575
2921.43 of the Revised Code. 10576

Sec. 5126.0211. (A) No individual may be appointed or 10577
reappointed to a county board of mental retardation and 10578
developmental disabilities unless the individual, before the 10579
appointment or reappointment, provides to the appointing authority 10580
a written declaration specifying both of the following: 10581

(1) That no circumstance described in section ~~5126.029~~ 10582
5126.0210 of the Revised Code exists that bars the individual from 10583
serving on the county board; 10584

(2) Whether the individual or an immediate family member of 10585
the individual has an ownership interest in or is under contract 10586
with an agency contracting with the county board, and, if such an 10587

ownership interest or contract exists, the identity of the agency 10588
and the nature of the relationship to that agency. 10589

(B) On appointment or reappointment of an individual to the 10590
county board, the appointing authority shall provide a copy of the 10591
individual's declaration to the superintendent of the county 10592
board. The declaration is a public record for the purpose of 10593
section 149.43 of the Revised Code. 10594

Sec. 5126.0212. Except for members appointed under section 10595
~~5126.0213~~ 5126.0214 of the Revised Code to fill a vacancy, members 10596
of a county board of mental retardation and developmental 10597
disabilities shall be appointed or reappointed not later than the 10598
last day of November, commence their terms on the date of the 10599
stated annual organizational meeting in the following January as 10600
provided under section ~~5126.0215~~ 5126.0216 of the Revised Code, 10601
and serve terms of four years. The membership of an individual 10602
appointed as ~~a relative~~ an immediate family member of a recipient 10603
of services shall not be terminated because the services are no 10604
longer received. 10605

Sec. 5126.0213. Except as otherwise provided in this section 10606
and section ~~5126.0224~~ 5126.0225 of the Revised Code, a member of a 10607
county board of mental retardation and developmental disabilities 10608
may be reappointed to the county board. Prior to making a 10609
reappointment, the appointing authority shall ascertain, through 10610
written communication with the board, that the member being 10611
considered for reappointment meets the requirements of sections 10612
~~5126.028~~ 5126.029 and ~~5126.0224~~ 5126.0225 of the Revised Code. 10613

A member who has served during each of three consecutive 10614
terms shall not be reappointed for a subsequent term until two 10615
years after ceasing to be a member of the county board, except 10616
that a member who has served for ten years or less within three 10617

consecutive terms may be reappointed for a subsequent term before 10618
becoming ineligible for reappointment for two years. 10619

Sec. 5126.0214. Within sixty days after a vacancy on a county 10620
board of mental retardation and developmental disabilities occurs, 10621
including a vacancy created under section ~~5126.0219~~ 5126.0220 of 10622
the Revised Code, the appointing authority shall fill the vacancy 10623
for the unexpired term. A Before filling a vacancy, the appointing 10624
authority shall cause a notice of the vacancy to be published on 10625
at least two separate dates in one or more newspapers serving the 10626
county or counties the county board serves. 10627

A member appointed to fill a vacancy occurring before the 10628
expiration of the term for which the member's predecessor was 10629
appointed shall hold office for the remainder of that term. 10630

Sec. 5126.0220. (A) Subject to sections ~~5126.0220~~ 5126.0221 10631
and 5126.0223 of the Revised Code, an appointing authority shall 10632
remove a member of a county board of mental retardation and 10633
developmental disabilities for any of the following reasons: 10634

(1) Neglect of duty; 10635

(2) Misconduct; 10636

(3) Malfeasance; 10637

(4) Ineligibility to serve on the county board pursuant to 10638
section ~~5126.029~~ 5126.0210 of the Revised Code; 10639

(5) Failure to attend at least four hours of in-service 10640
training session each year; 10641

(6) Failure to attend within one year four regularly 10642
scheduled board meetings; 10643

(7) Failure to attend within one year two regularly scheduled 10644
board meetings if the member gave no prior notice of the member's 10645
absence; 10646

(8) Consistently poor performance on the county board, as 10647
demonstrated by documentation that the president of the county 10648
board provides to the appointing authority and the appointing 10649
authority determines is convincing evidence. 10650

(B) The removal provisions of divisions (A)(6) and (7) of 10651
this section do not apply to absences from special meetings or 10652
work sessions. 10653

Sec. 5126.0221. An appointing authority shall not remove a 10654
member of a county board of mental retardation and developmental 10655
disabilities from the county board by reason of division (A)(5), 10656
(6), or (7) of section ~~5126.0219~~ 5126.0220 of the Revised Code if 10657
the director of mental retardation and developmental disabilities 10658
waives the requirement that the member be removed. The director 10659
may issue the waiver only if the appointing authority requests 10660
that the director issue the waiver and provides the director 10661
evidence that is satisfactory to the director that the member's 10662
absences from the in-service training sessions or regularly 10663
scheduled board meetings are due to a serious health problem of 10664
the member or a member of the member's immediate family. The 10665
director's decision on whether to issue the waiver is final and 10666
not subject to appeal. 10667

The county board on which the member serves may pass a 10668
resolution urging the appointing authority to request that the 10669
director issue the waiver. The member whose absences from the 10670
sessions or meetings are at issue may not vote on the resolution. 10671
The appointing authority may request the waiver regardless of 10672
whether the county board adopts the resolution. 10673

Sec. 5126.0222. If there are grounds for the mandatory 10674
removal of a member of a county board of mental retardation and 10675
developmental disabilities under section ~~5126.0219~~ 5126.0220 of 10676

the Revised Code, the county board shall supply the board member 10677
and the member's appointing authority with written notice of the 10678
grounds. 10679

Sec. 5126.0223. An appointing authority shall afford a member 10680
of a county board of mental retardation and developmental 10681
disabilities an opportunity for a hearing on the member's proposed 10682
removal in accordance with procedures the appointing authority 10683
shall establish, unless the appointing authority requested that 10684
the director of mental retardation and developmental disabilities 10685
waive the mandatory removal under section ~~5126.0220~~ 5126.0221 of 10686
the Revised Code and the director refused to issue the waiver. The 10687
appointing authority shall hold the hearing if the member requests 10688
the hearing not later than thirty days after the date that the 10689
county board sends the member the notice required by section 10690
~~5126.0221~~ 5126.0222 of the Revised Code. 10691

Sec. 5126.0224. If a member of a county board of mental 10692
retardation and developmental disabilities requests a hearing 10693
within the time required by section ~~5126.0222~~ 5126.0223 of the 10694
Revised Code, the appointing authority may not remove the member 10695
from the board before the conclusion of the hearing. 10696

Sec. 5126.0225. A member of a county board of mental 10697
retardation and developmental disabilities who is removed from the 10698
county board is ineligible for reappointment to the board for not 10699
less than one year. The appointing authority shall specify the 10700
time during which the member is ineligible for reappointment. If 10701
the member is removed under division (A)(5) of section ~~5126.0219~~ 10702
5126.0220 of the Revised Code, the county board shall specify the 10703
training the member must complete before being eligible for 10704
reappointment. 10705

Sec. 5126.031. (A) Except as provided in division (B) of this 10706
section, annually at the organizational meeting required by 10707
section ~~5126.0215~~ 5126.0216 of the Revised Code, the chairperson 10708
of the county board of mental retardation and developmental 10709
disabilities shall appoint three members of the board to an ethics 10710
council to review all direct services contracts. The board's 10711
chairperson may be one of those appointed. The superintendent of 10712
the board shall be a nonvoting member of the council. The 10713
chairperson shall not appoint a person to the council if the 10714
person, or any member of the person's immediate family, will have 10715
any interest in any direct services contract under review by the 10716
council while the person serves on the council or during the 10717
twelve-month period after completing service on the council. If a 10718
council member or a member of the council member's immediate 10719
family has or will have such an interest, the chairperson shall 10720
replace the member by appointing another board member to the 10721
council. 10722

The council shall meet regularly as directed by the board to 10723
perform its duties. Minutes shall be kept of the actions of the 10724
council. The minutes shall be part of the public record of the 10725
county board. 10726

Any action taken by the council on direct services contracts 10727
under its review shall be in public. The council shall afford an 10728
affected party the opportunity to meet with the council on matters 10729
related to a direct services contract or any action taken by the 10730
council. 10731

(B) If a county board establishes a policy specifying that 10732
the board is not willing to enter into direct services contracts 10733
with any person who is a board member or former board member or a 10734
member of the immediate family of a board member or former board 10735
member, the board may assume the responsibilities and perform the 10736

duties of an ethics council specified in section 5126.032 of the Revised Code. The policy shall be established by resolution adopted by a majority of the members of the board in attendance at a meeting at which there is a quorum and shall be in effect for one year after its adoption, at which time the board shall, by resolution adopted in the same manner as the initial resolution, either renew the policy or establish a new one.

Sec. 5126.034. (A) If the requirements of section 5126.033 of the Revised Code have been met for a particular direct services contract, a member or former member of a county board of mental retardation and developmental disabilities, ~~a board~~ an employee or former employee of a county board, or an immediate family member of a ~~county board~~ member, former ~~board~~ member, employee, or former employee, of a county board is not in violation of the restrictions in Chapter 102. and sections 2921.42 and ~~5126.029~~ 5126.0210 of the Revised Code with regard to that contract.

(B) Nothing in section 5126.033 of the Revised Code shall be construed to allow a member or employee of a county board to authorize, or use the authority of the member's or employee's office or employment to secure authorization of, a contract that could result in receipt by the county board member or employee or a member of the immediate family of the county board member or employee of payment for expenses incurred on behalf of an immediate family member who is an eligible person.

Sec. 5126.037. No county board of mental retardation and developmental disabilities shall contract with ~~an~~ a nongovernmental agency whose board includes a county commissioner of any of the counties served by the county board.

Sec. 5139.02. (A)(1) As used in this section, "managing officer" means the assistant director, a deputy director, an

assistant deputy director, a superintendent, a regional 10767
administrator, a deputy superintendent, or the superintendent of 10768
schools of the department of youth services, a member of the 10769
release authority, the chief of staff to the release authority, 10770
and the victims administrator of the office of victim services. 10771

(2) Each division established by the director of youth 10772
services shall consist of managing officers and other employees, 10773
including those employed in institutions and regions as necessary 10774
to perform the functions assigned to them. The director, assistant 10775
director, or appropriate deputy director or managing officer of 10776
the department shall supervise the work of each division and 10777
determine general policies governing the exercise of powers vested 10778
in the department and assigned to each division. The appropriate 10779
managing officer or deputy director is responsible to the director 10780
or assistant director for the organization, direction, and 10781
supervision of the work of the division or unit and for the 10782
exercise of the powers and the performance of the duties of the 10783
department assigned to it and, with the director's approval, may 10784
establish bureaus or other administrative units within the 10785
department. 10786

(B) The director shall appoint all managing officers, who 10787
shall be in the unclassified civil service. ~~If the~~ The director 10788
~~appoints a~~ may appoint a person who holds a certified position in 10789
the classified service within the department to a position as a 10790
managing officer within the department. A person appointed 10791
pursuant to this division to a position as a managing officer ~~from~~ 10792
~~within the classified service of the department, the person so~~ 10793
~~appointed retains~~ shall retain the right to resume the position 10794
and status held by the person in the classified service 10795
immediately prior to the person's appointment as managing officer. 10796
~~If such a person is removed from the position as managing officer,~~ 10797
~~the person shall be reinstated, regardless of the number of~~ 10798

positions the person held in the unclassified service. A managing officer's right to resume a position in the classified service may only be exercised when the director demotes the managing officer to a pay range lower than the managing officer's current pay range or revokes the managing officer's appointment to the position of managing officer. A managing officer forfeits the right to resume a position in the classified service when the managing officer is removed from the position of managing officer due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or Chapter 124. of the Revised Code, the rules of the director of youth services or the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. A managing officer also forfeits the right to resume a position in the classified service upon transfer to a different agency.

Reinstatement to a position in the classified service shall be to the position held in the classified service immediately prior to appointment as managing officer, or to another position certified by the director, ~~with the approval of the department of administrative services,~~ as being substantially equal to that position. ~~Any person holding the position of managing officer on the effective date of this section is entitled to resume the position and status held in the classified service of the department of youth services immediately prior to appointment as a managing officer~~ If the position the person previously held in the classified service immediately prior to appointment as a managing officer has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the department that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified

service. Service as a managing officer shall be counted as service 10832
in the position in the classified service held by the ~~reinstated~~ 10833
person ~~held~~ immediately prior to the person's appointment as a 10834
managing officer. If a person is reinstated to a position in the 10835
classified service under this division, the person shall be 10836
returned to the pay range and step to which the person had been 10837
assigned at the time of the appointment as managing officer. 10838
Longevity, where applicable, shall be calculated pursuant to the 10839
provisions of section 124.181 of the Revised Code. 10840

(C) Each person appointed as a managing officer shall have 10841
received special training and shall have experience in the type of 10842
work that the person's division is required to perform. Each 10843
managing officer, under the supervision of the director, has 10844
entire charge of the division, institution, unit, or region for 10845
which the managing officer is appointed and, with the director's 10846
approval, shall appoint necessary employees and may remove them 10847
for cause. 10848

Sec. 5502.62. (A) There is hereby created in the department 10849
of public safety a division of criminal justice services. The 10850
director of public safety, with the concurrence of the governor, 10851
shall appoint an executive director of the division of criminal 10852
justice services. The executive director shall be the head of the 10853
division. The executive director shall serve at the pleasure of 10854
the director of public safety. To carry out the duties assigned 10855
under this section and to comply with sections 5502.63 to 5502.66 10856
of the Revised Code, the executive director, subject to the 10857
direction and control of the director of public safety, may 10858
appoint and maintain any necessary staff and may enter into any 10859
necessary contracts and other agreements. The executive director 10860
of the division, and all professional and technical personnel 10861
employed within the division who are not public employees as 10862
defined in section 4117.01 of the Revised Code, shall be in the 10863

unclassified civil service, and all other persons employed within 10864
the division shall be in the classified civil service. 10865

(B) Subject to division (F) of this section and subject to 10866
divisions (D) to (F) of section 5120.09 of the Revised Code 10867
insofar as those divisions relate to federal criminal justice acts 10868
that the governor requires the department of rehabilitation and 10869
correction to administer, the division of criminal justice 10870
services shall do all of the following: 10871

(1) Serve as the state criminal justice services agency and 10872
perform criminal justice system planning in the state, including 10873
any planning that is required by any federal law; 10874

(2) Collect, analyze, and correlate information and data 10875
concerning the criminal justice system in the state; 10876

(3) Cooperate with and provide technical assistance to state 10877
departments, administrative planning districts, metropolitan 10878
county criminal justice services agencies, criminal justice 10879
coordinating councils, agencies, offices, and departments of the 10880
criminal justice system in the state, and other appropriate 10881
organizations and persons; 10882

(4) Encourage and assist agencies, offices, and departments 10883
of the criminal justice system in the state and other appropriate 10884
organizations and persons to solve problems that relate to the 10885
duties of the division; 10886

(5) Administer within the state any federal criminal justice 10887
acts that the governor requires it to administer; 10888

(6) Administer funds received under the "Family Violence 10889
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10890
10401, as amended, with all powers necessary for the adequate 10891
administration of those funds, including the authority to 10892
establish a family violence prevention and services program; 10893

- (7) Implement the state comprehensive plans; 10894
- (8) Audit grant activities of agencies, offices, 10895
organizations, and persons that are financed in whole or in part 10896
by funds granted through the division; 10897
- (9) Monitor or evaluate the performance of criminal justice 10898
system projects and programs in the state that are financed in 10899
whole or in part by funds granted through the division; 10900
- (10) Apply for, allocate, disburse, and account for grants 10901
that are made available pursuant to federal criminal justice acts, 10902
or made available from other federal, state, or private sources, 10903
to improve the criminal justice system in the state. ~~Except as~~ 10904
~~otherwise provided in this division, all money from such federal~~ 10905
~~grants shall, if the terms under which the money is received~~ 10906
~~require that the money be deposited into an interest-bearing fund~~ 10907
~~or account, be deposited in the state treasury to the credit of~~ 10908
~~the federal program purposes fund, which is hereby created. All~~ 10909
~~investment earnings of the federal program purposes fund shall be~~ 10910
~~credited to the fund.~~ All money from such federal grants that 10911
require that the money be deposited into an interest-bearing fund 10912
or account, that are intended to provide funding to ~~local~~ criminal 10913
justice programs, and that require that investment earnings be 10914
distributed for program purposes shall be deposited in the state 10915
treasury to the credit of the federal justice programs ~~fund~~ funds, 10916
which ~~is~~ are hereby created. A separate fund shall be established 10917
each federal fiscal year. All investment earnings of ~~the~~ a federal 10918
justice programs fund shall be credited to ~~the~~ that fund and 10919
distributed in accordance with the terms of the grant under which 10920
the money is received. 10921
- (11) Contract with federal, state, and local agencies, 10922
foundations, corporations, businesses, and persons when necessary 10923
to carry out the duties of the division; 10924

(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;	10925 10926 10927
(13) Advise the director of public safety, general assembly, and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;	10928 10929 10930 10931
(14) Prepare and recommend legislation to the director of public safety, general assembly, and governor for the improvement of the criminal and juvenile justice systems in the state;	10932 10933 10934
(15) Assist, advise, and make any reports that are requested or required by the governor, director of public safety, attorney general, or general assembly;	10935 10936 10937
(16) Develop and maintain the Ohio incident-based reporting system in accordance with division (C) of this section;	10938 10939
(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code.	10940 10941
(C) The office <u>division</u> of criminal justice services shall develop and maintain the Ohio incident-based reporting system to facilitate the sharing of information with the federal bureau of investigation and participating law enforcement agencies in Ohio. The Ohio incident-based reporting system shall be known as OIBRS. In connection with OIBRS, the office <u>division</u> shall do all of the following:	10942 10943 10944 10945 10946 10947 10948
(1) Collect and organize statistical data for reporting to the national incident-based reporting system operated by the federal bureau of investigation for the purpose of securing federal criminal justice grants;	10949 10950 10951 10952
(2) Analyze and highlight mapping data for participating law enforcement agencies;	10953 10954

(3) Distribute data and analyses to participating law enforcement agencies;	10955 10956
(4) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;	10957 10958 10959
(5) Provide assistance, advice, and reports requested by the governor, the general assembly, or the federal bureau of investigation;	10960 10961 10962
(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:	10963 10964 10965 10966 10967 10968 10969 10970
(a) The Ohio local law enforcement information sharing network is capable of collecting OIBRS data.	10971 10972
(b) The office <u>division</u> 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.	10973 10974 10975 10976
(D) Upon the request of the director of public safety or governor, the division of criminal justice services may do any of the following:	10977 10978 10979
(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;	10980 10981
(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice	10982 10983 10984

coordinating councils, agency offices, and the departments of the 10985
juvenile justice system in the state and other appropriate 10986
organizations and persons; 10987

(3) Encourage and assist agencies, offices, and departments 10988
of the juvenile justice system in the state and other appropriate 10989
organizations and persons to solve problems that relate to the 10990
duties of the division. 10991

(E) Divisions (B), (C), and (D) of this section do not limit 10992
the discretion or authority of the attorney general with respect 10993
to crime victim assistance and criminal justice programs. 10994

(F) Nothing in this section is intended to diminish or alter 10995
the status of the office of the attorney general as a criminal 10996
justice services agency or to diminish or alter the status or 10997
discourage the development and use of other law enforcement 10998
information systems in Ohio. 10999

Sec. 5533.75. That portion of the road known as state route 11000
one hundred eighty-eight, located within Fairfield county only, 11001
shall be known as the "Deputy Ethan Collins Memorial Highway." 11002

The director of transportation may erect suitable markers 11003
along the highway indicating its name. 11004

Sec. 5537.01. As used in this chapter: 11005

(A) "Commission" means the Ohio turnpike commission created 11006
by section 5537.02 of the Revised Code or, if that commission is 11007
abolished, the board, body, officer, or commission succeeding to 11008
the principal functions thereof or to which the powers given by 11009
this chapter to the commission are given by law. 11010

(B) "Project" or "turnpike project" means any express or 11011
limited access highway, super highway, or motorway constructed, 11012
operated, or improved, under the jurisdiction of the commission 11013

and pursuant to this chapter, at a location or locations reviewed 11014
by the turnpike ~~oversight~~ legislative review committee and 11015
approved by the governor, including all bridges, tunnels, 11016
overpasses, underpasses, interchanges, entrance plazas, 11017
approaches, those portions of connecting public roads that serve 11018
interchanges and are determined by the commission and the director 11019
of transportation to be necessary for the safe merging of traffic 11020
between the turnpike project and those public roads, toll booths, 11021
service facilities, and administration, storage, and other 11022
buildings, property, and facilities that the commission considers 11023
necessary for the operation or policing of the project, together 11024
with all property and rights which may be acquired by the 11025
commission for the construction, maintenance, or operation of the 11026
project, and includes any sections or extensions of a turnpike 11027
project designated by the commission as such for the particular 11028
purpose. Each turnpike project shall be separately designated, by 11029
name or number, and may be constructed, improved, or extended in 11030
such sections as the commission may from time to time determine. 11031
Construction includes the improvement and renovation of a 11032
previously constructed project, including additional interchanges, 11033
whether or not the project was initially constructed by the 11034
commission. 11035

(C) "Cost," as applied to construction of a turnpike project, 11036
includes the cost of construction, including bridges over or under 11037
existing highways and railroads, acquisition of all property 11038
acquired by the commission for the construction, demolishing or 11039
removing any buildings or structures on land so acquired, 11040
including the cost of acquiring any lands to which the buildings 11041
or structures may be moved, site clearance, improvement, and 11042
preparation, diverting public roads, interchanges with public 11043
roads, access roads to private property, including the cost of 11044
land or easements therefor, all machinery, furnishings, and 11045

equipment, communications facilities, financing expenses, interest 11046
prior to and during construction and for one year after completion 11047
of construction, traffic estimates, indemnity and surety bonds and 11048
premiums on insurance, title work and title commitments, 11049
insurance, and guarantees, engineering, feasibility studies, and 11050
legal expenses, plans, specifications, surveys, estimates of cost 11051
and revenues, other expenses necessary or incident to determining 11052
the feasibility or practicability of constructing or operating a 11053
project, administrative expenses, and any other expense that may 11054
be necessary or incident to the construction of the project, the 11055
financing of the construction, and the placing of the project in 11056
operation. Any obligation or expense incurred by the department of 11057
transportation with the approval of the commission for surveys, 11058
borings, preparation of plans and specifications, and other 11059
engineering services in connection with the construction of a 11060
project, or by the federal government with the approval of the 11061
commission for any public road projects which must be reimbursed 11062
as a condition to the exercise of any of the powers of the 11063
commission under this chapter, shall be regarded as a part of the 11064
cost of the project and shall be reimbursed to the state or the 11065
federal government, as the case may be, from revenues, state 11066
taxes, or the proceeds of bonds as authorized by this chapter. 11067

(D) "Owner" includes all persons having any title or interest 11068
in any property authorized to be acquired by the commission under 11069
this chapter. 11070

(E) "Revenues" means all tolls, service revenues, investment 11071
income on special funds, rentals, gifts, grants, and all other 11072
moneys coming into the possession of or under the control of the 11073
commission by virtue of this chapter, except the proceeds from the 11074
sale of bonds. "Revenues" does not include state taxes. 11075

(F) "Public roads" means all public highways, roads, and 11076
streets in the state, whether maintained by a state agency or any 11077

other governmental agency. 11078

(G) "Public utility facilities" means tracks, pipes, mains, 11079
conduits, cables, wires, towers, poles, and other equipment and 11080
appliances of any public utility. 11081

(H) "Financing expenses" means all costs and expenses 11082
relating to the authorization, issuance, sale, delivery, 11083
authentication, deposit, custody, clearing, registration, 11084
transfer, exchange, fractionalization, replacement, payment, and 11085
servicing of bonds including, without limitation, costs and 11086
expenses for or relating to publication and printing, postage, 11087
delivery, preliminary and final official statements, offering 11088
circulars, and informational statements, travel and 11089
transportation, underwriters, placement agents, investment 11090
bankers, paying agents, registrars, authenticating agents, 11091
remarketing agents, custodians, clearing agencies or corporations, 11092
securities depositories, financial advisory services, 11093
certifications, audits, federal or state regulatory agencies, 11094
accounting and computation services, legal services and obtaining 11095
approving legal opinions and other legal opinions, credit ratings, 11096
redemption premiums, and credit enhancement facilities. 11097

(I) "Bond proceedings" means the resolutions, trust 11098
agreements, certifications, notices, sale proceedings, leases, 11099
lease-purchase agreements, assignments, credit enhancement 11100
facility agreements, and other agreements, instruments, and 11101
documents, as amended and supplemented, or any one or more or any 11102
combination thereof, authorizing, or authorizing or providing for 11103
the terms and conditions applicable to, or providing for the 11104
security or sale or award or liquidity of, bonds, and includes the 11105
provisions set forth or incorporated in those bonds and bond 11106
proceedings. 11107

(J) "Bond service charges" means principal, including any 11108

mandatory sinking fund or mandatory redemption requirements for 11109
the retirement of bonds, and interest and any redemption premium 11110
payable on bonds, as those payments come due and are payable to 11111
the bondholder or to a person making payment under a credit 11112
enhancement facility of those bond service charges to a 11113
bondholder. 11114

(K) "Bond service fund" means the applicable fund created by 11115
the bond proceedings for and pledged to the payment of bond 11116
service charges on bonds provided for by those proceedings, 11117
including all moneys and investments, and earnings from 11118
investments, credited and to be credited to that fund as provided 11119
in the bond proceedings. 11120

(L) "Bonds" means bonds, notes, including notes anticipating 11121
bonds or other notes, commercial paper, certificates of 11122
participation, or other evidences of obligation, including any 11123
interest coupons pertaining thereto, issued by the commission 11124
pursuant to this chapter. 11125

(M) "Net revenues" means revenues lawfully available to pay 11126
both current operating expenses of the commission and bond service 11127
charges in any fiscal year or other specified period, less current 11128
operating expenses of the commission and any amount necessary to 11129
maintain a working capital reserve for that period. 11130

(N) "Pledged revenues" means net revenues, moneys and 11131
investments, and earnings on those investments, in the applicable 11132
bond service fund and any other special funds, and the proceeds of 11133
any bonds issued for the purpose of refunding prior bonds, all as 11134
lawfully available and by resolution of the commission committed 11135
for application as pledged revenues to the payment of bond service 11136
charges on particular issues of bonds. 11137

(O) "Service facilities" means service stations, restaurants, 11138
and other facilities for food service, roadside parks and rest 11139

areas, parking, camping, tenting, rest, and sleeping facilities, 11140
hotels or motels, and all similar and other facilities providing 11141
services to the traveling public in connection with the use of a 11142
turnpike project and owned, leased, licensed, or operated by the 11143
commission. 11144

(P) "Service revenues" means those revenues of the commission 11145
derived from its ownership, leasing, licensing, or operation of 11146
service facilities. 11147

(Q) "Special funds" means the applicable bond service fund 11148
and any accounts and subaccounts in that fund, any other funds or 11149
accounts permitted by and established under, and identified as a 11150
"special fund" or "special account" in, the bond proceedings, 11151
including any special fund or account established for purposes of 11152
rebate or other requirements under federal income tax laws. 11153

(R) "State agencies" means the state, officers of the state, 11154
and boards, departments, branches, divisions, or other units or 11155
agencies of the state. 11156

(S) "State taxes" means receipts of the commission from the 11157
proceeds of state taxes or excises levied and collected, or 11158
appropriated by the general assembly to the commission, for the 11159
purposes and functions of the commission. State taxes do not 11160
include tolls, or investment earnings on state taxes except on 11161
those state taxes referred to in Section 5a of Article XII, Ohio 11162
Constitution. 11163

(T) "Tolls" means tolls, special fees or permit fees, or 11164
other charges by the commission to the owners, lessors, lessees, 11165
or operators of motor vehicles for the operation of or the right 11166
to operate those vehicles on a turnpike project. 11167

(U) "Credit enhancement facilities" means letters of credit, 11168
lines of credit, standby, contingent, or firm securities purchase 11169
agreements, insurance, or surety arrangements, guarantees, and 11170

other arrangements that provide for direct or contingent payment 11171
of bond service charges, for security or additional security in 11172
the event of nonpayment or default in respect of bonds, or for 11173
making payment of bond service charges and at the option and on 11174
demand of bondholders or at the option of the commission or upon 11175
certain conditions occurring under put or similar arrangements, or 11176
for otherwise supporting the credit or liquidity of the bonds, and 11177
includes credit, reimbursement, marketing, remarketing, indexing, 11178
carrying, interest rate hedge, and subrogation agreements, and 11179
other agreements and arrangements for payment and reimbursement of 11180
the person providing the credit enhancement facility and the 11181
security for that payment and reimbursement. 11182

(V) "Person" has the same meaning as in section 1.59 of the 11183
Revised Code and, unless the context otherwise provides, also 11184
includes any governmental agency and any combination of those 11185
persons. 11186

(W) "Refund" means to fund and retire outstanding bonds, 11187
including advance refunding with or without payment or redemption 11188
prior to stated maturity. 11189

(X) "Governmental agency" means any state agency, federal 11190
agency, political subdivision, or other local, interstate, or 11191
regional governmental agency, and any combination of those 11192
agencies. 11193

(Y) "Property" has the same meaning as in section 1.59 of the 11194
Revised Code, and includes interests in property. 11195

(Z) "Administrative agent," "agent," "commercial paper," 11196
"floating rate interest structure," "indexing agent," "interest 11197
rate hedge," "interest rate period," "put arrangement," and 11198
"remarketing agent" have the same meanings as in section 9.98 of 11199
the Revised Code. 11200

(AA) "Outstanding," as applied to bonds, means outstanding in 11201

accordance with the terms of the bonds and the applicable bond
proceedings.

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

Sec. 5537.02. (A) There is hereby created a commission to be
known as the "Ohio turnpike commission." The commission is a body
both corporate and politic, constituting an instrumentality of the
state, and the exercise by it of the powers conferred by this
chapter in the construction, operation, and maintenance of the
Ohio turnpike system are and shall be held to be essential
governmental functions of the state, but the commission shall not
be immune from liability by reason thereof. The commission is
subject to all provisions of law generally applicable to state
agencies which do not conflict with this chapter.

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

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

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

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

(d) One member of the house of representatives, appointed by

the speaker of the house of representatives, who shall represent 11232
either a district in which is located or through which passes a 11233
portion of a turnpike project that is part of the Ohio turnpike 11234
system or a district located in the vicinity of a turnpike project 11235
that is part of the Ohio turnpike system. 11236

(2) The members appointed by the governor shall be residents 11237
of the state, shall have been qualified electors therein for a 11238
period of at least five years next preceding their appointment, 11239
and shall serve terms of eight years commencing on the first day 11240
of July and ending on the thirtieth day of June. Those members 11241
appointed by the president of the senate or the speaker of the 11242
house of representatives shall serve a term of the remainder of 11243
the general assembly during which the senator or representative is 11244
appointed. Each appointed member shall hold office from the date 11245
of appointment until the end of the term for which the member was 11246
appointed. If a commission member dies or resigns, or if a 11247
senator, or representative, ~~or the director of transportation~~ who 11248
is a member of the commission ceases to be a senator, or 11249
representative, ~~or the director of transportation~~ if an ex officio 11250
member ceases to hold the applicable office, the vacancy shall be 11251
filled in the same manner as provided in division (B)(1) of this 11252
section. Any member who fills a vacancy occurring prior to the end 11253
of the term for which the member's predecessor was appointed 11254
shall, if appointed by the governor, hold office for the remainder 11255
of such term or, if appointed by the president of the senate or 11256
the speaker of the house of representatives, shall hold office for 11257
the remainder of the term or for a shorter period of time as 11258
determined by the president or the speaker. Any member appointed 11259
by the governor shall continue in office subsequent to the 11260
expiration date of the member's term until the member's successor 11261
takes office, or until a period of sixty days has elapsed, 11262
whichever occurs first. A member of the commission is eligible for 11263

reappointment. Each member of the commission appointed by the 11264
governor, before entering upon ~~his~~ the member's duties, shall take 11265
an oath as provided by Section 7 of Article XV, Ohio Constitution. 11266
The governor, the president of the senate, or the speaker of the 11267
house of representatives, may at any time remove their respective 11268
appointees to the commission for misfeasance, nonfeasance, or 11269
malfeasance in office. 11270

(3)(a) A member of the commission who is appointed by the 11271
president of the senate or the speaker of the house of 11272
representatives shall not participate in any vote of the 11273
commission. Serving as an appointed member of the commission under 11274
divisions (B)(1)(c), (1)(d), or (2) of this section does not 11275
constitute grounds for resignation from the senate or the house of 11276
representatives under section 101.26 of the Revised Code. 11277

(b) The director of budget and management and the director of 11278
development shall not participate in any vote of the commission. 11279

(C) The voting members of the commission shall elect one of 11280
the appointed voting members as chairperson and another as 11281
vice-chairperson, and shall appoint a secretary-treasurer who need 11282
not be a member of the commission. Three of the voting members of 11283
the commission constitute a quorum, and the affirmative vote of 11284
three voting members is necessary for any action taken by the 11285
commission. No vacancy in the membership of the commission impairs 11286
the rights of a quorum to exercise all the rights and perform all 11287
the duties of the commission. 11288

(D) Each member of the commission appointed by the governor 11289
shall give a surety bond to the commission in the penal sum of 11290
twenty-five thousand dollars and the secretary-treasurer shall 11291
give such a bond in at least the penal sum of fifty thousand 11292
dollars. The commission may require any of its officers or 11293
employees to file surety bonds including a blanket bond as 11294
provided in section 3.06 of the Revised Code. Each such bond shall 11295

be in favor of the commission and shall be conditioned upon the
faithful performance of the duties of the office, executed by a
surety company authorized to transact business in this state,
approved by the governor, and filed in the office of the secretary
of state. The costs of the surety bonds shall be paid or
reimbursed by the commission from revenues. Each member of the
commission appointed by the governor shall receive an annual
salary of five thousand dollars, payable in monthly installments.
Each member shall be reimbursed for the member's actual expenses
necessarily incurred in the performance of the member's duties.
All costs and expenses incurred by the commission in carrying out
this chapter shall be payable solely from revenues and state
taxes, and no liability or obligation shall be incurred by the
commission beyond the extent to which revenues have been provided
for pursuant to this chapter.

Sec. 5537.03. In order to remove present and anticipated
handicaps and potential hazards on the congested highways in this
state, to facilitate vehicular traffic throughout the state, to
promote the agricultural, commercial, recreational, tourism, and
industrial development of the state, and to provide for the
general welfare by the construction, improvement, and maintenance
of modern express highways embodying safety devices, including
without limitation center divisions, ample shoulder widths,
longsight distances, multiple lanes in each direction, and grade
separations at intersections with other public roads and
railroads, the Ohio turnpike commission, subject to section
5537.26 of the Revised Code, may construct, maintain, repair, and
operate a system of turnpike projects at locations that are
reviewed by the turnpike ~~oversight~~ legislative review committee
and approved by the governor, and in accordance with alignment and
design standards that are approved by the director of
transportation, and issue revenue bonds of this state, payable

solely from pledged revenues, to pay the cost of those projects. 11328
The turnpikes and turnpike projects authorized by this chapter are 11329
hereby or shall be made part of the Ohio turnpike system. 11330

Sec. 5537.10. This chapter provides an additional and 11331
alternative method for doing the things and taking the actions 11332
authorized by this chapter. This chapter shall be regarded as 11333
supplemental and additional to powers conferred by other laws, and 11334
shall not be regarded as in derogation of any powers existing on 11335
or after September 1, 1949. The Except for section 126.11 of the 11336
Revised Code, the issuance of bonds under this chapter need not 11337
comply with any other law applicable to the issuance of bonds. 11338

Sec. 5537.17. (A) Each turnpike project open to traffic shall 11339
be maintained and kept in good condition and repair by the Ohio 11340
turnpike commission. The Ohio turnpike system shall be policed and 11341
operated by a force of police, toll collectors, and other 11342
employees and agents that the commission employs or contracts for. 11343
11344

(B) All public or private property damaged or destroyed in 11345
carrying out the powers granted by this chapter shall be restored 11346
or repaired and placed in its original condition, as nearly as 11347
practicable, or adequate compensation or consideration made 11348
therefor out of moneys provided under this chapter. 11349

(C) All governmental agencies may lease, lend, grant, or 11350
convey to the commission at its request, upon terms that the 11351
proper authorities of the governmental agencies consider 11352
reasonable and fair and without the necessity for an 11353
advertisement, order of court, or other action or formality, other 11354
than the regular and formal action of the authorities concerned, 11355
any property that is necessary or convenient to the effectuation 11356
of the purposes of the commission, including public roads and 11357

other property already devoted to public use. 11358

(D) Each bridge constituting part of a turnpike project shall 11359
be inspected at least once each year by a professional engineer 11360
employed or retained by the commission. 11361

(E) On or before the first day of July in each year, the 11362
commission shall make an annual report of its activities for the 11363
preceding calendar year to the governor and the general assembly. 11364
Each such report shall set forth a complete operating and 11365
financial statement covering the commission's operations during 11366
the year. The commission shall cause an audit of its books and 11367
accounts to be made at least once each year by certified public 11368
accountants, and the cost thereof may be treated as a part of the 11369
cost of operations of the commission. The auditor of state, at 11370
least once a year and without previous notice to the commission, 11371
shall audit the accounts and transactions of the commission. 11372

(F) The commission shall submit a copy of its annual audit by 11373
the auditor of state and its proposed annual budget for each 11374
calendar or fiscal year to the governor, the presiding officers of 11375
each house of the general assembly, the director of budget and 11376
management, and the legislative service commission no later than 11377
the first day of that calendar or fiscal year. 11378

(G) Upon request of the chairperson of the appropriate 11379
standing committee or subcommittee of the senate and house of 11380
representatives that is primarily responsible for considering 11381
transportation budget matters, the commission shall appear at 11382
least one time before each committee or subcommittee during the 11383
period when that committee or subcommittee is considering the 11384
biennial appropriations for the department of transportation and 11385
shall provide testimony outlining its budgetary results for the 11386
last two calendar years, including a comparison of budget and 11387
actual revenue and expenditure amounts. The commission also shall 11388

address its current budget and long-term capital plan. 11389

(H) Not more than sixty nor less than thirty days before 11390
adopting its annual budget, the commission shall submit a copy of 11391
its proposed annual budget to the governor, the presiding officers 11392
of each house of the general assembly, the director of budget and 11393
management, and the legislative service commission. The office of 11394
budget and management shall review the proposed budget and may 11395
provide recommendations to the commission for its consideration. 11396

Sec. 5537.24. (A) There is hereby created a turnpike 11397
~~oversight~~ legislative review committee consisting of six members 11398
as follows: 11399

(1) Three members of the senate, no more than two of whom 11400
shall be members of the same political party, one of whom shall be 11401
the chairperson of the committee dealing primarily with highway 11402
matters, one of whom shall be appointed by the president of the 11403
senate, and one of whom shall be appointed by the minority leader 11404
of the senate. 11405

Both the senate member who is appointed by the president of 11406
the senate and the senate member appointed by the minority leader 11407
of the senate shall represent either districts in which is located 11408
or through which passes a portion of a turnpike project that is 11409
part of the Ohio turnpike system or districts located in the 11410
vicinity of a turnpike project that is part of the Ohio turnpike 11411
system. 11412

The president of the senate shall make the president of the 11413
senate's appointment to the committee first, followed by the 11414
minority leader of the senate, and they shall make their 11415
appointments in such a manner that their two appointees represent 11416
districts that are located in different areas of the state. If the 11417
chairperson of the senate committee dealing primarily with highway 11418

matters represents a district in which is located or through which 11419
passes a portion of a turnpike project that is part of the Ohio 11420
turnpike system or a district located in the vicinity of a 11421
turnpike project that is part of the Ohio turnpike system, the 11422
president of the senate and the minority leader of the senate 11423
shall make their appointments in such a manner that their two 11424
appointees and the chairperson of the senate committee dealing 11425
primarily with highway matters all represent districts that are 11426
located in different areas of the state. 11427

(2) Three members of the house of representatives, no more 11428
than two of whom shall be members of the same political party, one 11429
of whom shall be the chairperson of the house of representatives 11430
committee dealing primarily with highway matters, one of whom 11431
shall be appointed by the speaker of the house of representatives, 11432
and one of whom shall be appointed by the minority leader of the 11433
house of representatives. 11434

Both the house of representatives member who is appointed by 11435
the speaker of the house of representatives and the house of 11436
representatives member appointed by the minority leader of the 11437
house of representatives shall represent either districts in which 11438
is located or through which passes a portion of a turnpike project 11439
that is part of the Ohio turnpike system or districts located in 11440
the vicinity of a turnpike project that is part of the Ohio 11441
turnpike system. 11442

The speaker of the house of representatives shall make the 11443
speaker of the house of representative's appointment to the 11444
committee first, followed by the minority leader of the house of 11445
representatives, and they shall make their appointments in such a 11446
manner that their two appointees represent districts that are 11447
located in different areas of the state. If the chairperson of the 11448
house of representatives committee dealing primarily with highway 11449
matters represents a district in which is located or through which 11450

passes a portion of a turnpike project that is part of the Ohio
turnpike system or a district located in the vicinity of a
turnpike project that is part of the Ohio turnpike system, the
speaker of the house of representatives and the minority leader of
the house of representatives shall make their appointments in such
a manner that their two appointees and the chairperson of the
house of representatives committee dealing primarily with highway
matters all represent districts that are located in different
areas of the state.

The chairperson of the house of representatives committee
shall serve as the chairperson of the turnpike ~~oversight~~
legislative review committee for the year 1996. Thereafter, the
chair annually shall alternate between, first, the chairperson of
the senate committee and then the chairperson of the house of
representatives committee.

(B) Each member of the turnpike ~~oversight~~ legislative review
committee who is a member of the general assembly shall serve a
term of the remainder of the general assembly during which the
member is appointed or is serving as chairperson of the specified
senate or house committee. In the event of the death or
resignation of a committee member who is a member of the general
assembly, or in the event that a member ceases to be a senator or
representative, or in the event that the chairperson of the senate
committee dealing primarily with highway matters or the
chairperson of the house of representatives committee dealing
primarily with highway matters ceases to hold that position, the
vacancy shall be filled through an appointment by the president of
the senate or the speaker of the house of representatives or
minority leader of the senate or house of representatives, as
applicable. 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 or for a

shorter period of time as determined by the president or the 11483
speaker. A member of the committee is eligible for reappointment. 11484

(C) The turnpike ~~oversight~~ legislative review committee shall 11485
meet at least quarterly and may meet at the call of its 11486
chairperson, or upon the written request to the chairperson of not 11487
fewer than four members of the committee. ~~At least three of the~~ 11488
~~quarterly meetings~~ Meetings shall be held at sites ~~located along a~~ 11489
~~turnpike project as~~ that are determined solely by the chairperson 11490
of the committee. At each meeting, the Ohio turnpike commission 11491
shall make a report to the committee on commission matters, 11492
including but not limited to financial and budgetary matters and 11493
proposed and on-going construction, maintenance, repair, and 11494
operational projects of the commission. 11495

The committee, by the affirmative vote of at least four of 11496
its members, may submit written recommendations to the commission, 11497
either at meetings held pursuant to this section or at any other 11498
time, describing new turnpike projects or new interchanges located 11499
on existing projects that the committee believes the commission 11500
should consider constructing. 11501

(D) The members of the turnpike ~~oversight~~ legislative review 11502
committee who are members of the general assembly shall serve 11503
without compensation, but shall be reimbursed by the commission 11504
for their actual and necessary expenses incurred in the discharge 11505
of their official duties as committee members. Serving as a member 11506
of the turnpike ~~oversight~~ legislative review committee does not 11507
constitute grounds for resignation from the senate or house of 11508
representatives under section 101.26 of the Revised Code. 11509

Sec. 5537.26. (A) Except as provided in division (D) of this 11510
section, no increase by the Ohio turnpike commission in the toll 11511
rate structure that is applicable to vehicles operating on a 11512
turnpike project shall become effective unless the commission 11513

complies with the notice and hearing requirements prescribed in 11514
division (B) of this section, and the commission shall not take 11515
any action that expands, has the effect of expanding, or will to 11516
any degree at any time in the future have the effect of expanding 11517
the sphere of responsibility of the commission beyond the Ohio 11518
turnpike, unless the commission complies with the notice and 11519
hearing requirements prescribed in division (B) of this section. 11520

(B) Not less than ninety days prior to the date on which the 11521
commission votes to increase any part of the toll rate structure 11522
that is applicable to vehicles operating on a turnpike project, 11523
and not less than ninety days prior to the date on which the 11524
commission votes to take an action that expands, has the effect of 11525
expanding, or will to any degree at any time in the future have 11526
the effect of expanding the sphere of responsibility of the 11527
commission beyond the Ohio turnpike, the commission shall ~~commence~~ 11528
do both of the following: 11529

(1) Send notice to the governor and the presiding officers 11530
and minority leaders of the senate and house of representatives 11531
that details the proposed increase to the toll rate structure or 11532
the expansion of the sphere of responsibility of the commission 11533
beyond the Ohio turnpike, including a description of and a 11534
justification for the increase or expansion; 11535

(2) Commence holding public hearings on the proposed increase 11536
in the toll rate structure or the proposed action. If the 11537
commission is proposing an increase in the toll rate structure 11538
that is applicable to vehicles operating on a turnpike project, it 11539
shall hold not less than three public hearings in three 11540
geographically diverse locations in this state that are in the 11541
immediate vicinity of the affected project. If the commission is 11542
proposing to take an action that expands, has the effect of 11543
expanding, or will to any degree at any time in the future have 11544
the effect of expanding the sphere of responsibility of the 11545

commission beyond the Ohio turnpike, it shall hold not less than 11546
three public hearings in three locations in the immediate vicinity 11547
where the expanded responsibilities would arise. 11548

The commission shall hold the third or, if it holds more than 11549
three hearings, the last hearing of any set of hearings required 11550
to be held under this section not less than thirty days prior to 11551
the date on which it votes to increase part of the toll rate 11552
structure that is applicable to vehicles operating on a turnpike 11553
project or to take an action that expands, has the effect of 11554
expanding, or will to any degree at any time in the future have 11555
the effect of expanding the sphere of responsibility of the 11556
commission beyond the Ohio turnpike. 11557

The commission shall inform the public of all the hearings 11558
required to be held under this section by causing a notice to be 11559
published in a newspaper of general circulation in the county in 11560
which each hearing is to be held, not less than once per week for 11561
two weeks prior to the date of the hearing. 11562

(C) If the commission does not comply with the notice and 11563
hearing requirements contained in division (B) of this section and 11564
votes for an increase in the toll rate structure that is 11565
applicable to vehicles operating on a turnpike project, the 11566
increase in the toll rate structure shall not take effect, any 11567
attempt by the commission to implement the increase in the toll 11568
rate structure is void, and, if necessary, the attorney general 11569
shall file an action in the court of common pleas of the county in 11570
which the principal office of the commission is located to enjoin 11571
the commission from implementing the increase. The commission 11572
shall not implement any increase until it complies with division 11573
(B) of this section. 11574

If the commission does not comply with the notice and hearing 11575
requirements contained in division (B) of this section and votes 11576
to take an action that expands, has the effect of expanding, or 11577

will to any degree at any time in the future have the effect of 11578
expanding the sphere of responsibility of the commission beyond 11579
the Ohio turnpike, the commission shall not take the proposed 11580
action and, if necessary, the attorney general shall file an 11581
action in the court of common pleas of the county in which the 11582
principal office of the commission is located to enjoin the 11583
commission from taking the proposed action. The commission shall 11584
not take the proposed action until it complies with the notice and 11585
hearing requirements prescribed in division (B) of this section. 11586

(D) Divisions (A) to (C) of this section do not apply to any 11587
decrease made to the toll rate structure by the commission. The 11588
commission may implement a temporary decrease in the toll rate 11589
structure only if it does not exceed eighteen months in duration. 11590
Prior to instituting any decrease to the toll rate structure, the 11591
commission shall ~~held~~ do both of the following: 11592

(1) Not less than five days prior to any public meeting under 11593
division (D)(2) of this section, send notice to the governor and 11594
the presiding officers and minority leaders of the senate and 11595
house of representatives that details the proposed decrease to the 11596
toll rate structure; 11597

(2) Hold a public meeting to explain to members of the 11598
traveling public the reasons for the upcoming decrease, to inform 11599
them of any benefits and any negative consequences, and to give 11600
them the opportunity to express their opinions as to the relative 11601
merits or drawbacks of each toll decrease. The commission shall 11602
inform the public of the meeting by causing a notice to be 11603
published in newspapers of general circulation in Cuyahoga, Lucas, 11604
Mahoning, Trumbull, Williams, and Summit counties not less than 11605
five days prior to the meeting. The commission shall not be 11606
required to hold any public hearing or meeting upon the expiration 11607
of any temporary decrease in the toll rate structure, so long as 11608
it implements the same toll rate structure that was in effect 11609

immediately prior to the temporary decrease. 11610

(E) As used in this section, "Ohio turnpike" means the toll 11611
freeway that is under the jurisdiction of the commission and runs 11612
in an easterly and westerly direction across the entire northern 11613
portion of this state between its borders with the state of 11614
Pennsylvania in the east and the state of Indiana in the west, and 11615
carries the interstate highway designations of interstate 11616
seventy-six, interstate eighty, and interstate eighty-ninety. 11617

Sec. 5537.27. The Ohio turnpike commission, the director of 11618
transportation or the director's designee, and another person 11619
designated by the governor shall establish a procedure whereby a 11620
political subdivision or other government agency or agencies may 11621
submit a written application to the commission, requesting the 11622
commission to construct and operate a project within the 11623
boundaries of the subdivision, agency, or agencies making the 11624
request. The procedure shall include a requirement that the 11625
commission send a written reply to the subdivision, agency, or 11626
agencies, explaining the disposition of the request. The procedure 11627
established pursuant to this section shall not become effective 11628
unless it is approved by the commission and by the director or the 11629
director's designee and the designee of the governor, and shall 11630
require submission of the proposed project to the turnpike 11631
~~oversight~~ legislative review committee if the project must be 11632
approved by the governor. 11633

Sec. 5537.28. (A) Notwithstanding any other provision of law, 11634
on and after the effective date of this section, the Ohio turnpike 11635
commission shall not expend any toll revenues that are generated 11636
by an existing turnpike project to fund in any manner or to any 11637
degree the construction, operation, maintenance, or repair of 11638
another turnpike project the location of which must be reviewed by 11639
the turnpike ~~oversight~~ legislative review committee and approved 11640

by the governor. 11641

In paying the cost of such a project, the commission may 11642
issue bonds and bond anticipation notes as permitted by this 11643
chapter, and may accept moneys from any source to pay the cost of 11644
any portion of the project, including, but not limited to, the 11645
federal government, any department or agency of this state, and 11646
any political subdivision or other government agency. Each such 11647
project shall be constructed, operated, maintained, and repaired 11648
entirely with funds generated by that project or otherwise 11649
specifically acquired for that project from sources permitted by 11650
this chapter. 11651

(B) The commission shall not expend any toll revenues 11652
generated by the Ohio turnpike to pay any amount of the principal 11653
amount of, or interest due on, any bonds or bond anticipation 11654
notes issued by the commission to pay any portion of the cost of 11655
another turnpike project the location of which must be reviewed by 11656
the turnpike ~~oversight~~ legislative review committee and approved 11657
by the governor. The commission shall not expend any toll revenues 11658
generated by any turnpike project to pay any amount of the 11659
principal amount of, or interest due on, any bonds or bond 11660
anticipation notes issued by the commission to pay any portion of 11661
the cost of a new turnpike project the location of which must be 11662
reviewed by the turnpike ~~oversight~~ legislative review committee 11663
and approved by the governor or the cost of the operation, repair, 11664
improvement, maintenance, or reconstruction of any turnpike 11665
project other than the project that generated those toll revenues. 11666

(C) As used in this section: 11667

(1) "Ohio turnpike" has the same meaning as in division (E) 11668
of section 5537.26 of the Revised Code; 11669

(2) "Another turnpike project" does not include 11670
infrastructure improvements on the Ohio turnpike or on connecting 11671

roadways within one mile of an Ohio turnpike interchange.

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

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(A) Except as provided under division (B) of this section,
any reference in Title LVII of the Revised Code to the Internal
Revenue Code, to the Internal Revenue Code "as amended," to other
laws of the United States, or to other laws of the United States,
"as amended" means the Internal Revenue Code or other laws of the
United States as they exist on ~~the effective date of this section~~
~~as enacted by H.B. 530 of the 126th general assembly~~ the effective
date. This section does not apply to any reference to the Internal
Revenue Code or to other laws of the United States as of a date
certain specifying the day, month, and year.

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(B)(1) For purposes of applying section 5733.04, 5745.01, or
5747.01 of the Revised Code to a taxpayer's taxable year ending in
~~2005~~ 2006, and ~~also to the subsequent taxable year if it ends~~
~~before the effective date of this section~~ before the effective
date, a taxpayer may irrevocably elect to incorporate the
provisions of the Internal Revenue Code or other laws of the
United States that are in effect for federal income tax purposes
for ~~those taxable years~~ that taxable year if those provisions
differ from the provisions that would otherwise be incorporated
into section 5733.04, 5745.01, or 5747.01 of the Revised Code for
~~those taxable years~~ that taxable year under division (A) of this
section. The filing of a report or return by the taxpayer for ~~the~~
~~taxable year ending in 2005 that incorporates~~ that taxable year
incorporating the provisions of the Internal Revenue Code or other
laws of the United States applicable for federal income tax
purposes to ~~that taxable year~~ that taxable year, without
adjustments to reverse the effects of any differences between

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those provisions and the provisions that would otherwise be 11703
incorporated under division (A) of this section, constitutes the 11704
making of an irrevocable election under this division for ~~that~~ 11705
~~taxable year and for the subsequent taxable year if it ends before~~ 11706
~~the effective date of this section~~ that taxable year. 11707

(2) Elections under prior versions of division (B)(1) of this 11708
section remain in effect for the taxable years to which they 11709
apply. 11710

Sec. 5709.083. Real and personal property comprising a 11711
project undertaken, financed, operated, or maintained by an 11712
eligible county under section 307.695 of the Revised Code is 11713
exempt from taxation so long as the project remains owned by the 11714
eligible county. 11715

As used in this section, "eligible county" and "project" have 11716
the same meanings as in section 307.695 of the Revised Code. 11717

Sec. 5709.87. (A) As used in this section: 11718

(1) "Improvement," "building," "fixture," and "structure" 11719
have the same meanings as in section 5701.02 of the Revised Code. 11720

(2) "Applicable standards," "property," "remedy," and 11721
"remedial activities" have the same meanings as in section 3746.01 11722
of the Revised Code. 11723

(B) The director of environmental protection, after issuing a 11724
covenant not to sue for property under section 3746.12 of the 11725
Revised Code and determining that remedies or remedial activities 11726
have commenced or been completed at that property to the 11727
satisfaction of the director, shall certify to the tax 11728
commissioner and to the director of development that such a 11729
covenant has been issued and such remedies or remedial activities 11730
have occurred at that property. The certification shall be in such 11731
form as is agreed upon by the directors of environmental 11732

protection and development and the tax commissioner and shall 11733
include a description of the property in sufficient detail for the 11734
tax commissioner and director of development to determine the 11735
boundaries of the property entitled to exemption from taxation 11736
under this section. 11737

(C)(1)(a) Upon receipt by the tax commissioner of a 11738
certification for property under division (B) of this section, the 11739
commissioner shall issue an order granting an exemption from real 11740
property taxation of the increase in the assessed value of land 11741
constituting property that is described in the certification, and 11742
of the increase in the assessed value of improvements, buildings, 11743
fixtures, and structures situated on that land at the time the 11744
order is issued as indicated on the current tax lists. The 11745
exemption shall commence on the first day of the tax year 11746
including the day on which the order is issued and shall end on 11747
the last day of the tenth tax year after issuance of the order. 11748
The order shall include a description of the property and the tax 11749
years for which the property is to be exempted from taxation. The 11750
commissioner shall send copies of the exemption order to the owner 11751
of record of the property to which the exemption applies and to 11752
the county auditor of each county in which any portion of that 11753
property is located. 11754

(b) Within sixty days after receiving the commissioner's 11755
order, the owner of record of the property may notify the 11756
commissioner in writing that the owner does not want the exemption 11757
from real property taxation provided under division (C)(1) of this 11758
section to apply. Upon receiving such a notification from the 11759
property owner of record, the commissioner shall issue a 11760
subsequent order rescinding the previously granted exemption. 11761

(2) The director of development shall maintain a record of 11762
certifications received under this section for purposes of section 11763
5709.88 of the Revised Code. 11764

(D) Any sale or other transfer of the property does not 11765
affect an exemption granted under division (C) of this section. 11766
The exemption shall continue in effect thereafter for the full 11767
period stated in the exemption order. 11768

(E) If at any time the director revokes a covenant not to sue 11769
under Chapter 3746. of the Revised Code and rules adopted under it 11770
for property concerning which the commissioner has issued an 11771
exemption order under division (C) of this section, the director 11772
shall so notify the commissioner and the legislative authority of 11773
the municipal corporation and county in which the property is 11774
located. The commissioner immediately shall rescind the exemption 11775
order and shall so notify the owner of record of the property and 11776
the county auditor of each county in which any portion of the 11777
property is located. 11778

Upon revocation of the ~~covenant~~ covenant not to sue, the 11779
owner of record shall pay the amount of taxes that would have been 11780
charged against the property had the property not been exempted 11781
from taxation for the period beginning with commencement of the 11782
exemption and ending with the date of revocation of the covenant 11783
not to sue. The county auditor shall return the property to the 11784
tax list and enter on the tax list the amount so payable as 11785
current taxes charged against the property. Taxes required to be 11786
paid pursuant to this section are payable in full on the first 11787
succeeding day on which the first one-half of taxes is required to 11788
be paid under section 323.12 of the Revised Code. If such taxes 11789
are not paid in full when due, a penalty shall be charged, and 11790
interest shall accrue on those taxes, as provided in section 11791
323.121 of the Revised Code. In cases of underpayment or 11792
nonpayment, the deficiency shall be collected as otherwise 11793
provided for the collection of delinquent real property taxes. 11794

Sec. 5713.051. (A) As used in this section: 11795

- (1) "Oil" means all grades of crude oil. 11796
- (2) "Gas" means all forms of natural gas. 11797
- (3) "Well" means an oil or gas well or an oil and gas well. 11798
- (4) "M.C.F." means one thousand cubic feet. 11799
- (5) "Commonly metered wells" means two or more wells that share the same meter. 11800
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- (6) "Total production" means the total amount of oil, measured in barrels, and the total amount of gas, measured in M.C.F., of all oil and gas actually produced and sold from a single well that is developed and producing on the tax lien date. For commonly metered wells, "total production" means the total amount of oil, measured in barrels, and the total amount of gas, measured in M.C.F., of all oil and gas actually produced and sold from the commonly metered wells divided by the number of the commonly metered wells. 11802
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- (7) "Flush production" means total production from a single well during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce. For commonly metered wells, "flush production" means total production during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce from all wells with flush production divided by the number of those wells. 11811
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- (8) "Production through secondary recovery methods" means total production from a single well where mechanically induced pressure, such as air, nitrogen, carbon dioxide, or water pressure, is used to stimulate and maintain production in the oil and gas reservoir, exclusive of any flush production. For commonly metered wells, "production through secondary recovery methods" means total production from all wells with production through 11819
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secondary recovery methods divided by the number of the those 11826
wells. 11827

(9) "Stabilized production" means total production reduced, 11828
if applicable, by the greater of forty-two and one-half per cent 11829
of flush production or fifty per cent of production through 11830
secondary recovery methods. 11831

(10) "Average daily production" means stabilized production 11832
divided by three hundred sixty-five, provided the well was in 11833
production at the beginning of the calendar year. If the well was 11834
not in production at the beginning of the calendar year, "average 11835
daily production" means stabilized production divided by the 11836
number of days beginning with the day the well went into 11837
production in the calendar year and ending with the thirty-first 11838
day of December. 11839

(11) "Gross price" means the unweighted average price per 11840
barrel of oil or the average price per M.C.F. of gas produced from 11841
Ohio wells and first sold during the five-year period ending with 11842
the calendar year immediately preceding the tax lien date, as 11843
reported by the department of natural resources. 11844

(12) "Average annual decline rate" means the amount of yearly 11845
decline in oil and gas production of a well after flush production 11846
has ended. For the purposes of this section, the average annual 11847
decline rate is thirteen per cent. 11848

(13) "Gross revenue" means the gross revenue from a well 11849
during a ten-year discount period with production assumed to be 11850
one barrel of oil or one M.C.F. of gas during the first year of 11851
production and declining at the annual average annual decline rate 11852
during the remaining nine years of the ten-year discount period, 11853
as follows: 11854

(a) First year: one barrel or one M.C.F. multiplied by gross 11855
price; 11856

<u>(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by</u>	11857
<u>gross price;</u>	11858
<u>(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by</u>	11859
<u>gross price;</u>	11860
<u>(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by</u>	11861
<u>gross price;</u>	11862
<u>(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by</u>	11863
<u>gross price;</u>	11864
<u>(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by</u>	11865
<u>gross price;</u>	11866
<u>(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by</u>	11867
<u>gross price;</u>	11868
<u>(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by</u>	11869
<u>gross price;</u>	11870
<u>(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by</u>	11871
<u>gross price;</u>	11872
<u>(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by</u>	11873
<u>gross price.</u>	11874
<u>(14) "Average royalty expense" means the annual cost of</u>	11875
<u>royalties paid by all working interest owners in a well. For the</u>	11876
<u>purposes of this section, the average royalty expense is fifteen</u>	11877
<u>per cent of annual gross revenue.</u>	11878
<u>(15) "Average operating expense" means the annual cost of</u>	11879
<u>operating and maintaining a producing well after it first begins</u>	11880
<u>production. For the purposes of this section, the average</u>	11881
<u>operating expense is forty per cent of annual gross revenue.</u>	11882
<u>(16) "Average capital recovery expense" means the annual</u>	11883
<u>capitalized investment cost of a developed and producing well. For</u>	11884
<u>the purposes of this section, average capital recovery expense is</u>	11885

thirty per cent of annual gross revenue. 11886

(17) "Discount rate" means the rate used to determine the present net worth of one dollar during each year of the ten-year discount period assuming the net income stream projected for each year of the ten-year discount period is received at the half-year point. For the purposes of this section, the discount rate equals thirteen per cent plus the rate per annum prescribed by division (B) of section 5703.47 of the Revised Code and determined by the tax commissioner in October of the calendar year immediately preceding the tax lien date. 11887
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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. 11896
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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: 11902
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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 11907
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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. 11910
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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 11914
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of the well in the calendar year preceding the tax lien date 11917
multiplied by sixty per cent of the net present value of one 11918
barrel of oil as computed under division (B)(1) of this section. 11919

(C) The true value in money of gas reserves constituting real 11920
property on tax lien dates January 1, 2007, and thereafter with 11921
respect to a developed and producing well that has not been the 11922
subject of a recent arm's length sale, exclusive of personal 11923
property necessary to recover the gas, shall be determined under 11924
division (C)(1) or (2) of this section. 11925

(1) For wells for which average daily production of gas is 11926
eight M.C.F. or more in the calendar year preceding the tax lien 11927
date, the true value in money equals the average daily production 11928
of gas from the well multiplied by the net present value of one 11929
M.C.F. of gas, where: 11930

(a) Net present value of one M.C.F. of gas = 365 x the sum of 11931
[net income for each year of the discount period x discount rate 11932
factor for that year] for all years in the discount period; and 11933

(b) Net income for a year of the discount period = gross 11934
revenue for that year minus the sum of the following for that 11935
year: average royalty expense, average operating expense, and 11936
average capital recovery expense. 11937

(2) For wells for which average daily production of gas is 11938
less than eight M.C.F. in the calendar year preceding the tax lien 11939
date, the true value in money equals the average daily production 11940
of the well in the calendar year preceding the tax lien date 11941
multiplied by fifty per cent of the net present value of one 11942
M.C.F. as computed under division (C)(1) of this section. 11943

Sec. 5725.31. (A) As used in this section: 11944

(1) "Eligible employee" and "eligible training costs" have 11945
the same meanings as in section 5733.42 of the Revised Code. 11946

(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.

(3) "Taxpayer" means a dealer in intangibles or a domestic insurance company subject to a tax assessed under this chapter.

(4) "Credit period" means, in the case of a dealer in intangibles, the calendar year ending on the thirty-first day of December next preceding the day the report is required to be returned under section 5725.14 of the Revised Code and, in the case of a domestic insurance company, 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 5725.18 or 5725.181 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against the tax imposed under this chapter for a taxpayer 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 taxpayer 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 taxpayer. The amount of the credit for the credit period beginning on January 1, 2004, shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during calendar years 2002, 2003, and 2004, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer. The amount of the credit for the credit

period beginning on January 1, 2005, shall equal one-half of the
average of the eligible training costs paid or incurred by the
taxpayer during calendar years 2003, 2004, and 2005, not to exceed
one thousand dollars for each eligible employee on account of whom
eligible training costs were paid or incurred by the taxpayer. The
amount of the credit for the credit period beginning on January 1,
2006, shall equal one-half of the average of the eligible training
costs paid or incurred by the taxpayer during calendar years 2004,
2005, and 2006, not to exceed one thousand dollars for each
eligible employee on account of whom eligible training costs were
paid or incurred by the taxpayer. The amount of the credit for the
credit period beginning on January 1, 2007, shall equal one-half
of the average of the eligible training costs paid or incurred by
the taxpayer during calendar years 2005, 2006, and 2007, not to
exceed one thousand dollars for each eligible employee on account
of whom eligible training costs were paid or incurred by the
taxpayer.

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

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

A taxpayer may carry forward the credit allowed under this
section to the extent that the credit exceeds the taxpayer's tax
due for the credit period. The taxpayer may carry the excess
credit forward for three credit periods following the credit
period for which the credit is first claimed under this section.

The credit allowed by this section is in addition to any credit
allowed under section 5729.031 of the Revised Code. 12011
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Sec. 5727.84. (A) As used in this section and sections 12013
5727.85, 5727.86, and 5727.87 of the Revised Code: 12014

(1) "School district" means a city, local, or exempted
village school district. 12015
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(2) "Joint vocational school district" means a joint
vocational school district created under section 3311.16 of the
Revised Code, and includes a cooperative education school district
created under section 3311.52 or 3311.521 of the Revised Code and
a county school financing district created under section 3311.50
of the Revised Code. 12017
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(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. 12023
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(4) "State education aid," for a school district, means the
sum of state aid amounts computed for ~~a school~~ the district or
~~joint vocational school district~~ under Chapter 3317. 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 12029
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calculating state education aid for a school district for fiscal 12041
years 2006 and 2007, include the amount computed for the district 12042
under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th general 12043
assembly, as subsequently amended, instead of division (D) of 12044
section 3317.022 of the Revised Code; include amounts calculated 12045
under Section 206.09.39 of that act, as subsequently amended; and 12046
account for adjustments under division (C)(2) of section 3310.41 12047
of the Revised Code. 12048

(5) "State education aid," for a joint vocational school 12049
district, means the sum of the state aid amounts computed for the 12050
district under division (N) of section 3317.024 and section 12051
3317.16 of the Revised Code. However, when calculating state 12052
education aid for a joint vocational school district for fiscal 12053
years 2006 and 2007, include the amount computed for the district 12054
under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th general 12055
assembly, as subsequently amended. 12056

(6) "State education aid offset" means the amount determined 12057
for each school district or joint vocational school district under 12058
division (A)(1) of section 5727.85 of the Revised Code. 12059

~~(6)~~(7) "Recognized valuation" has the same meaning as in 12060
section 3317.02 of the Revised Code. 12061

~~(7)~~(8) "Electric company tax value loss" means the amount 12062
determined under division (D) of this section. 12063

~~(8)~~(9) "Natural gas company tax value loss" means the amount 12064
determined under division (E) of this section. 12065

~~(9)~~(10) "Tax value loss" means the sum of the electric 12066
company tax value loss and the natural gas company tax value loss. 12067

~~(10)~~(11) "Fixed-rate levy" means any tax levied on property 12068
other than a fixed-sum levy. 12069

~~(11)~~(12) "Fixed-rate levy loss" means the amount determined 12070

under division (G) of this section. 12071

~~(12)~~(13) "Fixed-sum levy" means a tax levied on property at 12072
whatever rate is required to produce a specified amount of tax 12073
money or levied in excess of the ten-mill limitation to pay debt 12074
charges, and includes school district emergency levies imposed 12075
pursuant to section 5705.194 of the Revised Code. 12076

~~(13)~~(14) "Fixed-sum levy loss" means the amount determined 12077
under division (H) of this section. 12078

~~(14)~~(15) "Consumer price index" means the consumer price 12079
index (all items, all urban consumers) prepared by the bureau of 12080
labor statistics of the United States department of labor. 12081

(B) The kilowatt-hour tax receipts fund is hereby created in 12082
the state treasury and shall consist of money arising from the tax 12083
imposed by section 5727.81 of the Revised Code. All money in the 12084
kilowatt-hour tax receipts fund shall be credited as follows: 12085

(1) Fifty-nine and nine hundred seventy-six one-thousandths 12086
per cent, shall be credited to the general revenue fund. 12087

(2) Two and six hundred forty-six one-thousandths per cent 12088
shall be credited to the local government fund, for distribution 12089
in accordance with section 5747.50 of the Revised Code. 12090

(3) Three hundred seventy-eight one-thousandths per cent 12091
shall be credited to the local government revenue assistance fund, 12092
for distribution in accordance with section 5747.61 of the Revised 12093
Code. 12094

(4) Twenty-five and four-tenths per cent shall be credited to 12095
the school district property tax replacement fund, which is hereby 12096
created in the state treasury for the purpose of making the 12097
payments described in section 5727.85 of the Revised Code. 12098

(5) Eleven and six-tenths per cent shall be credited to the 12099
local government property tax replacement fund, which is hereby 12100

created in the state treasury for the purpose of making the 12101
payments described in section 5727.86 of the Revised Code. 12102

(C) The natural gas tax receipts fund is hereby created in 12103
the state treasury and shall consist of money arising from the tax 12104
imposed by section 5727.811 of the Revised Code. All money in the 12105
fund shall be credited as follows: 12106

(1) Sixty-eight and seven-tenths per cent shall be credited 12107
to the school district property tax replacement fund for the 12108
purpose of making the payments described in section 5727.85 of the 12109
Revised Code. 12110

(2) Thirty-one and three-tenths per cent shall be credited to 12111
the local government property tax replacement fund for the purpose 12112
of making the payments described in section 5727.86 of the Revised 12113
Code. 12114

(D) Not later than January 1, 2002, the tax commissioner 12115
shall determine for each taxing district its electric company tax 12116
value loss, which is the sum of the applicable amounts described 12117
in divisions (D)(1) to (3) of this section: 12118

(1) The difference obtained by subtracting the amount 12119
described in division (D)(1)(b) from the amount described in 12120
division (D)(1)(a) of this section. 12121

(a) The value of electric company and rural electric company 12122
tangible personal property as assessed by the tax commissioner for 12123
tax year 1998 on a preliminary assessment, or an amended 12124
preliminary assessment if issued prior to March 1, 1999, and as 12125
apportioned to the taxing district for tax year 1998; 12126

(b) The value of electric company and rural electric company 12127
tangible personal property as assessed by the tax commissioner for 12128
tax year 1998 had the property been apportioned to the taxing 12129
district for tax year 2001, and assessed at the rates in effect 12130

for tax year 2001. 12131

(2) The difference obtained by subtracting the amount 12132
described in division (D)(2)(b) from the amount described in 12133
division (D)(2)(a) of this section. 12134

(a) The three-year average for tax years 1996, 1997, and 1998 12135
of the assessed value from nuclear fuel materials and assemblies 12136
assessed against a person under Chapter 5711. of the Revised Code 12137
from the leasing of them to an electric company for those 12138
respective tax years, as reflected in the preliminary assessments; 12139

(b) The three-year average assessed value from nuclear fuel 12140
materials and assemblies assessed under division (D)(2)(a) of this 12141
section for tax years 1996, 1997, and 1998, as reflected in the 12142
preliminary assessments, using an assessment rate of twenty-five 12143
per cent. 12144

(3) In the case of a taxing district having a nuclear power 12145
plant within its territory, any amount, resulting in an electric 12146
company tax value loss, obtained by subtracting the amount 12147
described in division (D)(1) of this section from the difference 12148
obtained by subtracting the amount described in division (D)(3)(b) 12149
of this section from the amount described in division (D)(3)(a) of 12150
this section. 12151

(a) The value of electric company tangible personal property 12152
as assessed by the tax commissioner for tax year 2000 on a 12153
preliminary assessment, or an amended preliminary assessment if 12154
issued prior to March 1, 2001, and as apportioned to the taxing 12155
district for tax year 2000; 12156

(b) The value of electric company tangible personal property 12157
as assessed by the tax commissioner for tax year 2001 on a 12158
preliminary assessment, or an amended preliminary assessment if 12159
issued prior to March 1, 2002, and as apportioned to the taxing 12160
district for tax year 2001. 12161

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

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

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

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

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

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

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

(F) The tax commissioner may request that natural gas 12192
companies, electric companies, and rural electric companies file a 12193
report to help determine the tax value loss under divisions (D) 12194
and (E) of this section. The report shall be filed within thirty 12195
days of the commissioner's request. A company that fails to file 12196
the report or does not timely file the report is subject to the 12197
penalty in section 5727.60 of the Revised Code. 12198

(G) Not later than January 1, 2002, the tax commissioner 12199
shall determine for each school district, joint vocational school 12200
district, and local taxing unit its fixed-rate levy loss, which is 12201
the sum of its electric company tax value loss multiplied by the 12202
tax rate in effect in tax year 1998 for fixed-rate levies and its 12203
natural gas company tax value loss multiplied by the tax rate in 12204
effect in tax year 1999 for fixed-rate levies. 12205

(H) Not later than January 1, 2002, the tax commissioner 12206
shall determine for each school district, joint vocational school 12207
district, and local taxing unit its fixed-sum levy loss, which is 12208
the amount obtained by subtracting the amount described in 12209
division (H)(2) of this section from the amount described in 12210
division (H)(1) of this section: 12211

(1) The sum of the electric company tax value loss multiplied 12212
by the tax rate in effect in tax year 1998, and the natural gas 12213
company tax value loss multiplied by the tax rate in effect in tax 12214
year 1999, for fixed-sum levies for all taxing districts within 12215
each school district, joint vocational school district, and local 12216
taxing unit. For the years 2002 through 2006, this computation 12217
shall include school district emergency levies that existed in 12218
1998 in the case of the electric company tax value loss, and 1999 12219
in the case of the natural gas company tax value loss, and all 12220
other fixed-sum levies that existed in 1998 in the case of the 12221
electric company tax value loss and 1999 in the case of the 12222
natural gas company tax value loss and continue to be charged in 12223

the tax year preceding the distribution year. For the years 2007 12224
through 2016 in the case of school district emergency levies, and 12225
for all years after 2006 in the case of all other fixed-sum 12226
levies, this computation shall exclude all fixed-sum levies that 12227
existed in 1998 in the case of the electric company tax value loss 12228
and 1999 in the case of the natural gas company tax value loss, 12229
but are no longer in effect in the tax year preceding the 12230
distribution year. For the purposes of this section, an emergency 12231
levy that existed in 1998 in the case of the electric company tax 12232
value loss, and 1999 in the case of the natural gas company tax 12233
value loss, continues to exist in a year beginning on or after 12234
January 1, 2007, but before January 1, 2017, if, in that year, the 12235
board of education levies a school district emergency levy for an 12236
annual sum at least equal to the annual sum levied by the board in 12237
tax year 1998 or 1999, respectively, less the amount of the 12238
payment certified under this division for 2002. 12239

(2) The total taxable value in tax year 1999 less the tax 12240
value loss in each school district, joint vocational school 12241
district, and local taxing unit multiplied by one-fourth of one 12242
mill. 12243

If the amount computed under division (H) of this section for 12244
any school district, joint vocational school district, or local 12245
taxing unit is greater than zero, that amount shall equal the 12246
fixed-sum levy loss reimbursed pursuant to division (E) of section 12247
5727.85 of the Revised Code or division (A)(2) of section 5727.86 12248
of the Revised Code, and the one-fourth of one mill that is 12249
subtracted under division (H)(2) of this section shall be 12250
apportioned among all contributing fixed-sum levies in the 12251
proportion of each levy to the sum of all fixed-sum levies within 12252
each school district, joint vocational school district, or local 12253
taxing unit. 12254

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 12255

section, in computing the tax value loss, fixed-rate levy loss, 12256
and fixed-sum levy loss, the tax commissioner shall use the 12257
greater of the 1998 tax rate or the 1999 tax rate in the case of 12258
levy losses associated with the electric company tax value loss, 12259
but the 1999 tax rate shall not include for this purpose any tax 12260
levy approved by the voters after June 30, 1999, and the tax 12261
commissioner shall use the greater of the 1999 or the 2000 tax 12262
rate in the case of levy losses associated with the natural gas 12263
company tax value loss. 12264

(J) Not later than January 1, 2002, the tax commissioner 12265
shall certify to the department of education the tax value loss 12266
determined under divisions (D) and (E) of this section for each 12267
taxing district, the fixed-rate levy loss calculated under 12268
division (G) of this section, and the fixed-sum levy loss 12269
calculated under division (H) of this section. The calculations 12270
under divisions (G) and (H) of this section shall separately 12271
display the levy loss for each levy eligible for reimbursement. 12272

(K) Not later than September 1, 2001, the tax commissioner 12273
shall certify the amount of the fixed-sum levy loss to the county 12274
auditor of each county in which a school district with a fixed-sum 12275
levy loss has territory. 12276

Sec. 5729.07. As used in this section: 12277

(A) "Eligible employee" and "eligible training costs" have 12278
the same meanings as in section 5733.42 of the Revised Code. 12279

(B) "Credit period" means the calendar year ending on the 12280
thirty-first day of December next preceding the day the annual 12281
statement is required to be returned under section 5729.02 of the 12282
Revised Code. 12283

There is hereby allowed a nonrefundable credit against the 12284
tax imposed under this chapter for a foreign insurance company for 12285

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,
2004, shall equal one-half of the average of the eligible training
costs paid or incurred by the company during calendar years 2002,
2003, and 2004, 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, 2005, shall equal one-half
of the average of the eligible training costs paid or incurred by
the company during calendar years 2003, 2004, and 2005, 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, 2006, shall equal one-half of the average of the
eligible training costs paid or incurred by the company during
calendar years 2004, 2005, and 2006, 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, 2007,
shall equal one-half of the average of the eligible training costs
paid or incurred by the company during calendar years 2005, 2006,
and 2007, 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 credit claimed by a company for each credit period shall 12318
not exceed one hundred thousand dollars. 12319

A foreign insurance company shall apply to the director of 12320
job and family services for a tax credit certificate in the manner 12321
prescribed by division (C) of section 5733.42 of the Revised Code. 12322
Divisions (C) to (H) of that section govern the tax credit allowed 12323
by this section, except that "credit period" shall be substituted 12324
for "tax year with respect to a calendar year" wherever that 12325
phrase appears in those divisions and that the company shall be 12326
considered a taxpayer for the purposes of those divisions. 12327

A foreign insurance company may carry forward the credit 12328
allowed under this section to the extent that the credit exceeds 12329
the company's tax due for the credit period. The company may carry 12330
the excess credit forward for three credit periods following the 12331
credit period for which the credit is first claimed under this 12332
section. The credit allowed by this section is in addition to any 12333
credit allowed under section 5729.031 of the Revised Code. 12334

The reduction in the tax due under this chapter to the extent 12335
of the credit allowed by this section does not increase the amount 12336
of the tax otherwise due under section 5729.06 of the Revised 12337
Code. 12338

Sec. 5733.42. (A) As used in this section: 12339

(1) "Eligible training program" means a program to provide 12340
job skills to eligible employees who are unable effectively to 12341
function on the job due to skill deficiencies or who would 12342
otherwise be displaced because of their skill deficiencies or 12343
inability to use new technology, or to provide job skills to 12344
eligible employees that enable them to perform other job duties 12345
for the taxpayer. Eligible training programs do not include 12346
executive, management, or personal enrichment training programs, 12347

or training programs intended exclusively for personal career 12348
development. 12349

(2) "Eligible employee" means an individual who is employed 12350
in this state by a taxpayer and has been so employed by the same 12351
taxpayer for at least one hundred eighty consecutive days before 12352
the day an application for the credit is filed under this section. 12353
"Eligible employee" does not include any employee for which a 12354
credit is claimed pursuant to division (A)(5) of section 5709.65 12355
of the Revised Code for all or any part of the same year, an 12356
employee who is not a full-time employee, or executive or 12357
managerial personnel, except for the immediate supervisors of 12358
nonexecutive, nonmanagerial personnel. 12359

(3) "Eligible training costs" means: 12360

(a) Direct instructional costs, such as instructor salaries, 12361
materials and supplies, textbooks and manuals, videotapes, and 12362
other instructional media and training equipment used exclusively 12363
for the purpose of training eligible employees; 12364

(b) Wages paid to eligible employees for time devoted 12365
exclusively to an eligible training program during normal paid 12366
working hours. 12367

(4) "Full-time employee" means an individual who is employed 12368
for consideration for at least thirty-five hours per week, or who 12369
renders any other standard of service generally accepted by custom 12370
or specified by contract as full-time employment. 12371

(5) "Partnership" includes a limited liability company formed 12372
under Chapter 1705. of the Revised Code or under the laws of 12373
another state, provided that the company is not classified for 12374
federal income tax purposes as an association taxable as a 12375
corporation. 12376

(B) There is hereby allowed a nonrefundable credit against 12377

the tax imposed by section 5733.06 of the Revised Code for 12378
taxpayers for which a tax credit certificate is issued under 12379
division (C) of this section. The credit may be claimed for tax 12380
years 2004, 2005, 2006, ~~and~~ 2007, and 2008. The amount of the 12381
credit for tax year 2004 shall equal one-half of the average of 12382
the eligible training costs paid or incurred by the taxpayer 12383
during calendar years 1999, 2000, and 2001, not to exceed one 12384
thousand dollars for each eligible employee on account of whom 12385
eligible training costs were paid or incurred by the taxpayer 12386
during those calendar years. The amount of the credit for tax year 12387
2005 shall equal one-half of the average of the eligible training 12388
costs paid or incurred by the taxpayer during calendar years 2002, 12389
2003, and 2004, not to exceed one thousand dollars for each 12390
eligible employee on account of whom eligible training costs were 12391
paid or incurred by the taxpayer during those calendar years. The 12392
amount of the credit for tax year 2006 shall equal one-half of the 12393
average of the eligible training costs paid or incurred by the 12394
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 12395
one thousand dollars for each eligible employee on account of whom 12396
eligible training costs were paid or incurred by the taxpayer 12397
during those calendar years. The amount of the credit for tax year 12398
2007 shall equal one-half of the average of the eligible training 12399
costs paid or incurred by the taxpayer during calendar years 2004, 12400
2005, and 2006, not to exceed one thousand dollars for each 12401
eligible employee on account of whom eligible training costs were 12402
paid or incurred by the taxpayer during those calendar years. The 12403
amount of the credit for tax year 2008 shall equal one-half of the 12404
average of the eligible training costs paid or incurred by the 12405
taxpayer during calendar years 2005, 2006, and 2007, not to exceed 12406
one thousand dollars for each eligible employee on account of whom 12407
eligible training costs were paid or incurred by the taxpayer 12408
during those calendar years. 12409

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

(C) A taxpayer who proposes to conduct an eligible training program may apply to the director of job and family services for a tax credit certificate under this section. The taxpayer may apply for such a certificate for tax years 2004, 2005, 2006, ~~and~~ 2007, and 2008 subject to division (L) of this section. The director shall prescribe the form of the application, which shall require a detailed description of the proposed training program. The director may require applicants to remit an application fee with each application filed with the director. The fee shall not exceed the reasonable and necessary expenses incurred by the director in receiving, reviewing, and approving such applications and issuing tax credit certificates. Proceeds from fees shall be used solely for the purpose of receiving, reviewing, and approving such applications and issuing such certificates.

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

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

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

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

The credit also is allowed for a taxpayer that is a partner

in a partnership that pays or incurs eligible training costs. Such 12440
a taxpayer shall determine the taxpayer's credit amount in the 12441
manner prescribed by division (K) of this section. 12442

(D) If the director of job and family services denies an 12443
application for a tax credit certificate, the director shall send 12444
notice of the denial and the reason for denial to the applicant by 12445
certified mail, return receipt requested. If the director 12446
determines that an authorized training program, as actually 12447
conducted, fails to meet the requirements of this section or to 12448
comply with any condition set forth in the authorization, the 12449
director may reduce the amount of the tax credit previously 12450
granted. If the director reduces a tax credit, the director shall 12451
send notice of the reduction and the reason for the reduction to 12452
the taxpayer by certified mail, return receipt requested, and 12453
shall certify the reduction to the tax commissioner or, in the 12454
case of the reduction of a credit claimed by an insurance company, 12455
the superintendent of insurance. The tax commissioner or 12456
superintendent of insurance shall reduce the credit that may be 12457
claimed by the taxpayer accordingly. Within sixty days after 12458
receiving a notice of denial or notice of reduction of the tax 12459
credit, an applicant or taxpayer may request, in writing, a 12460
hearing before the director to review the denial or reduction. 12461
Within sixty days after receiving a request that is filed within 12462
the prescribed time, the director shall hold such a hearing at a 12463
location to be determined by the director. Within thirty days 12464
after the hearing is adjourned, the director shall issue a 12465
redetermination affirming, reversing, or modifying the denial or 12466
reduction of the tax credit and send notice of the redetermination 12467
to the applicant or taxpayer by certified mail, return receipt 12468
requested, and shall issue a notice of the redetermination to the 12469
tax commissioner or superintendent of insurance. If an applicant 12470
or taxpayer is aggrieved by the director's redetermination, the 12471

applicant or taxpayer may appeal the redetermination to the board 12472
of tax appeals in the manner prescribed by section 5717.02 of the 12473
Revised Code. 12474

(E) A taxpayer to which a tax credit certificate is issued 12475
shall retain records indicating the eligible training costs it 12476
pays or incurs for the eligible training program for which the 12477
certificate is issued for four years following the end of the tax 12478
year for which the credit is claimed. Such records shall be open 12479
to inspection by the director of job and family services upon the 12480
director's request during business hours. 12481

Financial statements and other information submitted by an 12482
applicant to the director of job and family services for a tax 12483
credit under this section, and any information taken for any 12484
purpose from such statements or information, are not public 12485
records subject to section 149.43 of the Revised Code. However, 12486
the director of job and family services, the tax commissioner, or 12487
superintendent of insurance may make use of the statements and 12488
other information for purposes of issuing public reports or in 12489
connection with court proceedings concerning tax credits allowed 12490
under this section and sections 5725.31, 5729.07, and 5747.39 of 12491
the Revised Code. 12492

(F) The director of job and family services, in accordance 12493
with Chapter 119. of the Revised Code, shall adopt rules necessary 12494
to implement this section and sections 5725.31, 5729.07, and 12495
5747.39 of the Revised Code. The rules shall be adopted after 12496
consultation with the tax commissioner and the superintendent of 12497
insurance. The rules shall require that if a taxpayer to which a 12498
tax credit certificate is issued under any of those sections 12499
permanently relocates or transfers employees trained under the tax 12500
credit certificate to another state or country within two years of 12501
receiving the certificate, the taxpayer shall repay the total 12502
amount of the tax credit received by the taxpayer for any 12503

employees permanently relocated or transferred. 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 and
ranking minority members of the standing committees in the senate
and the house of representatives to which legislation on economic
development matters are customarily referred.

(G) On or before the thirtieth day of September of 2001,
2003, 2004, 2005, 2006, ~~and~~ 2007, and 2008 the director of job and
family services 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 and
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The
report shall include information on the number of training
programs that were authorized under those sections during the
preceding calendar year, a description of each authorized training
program, the dollar amounts of the credits granted, and an
estimate of the impact of the credits on the economy of this
state.

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

(I) A nonrefundable credit allowed under this section shall

be claimed in the order required under section 5733.98 of the Revised Code. 12536
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(J) The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code. The excess credit may be carried forward for three years following the tax year for which it is first claimed under this section. 12538
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(K) A taxpayer that is a partner in a partnership on the last day of the third calendar year of the three-year period during which the partnership pays or incurs eligible training costs may claim a credit under this section for the tax year immediately following that calendar year. The amount of a partner's credit equals the partner's interest in the partnership on the last day of such calendar year multiplied by the credit available to the partnership as computed by the partnership. 12544
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(L) The director of job and family services shall not authorize any credits under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code for eligible training costs paid or incurred after December 31, ~~2006~~ 2007. 12552
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Sec. 5739.01. As used in this chapter: 12556

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form. 12557
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(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever: 12562
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(1) All transactions by which title or possession, or both,	12566
of tangible personal property, is or is to be transferred, or a	12567
license to use or consume tangible personal property is or is to	12568
be granted;	12569
(2) All transactions by which lodging by a hotel is or is to	12570
be furnished to transient guests;	12571
(3) All transactions by which:	12572
(a) An item of tangible personal property is or is to be	12573
repaired, except property, the purchase of which would not be	12574
subject to the tax imposed by section 5739.02 of the Revised Code;	12575
(b) An item of tangible personal property is or is to be	12576
installed, except property, the purchase of which would not be	12577
subject to the tax imposed by section 5739.02 of the Revised Code	12578
or property that is or is to be incorporated into and will become	12579
a part of a production, transmission, transportation, or	12580
distribution system for the delivery of a public utility service;	12581
(c) The service of washing, cleaning, waxing, polishing, or	12582
painting a motor vehicle is or is to be furnished;	12583
(d) Until August 1, 2003, industrial laundry cleaning	12584
services are or are to be provided and, on and after August 1,	12585
2003, laundry and dry cleaning services are or are to be provided;	12586
(e) Automatic data processing, computer services, or	12587
electronic information services are or are to be provided for use	12588
in business when the true object of the transaction is the receipt	12589
by the consumer of automatic data processing, computer services,	12590
or electronic information services rather than the receipt of	12591
personal or professional services to which automatic data	12592
processing, computer services, or electronic information services	12593
are incidental or supplemental. Notwithstanding any other	12594
provision of this chapter, such transactions that occur between	12595

members of an affiliated group are not sales. An affiliated group 12596
means two or more persons related in such a way that one person 12597
owns or controls the business operation of another member of the 12598
group. In the case of corporations with stock, one corporation 12599
owns or controls another if it owns more than fifty per cent of 12600
the other corporation's common stock with voting rights. 12601

(f) Telecommunications service, including prepaid calling 12602
service, prepaid wireless calling service, or ancillary service, 12603
is or is to be provided, but not including coin-operated telephone 12604
service; 12605

(g) Landscaping and lawn care service is or is to be 12606
provided; 12607

(h) Private investigation and security service is or is to be 12608
provided; 12609

(i) Information services or tangible personal property is 12610
provided or ordered by means of a nine hundred telephone call; 12611

(j) Building maintenance and janitorial service is or is to 12612
be provided; 12613

(k) Employment service is or is to be provided; 12614

(l) Employment placement service is or is to be provided; 12615

(m) Exterminating service is or is to be provided; 12616

(n) Physical fitness facility service is or is to be 12617
provided; 12618

(o) Recreation and sports club service is or is to be 12619
provided; ~~i~~ 12620

(p) On and after August 1, 2003, satellite broadcasting 12621
service is or is to be provided; 12622

(q) On and after August 1, 2003, personal care service is or 12623
is to be provided to an individual. As used in this division, 12624

"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.

(r) On and after August 1, 2003, the transportation of
persons by motor vehicle or aircraft is or is to be provided, when
the transportation is entirely within this state, except for
transportation provided by an ambulance service, by a transit bus,
as defined in section 5735.01 of the Revised Code, and
transportation provided by a citizen of the United States holding
a certificate of public convenience and necessity issued under 49
U.S.C. 41102;

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

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

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

(5) The production or fabrication of tangible personal
property for a consideration for consumers who furnish either
directly or indirectly the materials used in the production of

fabrication work; and include the furnishing, preparing, or 12656
serving for a consideration of any tangible personal property 12657
consumed on the premises of the person furnishing, preparing, or 12658
serving such tangible personal property. Except as provided in 12659
section 5739.03 of the Revised Code, a construction contract 12660
pursuant to which tangible personal property is or is to be 12661
incorporated into a structure or improvement on and becoming a 12662
part of real property is not a sale of such tangible personal 12663
property. The construction contractor is the consumer of such 12664
tangible personal property, provided that the sale and 12665
installation of carpeting, the sale and installation of 12666
agricultural land tile, the sale and erection or installation of 12667
portable grain bins, or the provision of landscaping and lawn care 12668
service and the transfer of property as part of such service is 12669
never a construction contract. 12670

As used in division (B)(5) of this section: 12671

(a) "Agricultural land tile" means fired clay or concrete 12672
tile, or flexible or rigid perforated plastic pipe or tubing, 12673
incorporated or to be incorporated into a subsurface drainage 12674
system appurtenant to land used or to be used directly in 12675
production by farming, agriculture, horticulture, or floriculture. 12676
The term does not include such materials when they are or are to 12677
be incorporated into a drainage system appurtenant to a building 12678
or structure even if the building or structure is used or to be 12679
used in such production. 12680

(b) "Portable grain bin" means a structure that is used or to 12681
be used by a person engaged in farming or agriculture to shelter 12682
the person's grain and that is designed to be disassembled without 12683
significant damage to its component parts. 12684

(6) All transactions in which all of the shares of stock of a 12685
closely held corporation are transferred, if the corporation is 12686

not engaging in business and its entire assets consist of boats, 12687
planes, motor vehicles, or other tangible personal property 12688
operated primarily for the use and enjoyment of the shareholders; 12689

(7) All transactions in which a warranty, maintenance or 12690
service contract, or similar agreement by which the vendor of the 12691
warranty, contract, or agreement agrees to repair or maintain the 12692
tangible personal property of the consumer is or is to be 12693
provided; 12694

(8) The transfer of copyrighted motion picture films used 12695
solely for advertising purposes, except that the transfer of such 12696
films for exhibition purposes is not a sale. 12697

(9) On and after August 1, 2003, all transactions by which 12698
tangible personal property is or is to be stored, except such 12699
property that the consumer of the storage holds for sale in the 12700
regular course of business. 12701

Except as provided in this section, "sale" and "selling" do 12702
not include transfers of interest in leased property where the 12703
original lessee and the terms of the original lease agreement 12704
remain unchanged, or professional, insurance, or personal service 12705
transactions that involve the transfer of tangible personal 12706
property as an inconsequential element, for which no separate 12707
charges are made. 12708

(C) "Vendor" means the person providing the service or by 12709
whom the transfer effected or license given by a sale is or is to 12710
be made or given and, for sales described in division (B)(3)(i) of 12711
this section, the telecommunications service vendor that provides 12712
the nine hundred telephone service; if two or more persons are 12713
engaged in business at the same place of business under a single 12714
trade name in which all collections on account of sales by each 12715
are made, such persons shall constitute a single vendor. 12716

Physicians, dentists, hospitals, and veterinarians who are 12717

engaged in selling tangible personal property as received from 12718
others, such as eyeglasses, mouthwashes, dentifrices, or similar 12719
articles, are vendors. Veterinarians who are engaged in 12720
transferring to others for a consideration drugs, the dispensing 12721
of which does not require an order of a licensed veterinarian or 12722
physician under federal law, are vendors. 12723

(D)(1) "Consumer" means the person for whom the service is 12724
provided, to whom the transfer effected or license given by a sale 12725
is or is to be made or given, to whom the service described in 12726
division (B)(3)(f) or (i) of this section is charged, or to whom 12727
the admission is granted. 12728

(2) Physicians, dentists, hospitals, and blood banks operated 12729
by nonprofit institutions and persons licensed to practice 12730
veterinary medicine, surgery, and dentistry are consumers of all 12731
tangible personal property and services purchased by them in 12732
connection with the practice of medicine, dentistry, the rendition 12733
of hospital or blood bank service, or the practice of veterinary 12734
medicine, surgery, and dentistry. In addition to being consumers 12735
of drugs administered by them or by their assistants according to 12736
their direction, veterinarians also are consumers of drugs that 12737
under federal law may be dispensed only by or upon the order of a 12738
licensed veterinarian or physician, when transferred by them to 12739
others for a consideration to provide treatment to animals as 12740
directed by the veterinarian. 12741

(3) A person who performs a facility management, or similar 12742
service contract for a contractee is a consumer of all tangible 12743
personal property and services purchased for use in connection 12744
with the performance of such contract, regardless of whether title 12745
to any such property vests in the contractee. The purchase of such 12746
property and services is not subject to the exception for resale 12747
under division (E)(1) of this section. 12748

(4)(a) In the case of a person who purchases printed matter 12749
for the purpose of distributing it or having it distributed to the 12750
public or to a designated segment of the public, free of charge, 12751
that person is the consumer of that printed matter, and the 12752
purchase of that printed matter for that purpose is a sale. 12753

(b) In the case of a person who produces, rather than 12754
purchases, printed matter for the purpose of distributing it or 12755
having it distributed to the public or to a designated segment of 12756
the public, free of charge, that person is the consumer of all 12757
tangible personal property and services purchased for use or 12758
consumption in the production of that printed matter. That person 12759
is not entitled to claim exemption under division (B)(42)(f) of 12760
section 5739.02 of the Revised Code for any material incorporated 12761
into the printed matter or any equipment, supplies, or services 12762
primarily used to produce the printed matter. 12763

(c) The distribution of printed matter to the public or to a 12764
designated segment of the public, free of charge, is not a sale to 12765
the members of the public to whom the printed matter is 12766
distributed or to any persons who purchase space in the printed 12767
matter for advertising or other purposes. 12768

(5) A person who makes sales of any of the services listed in 12769
division (B)(3) of this section is the consumer of any tangible 12770
personal property used in performing the service. The purchase of 12771
that property is not subject to the resale exception under 12772
division (E)(1) of this section. 12773

(6) A person who engages in highway transportation for hire 12774
is the consumer of all packaging materials purchased by that 12775
person and used in performing the service, except for packaging 12776
materials sold by such person in a transaction separate from the 12777
service. 12778

(E) "Retail sale" and "sales at retail" include all sales, 12779

except those in which the purpose of the consumer is to resell the
thing transferred or benefit of the service provided, by a person
engaging in business, in the form in which the same is, or is to
be, received by the person.

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

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

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

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

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

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

(iv) On and after August 1, 2003, delivery charges. As used
in this division, "delivery charges" means charges by the vendor
for preparation and delivery to a location designated by the
consumer of tangible personal property or a service, including

transportation, shipping, postage, handling, crating, and packing.	12810
(v) Installation charges;	12811
(vi) Credit for any trade-in.	12812
(b) "Price" includes consideration received by the vendor	12813
from a third party, if the vendor actually receives the	12814
consideration from a party other than the consumer, and the	12815
consideration is directly related to a price reduction or discount	12816
on the sale; the vendor has an obligation to pass the price	12817
reduction or discount through to the consumer; the amount of the	12818
consideration attributable to the sale is fixed and determinable	12819
by the vendor at the time of the sale of the item to the consumer;	12820
and one of the following criteria is met:	12821
(i) The consumer presents a coupon, certificate, or other	12822
document to the vendor to claim a price reduction or discount	12823
where the coupon, certificate, or document is authorized,	12824
distributed, or granted by a third party with the understanding	12825
that the third party will reimburse any vendor to whom the coupon,	12826
certificate, or document is presented;	12827
(ii) The consumer identifies the consumer's self to the	12828
seller as a member of a group or organization entitled to a price	12829
reduction or discount. A preferred customer card that is available	12830
to any patron does not constitute membership in such a group or	12831
organization.	12832
(iii) The price reduction or discount is identified as a	12833
third party price reduction or discount on the invoice received by	12834
the consumer, or on a coupon, certificate, or other document	12835
presented by the consumer.	12836
(c) "Price" does not include any of the following:	12837
(i) Discounts, including cash, term, or coupons that are not	12838
reimbursed by a third party that are allowed by a vendor and taken	12839

by a consumer on a sale; 12840

(ii) Interest, financing, and carrying charges from credit 12841
extended on the sale of tangible personal property or services, if 12842
the amount is separately stated on the invoice, bill of sale, or 12843
similar document given to the purchaser; 12844

(iii) Any taxes legally imposed directly on the consumer that 12845
are separately stated on the invoice, bill of sale, or similar 12846
document given to the consumer. For the purpose of this division, 12847
the tax imposed under Chapter 5751. of the Revised Code is not a 12848
tax directly on the consumer, even if the tax or a portion thereof 12849
is separately stated. 12850

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 12851
section, any discount allowed by an automobile manufacturer to its 12852
employee, or to the employee of a supplier, on the purchase of a 12853
new motor vehicle from a new motor vehicle dealer in this state. 12854

(2) In the case of a sale of any new motor vehicle by a new 12855
motor vehicle dealer, as defined in section 4517.01 of the Revised 12856
Code, in which another motor vehicle is accepted by the dealer as 12857
part of the consideration received, "price" has the same meaning 12858
as in division (H)(1) of this section, reduced by the credit 12859
afforded the consumer by the dealer for the motor vehicle received 12860
in trade. 12861

(3) In the case of a sale of any watercraft or outboard motor 12862
by a watercraft dealer licensed in accordance with section 12863
1547.543 of the Revised Code, in which another watercraft, 12864
watercraft and trailer, or outboard motor is accepted by the 12865
dealer as part of the consideration received, "price" has the same 12866
meaning as in division (H)(1) of this section, reduced by the 12867
credit afforded the consumer by the dealer for the watercraft, 12868
watercraft and trailer, or outboard motor received in trade. As 12869
used in this division, "watercraft" includes an outdrive unit 12870

attached to the watercraft. 12871

(I) "Receipts" means the total amount of the prices of the 12872
sales of vendors, provided that cash discounts allowed and taken 12873
on sales at the time they are consummated are not included, minus 12874
any amount deducted as a bad debt pursuant to section 5739.121 of 12875
the Revised Code. "Receipts" does not include the sale price of 12876
property returned or services rejected by consumers when the full 12877
sale price and tax are refunded either in cash or by credit. 12878

(J) "Place of business" means any location at which a person 12879
engages in business. 12880

(K) "Premises" includes any real property or portion thereof 12881
upon which any person engages in selling tangible personal 12882
property at retail or making retail sales and also includes any 12883
real property or portion thereof designated for, or devoted to, 12884
use in conjunction with the business engaged in by such person. 12885

(L) "Casual sale" means a sale of an item of tangible 12886
personal property that was obtained by the person making the sale, 12887
through purchase or otherwise, for the person's own use and was 12888
previously subject to any state's taxing jurisdiction on its sale 12889
or use, and includes such items acquired for the seller's use that 12890
are sold by an auctioneer employed directly by the person for such 12891
purpose, provided the location of such sales is not the 12892
auctioneer's permanent place of business. As used in this 12893
division, "permanent place of business" includes any location 12894
where such auctioneer has conducted more than two auctions during 12895
the year. 12896

(M) "Hotel" means every establishment kept, used, maintained, 12897
advertised, or held out to the public to be a place where sleeping 12898
accommodations are offered to guests, in which five or more rooms 12899
are used for the accommodation of such guests, whether the rooms 12900
are in one or several structures. 12901

(N) "Transient guests" means persons occupying a room or 12902
rooms for sleeping accommodations for less than thirty consecutive 12903
days. 12904

(O) "Making retail sales" means the effecting of transactions 12905
wherein one party is obligated to pay the price and the other 12906
party is obligated to provide a service or to transfer title to or 12907
possession of the item sold. "Making retail sales" does not 12908
include the preliminary acts of promoting or soliciting the retail 12909
sales, other than the distribution of printed matter which 12910
displays or describes and prices the item offered for sale, nor 12911
does it include delivery of a predetermined quantity of tangible 12912
personal property or transportation of property or personnel to or 12913
from a place where a service is performed, regardless of whether 12914
the vendor is a delivery vendor. 12915

(P) "Used directly in the rendition of a public utility 12916
service" means that property that is to be incorporated into and 12917
will become a part of the consumer's production, transmission, 12918
transportation, or distribution system and that retains its 12919
classification as tangible personal property after such 12920
incorporation; fuel or power used in the production, transmission, 12921
transportation, or distribution system; and tangible personal 12922
property used in the repair and maintenance of the production, 12923
transmission, transportation, or distribution system, including 12924
only such motor vehicles as are specially designed and equipped 12925
for such use. Tangible personal property and services used 12926
primarily in providing highway transportation for hire are not 12927
used directly in the rendition of a public utility service. In 12928
this definition, "public utility" includes a citizen of the United 12929
States holding, and required to hold, a certificate of public 12930
convenience and necessity issued under 49 U.S.C. 41102. 12931

(Q) "Refining" means removing or separating a desirable 12932
product from raw or contaminated materials by distillation or 12933

physical, mechanical, or chemical processes. 12934

(R) "Assembly" and "assembling" mean attaching or fitting 12935
together parts to form a product, but do not include packaging a 12936
product. 12937

(S) "Manufacturing operation" means a process in which 12938
materials are changed, converted, or transformed into a different 12939
state or form from which they previously existed and includes 12940
refining materials, assembling parts, and preparing raw materials 12941
and parts by mixing, measuring, blending, or otherwise committing 12942
such materials or parts to the manufacturing process. 12943
"Manufacturing operation" does not include packaging. 12944

(T) "Fiscal officer" means, with respect to a regional 12945
transit authority, the secretary-treasurer thereof, and with 12946
respect to a county that is a transit authority, the fiscal 12947
officer of the county transit board if one is appointed pursuant 12948
to section 306.03 of the Revised Code or the county auditor if the 12949
board of county commissioners operates the county transit system. 12950

(U) "Transit authority" means a regional transit authority 12951
created pursuant to section 306.31 of the Revised Code or a county 12952
in which a county transit system is created pursuant to section 12953
306.01 of the Revised Code. For the purposes of this chapter, a 12954
transit authority must extend to at least the entire area of a 12955
single county. A transit authority that includes territory in more 12956
than one county must include all the area of the most populous 12957
county that is a part of such transit authority. County population 12958
shall be measured by the most recent census taken by the United 12959
States census bureau. 12960

(V) "Legislative authority" means, with respect to a regional 12961
transit authority, the board of trustees thereof, and with respect 12962
to a county that is a transit authority, the board of county 12963
commissioners. 12964

(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 together with verification thereof, or providing access to computer equipment for the purpose of processing data.

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

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

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

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

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

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:	12995 12996 12997 12998
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	12999 13000 13001 13002 13003
(b) Analyzing business policies and procedures;	13004
(c) Identifying management information needs;	13005
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	13006 13007 13008
(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;	13009 13010 13011 13012
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	13013 13014 13015
(g) Testing of business procedures;	13016
(h) Training personnel in business procedure applications;	13017
(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;	13018 13019 13020 13021 13022 13023
(j) Providing debt collection services by any oral, written,	13024

graphic, or electronic means. 13025

The services listed in divisions (Y)(2)(a) to (j) of this 13026
section are not automatic data processing or computer services. 13027

(Z) "Highway transportation for hire" means the 13028
transportation of personal property belonging to others for 13029
consideration by any of the following: 13030

(1) The holder of a permit or certificate issued by this 13031
state or the United States authorizing the holder to engage in 13032
transportation of personal property belonging to others for 13033
consideration over or on highways, roadways, streets, or any 13034
similar public thoroughfare; 13035

(2) A person who engages in the transportation of personal 13036
property belonging to others for consideration over or on 13037
highways, roadways, streets, or any similar public thoroughfare 13038
but who could not have engaged in such transportation on December 13039
11, 1985, unless the person was the holder of a permit or 13040
certificate of the types described in division (Z)(1) of this 13041
section; 13042

(3) A person who leases a motor vehicle to and operates it 13043
for a person described by division (Z)(1) or (2) of this section. 13044

(AA)(1) "Telecommunications service" means the electronic 13045
transmission, conveyance, or routing of voice, data, audio, video, 13046
or any other information or signals to a point, or between or 13047
among points. "Telecommunications service" includes such 13048
transmission, conveyance, or routing in which computer processing 13049
applications are used to act on the form, code, or protocol of the 13050
content for purposes of transmission, conveyance, or routing 13051
without regard to whether the service is referred to as voice-over 13052
internet protocol service or is classified by the federal 13053
communications commission as enhanced or value-added. 13054
"Telecommunications service" does not include any of the 13055

following:	13056
(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;	13057 13058 13059 13060 13061
(b) Installation or maintenance of wiring or equipment on a customer's premises;	13062 13063
(c) Tangible personal property;	13064
(d) Advertising, including directory advertising;	13065
(e) Billing and collection services provided to third parties;	13066 13067
(f) Internet access service;	13068
(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;	13069 13070 13071 13072 13073 13074 13075 13076
(h) Ancillary service;	13077
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	13078 13079
(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:	13080 13081 13082 13083 13084

(a) "Conference bridging service" means an ancillary service 13085
that links two or more participants of an audio or video 13086
conference call, including providing a telephone number. 13087
"Conference bridging service" does not include telecommunications 13088
services used to reach the conference bridge. 13089

(b) "Detailed telecommunications billing service" means an 13090
ancillary service of separately stating information pertaining to 13091
individual calls on a customer's billing statement. 13092

(c) "Directory assistance" means an ancillary service of 13093
providing telephone number or address information. 13094

(d) "Vertical service" means an ancillary service that is 13095
offered in connection with one or more telecommunications 13096
services, which offers advanced calling features that allow 13097
customers to identify callers and manage multiple calls and call 13098
connections, including conference bridging service. 13099

(e) "Voice mail service" means an ancillary service that 13100
enables the customer to store, send, or receive recorded messages. 13101
"Voice mail service" does not include any vertical services that 13102
the customer may be required to have in order to utilize the voice 13103
mail service. 13104

(3) "900 service" means an inbound toll telecommunications 13105
service purchased by a subscriber that allows the subscriber's 13106
customers to call in to the subscriber's prerecorded announcement 13107
or live service, and which is typically marketed under the name 13108
"900" service and any subsequent numbers designated by the federal 13109
communications commission. "900 service" does not include the 13110
charge for collection services provided by the seller of the 13111
telecommunications service to the subscriber, or services or 13112
products sold by the subscriber to the subscriber's customer. 13113

(4) "Prepaid calling service" means the right to access 13114
exclusively telecommunications services, which must be paid for in 13115

advance and which enables the origination of calls using an access 13116
number or authorization code, whether manually or electronically 13117
dialed, and that is sold in predetermined units of dollars of 13118
which the number declines with use in a known amount. 13119

(5) "Prepaid wireless calling service" means a 13120
telecommunications service that provides the right to utilize 13121
mobile telecommunications service as well as other 13122
non-telecommunications services, including the download of digital 13123
products delivered electronically, and content and ancillary 13124
services, that must be paid for in advance and that is sold in 13125
predetermined units of dollars of which the number declines with 13126
use in a known amount. 13127

(6) "Value-added non-voice data service" means a 13128
telecommunications service in which computer processing 13129
applications are used to act on the form, content, code, or 13130
protocol of the information or data primarily for a purpose other 13131
than transmission, conveyance, or routing. 13132

(7) "Coin-operated telephone service" means a 13133
telecommunications service paid for by inserting money into a 13134
telephone accepting direct deposits of money to operate. 13135

(8) "Customer" has the same meaning as in section 5739.034 of 13136
the Revised Code. 13137

(BB) "Laundry and dry cleaning services" means removing soil 13138
or dirt from towels, linens, articles of clothing, or other fabric 13139
items that belong to others and supplying towels, linens, articles 13140
of clothing, or other fabric items. "Laundry and dry cleaning 13141
services" does not include the provision of self-service 13142
facilities for use by consumers to remove soil or dirt from 13143
towels, linens, articles of clothing, or other fabric items. 13144

(CC) "Magazines distributed as controlled circulation 13145
publications" means magazines containing at least twenty-four 13146

pages, at least twenty-five per cent editorial content, issued at 13147
regular intervals four or more times a year, and circulated 13148
without charge to the recipient, provided that such magazines are 13149
not owned or controlled by individuals or business concerns which 13150
conduct such publications as an auxiliary to, and essentially for 13151
the advancement of the main business or calling of, those who own 13152
or control them. 13153

(DD) "Landscaping and lawn care service" means the services 13154
of planting, seeding, sodding, removing, cutting, trimming, 13155
pruning, mulching, aerating, applying chemicals, watering, 13156
fertilizing, and providing similar services to establish, promote, 13157
or control the growth of trees, shrubs, flowers, grass, ground 13158
cover, and other flora, or otherwise maintaining a lawn or 13159
landscape grown or maintained by the owner for ornamentation or 13160
other nonagricultural purpose. However, "landscaping and lawn care 13161
service" does not include the providing of such services by a 13162
person who has less than five thousand dollars in sales of such 13163
services during the calendar year. 13164

(EE) "Private investigation and security service" means the 13165
performance of any activity for which the provider of such service 13166
is required to be licensed pursuant to Chapter 4749. of the 13167
Revised Code, or would be required to be so licensed in performing 13168
such services in this state, and also includes the services of 13169
conducting polygraph examinations and of monitoring or overseeing 13170
the activities on or in, or the condition of, the consumer's home, 13171
business, or other facility by means of electronic or similar 13172
monitoring devices. "Private investigation and security service" 13173
does not include special duty services provided by off-duty police 13174
officers, deputy sheriffs, and other peace officers regularly 13175
employed by the state or a political subdivision. 13176

(FF) "Information services" means providing conversation, 13177
giving consultation or advice, playing or making a voice or other 13178

recording, making or keeping a record of the number of callers, 13179
and any other service provided to a consumer by means of a nine 13180
hundred telephone call, except when the nine hundred telephone 13181
call is the means by which the consumer makes a contribution to a 13182
recognized charity. 13183

(GG) "Research and development" means designing, creating, or 13184
formulating new or enhanced products, equipment, or manufacturing 13185
processes, and also means conducting scientific or technological 13186
inquiry and experimentation in the physical sciences with the goal 13187
of increasing scientific knowledge which may reveal the bases for 13188
new or enhanced products, equipment, or manufacturing processes. 13189

(HH) "Qualified research and development equipment" means 13190
capitalized tangible personal property, and leased personal 13191
property that would be capitalized if purchased, used by a person 13192
primarily to perform research and development. Tangible personal 13193
property primarily used in testing, as defined in division (A)(4) 13194
of section 5739.011 of the Revised Code, or used for recording or 13195
storing test results, is not qualified research and development 13196
equipment unless such property is primarily used by the consumer 13197
in testing the product, equipment, or manufacturing process being 13198
created, designed, or formulated by the consumer in the research 13199
and development activity or in recording or storing such test 13200
results. 13201

(II) "Building maintenance and janitorial service" means 13202
cleaning the interior or exterior of a building and any tangible 13203
personal property located therein or thereon, including any 13204
services incidental to such cleaning for which no separate charge 13205
is made. However, "building maintenance and janitorial service" 13206
does not include the providing of such service by a person who has 13207
less than five thousand dollars in sales of such service during 13208
the calendar year. 13209

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

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

(2) Medical and health care services.

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

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(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.

(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. 13240

(NN) "Recreation and sports club service" means all 13241
transactions by which a membership is granted, maintained, or 13242
renewed, including initiation fees, membership dues, renewal fees, 13243
monthly minimum fees, and other similar fees and dues, by a 13244
recreation and sports club, which entitles the member to use the 13245
facilities of the organization. "Recreation and sports club" means 13246
an organization that has ownership of, or controls or leases on a 13247
continuing, long-term basis, the facilities used by its members 13248
and includes an aviation club, gun or shooting club, yacht club, 13249
card club, swimming club, tennis club, golf club, country club, 13250
riding club, amateur sports club, or similar organization. 13251

(OO) "Livestock" means farm animals commonly raised for food 13252
or food production, and includes but is not limited to cattle, 13253
sheep, goats, swine, and poultry. "Livestock" does not include 13254
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 13255
animals for use in laboratories or for exhibition, or other 13256
animals not commonly raised for food or food production. 13257

(PP) "Livestock structure" means a building or structure used 13258
exclusively for the housing, raising, feeding, or sheltering of 13259
livestock, and includes feed storage or handling structures and 13260
structures for livestock waste handling. 13261

(QQ) "Horticulture" means the growing, cultivation, and 13262
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 13263
and nursery stock. As used in this division, "nursery stock" has 13264
the same meaning as in section 927.51 of the Revised Code. 13265

(RR) "Horticulture structure" means a building or structure 13266
used exclusively for the commercial growing, raising, or 13267
overwintering of horticultural products, and includes the area 13268
used for stocking, storing, and packing horticultural products 13269
when done in conjunction with the production of those products. 13270

(SS) "Newspaper" means an unbound publication bearing a title 13271
or name that is regularly published, at least as frequently as 13272
biweekly, and distributed from a fixed place of business to the 13273
public in a specific geographic area, and that contains a 13274
substantial amount of news matter of international, national, or 13275
local events of interest to the general public. 13276

(TT) "Professional racing team" means a person that employs 13277
at least twenty full-time employees for the purpose of conducting 13278
a motor vehicle racing business for profit. The person must 13279
conduct the business with the purpose of racing one or more motor 13280
racing vehicles in at least ten competitive professional racing 13281
events each year that comprise all or part of a motor racing 13282
series sanctioned by one or more motor racing sanctioning 13283
organizations. A "motor racing vehicle" means a vehicle for which 13284
the chassis, engine, and parts are designed exclusively for motor 13285
racing, and does not include a stock or production model vehicle 13286
that may be modified for use in racing. For the purposes of this 13287
division: 13288

(1) A "competitive professional racing event" is a motor 13289
vehicle racing event sanctioned by one or more motor racing 13290
sanctioning organizations, at which aggregate cash prizes in 13291
excess of eight hundred thousand dollars are awarded to the 13292
competitors. 13293

(2) "Full-time employee" means an individual who is employed 13294
for consideration for thirty-five or more hours a week, or who 13295
renders any other standard of service generally accepted by custom 13296
or specified by contract as full-time employment. 13297

(UU)(1) "Lease" or "rental" means any transfer of the 13298
possession or control of tangible personal property for a fixed or 13299
indefinite term, for consideration. "Lease" or "rental" includes 13300
future options to purchase or extend, and agreements described in 13301

26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 13302
the amount of consideration may be increased or decreased by 13303
reference to the amount realized upon the sale or disposition of 13304
the property. "Lease" or "rental" does not include: 13305

(a) A transfer of possession or control of tangible personal 13306
property under a security agreement or a deferred payment plan 13307
that requires the transfer of title upon completion of the 13308
required payments; 13309

(b) A transfer of possession or control of tangible personal 13310
property under an agreement that requires the transfer of title 13311
upon completion of required payments and payment of an option 13312
price that does not exceed the greater of one hundred dollars or 13313
one per cent of the total required payments; 13314

(c) Providing tangible personal property along with an 13315
operator for a fixed or indefinite period of time, if the operator 13316
is necessary for the property to perform as designed. For purposes 13317
of this division, the operator must do more than maintain, 13318
inspect, or set-up the tangible personal property. 13319

(2) "Lease" and "rental," as defined in division (UU) of this 13320
section, shall not apply to leases or rentals that exist before 13321
June 26, 2003. 13322

(3) "Lease" and "rental" have the same meaning as in division 13323
(UU)(1) of this section regardless of whether a transaction is 13324
characterized as a lease or rental under generally accepted 13325
accounting principles, the Internal Revenue Code, Title XIII of 13326
the Revised Code, or other federal, state, or local laws. 13327

(VV) "Mobile telecommunications service" has the same meaning 13328
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 13329
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 13330
on and after August 1, 2003, includes related fees and ancillary 13331
services, including universal service fees, detailed billing 13332

service, directory assistance, service initiation, voice mail 13333
service, and vertical services, such as caller ID and three-way 13334
calling. 13335

(WW) "Certified service provider" has the same meaning as in 13336
section 5740.01 of the Revised Code. 13337

(XX) "Satellite broadcasting service" means the distribution 13338
or broadcasting of programming or services by satellite directly 13339
to the subscriber's receiving equipment without the use of ground 13340
receiving or distribution equipment, except the subscriber's 13341
receiving equipment or equipment used in the uplink process to the 13342
satellite, and includes all service and rental charges, premium 13343
channels or other special services, installation and repair 13344
service charges, and any other charges having any connection with 13345
the provision of the satellite broadcasting service. 13346

(YY) "Tangible personal property" means personal property 13347
that can be seen, weighed, measured, felt, or touched, or that is 13348
in any other manner perceptible to the senses. For purposes of 13349
this chapter and Chapter 5741. of the Revised Code, "tangible 13350
personal property" includes motor vehicles, electricity, water, 13351
gas, steam, and prewritten computer software. 13352

(ZZ) "Direct mail" means printed material delivered or 13353
distributed by United States mail or other delivery service to a 13354
mass audience or to addressees on a mailing list provided by the 13355
consumer or at the direction of the consumer when the cost of the 13356
items are not billed directly to the recipients. "Direct mail" 13357
includes tangible personal property supplied directly or 13358
indirectly by the consumer to the direct mail vendor for inclusion 13359
in the package containing the printed material. "Direct mail" does 13360
not include multiple items of printed material delivered to a 13361
single address. 13362

(AAA) "Computer" means an electronic device that accepts 13363

information in digital or similar form and manipulates it for a result based on a sequence of instructions.

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

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

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are

sold for ingestion or chewing by humans and are consumed for their
taste or nutritional value. "Food" does not include alcoholic
beverages, dietary supplements, soft drinks, or tobacco.

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

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

(b) "Dietary supplements" means any product, other than
tobacco, that is intended to supplement the diet and that is
intended for ingestion in tablet, capsule, powder, softgel,
gelcap, or liquid form, or, if not intended for ingestion in such
a form, is not represented as conventional food for use as a sole
item of a meal or of the diet; that is required to be labeled as a
dietary supplement, identifiable by the "supplement facts" box
found on the label, as required by 21 C.F.R. 101.36; and that
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 13425
tobacco, or any other item that contains tobacco. 13426

(FFF) "Drug" means a compound, substance, or preparation, and 13427
any component of a compound, substance, or preparation, other than 13428
food, dietary supplements, or alcoholic beverages that is 13429
recognized in the official United States pharmacopoeia, official 13430
homeopathic pharmacopoeia of the United States, or official 13431
national formulary, and supplements to them; is intended for use 13432
in the diagnosis, cure, mitigation, treatment, or prevention of 13433
disease; or is intended to affect the structure or any function of 13434
the body. 13435

(GGG) "Prescription" means an order, formula, or recipe 13436
issued in any form of oral, written, electronic, or other means of 13437
transmission by a duly licensed practitioner authorized by the 13438
laws of this state to issue a prescription. 13439

(HHH) "Durable medical equipment" means equipment, including 13440
repair and replacement parts for such equipment, that can 13441
withstand repeated use, is primarily and customarily used to serve 13442
a medical purpose, generally is not useful to a person in the 13443
absence of illness or injury, and is not worn in or on the body. 13444
"Durable medical equipment" does not include mobility enhancing 13445
equipment. 13446

(III) "Mobility enhancing equipment" means equipment, 13447
including repair and replacement parts for such equipment, that is 13448
primarily and customarily used to provide or increase the ability 13449
to move from one place to another and is appropriate for use 13450
either in a home or a motor vehicle, that is not generally used by 13451
persons with normal mobility, and that does not include any motor 13452
vehicle or equipment on a motor vehicle normally provided by a 13453
motor vehicle manufacturer. "Mobility enhancing equipment" does 13454
not include durable medical equipment. 13455

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

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

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

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

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(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. 13486
13487

(c) "Fractional ownership program aircraft" or "program
aircraft" means a turbojet aircraft that is owned or possessed by 13488
a fractional owner and that has been included in a dry-lease 13489
aircraft interchange arrangement and agreement under divisions 13490
(KKK)(1)(d) and (e) of this section, or an aircraft a program 13491
manager owns or possesses primarily for use in a fractional 13492
aircraft ownership program. 13493
13494

(d) "Management services" means administrative and aviation 13495
support services furnished under a fractional aircraft ownership 13496
program in accordance with a management services agreement under 13497
division (KKK)(1)(e) of this section, and offered by the program 13498
manager to the fractional owners, including, at a minimum, the 13499
establishment and implementation of safety guidelines; the 13500
coordination of the scheduling of the program aircraft and crews; 13501
program aircraft maintenance; program aircraft insurance; crew 13502
training for crews employed, furnished, or contracted by the 13503
program manager or the fractional owner; the satisfaction of 13504
record-keeping requirements; and the development and use of an 13505
operations manual and a maintenance manual for the fractional 13506
aircraft ownership program. 13507

(e) "Program manager" means the person that offers management 13508
services to fractional owners pursuant to a management services 13509
agreement under division (KKK)(1)(e) of this section. 13510

Sec. 5739.09. (A)(1) A board of county commissioners may, by 13511
resolution adopted by a majority of the members of the board, levy 13512
an excise tax not to exceed three per cent on transactions by 13513
which lodging by a hotel is or is to be furnished to transient 13514
guests. The board shall establish all regulations necessary to 13515
provide for the administration and allocation of the tax. The 13516

regulations may prescribe the time for payment of the tax, and may 13517
provide for the imposition of a penalty or interest, or both, for 13518
late payments, provided that the penalty does not exceed ten per 13519
cent of the amount of tax due, and the rate at which interest 13520
accrues does not exceed the rate per annum prescribed pursuant to 13521
section 5703.47 of the Revised Code. Except as provided in 13522
divisions (A)(2), (3), (4), and (5) of this section, the 13523
regulations shall provide, after deducting the real and actual 13524
costs of administering the tax, for the return to each municipal 13525
corporation or township that does not levy an excise tax on the 13526
transactions, a uniform percentage of the tax collected in the 13527
municipal corporation or in the unincorporated portion of the 13528
township from each transaction, not to exceed thirty-three and 13529
one-third per cent. The remainder of the revenue arising from the 13530
tax shall be deposited in a separate fund and shall be spent 13531
solely to make contributions to the convention and visitors' 13532
bureau operating within the county, including a pledge and 13533
contribution of any portion of the remainder pursuant to an 13534
agreement authorized by section 307.695 of the Revised Code, 13535
provided that if the board of county commissioners of an eligible 13536
county as defined in section 307.695 of the Revised Code adopts a 13537
resolution amending a resolution levying a tax under this division 13538
to provide that the revenue from the tax shall be used by the 13539
board as described in division (H) of section 307.695 of the 13540
Revised Code, the remainder of the revenue shall be used as 13541
described in the resolution making that amendment. Except as 13542
provided in division (A)(2), (3), (4), or (5) or (H) of this 13543
section, on and after May 10, 1994, a board of county 13544
commissioners may not levy an excise tax pursuant to this division 13545
in any municipal corporation or township located wholly or partly 13546
within the county that has in effect an ordinance or resolution 13547
levying an excise tax pursuant to division (B) of this section. 13548

The board of a county that has levied a tax under division (C) of 13549
this section may, by resolution adopted within ninety days after 13550
July 15, 1985, by a majority of the members of the board, amend 13551
the resolution levying a tax under this division to provide for a 13552
portion of that tax to be pledged and contributed in accordance 13553
with an agreement entered into under section 307.695 of the 13554
Revised Code. A tax, any revenue from which is pledged pursuant to 13555
such an agreement, shall remain in effect at the rate at which it 13556
is imposed for the duration of the period for which the revenue 13557
from the tax has been so pledged. 13558

The board of county commissioners of an eligible county as 13559
defined in section 307.695 of the Revised Code may, by resolution 13560
adopted by a majority of the members of the board, amend a 13561
resolution levying a tax under this division to provide that the 13562
revenue from the tax shall be used by the board as described in 13563
division (H) of section 307.695 of the Revised Code, in which case 13564
the tax shall remain in effect at the rate at which it was imposed 13565
for the duration of any agreement entered into by the board under 13566
section 307.695 of the Revised Code, the duration during which any 13567
securities issued by the board under that section are outstanding, 13568
or the duration of the period during which the board owns a 13569
project as defined in section 307.695 of the Revised Code, 13570
whichever duration is longest. 13571

(2) A board of county commissioners that levies an excise tax 13572
under division (A)(1) of this section on June 30, 1997, at a rate 13573
of three per cent, and that has pledged revenue from the tax to an 13574
agreement entered into under section 307.695 of the Revised Code, 13575
may or, in the case of the board of county commissioners of an 13576
eligible county as defined in section 307.695 of the Revised Code, 13577
has amended a resolution levying a tax under division (C) of this 13578
section to provide that proceeds from the tax shall be used by the 13579
board as described in division (H) of section 307.695 of the 13580

Revised Code, may, at any time by a resolution adopted by a 13581
majority of the members of the board, amend the resolution levying 13582
that a tax under division (A)(1) of this section to provide for an 13583
increase in the rate of ~~the~~ that tax up to ~~five~~ seven per cent on 13584
each transaction; to provide that revenue from the increase in the 13585
rate shall be used as described in division (H) of section 307.695 13586
of the Revised Code or be spent solely to make contributions to 13587
the convention and visitors' bureau operating within the county to 13588
be used specifically for promotion, advertising, and marketing of 13589
the region in which the county is located; and to provide that the 13590
rate in excess of the three per cent levied under division (A)(1) 13591
of this section shall remain in effect at the rate at which it is 13592
imposed for the duration of the period during which any agreement 13593
is in effect that was entered into under section 307.695 of the 13594
Revised Code by the board of county commissioners levying a tax 13595
under division (A)(1) of this section; ~~and to,~~ the duration of the 13596
period during which any securities issued by the board under 13597
division (I) of section 307.695 of the Revised Code are 13598
outstanding, or the duration of the period during which the board 13599
owns a project as defined in section 307.695 of the Revised Code, 13600
whichever duration is longest. The amendment also shall provide 13601
that no portion of that revenue need be returned to townships or 13602
municipal corporations as would otherwise be required under 13603
division (A)(1) of this section. 13604

(3) A board of county commissioners that levies a tax under 13605
division (A)(1) of this section on March 18, 1999, at a rate of 13606
three per cent may, by resolution adopted not later than 13607
forty-five days after March 18, 1999, amend the resolution levying 13608
the tax to provide for all of the following: 13609

(a) That the rate of the tax shall be increased by not more 13610
than an additional four per cent on each transaction; 13611

(b) That all of the revenue from the increase in the rate 13612

shall be pledged and contributed to a convention facilities 13613
authority established by the board of county commissioners under 13614
Chapter 351. of the Revised Code on or before November 15, 1998, 13615
and used to pay costs of constructing, maintaining, operating, and 13616
promoting a facility in the county, including paying bonds, or 13617
notes issued in anticipation of bonds, as provided by that 13618
chapter; 13619

(c) That no portion of the revenue arising from the increase 13620
in rate need be returned to municipal corporations or townships as 13621
otherwise required under division (A)(1) of this section; 13622

(d) That the increase in rate shall not be subject to 13623
diminution by initiative or referendum or by law while any bonds, 13624
or notes in anticipation of bonds, issued by the authority under 13625
Chapter 351. of the Revised Code to which the revenue is pledged, 13626
remain outstanding in accordance with their terms, unless 13627
provision is made by law or by the board of county commissioners 13628
for an adequate substitute therefor that is satisfactory to the 13629
trustee if a trust agreement secures the bonds. 13630

Division (A)(3) of this section does not apply to the board 13631
of county commissioners of any county in which a convention center 13632
or facility exists or is being constructed on November 15, 1998, 13633
or of any county in which a convention facilities authority levies 13634
a tax pursuant to section 351.021 of the Revised Code on that 13635
date. 13636

As used in division (A)(3) of this section, "cost" and 13637
"facility" have the same meanings as in section 351.01 of the 13638
Revised Code, and "convention center" has the same meaning as in 13639
section 307.695 of the Revised Code. 13640

(4) A board of county commissioners that levies a tax under 13641
division (A)(1) of this section on June 30, 2002, at a rate of 13642
three per cent may, by resolution adopted not later than September 13643

30, 2002, amend the resolution levying the tax to provide for all 13644
of the following: 13645

(a) That the rate of the tax shall be increased by not more 13646
than an additional three and one-half per cent on each 13647
transaction; 13648

(b) That all of the revenue from the increase in rate shall 13649
be pledged and contributed to a convention facilities authority 13650
established by the board of county commissioners under Chapter 13651
351. of the Revised Code on or before May 15, 2002, and be used to 13652
pay costs of constructing, expanding, maintaining, operating, or 13653
promoting a convention center in the county, including paying 13654
bonds, or notes issued in anticipation of bonds, as provided by 13655
that chapter; 13656

(c) That no portion of the revenue arising from the increase 13657
in rate need be returned to municipal corporations or townships as 13658
otherwise required under division (A)(1) of this section; 13659

(d) That the increase in rate shall not be subject to 13660
diminution by initiative or referendum or by law while any bonds, 13661
or notes in anticipation of bonds, issued by the authority under 13662
Chapter 351. of the Revised Code to which the revenue is pledged, 13663
remain outstanding in accordance with their terms, unless 13664
provision is made by law or by the board of county commissioners 13665
for an adequate substitute therefor that is satisfactory to the 13666
trustee if a trust agreement secures the bonds. 13667

As used in division (A)(4) of this section, "cost" has the 13668
same meaning as in section 351.01 of the Revised Code, and 13669
"convention center" has the same meaning as in section 307.695 of 13670
the Revised Code. 13671

(5)(a) As used in division (A)(5) of this section: 13672

(i) "Port authority" means a port authority created under 13673

Chapter 4582. of the Revised Code. 13674

(ii) "Port authority military-use facility" means port 13675
authority facilities on which or adjacent to which is located an 13676
installation of the armed forces of the United States, a reserve 13677
component thereof, or the national guard and at least part of 13678
which is made available for use, for consideration, by the armed 13679
forces of the United States, a reserve component thereof, or the 13680
national guard. 13681

(b) For the purpose of contributing revenue to pay operating 13682
expenses of a port authority that operates a port authority 13683
military-use facility, the board of county commissioners of a 13684
county that created, participated in the creation of, or has 13685
joined such a port authority may do one or both of the following: 13686

(i) Amend a resolution previously adopted under division 13687
(A)(1) of this section to designate some or all of the revenue 13688
from the tax levied under the resolution to be used for that 13689
purpose, notwithstanding that division; 13690

(ii) Amend a resolution previously adopted under division 13691
(A)(1) of this section to increase the rate of the tax by not more 13692
than an additional two per cent and use the revenue from the 13693
increase exclusively for that purpose. 13694

(c) If a board of county commissioners amends a resolution to 13695
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 13696
of this section, the board also may amend the resolution to 13697
specify that the increase in rate of the tax does not apply to 13698
"hotels," as otherwise defined in section 5739.01 of the Revised 13699
Code, having fewer rooms used for the accommodation of guests than 13700
a number of rooms specified by the board. 13701

(B)(1) The legislative authority of a municipal corporation 13702
or the board of trustees of a township that is not wholly or 13703
partly located in a county that has in effect a resolution levying 13704

an excise tax pursuant to division (A)(1) of this section may, by 13705
ordinance or resolution, levy an excise tax not to exceed three 13706
per cent on transactions by which lodging by a hotel is or is to 13707
be furnished to transient guests. The legislative authority of the 13708
municipal corporation or the board of trustees of the township 13709
shall deposit at least fifty per cent of the revenue from the tax 13710
levied pursuant to this division into a separate fund, which shall 13711
be spent solely to make contributions to convention and visitors' 13712
bureaus operating within the county in which the municipal 13713
corporation or township is wholly or partly located, and the 13714
balance of that revenue shall be deposited in the general fund. 13715
The municipal corporation or township shall establish all 13716
regulations necessary to provide for the administration and 13717
allocation of the tax. The regulations may prescribe the time for 13718
payment of the tax, and may provide for the imposition of a 13719
penalty or interest, or both, for late payments, provided that the 13720
penalty does not exceed ten per cent of the amount of tax due, and 13721
the rate at which interest accrues does not exceed the rate per 13722
annum prescribed pursuant to section 5703.47 of the Revised Code. 13723
The levy of a tax under this division is in addition to any tax 13724
imposed on the same transaction by a municipal corporation or a 13725
township as authorized by division (A) of section 5739.08 of the 13726
Revised Code. 13727

(2) The legislative authority of the most populous municipal 13728
corporation located wholly or partly in a county in which the 13729
board of county commissioners has levied a tax under division 13730
(A)(4) of this section may amend, on or before September 30, 2002, 13731
that municipal corporation's ordinance or resolution that levies 13732
an excise tax on transactions by which lodging by a hotel is or is 13733
to be furnished to transient guests, to provide for all of the 13734
following: 13735

(a) That the rate of the tax shall be increased by not more 13736

than an additional one per cent on each transaction; 13737

(b) That all of the revenue from the increase in rate shall 13738
be pledged and contributed to a convention facilities authority 13739
established by the board of county commissioners under Chapter 13740
351. of the Revised Code on or before May 15, 2002, and be used to 13741
pay costs of constructing, expanding, maintaining, operating, or 13742
promoting a convention center in the county, including paying 13743
bonds, or notes issued in anticipation of bonds, as provided by 13744
that chapter; 13745

(c) That the increase in rate shall not be subject to 13746
diminution by initiative or referendum or by law while any bonds, 13747
or notes in anticipation of bonds, issued by the authority under 13748
Chapter 351. of the Revised Code to which the revenue is pledged, 13749
remain outstanding in accordance with their terms, unless 13750
provision is made by law, by the board of county commissioners, or 13751
by the legislative authority, for an adequate substitute therefor 13752
that is satisfactory to the trustee if a trust agreement secures 13753
the bonds. 13754

As used in division (B)(2) of this section, "cost" has the 13755
same meaning as in section 351.01 of the Revised Code, and 13756
"convention center" has the same meaning as in section 307.695 of 13757
the Revised Code. 13758

(C) For the ~~purpose of making the payments authorized by~~ 13759
purposes described in section 307.695 of the Revised Code ~~to~~ 13760
~~construct and equip a convention center in the county~~ and to cover 13761
the costs of administering the tax, a board of county 13762
commissioners of a county where a tax imposed under division 13763
(A)(1) of this section is in effect may, by resolution adopted 13764
within ninety days after July 15, 1985, by a majority of the 13765
members of the board, levy an additional excise tax not to exceed 13766
three per cent on transactions by which lodging by a hotel is or 13767

is to be furnished to transient guests. The tax authorized by this 13768
division shall be in addition to any tax that is levied pursuant 13769
to division (A) of this section, but it shall not apply to 13770
transactions subject to a tax levied by a municipal corporation or 13771
township pursuant to the authorization granted by division (A) of 13772
section 5739.08 of the Revised Code. The board shall establish all 13773
regulations necessary to provide for the administration and 13774
allocation of the tax. The regulations may prescribe the time for 13775
payment of the tax, and may provide for the imposition of a 13776
penalty or interest, or both, for late payments, provided that the 13777
penalty does not exceed ten per cent of the amount of tax due, and 13778
the rate at which interest accrues does not exceed the rate per 13779
annum prescribed pursuant to section 5703.47 of the Revised Code. 13780
All revenues arising from the tax shall be expended in accordance 13781
with section 307.695 of the Revised Code. The board of county 13782
commissioners of an eligible county as defined in section 307.695 13783
of the Revised Code may, by resolution adopted by a majority of 13784
the members of the board, amend the resolution levying a tax under 13785
this division to provide that the revenue from the tax shall be 13786
used by the board as described in division (H) of section 307.695 13787
of the Revised Code. A tax imposed under this division shall 13788
remain in effect at the rate at which it is imposed for the 13789
duration of the period ~~for which the revenue from the tax has been~~ 13790
~~pledged pursuant to that section~~ during which any agreement 13791
entered into by the board under section 307.695 of the Revised 13792
Code is in effect, the duration of the period during which any 13793
securities issued by the board under division (I) of section 13794
307.695 of the Revised Code are outstanding, or the duration of 13795
the period during which the board owns a project as defined in 13796
section 307.695 of the Revised Code, whichever duration is 13797
longest. 13798

(D) For the purpose of providing contributions under division 13799
(B)(1) of section 307.671 of the Revised Code to enable the 13800

acquisition, construction, and equipping of a port authority 13801
educational and cultural facility in the county and, to the extent 13802
provided for in the cooperative agreement authorized by that 13803
section, for the purpose of paying debt service charges on bonds, 13804
or notes in anticipation of bonds, described in division (B)(1)(b) 13805
of that section, a board of county commissioners, by resolution 13806
adopted within ninety days after December 22, 1992, by a majority 13807
of the members of the board, may levy an additional excise tax not 13808
to exceed one and one-half per cent on transactions by which 13809
lodging by a hotel is or is to be furnished to transient guests. 13810
The excise tax authorized by this division shall be in addition to 13811
any tax that is levied pursuant to divisions (A), (B), and (C) of 13812
this section, to any excise tax levied pursuant to section 5739.08 13813
of the Revised Code, and to any excise tax levied pursuant to 13814
section 351.021 of the Revised Code. The board of county 13815
commissioners shall establish all regulations necessary to provide 13816
for the administration and allocation of the tax that are not 13817
inconsistent with this section or section 307.671 of the Revised 13818
Code. The regulations may prescribe the time for payment of the 13819
tax, and may provide for the imposition of a penalty or interest, 13820
or both, for late payments, provided that the penalty does not 13821
exceed ten per cent of the amount of tax due, and the rate at 13822
which interest accrues does not exceed the rate per annum 13823
prescribed pursuant to section 5703.47 of the Revised Code. All 13824
revenues arising from the tax shall be expended in accordance with 13825
section 307.671 of the Revised Code and division (D) of this 13826
section. The levy of a tax imposed under this division may not 13827
commence prior to the first day of the month next following the 13828
execution of the cooperative agreement authorized by section 13829
307.671 of the Revised Code by all parties to that agreement. The 13830
tax shall remain in effect at the rate at which it is imposed for 13831
the period of time described in division (C) of section 307.671 of 13832
the Revised Code for which the revenue from the tax has been 13833

pledged by the county to the corporation pursuant to that section, 13834
but, to any extent provided for in the cooperative agreement, for 13835
no lesser period than the period of time required for payment of 13836
the debt service charges on bonds, or notes in anticipation of 13837
bonds, described in division (B)(1)(b) of that section. 13838

(E) For the purpose of paying the costs of acquiring, 13839
constructing, equipping, and improving a municipal educational and 13840
cultural facility, including debt service charges on bonds 13841
provided for in division (B) of section 307.672 of the Revised 13842
Code, and for any additional purposes determined by the county in 13843
the resolution levying the tax or amendments to the resolution, 13844
including subsequent amendments providing for paying costs of 13845
acquiring, constructing, renovating, rehabilitating, equipping, 13846
and improving a port authority educational and cultural performing 13847
arts facility, as defined in section 307.674 of the Revised Code, 13848
and including debt service charges on bonds provided for in 13849
division (B) of section 307.674 of the Revised Code, the 13850
legislative authority of a county, by resolution adopted within 13851
ninety days after June 30, 1993, by a majority of the members of 13852
the legislative authority, may levy an additional excise tax not 13853
to exceed one and one-half per cent on transactions by which 13854
lodging by a hotel is or is to be furnished to transient guests. 13855
The excise tax authorized by this division shall be in addition to 13856
any tax that is levied pursuant to divisions (A), (B), (C), and 13857
(D) of this section, to any excise tax levied pursuant to section 13858
5739.08 of the Revised Code, and to any excise tax levied pursuant 13859
to section 351.021 of the Revised Code. The legislative authority 13860
of the county shall establish all regulations necessary to provide 13861
for the administration and allocation of the tax. The regulations 13862
may prescribe the time for payment of the tax, and may provide for 13863
the imposition of a penalty or interest, or both, for late 13864
payments, provided that the penalty does not exceed ten per cent 13865

of the amount of tax due, and the rate at which interest accrues 13866
does not exceed the rate per annum prescribed pursuant to section 13867
5703.47 of the Revised Code. All revenues arising from the tax 13868
shall be expended in accordance with section 307.672 of the 13869
Revised Code and this division. The levy of a tax imposed under 13870
this division shall not commence prior to the first day of the 13871
month next following the execution of the cooperative agreement 13872
authorized by section 307.672 of the Revised Code by all parties 13873
to that agreement. The tax shall remain in effect at the rate at 13874
which it is imposed for the period of time determined by the 13875
legislative authority of the county, but not to exceed fifteen 13876
years. 13877

(F) The legislative authority of a county that has levied a 13878
tax under division (E) of this section may, by resolution adopted 13879
within one hundred eighty days after January 4, 2001, by a 13880
majority of the members of the legislative authority, amend the 13881
resolution levying a tax under that division to provide for the 13882
use of the proceeds of that tax, to the extent that it is no 13883
longer needed for its original purpose as determined by the 13884
parties to a cooperative agreement amendment pursuant to division 13885
(D) of section 307.672 of the Revised Code, to pay costs of 13886
acquiring, constructing, renovating, rehabilitating, equipping, 13887
and improving a port authority educational and cultural performing 13888
arts facility, including debt service charges on bonds provided 13889
for in division (B) of section 307.674 of the Revised Code, and to 13890
pay all obligations under any guaranty agreements, reimbursement 13891
agreements, or other credit enhancement agreements described in 13892
division (C) of section 307.674 of the Revised Code. The 13893
resolution may also provide for the extension of the tax at the 13894
same rate for the longer of the period of time determined by the 13895
legislative authority of the county, but not to exceed an 13896
additional twenty-five years, or the period of time required to 13897

pay all debt service charges on bonds provided for in division (B) 13898
of section 307.672 of the Revised Code and on port authority 13899
revenue bonds provided for in division (B) of section 307.674 of 13900
the Revised Code. All revenues arising from the amendment and 13901
extension of the tax shall be expended in accordance with section 13902
307.674 of the Revised Code, this division, and division (E) of 13903
this section. 13904

(G) For purposes of a tax levied by a county, township, or 13905
municipal corporation under this section or section 5739.08 of the 13906
Revised Code, a board of county commissioners, board of township 13907
trustees, or the legislative authority of a municipal corporation 13908
may adopt a resolution or ordinance at any time specifying that 13909
"hotel," as otherwise defined in section 5739.01 of the Revised 13910
Code, includes establishments in which fewer than five rooms are 13911
used for the accommodation of guests. The resolution or ordinance 13912
may apply to a tax imposed pursuant to this section prior to the 13913
adoption of the resolution or ordinance if the resolution or 13914
ordinance so states, but the tax shall not apply to transactions 13915
by which lodging by such an establishment is provided to transient 13916
guests prior to the adoption of the resolution or ordinance. 13917

(H)(1) As used in this division: 13918

(a) "Convention facilities authority" has the same meaning as 13919
in section 351.01 of the Revised Code. 13920

(b) "Convention center" has the same meaning as in section 13921
307.695 of the Revised Code. 13922

(2) Notwithstanding any contrary provision of division (D) of 13923
this section, the legislative authority of a county with a 13924
population of one million or more according to the most recent 13925
federal decennial census that has levied a tax under division (D) 13926
of this section may, by resolution adopted by a majority of the 13927
members of the legislative authority, provide for the extension of 13928

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 13961
307.695 of the Revised Code. 13962

(5) No amount collected from a tax levied, extended, or 13963
required to be deposited in the county general fund under division 13964
(H) of this section shall be contributed to a convention 13965
facilities authority, corporation, or other entity created after 13966
July 1, 2003, for the principal purpose of constructing, 13967
improving, expanding, equipping, financing, or operating a 13968
convention center unless the mayor of the municipal corporation in 13969
which the convention center is to be operated by that convention 13970
facilities authority, corporation, or other entity has consented 13971
to the creation of that convention facilities authority, 13972
corporation, or entity. Notwithstanding any contrary provision of 13973
section 351.04 of the Revised Code, if a tax is levied by a county 13974
under division (H) of this section, the board of county 13975
commissioners of that county may determine the manner of 13976
selection, the qualifications, the number, and terms of office of 13977
the members of the board of directors of any convention facilities 13978
authority, corporation, or other entity described in division 13979
(H)(5) of this section. 13980

(6)(a) No amount collected from a tax levied, extended, or 13981
required to be deposited in the county general fund under division 13982
(H) of this section may be used for any purpose other than paying 13983
the direct and indirect costs of constructing, improving, 13984
expanding, equipping, financing, or operating a convention center 13985
and for the real and actual costs of administering the tax, 13986
unless, prior to the adoption of the resolution of the legislative 13987
authority of the county authorizing the levy, extension, increase, 13988
or deposit, the county and the mayor of the most populous 13989
municipal corporation in that county have entered into an 13990
agreement as to the use of such amounts, provided that such 13991
agreement has been approved by a majority of the mayors of the 13992

other municipal corporations in that county. The agreement shall
provide that the amounts to be used for purposes other than paying
the convention center or administrative costs described in
division (H)(6)(a) of this section be used only for the direct and
indirect costs of capital improvements, including the financing of
capital improvements.

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

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

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

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

(b) "Convention center" has the same meaning as in section
307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of
this section, the legislative authority of a county with a
population of one million two hundred thousand or more according
to the most recent federal decennial census or the most recent
annual population estimate published or released by the United

States census bureau at the time the resolution is adopted placing 14024
the levy on the ballot, that has levied a tax under division (D) 14025
of this section may, by resolution adopted by a majority of the 14026
members of the legislative authority, provide for the extension of 14027
such levy and may provide that the proceeds of that tax, to the 14028
extent that the proceeds are no longer needed for their original 14029
purpose as defined by a cooperative agreement entered into under 14030
section 307.671 of the Revised Code and after deducting the real 14031
and actual costs of administering the tax, shall be used for 14032
paying the direct and indirect costs of constructing, improving, 14033
expanding, equipping, financing, or operating a convention center. 14034
The resolution shall provide for the extension of the tax at a 14035
rate not to exceed the rate specified in division (D) of this 14036
section for a period of time determined by the legislative 14037
authority of the county, but not to exceed an additional forty 14038
years. 14039

(3) The legislative authority of a county with a population 14040
of one million two hundred thousand or more that has levied a tax 14041
under division (A)(1) of this section may, by resolution adopted 14042
by a majority of the members of the legislative authority, 14043
increase the rate of the tax levied by such county under division 14044
(A)(1) of this section to a rate not to exceed five per cent on 14045
transactions by which lodging by a hotel is or is to be furnished 14046
to transient guests. Notwithstanding any contrary provision of 14047
division (A)(1) of this section, the resolution shall provide that 14048
all collections resulting from the rate levied in excess of three 14049
per cent, after deducting the real and actual costs of 14050
administering the tax, shall be used for paying the direct and 14051
indirect costs of constructing, improving, expanding, equipping, 14052
financing, or operating a convention center. 14053

(4) The legislative authority of a county with a population 14054
of one million two hundred thousand or more that has levied a tax 14055

under division (A)(1) of this section may, by resolution adopted 14056
on or before July 1, 2008, by a majority of the members of the 14057
legislative authority, provide that all or a portion of the 14058
proceeds of the tax levied under division (A)(1) of this section, 14059
after deducting the real and actual costs of administering the tax 14060
and the amounts required to be returned to townships and municipal 14061
corporations with respect to the first three per cent levied under 14062
division (A)(1) of this section, shall be used to satisfy any 14063
pledges made in connection with an agreement entered into under 14064
section 307.695 of the Revised Code or shall otherwise be used for 14065
paying the direct and indirect costs of constructing, improving, 14066
expanding, equipping, financing, or operating a convention center. 14067

(5) Any amount collected from a tax levied or extended under 14068
division (I) of this section may be contributed to a convention 14069
facilities authority created before July 1, 2005, but no amount 14070
collected from a tax levied or extended under division (I) of this 14071
section may be contributed to a convention facilities authority, 14072
corporation, or other entity created after July 1, 2005, unless 14073
the mayor of the municipal corporation in which the convention 14074
center is to be operated by that convention facilities authority, 14075
corporation, ~~or, or~~ other entity has consented to the creation of 14076
that convention facilities authority, corporation, or entity. 14077

Sec. 5741.101. The amount of any refund to be certified to 14078
the treasurer ~~and auditor~~ of state and the director of budget and 14079
management pursuant to section 5741.10 of the Revised Code may be 14080
reduced by the amount the person claiming the refund is indebted 14081
to the state for any tax or fee administered by the tax 14082
commissioner that is paid to the state or to the clerk of courts 14083
pursuant to section 4505.06 of the Revised Code, or any charge, 14084
penalty, or interest arising from such a tax or fee. If the amount 14085
refundable is less than the amount of the debt, it may be applied 14086

in partial satisfaction of the debt. If the amount refundable is 14087
greater than the amount of the debt, the amount remaining after 14088
satisfaction of the debt shall be refunded. If the person has more 14089
than one such debt, any debt subject to section 5739.33 or 14090
division (G) of section 5747.07 of the Revised Code shall be 14091
satisfied first. This section applies only to debts that have 14092
become final. 14093

Sec. 5747.39. (A) As used in this section, "eligible 14094
employee" and "eligible training costs" have the same meanings as 14095
in section 5733.42 of the Revised Code, and "pass-through entity" 14096
includes a sole proprietorship. 14097

(B)(1) For taxable years beginning in 2003, 2004, 2005, ~~and~~ 14098
2006, and 2007 there is hereby allowed a nonrefundable credit 14099
against the tax imposed by section 5747.02 of the Revised Code for 14100
a taxpayer that is an investor in a pass-through entity for which 14101
a tax credit certificate is issued under section 5733.42 of the 14102
Revised Code. For the taxable year beginning in 2003, the amount 14103
of eligible training costs for which a credit may be claimed by 14104
all taxpayers that are investors in an entity shall equal one-half 14105
of the average of the eligible training costs incurred by the 14106
entity during calendar years 1999, 2000, and 2001, but shall not 14107
exceed one thousand dollars for each eligible employee on account 14108
of whom such costs were paid or incurred by the entity. The amount 14109
of a taxpayer's credit for the taxpayer's taxable year beginning 14110
in 2003 shall equal the taxpayer's interest in the entity on 14111
December 31, 2001, multiplied by the credit available to the 14112
entity as computed by the entity. 14113

(2) For the taxable year beginning in 2004, the amount of the 14114
eligible training costs for which a credit may be claimed by all 14115
taxpayers that are investors in an entity shall equal one-half of 14116
the average of the eligible training costs incurred by the entity 14117

during calendar years 2002, 2003, and 2004, but shall not exceed 14118
one thousand dollars for each eligible employee on account of whom 14119
such costs were paid or incurred by the entity. The amount of a 14120
taxpayer's credit for the taxpayer's taxable year beginning in 14121
2004 shall equal the taxpayer's interest in the entity on December 14122
31, 2004, multiplied by the credit available to the entity as 14123
computed by the entity. 14124

(3) For the taxable year beginning in 2005, the amount of the 14125
eligible training costs for which a credit may be claimed by all 14126
taxpayers that are investors in an entity shall equal one-half of 14127
the average of the eligible training costs incurred by the entity 14128
during calendar years 2003, 2004, and 2005, but shall not exceed 14129
one thousand dollars for each eligible employee on account of whom 14130
such costs were paid or incurred by the entity. The amount of a 14131
taxpayer's credit for the taxpayer's taxable year beginning in 14132
2005 shall equal the taxpayer's interest in the entity on December 14133
31, 2005, multiplied by the credit available to the entity as 14134
computed by the entity. 14135

(4) For the taxable year beginning in 2006, the amount of the 14136
eligible training costs for which a credit may be claimed by all 14137
taxpayers that are investors in an entity shall equal one-half of 14138
the average of the eligible training costs incurred by the entity 14139
during calendar years 2004, 2005, and 2006, but shall not exceed 14140
one thousand dollars for each eligible employee on account of whom 14141
such costs were paid or incurred by the entity. The amount of a 14142
taxpayer's credit for the taxpayer's taxable year beginning in 14143
2006 shall equal the taxpayer's interest in the entity on December 14144
31, 2006, multiplied by the credit available to the entity as 14145
computed by the entity. 14146

(5) For the taxable year beginning in 2007, the amount of the 14147
eligible training costs for which a credit may be claimed by all 14148
taxpayers that are investors in an entity shall equal one-half of 14149

the average of the eligible training costs incurred by the entity 14150
during calendar years 2005, 2006, and 2007, but shall not exceed 14151
one thousand dollars for each eligible employee on account of whom 14152
such costs were paid or incurred by the entity. The amount of a 14153
taxpayer's credit for the taxpayer's taxable year beginning in 14154
2007 shall equal the taxpayer's interest in the entity on December 14155
31, 2007, multiplied by the credit available to the entity as 14156
computed by the entity. 14157

(6) The total amount of credits that may be claimed by all 14158
such taxpayers with respect to each pass-through entity for each 14159
taxable year shall not exceed one hundred thousand dollars. 14160

(C) The credit shall be claimed in the order prescribed by 14161
section 5747.98 of the Revised Code. A taxpayer may carry forward 14162
the credit to the extent that the taxpayer's credit exceeds the 14163
taxpayer's tax due after allowing for any other credits that 14164
precede the credit allowed by this section in the order prescribed 14165
by section 5747.98 of the Revised Code. The taxpayer may carry the 14166
excess credit forward for three taxable years following the 14167
taxable year for which the taxpayer first claims the credit under 14168
this section. 14169

(D) A pass-through entity shall apply to the director of job 14170
and family services for a tax credit certificate in the manner 14171
prescribed by division (C) of section 5733.42 of the Revised Code. 14172
Divisions (C) to (H) of that section govern the tax credit allowed 14173
by this section, except that "taxable year" shall be substituted 14174
for "tax year" wherever that phrase appears in those divisions, 14175
and that "pass-through entity" shall be substituted for "taxpayer" 14176
wherever "taxpayer" appears in those divisions. 14177

Sec. 5748.01. As used in this chapter: 14178

(A) "School district income tax" means an income tax adopted 14179
under one of the following: 14180

(1) Former section 5748.03 of the Revised Code as it existed	14181
prior to its repeal by Amended Substitute House Bill No. 291 of	14182
the 115th general assembly;	14183
(2) Section 5748.03 of the Revised Code as enacted in	14184
Substitute Senate Bill No. 28 of the 118th general assembly;	14185
(3) Section 5748.08 of the Revised Code as enacted in Amended	14186
Substitute Senate Bill No. 17 of the 122nd general assembly;	14187
<u>(4) Section 5748.021 of the Revised Code;</u>	14188
<u>(5) Section 5748.081 of the Revised Code.</u>	14189
(B) "Individual" means an individual subject to the tax	14190
levied by section 5747.02 of the Revised Code.	14191
(C) "Estate" means an estate subject to the tax levied by	14192
section 5747.02 of the Revised Code.	14193
(D) "Taxable year" means a taxable year as defined in	14194
division (M) of section 5747.01 of the Revised Code.	14195
(E) "Taxable income" means:	14196
(1) In the case of an individual, one of the following, as	14197
specified in the resolution imposing the tax:	14198
(a) Ohio adjusted gross income for the taxable year as	14199
defined in division (A) of section 5747.01 of the Revised Code,	14200
less the exemptions provided by section 5747.02 of the Revised	14201
Code, and less military pay and allowances the deduction of which	14202
has been authorized pursuant to section 5748.011 of the Revised	14203
Code;	14204
(b) Wages, salaries, tips, and other employee compensation to	14205
the extent included in Ohio adjusted gross income as defined in	14206
section 5747.01 of the Revised Code, less military pay and	14207
allowances the deduction of which has been authorized pursuant to	14208
section 5748.011 of the Revised Code, and net earnings from	14209

self-employment, as defined in section 1402(a) of the Internal	14210
Revenue Code, to the extent included in Ohio adjusted gross	14211
income.	14212
(2) In the case of an estate, taxable income for the taxable	14213
year as defined in division (S) of section 5747.01 of the Revised	14214
Code.	14215
(F) Except as provided in section 5747.25 of the Revised	14216
Code, "resident" of the school district means:	14217
(1) An individual who is a resident of this state as defined	14218
in division (I) of section 5747.01 of the Revised Code during all	14219
or a portion of the taxable year and who, during all or a portion	14220
of such period of state residency, is domiciled in the school	14221
district or lives in and maintains a permanent place of abode in	14222
the school district;	14223
(2) An estate of a decedent who, at the time of death, was	14224
domiciled in the school district.	14225
(G) "School district income" means:	14226
(1) With respect to an individual, the portion of the taxable	14227
income of an individual that is received by the individual during	14228
the portion of the taxable year that the individual is a resident	14229
of the school district and the school district income tax is in	14230
effect in that school district. An individual may have school	14231
district income with respect to more than one school district.	14232
(2) With respect to an estate, the taxable income of the	14233
estate for the portion of the taxable year that the school	14234
district income tax is in effect in that school district.	14235
(H) "Taxpayer" means an individual or estate having school	14236
district income upon which a school district income tax is	14237
imposed.	14238
(I) "School district purposes" means any of the purposes for	14239

which a tax may be levied pursuant to section 5705.21 of the Revised Code. 14240
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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 Revised Code. The specified amount of money to be raised annually may be the same as, or more or less than, the amount of money raised annually by the existing tax. 14242
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The board shall certify a copy of the resolution to the tax commissioner not later than the eighty-fifth day before the date of the election at which the board intends to propose the replacement to the electors of the school district. Not later than the tenth day after receiving the resolution, the tax commissioner shall estimate the tax rate that would be required in the school district annually to raise the amount of money specified in the resolution. The tax commissioner shall certify the estimate to the board. 14254
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Upon receipt of the tax commissioner's estimate, the board may propose, by a resolution adopted by a majority of its members, to replace the existing 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 with the levy of an annual 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. In the resolution, the board shall specify the rate 14263
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of the replacement tax, whether the replacement tax is to be 14271
levied for a specified number of years or for a continuing time, 14272
the specific school district purposes for which the replacement 14273
tax is to be levied, the date on which the replacement tax will 14274
begin to be levied, the date of the election at which the question 14275
of the replacement is to be submitted to the electors of the 14276
school district, that the existing tax will cease to be levied and 14277
the replacement tax will begin to be levied if the replacement is 14278
approved by a majority of the electors voting on the replacement, 14279
and that if the replacement is not approved by a majority of the 14280
electors voting on the replacement the existing tax will remain in 14281
effect under its original authority for the remainder of its 14282
previously approved term. The resolution goes into immediate 14283
effect upon its adoption. Publication of the resolution is not 14284
necessary, and the information that will be provided in the notice 14285
of election is sufficient notice. At least seventy-five days 14286
before the date of the election at which the question of the 14287
replacement will be submitted to the electors of the school 14288
district, the board shall certify a copy of the resolution to the 14289
board of elections. 14290

The replacement tax shall have the same specific school 14291
district purposes as the existing tax, and its rate shall be the 14292
same as the tax commissioner's estimate rounded to the nearest 14293
one-fourth of one per cent. The replacement tax shall begin to be 14294
levied on the first day of January of the year following the year 14295
in which the question of the replacement is submitted to and 14296
approved by the electors of the school district or on the first 14297
day of January of a later year, as specified in the resolution. 14298
The date of the election shall be the date of an otherwise 14299
scheduled primary, general, or special election. 14300

The board of elections shall make arrangements to submit the 14301
question of the replacement to the electors of the school district 14302

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. 14303
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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: 14309
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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. 14314
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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>

"

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 14326
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commissioner. If a majority of the electors voting on the question 14332
vote in favor of the replacement, the existing tax shall cease to 14333
be levied, and the replacement tax shall begin to be levied, on 14334
the date specified in the ballot question. If a majority of the 14335
electors voting on the question vote against the replacement, the 14336
existing tax shall continue to be levied under its original 14337
authority, for the remainder of its previously approved term. 14338

A board of education may not submit the question of replacing 14339
a tax more than twice in a calendar year. If a board submits the 14340
question more than once, one of the elections at which the 14341
question is submitted shall be on the date of a general election. 14342

If a board of education later intends to renew a replacement 14343
tax levied under this section, it shall repeat the procedure 14344
outlined in this section to do so, the replacement tax then being 14345
levied being the "existing tax" and the renewed replacement tax 14346
being the "replacement tax." 14347

Sec. 5748.081. A board of education of a school district that 14348
under divisions (A)(1), (D)(1), and (E) of section 5748.08 of the 14349
Revised Code levies a tax on the school district income of 14350
individuals and estates as defined in divisions (G) and (E)(1)(a) 14351
and (2) of section 5748.01 of the Revised Code may replace that 14352
tax with a tax on the school district income of individuals as 14353
defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of 14354
the Revised Code by following the procedure outlined in, and 14355
subject to the conditions specified in, section 5748.021 of the 14356
Revised Code, as if the existing tax levied under section 5748.08 14357
were levied under section 5748.02 of the Revised Code. The tax 14358
commissioner and the board of elections shall perform duties in 14359
response to the actions of the board of education under this 14360
section as directed in section 5748.021 of the Revised Code. 14361

Sec. 5751.01. As used in this chapter:	14362
(A) "Person" means, but is not limited to, individuals,	14363
combinations of individuals of any form, receivers, assignees,	14364
trustees in bankruptcy, firms, companies, joint-stock companies,	14365
business trusts, estates, partnerships, limited liability	14366
partnerships, limited liability companies, associations, joint	14367
ventures, clubs, societies, for-profit corporations, S	14368
corporations, qualified subchapter S subsidiaries, qualified	14369
subchapter S trusts, trusts, entities that are disregarded for	14370
federal income tax purposes, and any other entities. "Person" does	14371
not include nonprofit organizations or the state, its agencies,	14372
its instrumentalities, and its political subdivisions.	14373
(B) "Consolidated elected taxpayer" means a group of two or	14374
more persons treated as a single taxpayer for purposes of this	14375
chapter as the result of an election made under section 5751.011	14376
of the Revised Code.	14377
(C) "Combined taxpayer" means a group of two or more persons	14378
treated as a single taxpayer for purposes of this chapter under	14379
section 5751.012 of the Revised Code.	14380
(D) "Taxpayer" means any person, or any group of persons in	14381
the case of a consolidated elected taxpayer or combined taxpayer	14382
treated as one taxpayer, required to register or pay tax under	14383
this chapter. "Taxpayer" does not include excluded persons.	14384
(E) "Excluded person" means any of the following:	14385
(1) Any person with not more than one hundred fifty thousand	14386
dollars of taxable gross receipts during the calendar year.	14387
Division (E)(1) of this section does not apply to a person that is	14388
a member of a group that is a consolidated elected taxpayer or a	14389
combined taxpayer;	14390
(2) A public utility that paid the excise tax imposed by	14391

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
section and whose denominator is the total taxable gross receipts
that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an
accrual basis method of accounting for purposes of determining
gross receipts under this chapter and the use of the cash basis
method of accounting for purposes of determining gross receipts
under section 5727.24 of the Revised Code, the gross receipts
directly attributed to the activity of a natural gas company shall
be determined in a manner consistent with division (D) of section
5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined
company" and "public utility" have the same meanings as in section
5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5725.01 of
the Revised Code, that paid the corporation franchise tax charged
by division (D) of section 5733.06 of the Revised Code based on
one or more taxable years that include the entire tax period under
this chapter;

(4) A dealer in intangibles, as defined in section 5725.01 of
the Revised Code, that paid the dealer in intangibles tax levied

by division (D) of section 5707.03 of the Revised Code based on 14423
one or more measurement periods that include the entire tax period 14424
under this chapter; 14425

(5) A financial holding company as defined in the "Bank 14426
Holding Company Act," 12 U.S.C. 1841(p); 14427

(6) A bank holding company as defined in the "Bank Holding 14428
Company Act," 12 U.S.C. 1841(a); 14429

(7) A savings and loan holding company as defined in the 14430
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 14431
only in activities or investments permissible for a financial 14432
holding company under 12 U.S.C. 1843(k); 14433

(8) A person directly or indirectly owned by one or more 14434
financial institutions, financial holding companies, bank holding 14435
companies, or savings and loan holding companies described in 14436
division (E)(3), (5), (6), or (7) of this section that is engaged 14437
in activities permissible for a financial holding company under 12 14438
U.S.C. 1843(k), except that any such person held pursuant to 14439
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 14440
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 14441
directly or indirectly owned by one or more insurance companies 14442
described in division (E)(9) of this section that is authorized to 14443
do the business of insurance in this state. 14444

For the purposes of division (E)(8) of this section, a person 14445
owns another person under the following circumstances: 14446

(a) In the case of corporations issuing capital stock, one 14447
corporation owns another corporation if it owns fifty per cent or 14448
more of the other corporation's capital stock with current voting 14449
rights; 14450

(b) In the case of a limited liability company, one person 14451
owns the company if that person's membership interest, as defined 14452

in section 1705.01 of the Revised Code, is fifty per cent or more 14453
of the combined membership interests of all persons owning such 14454
interests in the company; 14455

(c) In the case of a partnership, trust, or other 14456
unincorporated business organization other than a limited 14457
liability company, one person owns the organization if, under the 14458
articles of organization or other instrument governing the affairs 14459
of the organization, that person has a beneficial interest in the 14460
organization's profits, surpluses, losses, or distributions of 14461
fifty per cent or more of the combined beneficial interests of all 14462
persons having such an interest in the organization; 14463

(d) In the case of multiple ownership, the ownership 14464
interests of more than one person may be aggregated to meet the 14465
fifty per cent ownership tests in this division only when each 14466
such owner is described in division (E)(3), (5), (6), or (7) of 14467
this section and is engaged in activities permissible for a 14468
financial holding company under 12 U.S.C. 1843(k) or is a person 14469
directly or indirectly owned by one or more insurance companies 14470
described in division (E)(9) of this section that is authorized to 14471
do the business of insurance in this state; 14472

(9) A domestic insurance company or foreign insurance 14473
company, as defined in section 5725.01 of the Revised Code, that 14474
paid the insurance company premiums tax imposed by section 5725.18 14475
or Chapter 5729. of the Revised Code based on one or more 14476
measurement periods that include the entire tax period under this 14477
chapter; 14478

(10) A person that solely facilitates or services one or more 14479
securitizations or similar transactions for any person described 14480
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 14481
For purposes of this division, "securitization" means transferring 14482
one or more assets to one or more persons and then issuing 14483

securities backed by the right to receive payment from the asset 14484
or assets so transferred. 14485

(11) Except as otherwise provided in this division, a 14486
pre-income tax trust as defined in division (FF)(4) of section 14487
5747.01 of the Revised Code and any pass-through entity of which 14488
such pre-income tax trust owns or controls, directly, indirectly, 14489
or constructively through related interests, more than five per 14490
cent of the ownership or equity interests. If the pre-income tax 14491
trust has made a qualifying pre-income tax trust election under 14492
division (FF)(3) of section 5747.01 of the Revised Code, then the 14493
trust and the pass-through entities of which it owns or controls, 14494
directly, indirectly, or constructively through related interests, 14495
more than five per cent of the ownership or equity interests, 14496
shall not be excluded persons for purposes of the tax imposed 14497
under section 5751.02 of the Revised Code. 14498

(F) Except as otherwise provided in divisions (F)(2), (3), 14499
and (4) of this section, "gross receipts" means the total amount 14500
realized by a person, without deduction for the cost of goods sold 14501
or other expenses incurred, that contributes to the production of 14502
gross income of the person, including the fair market value of any 14503
property and any services received, and any debt transferred or 14504
forgiven as consideration. 14505

(1) The following are examples of gross receipts: 14506

(a) Amounts realized from the sale, exchange, or other 14507
disposition of the taxpayer's property to or with another; 14508

(b) Amounts realized from the taxpayer's performance of 14509
services for another; 14510

(c) Amounts realized from another's use or possession of the 14511
taxpayer's property or capital; 14512

(d) Any combination of the foregoing amounts. 14513

(2) "Gross receipts" excludes the following amounts:	14514
(a) Interest income except interest on credit sales;	14515
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	14516 14517 14518 14519
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset † . <u>Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.</u>	14520 14521 14522 14523 14524 14525 14526 14527 14528 14529 14530 14531 14532 14533 14534 14535 14536 14537
(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;	14538 14539 14540
(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;	14541 14542 14543
(f) Contributions received by a trust, plan, or other	14544

arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(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;

(i) Proceeds received on the account of payments from life insurance policies;

(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;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(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;

(m) Tax refunds, other tax benefit recoveries, and	14576
reimbursements for the tax imposed under this chapter made by	14577
entities that are part of the same combined taxpayer or	14578
consolidated elected taxpayer group, and reimbursements made by	14579
entities that are not members of a combined taxpayer or	14580
consolidated elected taxpayer group that are required to be made	14581
for economic parity among multiple owners of an entity whose tax	14582
obligation under this chapter is required to be reported and paid	14583
entirely by one owner, pursuant to the requirements of sections	14584
5751.011 and 5751.012 of the Revised Code;	14585
(n) Pension reversions;	14586
(o) Contributions to capital;	14587
(p) Sales or use taxes collected as a vendor or an	14588
out-of-state seller on behalf of the taxing jurisdiction from a	14589
consumer or other taxes the taxpayer is required by law to collect	14590
directly from a purchaser and remit to a local, state, or federal	14591
tax authority;	14592
(q) In the case of receipts from the sale of cigarettes or	14593
tobacco products by a wholesale dealer, retail dealer,	14594
distributor, manufacturer, or seller, all as defined in section	14595
5743.01 of the Revised Code, an amount equal to the federal and	14596
state excise taxes paid by any person on or for such cigarettes or	14597
tobacco products under subtitle E of the Internal Revenue Code or	14598
Chapter 5743. of the Revised Code;	14599
(r) In the case of receipts from the sale of motor fuel by a	14600
licensed motor fuel dealer, licensed retail dealer, or licensed	14601
permissive motor fuel dealer, all as defined in section 5735.01 of	14602
the Revised Code, an amount equal to federal and state excise	14603
taxes paid by any person on such motor fuel under section 4081 of	14604
the Internal Revenue Code or Chapter 5735. of the Revised Code;	14605
(s) In the case of receipts from the sale of beer or	14606

intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in

obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans. 14638
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(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer; 14642
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(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money; 14647
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(z) Qualifying distribution center receipts. 14652

(i) For purposes of division (F)(2)(z) of this section: 14653

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. 14654
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(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or processing. 14658
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(III) "Qualified distribution center" means a warehouse or other similar facility in this state that, for the qualifying 14666
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year, is operated by a person that is not part of a combined 14668
taxpayer group and that has a qualifying certificate. However, all 14669
warehouses or other similar facilities that are operated by 14670
persons in the same taxpayer group and that are located within one 14671
mile of each other shall be treated as one qualified distribution 14672
center. 14673

(IV) "Qualifying year" means the calendar year to which the 14674
qualifying certificate applies. 14675

(V) "Qualifying period" means the period of the first day of 14676
July of the second year preceding the qualifying year through the 14677
thirtieth day of June of the year preceding the qualifying year. 14678

(VI) "Qualifying certificate" means an annual application 14679
approved by the tax commissioner from an operator of a 14680
distribution center that has filed an application as prescribed by 14681
the commissioner and paid the annual fee for the qualifying 14682
certificate on or before the first day of September prior to the 14683
qualifying year or forty-five days after the opening of the 14684
distribution center, whichever is later. The application and 14685
annual fee shall be filed and paid for each qualified distribution 14686
center. 14687

The applicant must substantiate to the commissioner's 14688
satisfaction that, for the qualifying period, all persons 14689
operating the distribution center have more than fifty per cent of 14690
the cost of the qualified property shipped to a location such that 14691
it would be situated outside this state under the provisions of 14692
division (E) of section 5751.033 of the Revised Code. The 14693
applicant must also substantiate that the distribution center 14694
cumulatively had costs from its suppliers equal to or exceeding 14695
five hundred million dollars during the qualifying period. (For 14696
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 14697
excludes any person that is part of the consolidated elected 14698

taxpayer group, if applicable, of the operator of the qualified
distribution center.) The commissioner may require the applicant
to have an independent certified public accountant certify that
the calculation of the minimum thresholds required for a qualified
distribution center by the operator of a distribution center has
been made in accordance with generally accepted accounting
principles. The commissioner shall issue or deny the issuance of a
certificate within sixty days after the receipt of the
application. A denial is subject to appeal under section 5717.02
of the Revised Code. If the operator files a timely appeal under
section 5717.02 of the Revised Code, the operator shall be granted
a qualifying certificate, provided that the operator is liable for
any tax, interest, or penalty upon amounts claimed as qualifying
distribution center receipts, other than those receipts exempt
under division (C)(1) of section 5751.011 of the Revised Code,
that would have otherwise not been owed by its suppliers if the
qualifying certificate was valid.

(VII) "Ohio delivery percentage" means the proportion of the
total property delivered to a destination inside Ohio from the
qualified distribution center during the qualifying period
compared with total deliveries from such distribution center
everywhere during the qualifying period.

(ii) If the distribution center is new and was not open for
the entire qualifying period, the operator of the distribution
center may request that the commissioner grant a qualifying
certificate. If the certificate is granted and it is later
determined that more than fifty per cent of the qualified property
during that year was not shipped to a location such that it would
be situated outside of this state under the provisions of division
(E) of section 5751.033 of the Revised Code or if it is later
determined that the person that operates the distribution center
had average monthly costs from its suppliers of less than forty

million dollars during that year, then the operator of the
distribution center shall be liable for any tax, interest, or
penalty upon amounts claimed as qualifying distribution center
receipts, other than those receipts exempt under division (C)(1)
of section 5751.011 of the Revised Code, that would have not
otherwise been owed by its suppliers during the qualifying year if
the qualifying certificate was valid. (For purposes of division
(F)(2)(z)(ii) of this section, "supplier" excludes any person that
is part of the consolidated elected taxpayer group, if applicable,
of the operator of the qualified distribution center.)

(iii) When filing an application for a qualifying certificate
under division (F)(2)(z)(i)(VI) of this section, the operator of a
qualified distribution center also shall provide documentation, as
the commissioner requires, for the commissioner to ascertain the
Ohio delivery percentage. The commissioner, upon issuing the
qualifying certificate, also shall certify the Ohio delivery
percentage. The operator of the qualified distribution center may
appeal the commissioner's certification of the Ohio delivery
percentage in the same manner as an appeal is taken from the
denial of a qualifying certificate under division (F)(2)(z)(i)(VI)
of this section.

Within thirty days after all appeals have been exhausted, the
operator of the qualified distribution center shall notify the
affected suppliers of qualified property that such suppliers are
required to file, within sixty days after receiving notice from
the operator of the qualified distribution center, amended reports
for the impacted calendar quarter or quarters or calendar year,
whichever the case may be. Any additional tax liability or tax
overpayment shall be subject to interest but shall not be subject
to the imposition of any penalty so long as the amended returns
are timely filed. The supplier of tangible personal property
delivered to the qualified distribution center shall include in

its report of taxable gross receipts the receipts from the total
sales of property delivered to the qualified distribution center
for the calendar quarter or calendar year, whichever the case may
be, multiplied by the Ohio delivery percentage for the qualifying
year. Nothing in division (F)(2)(z)(iii) of this section shall be
construed as imposing liability on the operator of a qualified
distribution center for the tax imposed by this chapter arising
from any change to the Ohio delivery percentage.

(iv) In the case where the distribution center is new and not
open for the entire qualifying period, the operator shall make a
good faith estimate of an Ohio delivery percentage for use by
suppliers in their reports of taxable gross receipts for the
remainder of the qualifying period. The operator of the facility
shall disclose to the suppliers that such Ohio delivery percentage
is an estimate and is subject to recalculation. By the due date of
the next application for a qualifying certificate, the operator
shall determine the actual Ohio delivery percentage for the
estimated qualifying period and proceed as provided in division
(F)(2)(z)(iii) of this section with respect to the calculation and
recalculation of the Ohio delivery percentage. The supplier is
required to file, within sixty days after receiving notice from
the operator of the qualified distribution center, amended reports
for the impacted calendar quarter or quarters or calendar year,
whichever the case may be. Any additional tax liability or tax
overpayment shall be subject to interest but shall not be subject
to the imposition of any penalty so long as the amended returns
are timely filed.

(v) Qualifying certificates and Ohio delivery percentages
issued by the commissioner shall be open to public inspection and
shall be timely published by the commissioner. A supplier relying
in good faith on a certificate issued under this division shall
not be subject to tax on the qualifying distribution center

receipts under division (F)(2)(z) of this section. A person 14795
receiving a qualifying certificate is responsible for paying the 14796
tax, interest, and penalty upon amounts claimed as qualifying 14797
distribution center receipts that would not otherwise have been 14798
owed by the supplier if the qualifying certificate were available 14799
when it is later determined that the qualifying certificate should 14800
not have been issued because the statutory requirements were in 14801
fact not met. 14802

(vi) The annual fee for a qualifying certificate shall be one 14803
hundred thousand dollars for each qualified distribution center. 14804
If a qualifying certificate is not issued, the annual fee is 14805
subject to refund after the exhaustion of all appeals provided for 14806
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 14807
under this division may be assessed in the same manner as the tax 14808
imposed under this chapter. The first one hundred thousand dollars 14809
of the annual application fees collected each calendar year shall 14810
be credited to the commercial activity tax administrative fund. 14811
The remainder of the annual application fees collected shall be 14812
distributed in the same manner required under section 5751.20 of 14813
the Revised Code. 14814

(vii) The tax commissioner may require that adequate security 14815
be posted by the operator of the distribution center on appeal 14816
when the commissioner disagrees that the applicant has met the 14817
minimum thresholds for a qualified distribution center as set 14818
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 14819
section. 14820

(aa) Any receipts for which the tax imposed by this chapter 14821
is prohibited by the ~~constitution~~ Constitution or laws of the 14822
United States or the ~~constitution~~ Constitution of ~~this state~~ Ohio. 14823

(3) In the case of a taxpayer when acting as a real estate 14824
broker, "gross receipts" includes only the portion of any fee for 14825

the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

In calculating gross receipts, the following shall be deducted to the extent included as a gross receipt in the current tax period or reported as taxable gross receipts in a prior tax period:

(a) Cash discounts allowed and taken;

(b) Returns and allowances;

(c) Bad debts. For the purposes of this division, "bad debts" mean any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted pursuant thereto, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, expenses in attempting to collect any account receivable or for any portion of the debt recovered, and repossessed property;

(d) Any amount realized from the sale of an account 14857
receivable but only to the extent the receipts from the underlying 14858
transaction giving rise to the account receivable were included in 14859
the gross receipts of the taxpayer. 14860

(G) "Taxable gross receipts" means gross receipts situated to 14861
this state under section 5751.033 of the Revised Code. 14862

(H) A person has "substantial nexus with this state" if any 14863
of the following applies. The person: 14864

(1) Owns or uses a part or all of its capital in this state; 14865

(2) Holds a certificate of compliance with the laws of this 14866
state authorizing the person to do business in this state; 14867

(3) Has bright-line presence in this state; 14868

(4) Otherwise has nexus with this state to an extent that the 14869
person can be required to remit the tax imposed under this chapter 14870
under the ~~constitution~~ Constitution of the United States. 14871

(I) A person has "bright-line presence" in this state for a 14872
reporting period and for the remaining portion of the calendar 14873
year if any of the following applies. The person: 14874

(1) Has at any time during the calendar year property in this 14875
state with an aggregate value of at least fifty thousand dollars. 14876
For the purpose of division (I)(1) of this section, owned property 14877
is valued at original cost and rented property is valued at eight 14878
times the net annual rental charge. 14879

(2) Has during the calendar year payroll in this state of at 14880
least fifty thousand dollars. Payroll in this state includes all 14881
of the following: 14882

(a) Any amount subject to withholding by the person under 14883
section 5747.06 of the Revised Code; 14884

(b) Any other amount the person pays as compensation to an 14885

individual under the supervision or control of the person for work	14886
done in this state; and	14887
(c) Any amount the person pays for services performed in this	14888
state on its behalf by another.	14889
(3) Has during the calendar year taxable gross receipts of at	14890
least five hundred thousand dollars.	14891
(4) Has at any time during the calendar year within this	14892
state at least twenty-five per cent of the person's total	14893
property, total payroll, or total gross receipts.	14894
(5) Is domiciled in this state as an individual or for	14895
corporate, commercial, or other business purposes.	14896
(J) "Tangible personal property" has the same meaning as in	14897
section 5739.01 of the Revised Code.	14898
(K) "Internal Revenue Code" means the Internal Revenue Code	14899
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in	14900
this chapter that is not otherwise defined has the same meaning as	14901
when used in a comparable context in the laws of the United States	14902
relating to federal income taxes unless a different meaning is	14903
clearly required. Any reference in this chapter to the Internal	14904
Revenue Code includes other laws of the United States relating to	14905
federal income taxes.	14906
(L) "Calendar quarter" means a three-month period ending on	14907
the thirty-first day of March, the thirtieth day of June, the	14908
thirtieth day of September, or the thirty-first day of December.	14909
(M) "Tax period" means the calendar quarter or calendar year	14910
on the basis of which a taxpayer is required to pay the tax	14911
imposed under this chapter.	14912
(N) "Calendar year taxpayer" means a taxpayer for which the	14913
tax period is a calendar year.	14914
(O) "Calendar quarter taxpayer" means a taxpayer for which	14915

the tax period is a calendar quarter. 14916

(P) "Agent" means a person authorized by another person to 14917
act on its behalf to undertake a transaction for the other, 14918
including any of the following: 14919

(1) A person receiving a fee to sell financial instruments; 14920

(2) A person retaining only a commission from a transaction 14921
with the other proceeds from the transaction being remitted to 14922
another person; 14923

(3) A person issuing licenses and permits under section 14924
1533.13 of the Revised Code; 14925

(4) A lottery sales agent holding a valid license issued 14926
under section 3770.05 of the Revised Code; 14927

(5) A person acting as an agent of the division of liquor 14928
control under section 4301.17 of the Revised Code. 14929

(Q) "Received" includes amounts accrued under the accrual 14930
method of accounting. 14931

Sec. 5751.011. (A) A group of two or more persons may elect 14932
to be a consolidated elected taxpayer for the purposes of this 14933
chapter if the group satisfies all of the following requirements: 14934

(1) The group elects to include all persons, including 14935
persons enumerated in divisions (E)(2) to (10) of section 5751.01 14936
of the Revised Code, having at least eighty per cent, or having at 14937
least fifty per cent, of the value of their ownership interests 14938
owned or controlled, directly or constructively through related 14939
interests, by common owners during all or any portion of the tax 14940
period, together with the common owners. At the election of the 14941
group, all entities that are not incorporated or formed under the 14942
laws of a state or of the United States and that meet the elected 14943
ownership test shall either be included in the group or all shall 14944

be excluded from the group. The group shall notify the tax commissioner of the foregoing elections before the due date of the return in which the election is to become effective. If fifty per cent of the value of a person's ownership interests is owned or controlled by each of two consolidated elected taxpayer groups formed under the fifty per cent ownership or control test, that person is a member of each group for the purposes of this section, and each group shall include in the group's taxable gross receipts fifty per cent of that person's taxable gross receipts. Otherwise, all of that person's taxable gross receipts shall be included in the taxable gross receipts of the consolidated elected taxpayer group of which the person is a member. In no event shall the ownership or control of fifty per cent of the value of a person's ownership interests by two otherwise unrelated groups form the basis for consolidating the groups into a single consolidated elected taxpayer group or permit any exclusion under division (C) of this section of taxable gross receipts between members of the two groups. Division (A)(3) of this section applies with respect to the elections described in this division.

(2) The group makes the election to be treated as a consolidated elected taxpayer in the manner prescribed under division (D) of this section.

(3) Subject to review and audit by the tax commissioner, the group agrees that all of the following apply:

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the

group does not so notify the tax commissioner, the election 14976
remains in effect for another eight calendar quarters. 14977

(c) If, at any time during any of those eight calendar 14978
quarters following the election, a former member of the group no 14979
longer meets the requirements under division (A)(1) of this 14980
section, that member shall report and pay the tax imposed under 14981
this chapter separately, as a member of a combined taxpayer, or, 14982
if the former member satisfies such requirements with respect to 14983
another consolidated elected group, as a member of that 14984
consolidated elected group. 14985

(d) The group agrees to the application of division (B) of 14986
this section. 14987

(B) A group of persons making the election under this section 14988
shall report and pay tax on all of the group's taxable gross 14989
receipts even if substantial nexus with this state does not exist 14990
for one or more persons in the group. 14991

(C)(1) A (a) Members of a consolidated elected taxpayer group 14992
shall exclude ~~taxable gross receipts between its members and~~ 14993
taxable among persons included in the consolidated elected 14994
taxpayer group. 14995

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 14996
section, nothing in this section shall have the effect of 14997
requiring a consolidated elected taxpayer group to include gross 14998
receipts received by a person enumerated in divisions (E)(2) to 14999
(10) of section 5751.01 of the Revised Code, ~~except for taxable~~ 15000
~~gross receipts received by a member described in division (E)(4)~~ 15001
~~of section 5751.01 of the Revised Code that is not a qualifying~~ 15002
~~dealer as defined in section 5725.24 of the Revised Code. Except~~ 15003
~~as provided in division (C)(2) of this section, nothing in this~~ 15004
~~section shall have the effect of excluding taxable gross receipts~~ 15005
~~received from persons that are not members of the group if that~~ 15006

person is a member of the group pursuant to the elections made by 15007
the group under division (A)(1) of this section. 15008

(c)(i) As used in division (C)(1)(c) of this section, "dealer 15009
transfer" means a transfer of property that satisfies both of the 15010
following: (I) the property is directly transferred by any means 15011
from one member of the group to another member of the group that 15012
is a dealer in intangibles but is not a qualifying dealer as 15013
defined in section 5725.24 of the Revised Code; and (II) the 15014
property is subsequently delivered by the dealer in intangibles to 15015
a person that is not a member of the group. 15016

(ii) In the event of a dealer transfer, a consolidated 15017
elected taxpayer group shall not exclude, under division (C) of 15018
this section, gross receipts from the transfer described in 15019
division (C)(1)(c)(i)(I) of this section. 15020

(2) Gross receipts related to the sale or transmission of 15021
electricity through the use of an intermediary regional 15022
transmission organization approved by the federal energy 15023
regulatory commission shall be excluded from taxable gross 15024
receipts under division (C)(1) of this section if all other 15025
requirements of that division are met, even if the receipts are 15026
from and to the same member of the group. 15027

(D) To make the election to be a consolidated elected 15028
taxpayer, a group of persons shall notify the tax commissioner of 15029
the election in the manner prescribed by the commissioner and pay 15030
the commissioner a registration fee equal to the lesser of two 15031
hundred dollars or twenty dollars for each person in the group. No 15032
additional fee shall be imposed for the addition of new members to 15033
the group once the group has remitted a fee in the amount of two 15034
hundred dollars. The election shall be made and the fee paid 15035
before the later of the beginning of the first calendar quarter to 15036
which the election applies or November 15, 2005. The fee shall be 15037
collected and used in the same manner as provided in section 15038

5751.04 of the Revised Code. 15039

The election shall be made on a form prescribed by the tax 15040
commissioner for that purpose and shall be signed by one or more 15041
individuals with authority, separately or together, to make a 15042
binding election on behalf of all persons in the group. 15043

Any person acquired or formed after the filing of the 15044
registration shall be included in the group if the person meets 15045
the requirements of division (A)(1) of this section, and the group 15046
shall notify the tax commissioner of any additions to the group 15047
with the next tax return it files with the commissioner. 15048

(E) Each member of a consolidated elected taxpayer is jointly 15049
and severally liable for the tax imposed by this chapter and any 15050
penalties or interest thereon. The tax commissioner may require 15051
one person in the group to be the taxpayer for purposes of 15052
registration and remittance of the tax, but all members of the 15053
group are subject to assessment under section 5751.09 of the 15054
Revised Code. 15055

Sec. 5751.033. For the purposes of this chapter, gross 15056
receipts shall be situated to this state as follows: 15057

(A) Gross rents and royalties from real property located in 15058
this state shall be situated to this state. 15059

(B) Gross rents and royalties from tangible personal property 15060
shall be situated to this state to the extent the tangible personal 15061
property is located or used in this state. 15062

(C) Gross receipts from the sale of electricity and electric 15063
transmission and distribution services shall be situated to this 15064
state in the manner provided under section 5733.059 of the Revised 15065
Code. 15066

(D) Gross receipts from the sale of real property located in 15067
this state shall be situated to this state. 15068

(E) Gross receipts from the sale of tangible personal 15069
property shall be situated to this state if the property is 15070
received in this state by the purchaser. In the case of delivery 15071
of tangible personal property by common carrier or by other means 15072
of transportation, the place at which such property is ultimately 15073
received after all transportation has been completed shall be 15074
considered the place where the purchaser receives the property. 15075
For purposes of this section, the phrase "delivery of tangible 15076
personal property by common carrier or by other means of 15077
transportation" includes the situation in which a purchaser 15078
accepts the property in this state and then transports the 15079
property directly or by other means to a location outside this 15080
state. Direct delivery in this state, other than for purposes of 15081
transportation, to a person or firm designated by a purchaser 15082
constitutes delivery to the purchaser in this state, and direct 15083
delivery outside this state to a person or firm designated by a 15084
purchaser does not constitute delivery to the purchaser in this 15085
state, regardless of where title passes or other conditions of 15086
sale. 15087

(F) Gross receipts from the sale, exchange, disposition, or 15088
other grant of the right to use trademarks, trade names, patents, 15089
copyrights, and similar intellectual property shall be situated to 15090
this state to the extent that the receipts are based on the amount 15091
of use of the property in this state. If the receipts are not 15092
based on the amount of use of the property, but rather on the 15093
right to use the property, and the payor has the right to use the 15094
property in this state, then the receipts from the sale, exchange, 15095
disposition, or other grant of the right to use such property 15096
shall be situated to this state to the extent the receipts are 15097
based on the right to use the property in this state. 15098

(G) Gross receipts from the sale of transportation services 15099
by a common or contract carrier shall be situated to this state in 15100

proportion to the mileage traveled by the carrier during the tax 15101
period on roadways, waterways, airways, and railways in this state 15102
to the mileage traveled by the carrier during the tax period on 15103
roadways, waterways, airways, and railways everywhere. With prior 15104
written approval of the tax commissioner, a common or contract 15105
carrier may use an alternative situsing procedure for 15106
transportation services. 15107

(H) Gross receipts from dividends, interest, and other 15108
sources of income from financial instruments described in ~~division~~ 15109
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 15110
section 5733.056 of the Revised Code shall be sitused to this 15111
state in accordance with the situsing provisions set forth in 15112
those divisions. When applying the provisions of divisions (F)(6), 15113
(8), and (13) of section 5733.056 of the Revised Code, "gross 15114
receipts" shall be substituted for "net gains" wherever "net 15115
gains" appears in those divisions. Nothing in this division limits 15116
or modifies the exclusions enumerated in divisions (E) and (F)(2) 15117
of section 5751.01 of the Revised Code. The tax commissioner may 15118
promulgate rules to further specify the manner in which to situs 15119
gross receipts subject to this division. 15120

(I) Gross receipts from the sale of all other services, and 15121
all other gross receipts not otherwise sitused under this section, 15122
shall be sitused to this state in the proportion that the 15123
purchaser's benefit in this state with respect to what was 15124
purchased bears to the purchaser's benefit everywhere with respect 15125
to what was purchased. The physical location where the purchaser 15126
ultimately uses or receives the benefit of what was purchased 15127
shall be paramount in determining the proportion of the benefit in 15128
this state to the benefit everywhere. If a taxpayer's records do 15129
not allow the taxpayer to determine that location, the taxpayer 15130
may use an alternative method to situs gross receipts under this 15131
division if the alternative method is reasonable, is consistently 15132

and uniformly applied, and is supported by the taxpayer's records 15133
as the records exist when the service is provided or within a 15134
reasonable period of time thereafter. 15135

(J) If the situsing provisions of divisions (A) to (H) of 15136
this section do not fairly represent the extent of a person's 15137
activity in this state, the person may request, or the tax 15138
commissioner may require or permit, an alternative method. Such 15139
request by a person must be made within the applicable statute of 15140
limitations set forth in this chapter. 15141

(K) The tax commissioner may adopt rules to provide 15142
additional guidance to the application of this section, and 15143
provide alternative methods of situsing gross receipts that apply 15144
to all persons, or subset of persons, that are engaged in similar 15145
business or trade activities. 15146

Sec. 5910.03. Scholarships shall be granted only to children 15147
of deceased or disabled veterans of the armed services of the 15148
United States. To be eligible for a scholarship, such child shall: 15149

(A) At the time of application, have attained the sixteenth, 15150
but not the ~~twenty-first~~ twenty-fifth, birthday; 15151

(B) At the time of application, if a child of a veteran who 15152
entered the armed services: 15153

(1) As a legal resident of Ohio, have resided in the state 15154
for the last preceding year; 15155

(2) Not as a legal resident of Ohio, have resided in the 15156
state for the year preceding the year in which application for the 15157
scholarship is made and any other four of the last ten years; 15158

(C) Be in financial need, as determined by the board. 15159

Sec. 5919.31. (A) If an active duty member of the Ohio 15160
national guard chooses to purchase life insurance pursuant to the 15161

"Servicemembers' Group Life Insurance Act," 79 Stat. 880 et seq. 15162
(1965), 38 U.S.C. 1965 et seq. and if the adjutant general 15163
determines that the member is ineligible for reimbursement of 15164
associated premiums under federal law, the adjutant general shall 15165
reimburse the member in an amount equal to the monthly premium 15166
paid for each month or part of a month by the member pursuant to 15167
the act while being an active duty member. 15168

(B) The adjutant general may request additional money from 15169
the controlling board if the adjutant general does not have 15170
sufficient available unencumbered funds to reimburse active duty 15171
members for life insurance premiums pursuant to this section. 15172

(C) The adjutant general may prescribe and enforce 15173
regulations to implement the requirements of this section. In 15174
prescribing and enforcing those regulations, the adjutant general 15175
need not comply with section 111.15 or Chapter 119. of the Revised 15176
Code. 15177

(D) As used in this section, "active duty member" means a 15178
member of the Ohio national guard on active duty pursuant to an 15179
executive order of the president of the United States, the "Act of 15180
October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as 15181
amended, another act of the congress of the United States, or a 15182
proclamation of the governor, but does not include a member 15183
performing full-time Ohio national guard duty or performing 15184
special work active duty under the "Act of October 3, 1964," 78 15185
Stat. 999, 32 U.S.C. 502(f). 15186

Section 101.02. That existing sections 3.21, 3.23, 5.10, 15187
9.37, 101.34, 101.72, 101.83, 101.92, 107.40, 121.62, 122.17, 15188
122.171, 126.11, 131.02, 133.021, 133.07, 133.08, 133.20, 151.01, 15189
151.09, 151.10, 151.40, 152.09, 152.18, 152.19, 152.21, 152.24, 15190
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5739.09, 5741.101, 5747.39, 5748.01, 5751.01, 5751.011, 5751.033, 15205
5910.03, and 5919.31 of the Revised Code are hereby repealed. 15206

Section 101.03. That existing Section 206.09.84 of Am. Sub. 15207
H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 15208
530 of the 126th General Assembly, is hereby repealed. 15209

Section 110.07. That the version of section 5502.62 of the 15210
Revised Code that is scheduled to take effect April 1, 2007, be 15211
amended to read as follows: 15212

Sec. 5502.62. (A) There is hereby created in the department 15213
of public safety a division of criminal justice services. The 15214
director of public safety, with the concurrence of the governor, 15215
shall appoint an executive director of the division of criminal 15216
justice services. The executive director shall be the head of the 15217
division. The executive director shall serve at the pleasure of 15218
the director of public safety. To carry out the duties assigned 15219
under this section and to comply with sections 5502.63 to 5502.66 15220
of the Revised Code, the executive director, subject to the 15221
direction and control of the director of public safety, may 15222

appoint and maintain any necessary staff and may enter into any 15223
necessary contracts and other agreements. The executive director 15224
of the division, and all professional and technical personnel 15225
employed within the division who are not public employees as 15226
defined in section 4117.01 of the Revised Code, shall be in the 15227
unclassified civil service, and all other persons employed within 15228
the division shall be in the classified civil service. 15229

(B) Subject to division (F) of this section and subject to 15230
divisions (D) to (F) of section 5120.09 of the Revised Code 15231
insofar as those divisions relate to federal criminal justice acts 15232
that the governor requires the department of rehabilitation and 15233
correction to administer, the division of criminal justice 15234
services shall do all of the following: 15235

(1) Serve as the state criminal justice services agency and 15236
perform criminal justice system planning in the state, including 15237
any planning that is required by any federal law; 15238

(2) Collect, analyze, and correlate information and data 15239
concerning the criminal justice system in the state; 15240

(3) Cooperate with and provide technical assistance to state 15241
departments, administrative planning districts, metropolitan 15242
county criminal justice services agencies, criminal justice 15243
coordinating councils, agencies, offices, and departments of the 15244
criminal justice system in the state, and other appropriate 15245
organizations and persons; 15246

(4) Encourage and assist agencies, offices, and departments 15247
of the criminal justice system in the state and other appropriate 15248
organizations and persons to solve problems that relate to the 15249
duties of the division; 15250

(5) Administer within the state any federal criminal justice 15251
acts that the governor requires it to administer; 15252

(6) Administer funds received under the "Family Violence 15253

Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 15254
10401, as amended, with all powers necessary for the adequate 15255
administration of those funds, including the authority to 15256
establish a family violence prevention and services program; 15257

(7) Implement the state comprehensive plans; 15258

(8) Audit grant activities of agencies, offices, 15259
organizations, and persons that are financed in whole or in part 15260
by funds granted through the division; 15261

(9) Monitor or evaluate the performance of criminal justice 15262
system projects and programs in the state that are financed in 15263
whole or in part by funds granted through the division; 15264

(10) Apply for, allocate, disburse, and account for grants 15265
that are made available pursuant to federal criminal justice acts, 15266
or made available from other federal, state, or private sources, 15267
to improve the criminal justice system in the state. ~~Except as~~ 15268
~~otherwise provided in this division, all money from such federal~~ 15269
~~grants shall, if the terms under which the money is received~~ 15270
~~require that the money be deposited into an interest-bearing fund~~ 15271
~~or account, be deposited in the state treasury to the credit of~~ 15272
~~the federal program purposes fund, which is hereby created. All~~ 15273
~~investment earnings of the federal program purposes fund shall be~~ 15274
~~credited to the fund. All money from such federal grants that~~ 15275
require that the money be deposited into an interest-bearing fund 15276
or account, that are intended to provide funding to local criminal 15277
justice programs, and that require that investment earnings be 15278
distributed for program purposes shall be deposited in the state 15279
treasury to the credit of the federal justice programs ~~fund~~ funds, 15280
which ~~is~~ are hereby created. A separate fund shall be established 15281
each federal fiscal year. All investment earnings of ~~the~~ a federal 15282
justice programs fund shall be credited to ~~the~~ that fund and 15283
distributed in accordance with the terms of the grant under which 15284

the money is received.	15285
(11) Contract with federal, state, and local agencies,	15286
foundations, corporations, businesses, and persons when necessary	15287
to carry out the duties of the division;	15288
(12) Oversee the activities of metropolitan county criminal	15289
justice services agencies, administrative planning districts, and	15290
criminal justice coordinating councils in the state;	15291
(13) Advise the director of public safety, general assembly,	15292
and governor on legislation and other significant matters that	15293
pertain to the improvement and reform of criminal and juvenile	15294
justice systems in the state;	15295
(14) Prepare and recommend legislation to the director of	15296
public safety, general assembly, and governor for the improvement	15297
of the criminal and juvenile justice systems in the state;	15298
(15) Assist, advise, and make any reports that are requested	15299
or required by the governor, director of public safety, attorney	15300
general, or general assembly;	15301
(16) Develop and maintain the Ohio incident-based reporting	15302
system in accordance with division (C) of this section;	15303
(17) Subject to the approval of the director of public	15304
safety, adopt rules pursuant to Chapter 119. of the Revised Code;	15305
(18)(a) Not later than June 1, 2007, and subject to the	15306
approval of the director of public safety, adopt rules for the	15307
establishment and maintenance of a mcgruff house program by any	15308
sponsoring agency. The rules shall include the following:	15309
(i) The adoption of the mcgruff house symbol to be used	15310
exclusively in all mcgruff house programs in this state;	15311
(ii) The requirements for any sponsoring agency to establish	15312
and maintain a mcgruff house program;	15313
(iii) The criteria for the selection of volunteers to	15314

participate in a mcgruff house program that shall include, but not
be limited to, criminal background checks of those volunteers;

(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.

(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.

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

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

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

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

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

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

(6) Require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system general revenue funds through the division 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 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;

(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 15375
duties of the division. 15376

(E) Divisions (B), (C), and (D) of this section do not limit 15377
the discretion or authority of the attorney general with respect 15378
to crime victim assistance and criminal justice programs. 15379

(F) Nothing in this section is intended to diminish or alter 15380
the status of the office of the attorney general as a criminal 15381
justice services agency or to diminish or alter the status or 15382
discourage the development and use of other law enforcement 15383
information systems in Ohio. 15384

Section 110.08. That the existing version of section 5502.62 15385
of the Revised Code that is scheduled to take effect April 1, 15386
2007, is hereby repealed. 15387

Section 110.09. That Sections 110.07 and 110.08 of this act 15388
take effect April 1, 2007. 15389

Section 201.10. The items set forth in this section are 15390
hereby appropriated out of any moneys in the state treasury to the 15391
credit of the Wildlife Fund (Fund 015), that are not otherwise 15392
appropriated. 15393

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			15394
CAP-012	Land Acquisition - Statewide	\$ 3,000,000	15395
CAP-852	Wildlife Area Building	\$ 1,000,000	15396
Development/Renovations			
Total Department of Natural Resources			\$ 4,000,000 15397
TOTAL Wildlife Fund			\$ 4,000,000 15398

Section 203.10. The items set forth in this section are 15400
hereby appropriated out of any moneys in the state treasury to the 15401

credit of the Public School Building Fund (Fund 021), that are not 15402
otherwise appropriated. 15403

Appropriations

SFC SCHOOL FACILITIES COMMISSION		15404
CAP-622 Public School Buildings	\$ 154,632,362	15405
CAP-786 New School Planning and Design	\$ 4,000,000	15406
Total School Facilities Commission	\$ 158,632,362	15407
TOTAL Public School Building Fund	\$ 158,632,362	15408

Section 203.20. PUBLIC SCHOOL BUILDING FUND 15410

The Controlling Board, when requested to do so by the 15411
Executive Director of the Ohio School Facilities Commission, may 15412
increase appropriations in the Public School Building Fund (Fund 15413
021), based on revenues received by the fund, including cash 15414
transfers and interest that may accrue to the fund. 15415

Section 203.40. NEW BLIND AND DEAF SCHOOL PLANNING AND DESIGN 15416

The foregoing appropriation item CAP-786, New School Planning 15417
and Design, shall be used for the planning and design of a new 15418
consolidated school, residential facility, transportation garage, 15419
and athletic facilities for the Ohio State School for the Blind 15420
and the Ohio School for the Deaf. Notwithstanding sections 123.01 15421
and 123.15 of the Revised Code and in addition to its powers and 15422
duties under Chapter 3318. of the Revised Code, the Ohio School 15423
Facilities Commission shall administer the planning and design of 15424
a new consolidated school, residential facility, transportation 15425
garage, and athletic facilities for the Ohio State School for the 15426
Blind and the Ohio School for the Deaf on the current campus of 15427
the Ohio School for the Deaf. The design and construction of the 15428
new consolidated school shall comply to the fullest extent 15429
possible with the specifications and policies set forth in the 15430
Ohio School Design Manual. This project shall not be considered a 15431

part of any program created under Chapter 3318. of the Revised 15432
Code. The Executive Director of the Ohio School Facilities 15433
Commission shall determine the planning, design, scope, and budget 15434
of the project in consultation with the superintendents of the 15435
Ohio State School for the Blind and the Ohio School for the Deaf 15436
and the Director of Budget and Management. Upon issuance by the 15437
Commission of a certificate of completion of the project, the 15438
Commission's participation in the project shall end. 15439

The Executive Director of the Ohio School Facilities 15440
Commission shall comply with the procedures and guidelines 15441
established in Chapter 153. of the Revised Code. Upon the release 15442
of funds for the project by the Controlling Board or the Director 15443
of Budget and Management, the commission may administer the 15444
project without the supervision, control, or approval of the 15445
Director of Administrative Services. Any references to the 15446
Director of Administrative Services in the Revised Code, with 15447
respect to the administration of this project, shall be construed 15448
to refer to the Director of the Ohio School Facilities Commission. 15449

Section 205.10. The items set forth in this section are 15450
hereby appropriated out of any moneys in the state treasury to the 15451
credit of the Highway Safety Fund (Fund 036), that are not 15452
otherwise appropriated. 15453

			Appropriations
DHS DEPARTMENT OF PUBLIC SAFETY			15454
CAP-083	Alum Creek Facility Roof Renovation	\$ 1,067,000	15455
CAP-084	OSHP Academy Maintenance	\$ 433,000	15456
Total Department of Public Safety		\$ 1,500,000	15457
TOTAL Highway Safety Fund		\$ 1,500,000	15458

Section 207.10. All items set forth in this section are 15460
hereby appropriated out of any moneys in the state treasury to the 15461

credit of the State Capital Improvements Revolving Loan Fund (Fund 15462
040). Revenues to the State Capital Improvements Revolving Loan 15463
Fund shall consist of all repayments of loans made to local 15464
subdivisions for capital improvements, investment earnings on 15465
moneys in the fund, and moneys obtained from federal or private 15466
grants or from other sources for the purpose of making loans for 15467
the purpose of financing or assisting in the financing of the cost 15468
of capital improvement projects of local subdivisions. 15469

Appropriations

PWC PUBLIC WORKS COMMISSION 15470
CAP-151 Revolving Loan \$ 25,300,000 15471
Total Public Works Commission \$ 25,300,000 15472
TOTAL State Capital Improvements Revolving Loan \$ 25,300,000 15473
Fund

The foregoing appropriation item CAP-151, Revolving Loan, 15474
shall be used in accordance with sections 164.01 to 164.12 of the 15475
Revised Code. 15476

If the Public Works Commission receives refunds due to 15477
project overpayments that are discovered during a post-project 15478
audit, the Director of the Public Works Commission may certify to 15479
the Director of Budget and Management that refunds have been 15480
received. In certifying the refunds, the Director of the Public 15481
Works Commission shall provide the Director of Budget and 15482
Management information on the project refunds. The certification 15483
shall detail by project the source and amount of project 15484
overpayments received and include any supporting documentation 15485
required or requested by the Director of Budget and Management. 15486
Upon receipt of the certification, the Director of Budget and 15487
Management shall determine if the project refunds are necessary to 15488
support existing appropriations. If the project refunds are 15489
available to support additional appropriations, these amounts are 15490
hereby appropriated to appropriation item CAP-151, Revolving Loan. 15491

Section 209.10. All items set forth in this section are 15492
hereby appropriated out of any moneys in the state treasury to the 15493
credit of the Waterways Safety Fund (Fund 086), that are not 15494
otherwise appropriated. 15495

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 15496

CAP-324	Cooperative Funding for Boating	\$	8,700,000	15497
	Facilities			
CAP-934	Operations Facilities Development	\$	3,440,000	15498
	Total Department of Natural Resources	\$	12,140,000	15499
	TOTAL Waterways Safety Fund	\$	12,140,000	15500

Section 211.10. All items set forth in this section are 15502
hereby appropriated out of any moneys in the state treasury to the 15503
credit of the Army National Guard Service Contract Fund (Fund 15504
342), that are not otherwise appropriated. 15505

Appropriations

ADJ ADJUTANT GENERAL 15506

CAP-065	Armory Construction-Federal	\$	877,275	15507
	Total Adjutant General	\$	877,275	15508
	TOTAL Army National Guard Service Contract Fund	\$	877,275	15509

Section 213.10. All items set forth in this section are 15511
hereby appropriated out of any moneys in the state treasury to the 15512
credit of the Special Administrative Fund (Fund 4A9), that are not 15513
otherwise appropriated. 15514

Appropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 15515

CAP-702	Central Office Building Renovations	\$	2,000,000	15516
	Total Department of Job and Family Services	\$	2,000,000	15517
	TOTAL Special Administrative Fund	\$	2,000,000	15518

Section 215.10. The items set forth in this section are 15520
hereby appropriated out of any moneys in the state treasury to the 15521
credit of the State Fire Marshal Fund (Fund 546), that are not 15522
otherwise appropriated. 15523

Appropriations

COM DEPARTMENT OF COMMERCE			15524
CAP-115	Emergency Generator Replacement	\$ 1,650,000	15525
CAP-116	IT Infrastructure	\$ 720,000	15526
CAP-117	Security Fence & Entrance Gate	\$ 50,000	15527
CAP-118	Driver Training/Road Improvement	\$ 1,070,000	15528
CAP-119	Master Plan for SFM Facilities	\$ 500,000	15529
CAP-120	Forensic Laboratory Equipment	\$ 130,000	15530
Total Department of Commerce		\$ 4,120,000	15531
TOTAL State Fire Marshal Fund		\$ 4,120,000	15532

Section 217.10. The items set forth in this section are 15534
hereby appropriated out of any moneys in the state treasury to the 15535
credit of the Veterans' Home Improvement Fund (Fund 604), that are 15536
not otherwise appropriated. 15537

Appropriations

OVH OHIO VETERANS' HOME AGENCY			15538
CAP-786	General Building Renovations	\$ 2,700,000	15539
Total Ohio Veterans' Home Agency		\$ 2,700,000	15540
TOTAL Veterans' Home Improvement Fund		\$ 2,700,000	15541

Section 219.10. All items set forth in this section are 15543
hereby appropriated out of any moneys in the state treasury to the 15544
credit of the Job Ready Site Development Fund (Fund 012), that are 15545
not otherwise appropriated: 15546

Appropriations

DEV DEPARTMENT OF DEVELOPMENT			15547
CAP-003	Job Ready Sites	\$ 30,000,000	15548

Total Department of Development	\$	30,000,000	15549
TOTAL Job Ready Site Development Fund	\$	30,000,000	15550

Section 219.20. JOB READY SITE DEVELOPMENT 15552

The Ohio Public Facilities Commission, upon request of the 15553
 Department of Development, is hereby authorized to issue and sell, 15554
 in accordance with Section 2p of Article VIII, Ohio Constitution, 15555
 and pursuant to sections 151.01 and 151.11 of the Revised Code, 15556
 original obligations of the State of Ohio in an aggregate amount 15557
 not to exceed \$30,000,000 in addition to the original issuance of 15558
 obligations heretofore authorized by prior acts of the General 15559
 Assembly. These authorized obligations shall be issued and sold 15560
 from time to time, subject to applicable constitutional and 15561
 statutory limitations, as needed to ensure sufficient moneys to 15562
 the credit of the Job Ready Site Development Fund (Fund 012) to 15563
 pay costs of sites and facilities. 15564

Section 221.10.10. All items set forth in Sections 221.10.20 15565
 to 221.20.10 of this act are hereby appropriated out of any moneys 15566
 in the state treasury to the credit of the Administrative Building 15567
 Fund (Fund 026), that are not otherwise appropriated. 15568

Appropriations

Section 221.10.20. ADJ ADJUTANT GENERAL 15569

CAP-036	Roof Replacement - Various	\$	530,000	15570
CAP-038	Electrical Systems - Various	\$	560,000	15571
CAP-044	Replace Windows/Doors - Various	\$	220,000	15572
CAP-045	Plumbing Renovations - Various	\$	525,000	15573
CAP-046	Paving Renovations - Various	\$	455,225	15574
CAP-050	HVAC Systems - Various	\$	700,000	15575
CAP-056	Masonry Repairs/Renovations - Various	\$	220,000	15576
CAP-071	Construct Delaware Armory	\$	1,756,250	15577
CAP-072	Energy Conservation - Various	\$	33,525	15578

CAP-063	Rickenbacker International Airport	\$	2,775,000	15579
CAP-075	Mansfield Lahm Air National Guard Facility	\$	1,000,000	15580
CAP-076	Camp Perry Improvements	\$	1,200,000	15581
Total Adjutant General		\$	9,975,000	15582

ARMORY CONSTRUCTION 15583

The foregoing appropriation item CAP-071, Construct Delaware Armory, shall be used to fund the state's share of the cost of building a basic armory in the Delaware area, including the cost of site acquisition, site preparation, and planning and design. Appropriations shall not be released for this item without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys have been allocated for the federal share of the cost of construction.

Appropriations

Section 221.10.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 15592

CAP-773	Governor's Residence Renovations	\$	912,000	15593
CAP-826	Surface Road Building Renovations	\$	394,300	15594
CAP-834	Capital Improvements Project Management System	\$	2,342,400	15595
CAP-835	Energy Conservation Projects	\$	1,000,000	15596
CAP-838	SOCC Renovations	\$	1,200,000	15597
CAP-850	Education Building Renovations	\$	564,900	15598
CAP-852	North High Building Complex Renovations	\$	14,001,400	15599
CAP-855	Office Space Planning	\$	5,000,000	15600
CAP-856	Governor's Residence Security Upgrades	\$	25,000	15601
CAP-865	DAS Building Security Upgrades	\$	79,500	15602
CAP-869	JFS Facility Land Acquisition and Construction - Columbiana County	\$	1,000,000	15603
Total Department of Administrative Services		\$	26,519,500	15604

Appropriations

Section 221.10.40. AGR DEPARTMENT OF AGRICULTURE			15606
CAP-043	Building and Grounds Renovation	\$ 600,000	15607
CAP-051	Plant Industries Building #7 Replacement	\$ 10,485,631	15608
CAP-052	Grounds Security/Emergency Power	\$ 200,000	15609
Total Department of Agriculture			\$ 11,285,631 15610

Appropriations

Section 221.10.50. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			15612
CAP-024	Capitol Square Security	\$ 350,000	15614
CAP-025	CSRAB Visitors' Center	\$ 747,000	15615
Total Capitol Square Review and Advisory Board			\$ 1,097,000 15616

Appropriations

Section 221.10.60. EXP EXPOSITIONS COMMISSION			15618
CAP-056	Building Renovations and Repairs	\$ 4,696,000	15619
CAP-072	Emergency Repairs and Equipment Repair or Replacement	\$ 1,000,000	15620
CAP-074	Multi-Purpose Building	\$ 14,000,000	15621
Total Expositions Commission			\$ 19,696,000 15622

Appropriations

Section 221.10.70. DHS DEPARTMENT OF PUBLIC SAFETY			15624
CAP-085	American Red Cross Public Safety Facility	\$ 500,000	15625
CAP-086	Consolidated Communications Project of Strongsville	\$ 100,000	15626
CAP-087	Domestic Violence Center	\$ 100,000	15627
CAP-088	Family Services of Cincinnati	\$ 100,000	15628
Total Department of Public Safety			\$ 800,000 15629

Appropriations

Section 221.10.80. DNR DEPARTMENT OF NATURAL RESOURCES			15631
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CAP-742	Fountain Square Building and Telephone System Improvements	\$	1,000,000	15632
CAP-744	MARCS	\$	2,000,000	15633
CAP-747	DNR Fairgrounds Areas - General Upgrading - Fairgrounds Site Improvements	\$	700,000	15634
Total Department of Natural Resources		\$	3,700,000	15635

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND			15637	
CAP-784	Renovations and Repairs	\$	890,000	15638
CAP-785	Replacement of School Elevator	\$	110,000	15639
Total School for the Blind		\$	1,000,000	15640

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF			15642	
CAP-783	Renovations and Repairs	\$	1,000,000	15643
Total School for the Deaf		\$	1,000,000	15644
TOTAL Administrative Building Fund		\$	75,073,131	15645

Section 221.20.20. The Ohio Building Authority is hereby 15646
authorized to issue and sell, in accordance with Section 2i of 15647
Article VIII, Ohio Constitution, and Chapter 152. and other 15648
applicable sections of the Revised Code, original obligations in 15649
an aggregate principal amount not to exceed \$68,000,000 in 15650
addition to the original issuance of obligations heretofore 15651
authorized by prior acts of the General Assembly. These authorized 15652
obligations shall be issued, subject to applicable constitutional 15653
and statutory limitations, to pay costs associated with previously 15654
authorized capital facilities and the capital facilities referred 15655
to in Sections 221.10.10 to 221.20.10 of this act. 15656

Section 223.10. All items set forth in this section are 15657

hereby appropriated out of any moneys in the state treasury to the 15658
credit of the Adult Correctional Building Fund (Fund 027), that 15659
are not otherwise appropriated. 15660

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			15661
STATEWIDE AND CENTRAL OFFICE PROJECTS			15662
CAP-003 Community Based Correctional Facility	\$	1,200,000	15663
CAP-017 Security Improvements - Statewide	\$	6,127,037	15664
CAP-111 General Building Renovations	\$	28,847,973	15665
Total Statewide and Central Office Projects	\$	36,175,010	15666
TOTAL Department of Rehabilitation and Correction	\$	36,175,010	15667
TOTAL ADULT CORRECTIONAL BUILDING FUND	\$	36,175,010	15668

Section 223.20. The Ohio Building Authority is hereby 15670
authorized to issue and sell, in accordance with Section 2i of 15671
Article VIII, Ohio Constitution, and Chapter 152. and section 15672
307.021 of the Revised Code, original obligations in an aggregate 15673
principal amount not to exceed \$21,000,000 in addition to the 15674
original issuance of obligations heretofore authorized by prior 15675
acts of the General Assembly. These authorized obligations shall 15676
be issued, subject to applicable constitutional and statutory 15677
limitations, to pay costs associated with previously authorized 15678
capital facilities and the capital facilities referred to in 15679
Section 223.10 of this act for the Department of Rehabilitation 15680
and Correction. 15681

Section 225.10. All items set forth in this section are 15682
hereby appropriated out of any moneys in the state treasury to the 15683
credit of the Juvenile Correctional Building Fund (Fund 028), that 15684
are not otherwise appropriated. 15685

Appropriations

DYS DEPARTMENT OF YOUTH SERVICES			15686
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CAP-801	Fire Suppression/Safety/Security	\$	2,369,806	15687
CAP-803	General Institutional Renovations	\$	4,833,336	15688
CAP-812	CCF Renovations/Maintenance	\$	1,322,304	15689
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$	4,850,000	15690
CAP-839	Classroom Renovations	\$	1,988,875	15691
CAP-840	Mental Health Unit Construction	\$	2,877,510	15692
Total Department of Youth Services		\$	18,241,831	15693
TOTAL Juvenile Correctional Building Fund		\$	18,241,831	15694

Section 225.20. The Ohio Building Authority is hereby 15696
authorized to issue and sell, in accordance with Section 2i of 15697
Article VIII, Ohio Constitution, and Chapter 152. and other 15698
applicable sections of the Revised Code, original obligations in 15699
an aggregate principal amount not to exceed \$18,000,000 in 15700
addition to the original issuance of obligations heretofore 15701
authorized by prior acts of the General Assembly. These authorized 15702
obligations shall be issued, subject to applicable constitutional 15703
and statutory limitations, to pay the costs associated with 15704
previously authorized capital facilities and the capital 15705
facilities referred to in Section 225.10 of this act for the 15706
Department of Youth Services. 15707

Section 227.10. All items set forth in this section are 15708
hereby appropriated out of any moneys in the state treasury to the 15709
credit of the Cultural and Sports Facilities Building Fund (Fund 15710
030), that are not otherwise appropriated. 15711

Appropriations

AFC CULTURAL FACILITIES COMMISSION				15712
CAP-734	Hayes Center Renov & Repairs	\$	300,000	15713
CAP-745	Renovations and Repairs	\$	850,000	15714
CAP-763	Historic Site Signage	\$	250,000	15715
CAP-770	Serpent Mound Improvements	\$	340,000	15716

CAP-781	Information Technology Project	\$	364,000	15717
CAP-784	Center Rehabilitation	\$	1,035,000	15718
CAP-803	Digitization of Collections	\$	300,000	15719
CAP-809	Exhibit Replace/Orientation	\$	415,000	15720
CAP-910	Collections Facility Planning	\$	1,240,000	15721
CAP-911	W.P. Snyder Restoration	\$	876,000	15722
CAP-912	Lockington Locks Restoration	\$	172,000	15723
CAP-913	Huntington Park	\$	7,000,000	15724
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000	15725
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000	15726
CAP-917	Marina District Amphitheatre	\$	2,900,000	15727
CAP-918	Cincinnati Museum Center	\$	2,000,000	15728
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000	15729
CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000	15730
CAP-921	Pro Football Hall of Fame	\$	1,650,000	15731
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000	15732
CAP-923	Western Reserve Historical Society	\$	1,000,000	15733
CAP-925	COSI Columbus	\$	1,000,000	15734
CAP-926	Columbus Museum of Art	\$	1,000,000	15735
CAP-927	Mason ATP Tennis Center	\$	1,300,000	15736
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000	15737
CAP-929	Akron Art Museum	\$	1,000,000	15738
CAP-930	Sauder Village	\$	830,000	15739
CAP-931	Horvitz Center for the Arts	\$	750,000	15740
CAP-932	Ensemble Theatre	\$	750,000	15741
CAP-933	Voice of America Museum	\$	750,000	15742
CAP-934	Cleveland Steamship Mather	\$	600,000	15743
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000	15744
CAP-936	King-Lincoln Arts & Entertainment	\$	500,000	15745

	District			
CAP-937	Art Academy of Cincinnati	\$	500,000	15746
CAP-938	Great Lakes Historical Society	\$	500,000	15747
CAP-939	McKinley Museum	\$	425,000	15748
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000	15749
CAP-942	Davis Shai Historical Facility	\$	300,000	15750
CAP-943	Massillon Museum	\$	275,000	15751
CAP-944	The Mandel Center	\$	250,000	15752
CAP-945	Worthington Arts Center	\$	250,000	15753
CAP-946	CCAD	\$	250,000	15754
CAP-947	BalletMet	\$	250,000	15755
CAP-948	Stambaugh Hall Improvements	\$	250,000	15756
CAP-949	Youngstown Symphony Orchestra	\$	250,000	15757
CAP-950	Wood County Historical Center & Museum	\$	220,000	15758
CAP-951	Harding Memorial	\$	210,000	15759
CAP-952	Cincinnati Ballet	\$	200,000	15760
CAP-953	City of Avon Stadium Complex	\$	200,000	15761
CAP-954	Renaissance Performing Arts Center	\$	200,000	15762
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000	15763
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000	15764
CAP-958	Maumee Valley Historical Society	\$	150,000	15765
CAP-959	Trumbull County Historical Society	\$	150,000	15766
CAP-960	First Lunar Flight Project	\$	25,000	15767
CAP-961	Holmes County Historical Society Improvements	\$	140,000	15768
CAP-962	Canal Winchester Historical Society	\$	125,000	15769
CAP-963	Ukrainian Museum	\$	100,000	15770
CAP-964	Gordon Square Arts District	\$	100,000	15771
CAP-965	Moreland Theatre Renovation	\$	100,000	15772
CAP-966	Karamu House	\$	100,000	15773
CAP-967	Symmes Township Historical Society -	\$	100,000	15774

	Ross House			
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000	15775
CAP-969	Gallia County Historical Genealogical Society	\$	100,000	15776
CAP-970	Gallia County French Art Colony	\$	100,000	15777
CAP-971	The Octagon House	\$	100,000	15778
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000	15779
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000	15780
CAP-974	Paul Brown Museum	\$	75,000	15781
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000	15782
CAP-976	Van Wert Historical Society	\$	70,000	15783
CAP-977	Indian Mill Renovations	\$	66,000	15784
CAP-978	Hale Farm & Village	\$	50,000	15785
CAP-979	Howe House Historic Site	\$	50,000	15786
CAP-980	Beavercreek Community Theatre	\$	50,000	15787
CAP-981	Jamestown Opera House	\$	50,000	15788
CAP-982	Johnny Appleseed Museum	\$	50,000	15789
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000	15790
CAP-984	Woodward Opera House	\$	50,000	15791
CAP-985	Little Brown Jug Facility Improvements	\$	50,000	15792
CAP-986	Applecreek Historical Society	\$	50,000	15793
CAP-987	Wyandot Historic Building Renovation	\$	50,000	15794
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000	15795
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000	15796
CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000	15797
CAP-991	Arts West Performing Arts Center	\$	25,000	15798
CAP-992	Chester Academy Historic Building	\$	25,000	15799
CAP-993	Portland Civil War Museum and Historic	\$	25,000	15800

	Displays			
CAP-994	Morgan County Historic Opera House	\$	25,000	15801
CAP-996	Crawford Antique Museum	\$	9,000	15802
CAP-997	Monroe City Historical Society Building	\$	5,000	15803
	Repairs			
CAP-998	Wright-Dunbar Historical	\$	250,000	15804
CAP-041	Cleveland Playhouse	\$	200,000	15805
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000	15806
CAP-082	Music Hall Garage	\$	1,000,000	15807
CAP-083	AB Graham Center	\$	40,000	15808
CAP-084	Bradford Ohio Railroad Museum	\$	30,000	15809
	Restoration			
CAP-085	WACO Aircraft Museum	\$	30,000	15810
CAP-086	Fort Recovery Renovations	\$	100,000	15811
CAP-087	Columbus Children's Hospital	\$	1,000,000	15812
	Amphitheater			
	Total Cultural Facilities Commission	\$	55,296,000	15813
	TOTAL Cultural and Sports Facilities Building Fund	\$	55,296,000	15814

Section 227.30. The Treasurer of State is hereby authorized 15816
to issue and sell, in accordance with Section 2i of Article VIII, 15817
Ohio Constitution, and Chapter 154. and other applicable sections 15818
of the Revised Code, original obligations in an aggregate 15819
principal amount not to exceed \$50,000,000 in addition to the 15820
original issuance of obligations heretofore authorized by prior 15821
acts of the General Assembly. These authorized obligations shall 15822
be issued, subject to applicable constitutional and statutory 15823
limitations, to pay costs of capital facilities as defined in 15824
section 154.01 of the Revised Code, including construction as 15825
defined in division (H) of section 3383.01 of the Revised Code, of 15826
the Ohio cultural facilities designated in Section 227.10 of this 15827
act. 15828

Section 229.10. All items set forth in this section are 15829
hereby appropriated out of any moneys in the state treasury to the 15830
credit of the Ohio Parks and Natural Resources Fund (Fund 031), 15831
that are not otherwise appropriated. 15832

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			15833
STATEWIDE AND LOCAL PROJECTS			15834
CAP-012	Land Acquisition - Department	\$ 4,325,000	15835
CAP-702	Underground Fuel Storage/Tank Removal/Replacement - Department	\$ 500,000	15836
CAP-748	NatureWorks Local Park Grants	\$ 2,846,480	15837
CAP-881	Dam Rehabilitation - Department	\$ 3,060,920	15838
CAP-923	Sheldon Marsh Remediation Match	\$ 1,000,000	15839
CAP-928	Handicapped Accessibility - Department	\$ 500,000	15840
CAP-929	Hazardous Waste/Asbestos Abatement - Department	\$ 500,000	15841
CAP-930	The WILDS	\$ 1,175,000	15842
CAP-931	Wastewater/Water Systems Upgrades - Department	\$ 2,500,000	15843
CAP-984	Belpre Swimming Pool	\$ 75,000	15844
Total Statewide and Local Projects			\$ 16,482,400 15845
Total Department of Natural Resources			\$ 16,482,400 15846
TOTAL Ohio Parks and Natural Resources Fund			\$ 16,482,400 15847

Section 229.20. The Ohio Public Facilities Commission, upon 15849
the request of the Director of Natural Resources, is hereby 15850
authorized to issue and sell, in accordance with Section 21 of 15851
Article VIII, Ohio Constitution, and Chapter 151. and particularly 15852
sections 151.01 and 151.05 of the Revised Code, original 15853
obligations in an aggregate principal amount not to exceed 15854
\$16,000,000 in addition to the original issuance of obligations 15855
heretofore authorized by prior acts of the General Assembly. These 15856

authorized obligations shall be issued, subject to applicable 15857
constitutional and statutory limitations, as needed to provide 15858
sufficient moneys to the credit of the Ohio Parks and Natural 15859
Resources Fund (Fund 031) to pay costs of capital facilities as 15860
defined in sections 151.01 and 151.05 of the Revised Code. 15861

Section 231.10. All items set forth in this section are 15862
hereby appropriated out of any moneys in the state treasury to the 15863
credit of the School Building Program Assistance Fund (Fund 032), 15864
that are not otherwise appropriated. 15865

Appropriations

SFC SCHOOL FACILITIES COMMISSION 15866
CAP-770 School Building Program Assistance \$ 540,000,000 15867
Total School Facilities Commission \$ 540,000,000 15868
TOTAL School Building Program Assistance Fund \$ 540,000,000 15869

SCHOOL BUILDING PROGRAM ASSISTANCE 15870

The foregoing appropriation item CAP-770, School Building 15871
Program Assistance, shall be used by the School Facilities 15872
Commission to provide funding to school districts that receive 15873
conditional approval from the Commission pursuant to Chapter 3318. 15874
of the Revised Code. 15875

Section 231.20. The Ohio Public Facilities Commission is 15876
hereby authorized to issue and sell, in accordance with Section 2n 15877
of Article VIII, Ohio Constitution, and Chapter 151. and 15878
particularly sections 151.01 and 151.03 of the Revised Code, 15879
original obligations in an aggregate principal amount not to 15880
exceed \$530,000,000, in addition to the original issuance of 15881
obligations heretofore authorized by prior acts of the General 15882
Assembly. These authorized obligations shall be issued, subject to 15883
applicable constitutional and statutory limitations, to pay the 15884
costs to the state of constructing classroom facilities pursuant 15885

to sections 3318.01 to 3318.33 of the Revised Code. 15886

Section 233.10.10. All items set forth in Sections 233.10.20 15887
to 233.10.50 are hereby appropriated out of any moneys in the 15888
state treasury to the credit of the Mental Health Facilities 15889
Improvement Fund (Fund 033), that are not otherwise appropriated. 15890

Appropriations

Section 233.10.20. ADA ALCOHOL AND DRUG ADDICTION SERVICES 15891
CAP-004 New Directions Residential Treatment \$ 250,000 15892
CAP-005 Maryhaven Facility Improvements \$ 200,000 15893
Total Alcohol and Drug Addiction Services \$ 450,000 15894

Appropriations

Section 233.10.30. DMH DEPARTMENT OF MENTAL HEALTH 15896
CAP-092 Hazardous Material Abatement \$ 500,000 15897
CAP-479 Community Assistance Projects \$ 5,550,000 15898
CAP-885 Bellefaire Jewish Children's Bureau \$ 750,000 15899
CAP-946 Demolition \$ 500,000 15900
CAP-978 Infrastructure Improvements \$ 11,980,000 15901
CAP-986 Campus Consolidation \$ 4,000,000 15902
Total Department of Mental Health \$ 23,280,000 15903

COMMUNITY ASSISTANCE PROJECTS 15904

Of the foregoing appropriation item CAP-479, Community 15905
Assistance Projects, \$500,000 shall be used for the Mayerson 15906
Center, \$350,000 shall be used for Chabad House, \$250,000 shall be 15907
used for Sylvania Family Services, \$200,000 shall be used for 15908
Talbert House, and \$250,000 shall be used for the Berea Children's 15909
Home. 15910

Appropriations

Section 233.10.40. DMR DEPARTMENT OF MENTAL RETARDATION AND 15911

DEVELOPMENTAL DISABILITIES			15912
STATEWIDE AND CENTRAL OFFICE PROJECTS			15913
CAP-480 Community Assistance Projects	\$	12,000,000	15914
CAP-887 North Olmsted Welcome House	\$	100,000	15915
CAP-889 Kamp Dovetail Project at Rocky Fork Lake State Park	\$	100,000	15916
CAP-912 Telecommunications	\$	765,000	15917
CAP-941 Emergency Generator Replacement	\$	1,000,000	15918
CAP-955 Statewide Development Centers	\$	6,212,373	15919
CAP-981 Emergency Improvements	\$	500,000	15920
Total Statewide and Central Office Projects	\$	20,677,373	15921
TOTAL Department of Mental Retardation and Developmental Disabilities	\$	20,677,373	15922
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$	44,407,373	15923
COMMUNITY ASSISTANCE PROJECTS			15924
The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.			15925 15926 15927 15928 15929 15930 15931 15932 15933 15934 15935 15936 15937
Section 233.10.50. The foregoing appropriations for the Department of Mental Health, CAP-479, Community Assistance Projects, and the Department of Mental Retardation and			15938 15939 15940

Developmental Disabilities, CAP-480, Community Assistance 15941
Projects, may be used on facilities constructed or to be 15942
constructed pursuant to Chapter 340., 3793., 5119., 5123., or 15943
5126. of the Revised Code or the authority granted by section 15944
154.20 of the Revised Code and the rules issued pursuant to those 15945
chapters and shall be distributed by the Department of Mental 15946
Health and the Department of Mental Retardation and Developmental 15947
Disabilities, all subject to Controlling Board approval. 15948

Section 233.10.60. (A) No capital improvement appropriations 15949
made in Sections 233.10.10 to 233.10.50 of this act shall be 15950
released for planning or for improvement, renovation, or 15951
construction or acquisition of capital facilities if a 15952
governmental agency, as defined in section 154.01 of the Revised 15953
Code, does not own the real property that constitutes the capital 15954
facilities or on which the capital facilities are or will be 15955
located. This restriction does not apply in any of the following 15956
circumstances: 15957

(1) The governmental agency has a long-term (at least fifteen 15958
years) lease of, or other interest (such as an easement) in, the 15959
real property. 15960

(2) In the case of an appropriation for capital facilities 15961
that, because of their unique nature or location, will be owned or 15962
be part of facilities owned by a separate nonprofit organization 15963
and made available to the governmental agency for its use or 15964
operated by the nonprofit organization under contract with the 15965
governmental agency, the nonprofit organization either owns or has 15966
a long-term (at least fifteen years) lease of the real property or 15967
other capital facility to be improved, renovated, constructed, or 15968
acquired and has entered into a joint or cooperative use 15969
agreement, approved by the Department of Mental Health or the 15970
Department of Mental Retardation and Developmental Disabilities, 15971

whichever is applicable, with the governmental agency for that 15972
agency's use of and right to use the capital facilities to be 15973
financed and, if applicable, improved, the value of such use or 15974
right to use being, as determined by the parties, reasonably 15975
related to the amount of the appropriation. 15976

(B) In the case of capital facilities referred to in division 15977
(A)(2) of this section, the joint or cooperative use agreement 15978
shall include, as a minimum, provisions that: 15979

(1) Specify the extent and nature of that joint or 15980
cooperative use, extending for not fewer than fifteen years, with 15981
the value of such use or right to use to be, as determined by the 15982
parties and approved by the approving department, reasonably 15983
related to the amount of the appropriation; 15984

(2) Provide for pro rata reimbursement to the state should 15985
the arrangement for joint or cooperative use by a governmental 15986
agency be terminated; 15987

(3) Provide that procedures to be followed during the capital 15988
improvement process will comply with appropriate applicable state 15989
laws and rules, including the provisions of this act. 15990

Section 233.10.70. The Treasurer of State is hereby 15991
authorized to issue and sell in accordance with Section 2i of 15992
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 15993
Code, particularly section 154.20 of the Revised Code, original 15994
obligations in an aggregate principal amount not to exceed 15995
\$49,000,000 in addition to the original issuance of obligations 15996
heretofore authorized by prior acts of the General Assembly. These 15997
authorized obligations shall be issued, subject to applicable 15998
constitutional and statutory limitations, to pay costs of capital 15999
facilities as defined in section 154.01 of the Revised Code for 16000
mental hygiene and retardation. 16001

Section 235.10.10. All items set forth in Sections 235.10.20 16002
to 235.50.80 are hereby appropriated out of any moneys in the 16003
state treasury to the credit of the Higher Education Improvement 16004
Fund (Fund 034), that are not otherwise appropriated. 16005

Appropriations

Section 235.10.20. ETC ETECH OHIO 16006

CAP-001	Educational TV and Radio Equipment	\$	1,000,000	16007
CAP-003	ETC Ohio Government Telecomm	\$	310,000	16008
	Total eTech Ohio	\$	1,310,000	16009

Appropriations

Section 235.10.30. BOARD OF REGENTS AND STATE INSTITUTIONS OF 16011
HIGHER EDUCATION 16012

BOR BOARD OF REGENTS 16013

CAP-025	Instructional and Data Processing Equipment	\$	23,783,697	16014
CAP-029	Ohio Library and Information Network	\$	5,410,000	16015
CAP-030	Ohio Supercomputer Center Expansion	\$	7,480,000	16016
CAP-031	Ohio Aerospace Institute	\$	200,000	16017
CAP-032	Research Facility Action and Investment Funds	\$	5,500,000	16018
CAP-060	Technology Initiatives	\$	2,000,000	16019
CAP-062	Non-credit Job Training Facilities	\$	2,350,000	16020
CAP-068	Third Frontier Wright Capital	\$	50,000,000	16021
CAP-070	Dark Fiber/OARnet	\$	4,950,000	16022
CAP-082	Supplemental Renovations - Library Depositories	\$	2,000,000	16023
CAP-083	Central State Emergency Capital Needs	\$	1,000,000	16024
CAP-084	University Hospitals Ireland Cancer Center	\$	5,000,000	16025
CAP-085	315 Research and Technology Corridor	\$	1,700,000	16026

CAP-087	Youngstown Technology Center	\$	2,750,000	16027
CAP-088	Cleveland Clinic-Glickman Tower	\$	1,000,000	16028
CAP-089	MetroHealth Senior Health and Wellness Center	\$	1,000,000	16029
CAP-091	CWRU Mt. Sinai Skills and Simulation Center	\$	500,000	16030
CAP-092	Shawnee State Motion Capture Studio Project	\$	281,300	16031
CAP-093	Central Ohio Research Data Network-New Albany	\$	250,000	16032
CAP-094	Clintonville Fiber Project	\$	100,000	16033
Total Board of Regents		\$	117,254,997	16034

Section 235.10.40. RESEARCH FACILITY ACTION AND INVESTMENT 16036

FUNDS 16037

The foregoing appropriation item CAP-032, Research Facility 16038
Action and Investment Funds, shall be used for a program of grants 16039
to be administered by the Board of Regents to provide timely 16040
availability of capital facilities for research programs and 16041
research-oriented instructional programs at or involving 16042
state-supported and state-assisted institutions of higher 16043
education. 16044

Section 235.10.50. THIRD FRONTIER WRIGHT CAPITAL 16045

The foregoing appropriation item CAP-068, Third Frontier 16046
Wright Capital, shall be used to acquire, renovate, or construct 16047
facilities and purchase equipment for research programs, 16048
technology development, product development, and commercialization 16049
programs at or involving state-supported and state-assisted 16050
institutions of higher education. The funds shall be used to make 16051
grants awarded on a competitive basis, and shall be administered 16052
by the Third Frontier Commission. Expenditure of these funds shall 16053

comply with Section 2n of Article VIII, Ohio Constitution, and
sections 151.01 and 151.04 of the Revised Code for the period
beginning July 1, 2006, and ending June 30, 2008.

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

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

Section 235.10.60. REIMBURSEMENT FOR PROJECT COSTS

Appropriations made in Sections 235.10.10 to 235.50.80 of
this act for purposes of costs of capital facilities for the
interim financing of which the particular institution has
previously issued its own obligations anticipating the possibility
of future state appropriations to pay all or a portion of such
costs, as contemplated in division (B) of section 3345.12 of the
Revised Code, shall be paid directly to the institution or the
paying agent for those outstanding obligations in the full
principal amount of those obligations then to be paid from the
anticipated appropriation, and shall be timely applied to the
retirement of a like principal amount of the institution's

obligations. 16085

Appropriations made in Sections 235.10.10 to 235.50.80 of 16086
this act for purposes of costs of capital facilities, all or a 16087
portion of which costs the particular institution has paid from 16088
the institution's moneys that were temporarily available and which 16089
expenditures were reasonably expected at the time of the advance 16090
by the institution to be reimbursed from the proceeds of 16091
obligations issued by the state, shall be directly paid to the 16092
institution in the full amounts of those payments, and shall be 16093
timely applied to the reimbursement of those temporarily available 16094
moneys. All reimbursements are subject to review and approval 16095
through the capital release process. 16096

Appropriations

Section 235.10.70. UAK UNIVERSITY OF AKRON			16097
CAP-008	Basic Renovations	\$ 6,260,392	16098
CAP-047	Polsky Building Rehabilitation	\$ 949,082	16099
CAP-049	Basic Renovations-Wayne	\$ 215,241	16100
CAP-054	Auburn West Tower Rehabilitation Phase	\$ 6,026,253	16101
	III		
CAP-119	Wayne College Renovations/Expansion	\$ 709,805	16102
CAP-121	Administration Building Phase II	\$ 1,344,536	16103
CAP-122	Polymer Processing Center Phase I	\$ 4,935,457	16104
CAP-123	Medina County University Center (UAK)	\$ 1,500,000	16105
CAP-124	Hydrogen Fueling Station Project at	\$ 1,000,000	16106
	University of Akron		
Total University of Akron		\$ 22,940,766	16107

Appropriations

Section 235.10.80. BGU BOWLING GREEN STATE UNIVERSITY			16109
CAP-009	Basic Renovations	\$ 4,746,508	16110
CAP-060	Basic Renovations-Firelands	\$ 351,961	16111

CAP-127	Instructional Laboratory Phase II	\$	836,265	16112
CAP-131	Health Center Addition	\$	9,750,000	16113
CAP-132	Student Services Building Replacement	\$	8,100,000	16114
CAP-133	BGSU Aviation Improvements	\$	500,000	16115
Total Bowling Green University		\$	24,284,734	16116

Appropriations

Section 235.10.90. CSU CENTRAL STATE UNIVERSITY 16118

CAP-022	Basic Renovations	\$	1,182,374	16119
CAP-084	Center for Education & Natural Sciences	\$	6,023,789	16120
	Phase II Construction			
Total Central State University		\$	7,206,163	16121

Appropriations

Section 235.20.10. UCN UNIVERSITY OF CINCINNATI 16122

CAP-009	Basic Renovations	\$	11,936,927	16123
CAP-018	Basic Renovations-Clermont	\$	315,249	16124
CAP-054	Raymond Walters Renovations	\$	568,630	16125
CAP-205	Medical Science Building Renovation and	\$	17,285,021	16126
	Expansion (CARE)			
CAP-224	Van Wormer Renovation	\$	3,600,000	16127
CAP-263	Swift Renovation	\$	2,540,000	16128
CAP-313	Expand Clermont	\$	785,062	16129
CAP-353	Zimmer Plaza/Auditorium Renovation	\$	3,600,000	16130
CAP-354	RWC Technology Center	\$	1,534,608	16131
CAP-355	Barrett Cancer Center	\$	2,500,000	16132
CAP-357	Sharonville Convention Center	\$	550,000	16133
CAP-358	Hebrew Union College Archives Project	\$	350,000	16134
CAP-359	Consolidated Communications Project of	\$	300,000	16135
	Clermont County			
CAP-360	People Working Cooperatively	\$	75,000	16136
Total University of Cincinnati		\$	45,940,497	16137

Appropriations

Section 235.20.20. CLS CLEVELAND STATE UNIVERSITY			16139
CAP-023	Basic Renovations	\$ 3,796,031	16140
CAP-125	College of Education	\$ 10,115,719	16141
CAP-148	Cleveland Institute of Art	\$ 1,000,000	16142
CAP-163	Anthropology Department Renovations/Relocation	\$ 400,000	16143
CAP-164	Chester Building Annex Demolition	\$ 921,583	16144
CAP-165	Bakers Building Renovations	\$ 1,328,583	16145
CAP-166	Playhouse Square Center - Hanna Theatre	\$ 750,000	16146
CAP-167	Cleveland State University Windtower Generator Project	\$ 400,000	16147
CAP-168	Kenston Wind Turbine Project in Geauga (CSU Engineering Department)	\$ 300,000	16148
CAP-169	Cleveland Museum of Art	\$ 3,000,000	16149
Total Cleveland State University			\$ 22,011,916 16150

Appropriations

Section 235.20.30. KSU KENT STATE UNIVERSITY			16152
CAP-022	Basic Renovations	\$ 5,729,827	16153
CAP-105	Basic Renovations-East Liverpool	\$ 240,437	16154
CAP-106	Basic Renovations-Geauga	\$ 74,459	16155
CAP-107	Basic Renovations-Salem	\$ 167,621	16156
CAP-108	Basic Renovations-Stark	\$ 566,473	16157
CAP-110	Basic Renovations-Ashtabula	\$ 282,463	16158
CAP-111	Basic Renovations-Trumbull	\$ 552,348	16159
CAP-112	Basic Renovations-Tuscarawas	\$ 371,018	16160
CAP-212	Health Science Building	\$ 768,084	16161
CAP-262	Gym Renovations, Construction Phase	\$ 566,617	16162
CAP-266	Fine & Performing Arts Center, Planning Phase	\$ 911,738	16163
CAP-277	Bowman Hall Chilled Water Plant	\$ 2,250,000	16164

CAP-278	Electrical Infrastructure Improvements	\$	808,800	16165
CAP-279	Oscar Ritchie Hall Rehabilitation	\$	10,455,000	16166
CAP-280	Taylor Hall Renovation, Phase I	\$	750,000	16167
CAP-281	Music/Speech Center Renovation, Phase I	\$	1,262,807	16168
CAP-282	Classroom Building Renovation, Phase I	\$	415,662	16169
CAP-283	Classroom Addition/Renovation Planning	\$	279,901	16170
CAP-284	Main Hall Science Lab/Nurse Addition	\$	1,165,436	16171
CAP-285	Classroom Building Renovation	\$	640,399	16172
CAP-286	Fire Alarm System Upgrade	\$	375,000	16173
CAP-287	Blossom Music Center	\$	2,000,000	16174
CAP-288	Columbiana County Port Authority Coal Liquification Project	\$	500,000	16175
CAP-289	Kent State University - Hillel	\$	400,000	16176
Total Kent State University		\$	31,534,090	16177

Appropriations

Section 235.20.40. MUN MIAMI UNIVERSITY				16179
CAP-018	Basic Renovations	\$	5,465,380	16180
CAP-066	Basic Renovations - Hamilton	\$	595,995	16181
CAP-069	Basic Renovations - Middletown	\$	546,243	16182
CAP-160	Benton Hall Rehabilitation	\$	3,900,000	16183
CAP-161	Kreger-Robertson Hall Renovation	\$	1,000,000	16184
CAP-162	Richard T. Farmer School of Business	\$	3,000,000	16185
CAP-163	Upham Hall North Wing Rehabilitation	\$	500,000	16186
CAP-164	Warfield Hall Rehabilitation	\$	3,699,024	16187
CAP-165	Pearson Hall Laboratories	\$	997,408	16188
CAP-166	Academic/Administration & General Improvement Project	\$	1,153,217	16189
CAP-167	Academic/Administration & Renovation Project	\$	1,526,909	16190
Total Miami University		\$	22,384,176	16191

Appropriations

Section 235.20.50. OSU OHIO STATE UNIVERSITY			16193
CAP-074	Basic Renovations	\$ 26,062,119	16194
CAP-149	Basic Renovations - Regional Campuses	\$ 4,777,451	16195
CAP-255	Supplemental Renovations - OARDC	\$ 829,170	16196
CAP-534	Main Library Rehabilitation/Expansion	\$ 50,841,261	16197
CAP-736	Brown Hall Renovation/Replacement	\$ 3,500,000	16198
CAP-737	Hughes Hall Renovation	\$ 1,500,000	16199
CAP-738	COMPH Academic Center	\$ 5,000,000	16200
CAP-739	Murray Hall Renovation	\$ 1,000,000	16201
CAP-740	New Student Life Building	\$ 1,000,000	16202
CAP-741	Founders/Hopewell Hall Renovation	\$ 1,960,080	16203
CAP-742	Agricultural and Biological Engineering Building Renovation	\$ 4,000,000	16204
CAP-743	Selby Hall Phytotron Facility Renovation	\$ 2,000,000	16205
CAP-744	Stone Laboratory Research Facility Improvements	\$ 500,000	16206
CAP-745	OSU Extension Safety Improvements in Madison County	\$ 94,000	16207
CAP-746	Camp Clifton Improvements	\$ 90,000	16208
CAP-747	Delaware Speech & Hearing with OSU Medical College	\$ 75,000	16209
Total Ohio State University		\$ 103,229,081	16210
FEED MILL REPLACEMENT PROJECT			16211
Notwithstanding anything to the contrary in sections 9.33,			16212
123.01, and 3345.50 and Chapter 153. of the Revised Code, the Ohio			16213
State University may negotiate, enter into, and locally administer			16214
a contract that combines the design and construction elements of			16215
the project into a single contract for the feed mill replacement			16216
project, funded with appropriations in the foregoing appropriation			16217
item CAP-255, Supplemental Renovations - OARDC, including any			16218
reappropriation amount made to appropriation item CAP-492, OARDC			16219
Feed Mill, in Am. Sub. H.B. 530 of the 126th General Assembly.			16220

		Appropriations	
Section 235.20.60. OHU OHIO UNIVERSITY			16221
CAP-020	Basic Renovations	\$ 7,091,427	16222
CAP-095	Basic Renovations - Eastern	\$ 257,411	16223
CAP-098	Basic Renovations - Lancaster	\$ 360,387	16224
CAP-099	Basic Renovations - Zanesville	\$ 328,368	16225
CAP-113	Basic Renovations - Chillicothe	\$ 305,706	16226
CAP-114	Basic Renovations - Ironton	\$ 259,241	16227
CAP-216	Southern - Land Acquisition	\$ 200,000	16228
CAP-222	Clippinger Lab Rehabilitation Phase I	\$ 1,000,000	16229
CAP-223	Alden Library Rehabilitation Phase I	\$ 1,000,000	16230
CAP-224	University Center	\$ 5,210,000	16231
CAP-225	Lausche Heating Plant Phase III	\$ 2,175,000	16232
CAP-233	Integrated Learning and Research Facility	\$ 1,431,170	16233
CAP-234	Porter Hall Addition	\$ 3,681,170	16234
CAP-235	Supplemental Basic Renovations	\$ 1,000,000	16235
CAP-236	College of Communication Baker RTVC Redevelopment	\$ 2,400,000	16236
CAP-237	Shannon Hall Interior Renovation	\$ 384,090	16237
CAP-238	Ohio University Eastern Campus Health and Education Center	\$ 200,157	16238
CAP-239	Stevenson Student Service Area	\$ 704,720	16239
CAP-240	Shoemaker A/C Completion	\$ 259,096	16240
CAP-241	Proctorville Parking - Site Improvement	\$ 200,000	16241
CAP-242	Southern - Student Activity Office Renovation	\$ 193,491	16242
CAP-243	Lancaster Community Conference 7 Events Center	\$ 954,647	16243
CAP-244	Elson Hall 2nd Floor Renovation	\$ 924,481	16244
CAP-245	Road Widening and Campus Gate	\$ 120,000	16245
CAP-246	Ohio University Integrated Learning and	\$ 1,000,000	16246

	Research Facility		
CAP-247	Ohio University Southern Ohio	\$	90,000 16247
	Proctorville Center Improvements		
	Total Ohio University	\$	31,730,562 16248

Appropriations

	Section 235.20.70. SSC SHAWNEE STATE UNIVERSITY		16250
CAP-004	Basic Renovations	\$	1,226,165 16251
CAP-053	University Center Renovation	\$	1,726,006 16252
	Total Shawnee State University	\$	2,952,171 16253

Appropriations

	Section 235.20.80. UTO UNIVERSITY OF TOLEDO		16255
CAP-010	Basic Renovations	\$	6,131,561 16256
CAP-129	Science/Laboratory Building	\$	4,042,523 16257
CAP-136	CBLE - Stranahan Hall Addition	\$	6,000,000 16258
CAP-137	Chilled Water Plant Equipment	\$	1,756,000 16259
CAP-138	Steam & Chilled Water Line Extension	\$	1,450,304 16260
CAP-139	North Engineering Renovation	\$	1,000,000 16261
CAP-140	Northwest Ohio Science & Technology	\$	1,000,000 16262
	Corridor		
	Total University of Toledo	\$	21,380,388 16263

Appropriations

	Section 235.20.90. WSU WRIGHT STATE UNIVERSITY		16265
CAP-015	Basic Renovations	\$	4,384,404 16266
CAP-064	Basic Renovations - Lake	\$	137,381 16267
CAP-119	Science Lab Renovations	\$	9,886,492 16268
CAP-134	Lake Campus Rehabilitation	\$	478,906 16269
CAP-135	Advanced Technical Intelligence Center	\$	2,500,000 16270
	(ATIC)		
CAP-136	Welcome Stadium Project	\$	1,600,000 16271
CAP-137	Consolidated Communications Project of	\$	750,000 16272

	Greene County		
CAP-139	Glenn Helen Preserve Ecology Art Classroom	\$	15,000 16273
	Total Wright State University	\$	19,752,183 16274

Appropriations

	Section 235.30.10. YSU YOUNGSTOWN STATE UNIVERSITY		16276
CAP-014	Basic Renovations	\$	3,841,621 16277
CAP-125	Campus-wide Building Systems Upgrades	\$	1,950,000 16278
CAP-133	Campus Development	\$	1,500,000 16279
CAP-134	Instructional Space Upgrades	\$	900,000 16280
CAP-135	College of Business	\$	6,224,834 16281
	Total Youngstown State University	\$	14,416,455 16282

Appropriations

	Section 235.30.20. MUO MEDICAL UNIVERSITY OF OHIO		16284
CAP-010	Basic Renovations	\$	1,893,176 16285
CAP-066	Core Research Facility Construction - Phase II	\$	1,800,720 16286
CAP-078	Clinical/Academic Renovation	\$	900,350 16287
CAP-081	Resource & Community Learning Center	\$	900,360 16288
CAP-082	Campus Energy Plant - Phase I	\$	900,350 16289
	Total Medical University of Ohio	\$	6,394,956 16290

Appropriations

	Section 235.30.30. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF MEDICINE		16292
			16293
CAP-018	Basic Renovations	\$	679,957 16294
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,473,952 16295
	Total Northeastern Ohio Universities College of Medicine	\$	2,153,909 16296

Appropriations

Section 235.30.40. CTC CINCINNATI STATE COMMUNITY COLLEGE			16298
CAP-013	Basic Renovations	\$ 1,449,887	16299
CAP-039	Brick Repair and Weather Proofing	\$ 225,359	16300
CAP-040	Energy Management - Motor Replacement	\$ 377,899	16301
CAP-041	Roof Replacement	\$ 661,573	16302
CAP-042	Neighborhood Health Care	\$ 175,000	16303
CAP-043	Freestore Foodbank	\$ 500,000	16304
Total Cincinnati State Community College			\$ 3,389,718 16305

Appropriations

Section 235.30.50. CLT CLARK STATE COMMUNITY COLLEGE			16307
CAP-006	Basic Renovations	\$ 628,411	16308
CAP-041	Sarah T. Landess Technology and Learning Center	\$ 146,313	16309
CAP-045	Performing Arts Center Expansion	\$ 970,607	16310
CAP-046	Library Resource Center Addition	\$ 300,000	16311
CAP-047	Clark State Community College Facility Purchase	\$ 150,000	16312
CAP-048	Clark State Health and Education Center	\$ 100,000	16313
Total Clark State Community College			\$ 2,295,331 16314

Appropriations

Section 235.30.60. CTI COLUMBUS STATE COMMUNITY COLLEGE			16316
CAP-006	Basic Renovations	\$ 1,803,681	16317
CAP-054	Renovations/Addition - Delaware Hall	\$ 4,728,428	16318
CAP-055	Planning Moneys for Building "F"	\$ 1,310,554	16319
Total Columbus State Community College			\$ 7,842,663 16320

Appropriations

Section 235.30.70. CCC CUYAHOGA COMMUNITY COLLEGE			16322
CAP-031	Basic Renovations	\$ 3,866,782	16323
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$ 2,411,797	16324

CAP-099	Hospitality Management Program	\$	4,000,000	16325
CAP-100	Theater/Auditorium Renovations	\$	4,036,552	16326
CAP-101	Nursing Clinical Simulation Center	\$	250,000	16327
CAP-102	Rock and Roll Hall of Fame Archives	\$	200,000	16328
Total Cuyahoga Community College		\$	14,765,131	16329

Appropriations

Section 235.30.80. ESC EDISON STATE COMMUNITY COLLEGE				16331
CAP-006	Basic Renovations	\$	422,154	16332
CAP-023	Regional Centers of Excellence	\$	3,375,000	16333
CAP-024	Edison State Community College Regional Center for Excellence	\$	25,000	16334
Total Edison State Community College		\$	3,822,154	16335

Appropriations

Section 235.30.90. JTC JEFFERSON COMMUNITY COLLEGE				16337
CAP-022	Basic Renovations	\$	331,514	16338
CAP-044	Second Floor Business & Industry Technical Center	\$	725,443	16339
Total Jefferson Community College		\$	1,056,957	16340

Appropriations

Section 235.40.10. LCC LAKELAND COMMUNITY COLLEGE				16342
CAP-006	Basic Renovations	\$	1,302,992	16343
CAP-045	Instructional Use/University Partnership Building	\$	2,433,264	16344
Total Lakeland Community College		\$	3,736,256	16345

Appropriations

Section 235.40.20. LOR LORAIN COMMUNITY COLLEGE				16347
CAP-005	Basic Renovations	\$	1,432,562	16348
CAP-045	HPER Rehabilitation	\$	2,645,970	16349
Total Lorain Community College		\$	4,078,532	16350

Appropriations

Section 235.40.30. NTC NORTHWEST STATE COMMUNITY COLLEGE			16352
CAP-003	Basic Renovations	\$ 417,030	16353
Total Northwest State Community College		\$ 417,030	16354

Appropriations

Section 235.40.40. OTC OWENS COMMUNITY COLLEGE			16356
CAP-019	Basic Renovations	\$ 2,123,075	16357
CAP-042	Campus Expansion - Penta Acquisition	\$ 12,000,000	16358
CAP-043	Center for Emergency Preparedness, Phase IV	\$ 493,940	16359
CAP-044	The Max Albon Center	\$ 550,000	16360
CAP-045	Jerusalem Township Food Bank	\$ 100,000	16361
Total Owens Community College		\$ 15,267,015	16362

Appropriations

Section 235.40.50. RGC RIO GRANDE COMMUNITY COLLEGE			16364
CAP-005	Basic Renovations	\$ 548,241	16365
Total Rio Grande Community College		\$ 548,241	16366

Appropriations

Section 235.40.60. SCC SINCLAIR COMMUNITY COLLEGE			16368
CAP-007	Basic Renovations	\$ 2,863,978	16369
CAP-062	Consolidated Communications Project - Montgomery	\$ 1,500,000	16370
Total Sinclair Community College		\$ 4,363,978	16371

Appropriations

Section 235.40.70. SOC SOUTHERN STATE COMMUNITY COLLEGE			16373
CAP-010	Basic Renovations	\$ 428,025	16374
CAP-027	Southern State Community College Laboratory and Classroom Building	\$ 1,000,000	16375

Total Southern State Community College	\$	1,428,025	16376
Appropriations			
Section 235.40.80. TTC TERRA STATE COMMUNITY COLLEGE			16378
CAP-009 Basic Renovations	\$	442,291	16379
Total Terra State Community College	\$	442,291	16380
Appropriations			
Section 235.40.90. WTC WASHINGTON STATE COMMUNITY COLLEGE			16382
CAP-006 Basic Renovations	\$	385,546	16383
CAP-021 Washington State Community College	\$	350,000	16384
Health Sciences Center			
CAP-022 Washington State Community College	\$	25,000	16385
Center for Higher Education			
Total Washington State Community College	\$	760,546	16386
Appropriations			
Section 235.50.10. BTC BELMONT TECHNICAL COLLEGE			16388
CAP-008 Basic Renovations	\$	309,432	16389
Total Belmont Technical College	\$	309,432	16390
Appropriations			
Section 235.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			16392
CAP-003 Basic Renovations	\$	333,331	16393
CAP-015 Founders/Hopewell Hall Renovation	\$	1,538,362	16394
CAP-016 Roscoe Village Inn Renovation	\$	500,000	16395
Total Central Ohio Technical College	\$	2,371,693	16396
Appropriations			
Section 235.50.30. HTC HOCKING TECHNICAL COLLEGE			16398
CAP-019 Basic Renovations	\$	693,603	16399
CAP-042 McClenaghan Center for Hospitality	\$	1,838,986	16400
Training			

Total Hocking Technical College	\$	2,532,589	16401
			Appropriations
Section 235.50.40. LTC JAMES RHODES STATE COLLEGE			16403
CAP-004 Basic Renovations	\$	431,960	16404
CAP-018 Community Union	\$	1,045,625	16405
Total James Rhodes State College	\$	1,477,585	16406
			Appropriations
Section 235.50.50. MTC MARION TECHNICAL COLLEGE			16408
CAP-004 Basic Renovations	\$	166,413	16409
CAP-013 Classroom/Student Resource Center	\$	3,500,000	16410
Total Marion Technical College	\$	3,666,413	16411
			Appropriations
Section 235.50.60. MAT ZANE STATE COLLEGE			16413
CAP-007 Basic Renovations	\$	402,714	16414
CAP-023 Willet-Pratt Center Expansion	\$	750,000	16415
Total Zane State College	\$	1,152,714	16416
			Appropriations
Section 235.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE			16418
CAP-003 Basic Renovations	\$	515,249	16419
CAP-016 Health Sciences Center Rehabilitation	\$	1,035,150	16420
CAP-017 Kehoe Center Rehabilitation	\$	419,655	16421
Total North Central Technical College	\$	1,970,054	16422
			Appropriations
Section 235.50.80. STC STARK TECHNICAL COLLEGE			16424
CAP-004 Basic Renovations	\$	277,804	16425
CAP-039 Health & Science Building	\$	5,097,338	16426
Total Stark Technical College	\$	5,375,142	16427
Total Board of Regents and			16428

Institutions of Higher Education	\$ 578,636,534	16429
TOTAL Higher Education Improvement Fund	\$ 579,946,534	16430

Section 235.50.90. DEBT SERVICE FORMULA ALLOCATION 16432

Based on the foregoing appropriations in Sections 235.10.70 16433
to 235.50.80 of this act, from Fund 034, Higher Education 16434
Improvement Fund, the following higher education institutions 16435
shall be responsible for the specified amounts as part of the debt 16436
service component of the instructional subsidy beginning in fiscal 16437
year 2008: 16438

INSTITUTION	AMOUNT	
University of Akron	\$ 13,255,328	16440
University of Akron - Wayne	\$ 709,805	16441
Bowling Green State University	\$ 17,300,000	16442
Bowling Green State University - Firelands	\$ 836,265	16443
Central State University	\$ 2,023,789	16444
University of Cincinnati	\$ 27,025,021	16445
University of Cincinnati - Clermont	\$ 785,062	16446
University of Cincinnati - Walters	\$ 1,534,608	16447
Cleveland State University	\$ 11,437,302	16448
Kent State University	\$ 15,526,607	16449
Kent State University - Ashtabula	\$ 768,084	16450
Kent State University - East Liverpool	\$ 415,662	16451
Kent State University - Geauga	\$ 279,901	16452
Kent State University - Salem	\$ 566,617	16453
Kent State University - Stark	\$ 1,165,436	16454
Kent State University - Trumbull	\$ 1,015,399	16455
Kent State University - Tuscarawas	\$ 911,738	16456
Miami University	\$ 13,096,432	16457
Miami University - Hamilton	\$ 1,153,217	16458
Miami University - Middletown	\$ 1,526,909	16459
Ohio State University	\$ 61,841,261	16460
Ohio State University - Lima	\$ 1,000,000	16461

Ohio State University - Newark	\$	1,960,080	16462
Ohio State University - OARDC	\$	6,829,170	16463
Ohio University	\$	17,897,340	16464
Ohio University - Eastern	\$	584,247	16465
Ohio University - Chillicothe	\$	963,816	16466
Ohio University - Southern	\$	593,491	16467
Ohio University - Lancaster	\$	890,535	16468
Ohio University - Zanesville	\$	1,044,481	16469
Shawnee State University	\$	1,726,006	16470
University of Toledo	\$	14,248,827	16471
Wright State University	\$	9,886,492	16472
Wright State University - Lake	\$	478,906	16473
Youngstown State University	\$	10,574,834	16474
Medical University of Ohio	\$	4,501,780	16475
Northeastern Ohio Universities College of Medicine	\$	1,473,952	16476
Cincinnati State Community College	\$	1,145,659	16477
Clark State Community College	\$	1,416,920	16478
Columbus State Community College	\$	6,038,982	16479
Cuyahoga Community College	\$	10,448,349	16480
Edison State Community College	\$	3,375,000	16481
Jefferson Community College	\$	725,443	16482
Lakeland Community College	\$	2,766,142	16483
Lorain County Community College	\$	2,645,970	16484
Owens Community College	\$	4,993,940	16485
Central Ohio Technical College	\$	1,538,362	16486
Hocking Technical College	\$	1,838,986	16487
James Rhodes State Technical College	\$	1,045,625	16488
Zane State College	\$	757,271	16489
North Central Technical College	\$	1,354,805	16490
Stark Technical College	\$	1,871,379	16491

Institutions not listed above shall not have a debt service 16492
obligation as a result of these appropriations. 16493

Within sixty days after the effective date of this section, 16494
any institution of higher education may notify the Board of 16495
Regents of its intention not to proceed with any project 16496
appropriated in this act. Upon receiving such notification, the 16497
Board of Regents may release the institution from its debt service 16498
obligation for the specific project. 16499

Section 235.60.10. For all of the foregoing appropriation 16500
items from the Higher Education Improvement Fund (Fund 034) that 16501
require local funds to be contributed by any state-supported or 16502
state-assisted institution of higher education, the Ohio Board of 16503
Regents shall not recommend that any funds be released until the 16504
recipient institution demonstrates to the Board of Regents and the 16505
Office of Budget and Management that the local funds contribution 16506
requirement has been secured or satisfied. The local funds shall 16507
be in addition to the foregoing appropriations. 16508

Section 235.60.20. The Ohio Public Facilities Commission is 16509
hereby authorized to issue and sell, in accordance with Section 2n 16510
of Article VIII, Ohio Constitution, and Chapter 151. and 16511
particularly sections 151.01 and 151.04 of the Revised Code, 16512
original obligations in an aggregate principal amount not to 16513
exceed \$576,000,000, in addition to the original issuance of 16514
obligations heretofore authorized by prior acts of the General 16515
Assembly. These authorized obligations shall be issued, subject to 16516
applicable constitutional and statutory limitations, to pay costs 16517
of capital facilities as defined in sections 151.01 and 151.04 of 16518
the Revised Code for state-supported and state-assisted 16519
institutions of higher education. 16520

Section 235.60.30. None of the foregoing capital improvements 16521
appropriations for state-supported or state-assisted institutions 16522
of higher education shall be expended until the particular 16523

appropriation has been recommended for release by the Ohio Board 16524
of Regents and released by the Director of Budget and Management 16525
or the Controlling Board. Either the institution concerned, or the 16526
Ohio Board of Regents with the concurrence of the institution 16527
concerned, may initiate the request to the Director of Budget and 16528
Management or the Controlling Board for the release of the 16529
particular appropriations. 16530

Section 235.60.40. (A) No capital improvement appropriations 16531
made in Sections 235.10.10 to 235.50.80 of this act shall be 16532
released for planning or for improvement, renovation, 16533
construction, or acquisition of capital facilities if the 16534
institution of higher education or the state does not own the real 16535
property on which the capital facilities are or will be located. 16536
This restriction does not apply in any of the following 16537
circumstances: 16538

(1) The institution has a long-term (at least fifteen years) 16539
lease of, or other interest (such as an easement) in, the real 16540
property. 16541

(2) The Ohio Board of Regents certifies to the Controlling 16542
Board that undue delay will occur if planning does not proceed 16543
while the property or property interest acquisition process 16544
continues. In this case, funds may be released upon approval of 16545
the Controlling Board to pay for planning through the development 16546
of schematic drawings only. 16547

(3) In the case of an appropriation for capital facilities 16548
that, because of their unique nature or location, will be owned or 16549
will be part of facilities owned by a separate nonprofit 16550
organization or public body and will be made available to the 16551
institution of higher education for its use, the nonprofit 16552
organization or public body either owns or has a long-term (at 16553

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

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

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

(1) Specify the extent and nature of that joint or

cooperative use, extending for not fewer than fifteen years, with 16584
the value of such use or right to use to be, as is determined by 16585
the parties and approved by the Board of Regents, reasonably 16586
related to the amount of the appropriations; 16587

(2) Provide for pro rata reimbursement to the state should 16588
the arrangement for joint or cooperative use be terminated; 16589

(3) Provide that procedures to be followed during the capital 16590
improvement process will comply with appropriate applicable state 16591
laws and rules, including the provisions of this act; and 16592

(4) Provide for payment or reimbursement to the institution 16593
of its administrative costs incurred as a result of the facilities 16594
project, not to exceed 1.5 per cent of the appropriated amount. 16595

(D) Upon the recommendation of the Ohio Board of Regents, the 16596
Controlling Board may approve the transfer of appropriations for 16597
projects requiring cooperation between institutions from one 16598
institution to another institution with the approval of both 16599
institutions. 16600

(E) Notwithstanding section 127.14 of the Revised Code, the 16601
Controlling Board, upon the recommendation of the Ohio Board of 16602
Regents, may transfer amounts appropriated to the Ohio Board of 16603
Regents to accounts of state-supported or state-assisted 16604
institutions created for that same purpose. 16605

Section 235.60.50. The requirements of Chapters 123. and 153. 16606
of the Revised Code, with respect to the powers and duties of the 16607
Director of Administrative Services, and the requirements of 16608
section 127.16 of the Revised Code, with respect to the 16609
Controlling Board, do not apply to projects of community college 16610
districts, which include Cuyahoga Community College, Jefferson 16611
Community College, Lakeland Community College, Lorain Community 16612
College, Rio Grande Community College, and Sinclair Community 16613

College; and technical college districts, which include Belmont 16614
Technical College, Central Ohio Technical College, Hocking 16615
Technical College, James Rhodes State College, Marion Technical 16616
College, Zane State College, North Central Technical College, and 16617
Stark Technical College. 16618

Section 235.60.60. Those institutions locally administering 16619
capital improvement projects pursuant to section 3345.50 of the 16620
Revised Code may: 16621

(A) Establish charges for recovering costs directly related 16622
to project administration as defined by the Director of 16623
Administrative Services. The Department of Administrative Services 16624
shall review and approve these administrative charges when the 16625
charges are in excess of 1.5 per cent of the total construction 16626
budget. 16627

(B) Seek reimbursement from state capital appropriations to 16628
the institution for the in-house design services performed by the 16629
institution for the capital projects. Acceptable charges are 16630
limited to design document preparation work that is done by the 16631
institution. These reimbursable design costs shall be shown as 16632
"A/E fees" within the project's budget that is submitted to the 16633
Controlling Board or the Director of Budget and Management as part 16634
of a request for release of funds. The reimbursement for in-house 16635
design shall not exceed seven per cent of the estimated 16636
construction cost. 16637

Section 235.60.70. (A) The North East Ohio Universities 16638
Collaboration and Innovation Study Commission shall develop a plan 16639
and may make legislative or other logistical recommendations for 16640
the following, with respect to the University of Akron, Cleveland 16641
State University, Kent State University, the Northeastern Ohio 16642
Universities College of Medicine, and Youngstown State University: 16643

(1) Strategic and purposeful collaboration among the institutions;	16644 16645
(2) Partnering among the institutions of both undergraduate and graduate academic programs;	16646 16647
(3) Sharing of at least some governance mechanisms, particularly as they relate to common basic functions, among the institutions;	16648 16649 16650
(4) Development of a coordinated approach to the academic and administrative roles of public higher education in North East Ohio, while maintaining the separate identities of the institutions.	16651 16652 16653 16654
The goal of the Commission's recommendations shall be to promote greater access and affordability for students and an overall improved quality of higher education in North East Ohio.	16655 16656 16657
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.	16658 16659 16660
(B) The North East Ohio Universities Collaboration and Innovation Study Commission is hereby created. The Commission shall consist of nineteen members as follows:	16661 16662 16663
(1) The president of each of the following five institutions of higher education:	16664 16665
(a) University of Akron;	16666
(b) Cleveland State University;	16667
(c) Kent State University;	16668
(d) Northeastern Ohio Universities College of Medicine;	16669
(e) Youngstown State University.	16670
(2) One member appointed by the board of trustees of each of the five institutions of higher education listed in division	16671 16672

(B)(1) of this section; 16673

(3) Two members appointed by the Ohio Board of Regents; 16674

(4) One member appointed by the Speaker of the House of
Representatives; 16675
16676

(5) One member appointed by the President of the Senate; 16677

(6) Five members appointed by the Governor, four of whom 16678
shall be representatives of regional economic development 16679
organizations located within North East Ohio. 16680

The members shall be appointed not later than thirty days 16681
after the effective date of this section. A vacancy on the 16682
Commission shall be filled in the manner of the initial 16683
appointment. 16684

The member who is not a representative of a regional economic 16685
development organization, appointed by the Governor under division 16686
(B)(6) of this section, shall be the chairman of the Commission. 16687

The members of the Commission shall receive no compensation 16688
for their services. 16689

The Commission may employ an executive director and such 16690
other staff as the Commission determines is necessary to carry out 16691
its duties. 16692

(C) Upon submission of its plan and recommendations, as 16693
required in division (A) of this section, the Commission shall 16694
cease to exist. 16695

Section 237.10. All items set forth in this section are 16696
hereby appropriated out of any moneys in the state treasury to the 16697
credit of the Parks and Recreation Improvement Fund (Fund 035), 16698
that are not otherwise appropriated. 16699

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES

16700

CAP-012	Land Acquisition - Statewide	\$	500,000	16701
CAP-169	Lake White State Park - Dam Rehabilitation	\$	5,500,000	16702
CAP-390	State Park Maintenance Facility Development - Middle Bass Island State Park Mitigation Costs	\$	2,000,000	16703
CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000	16704
CAP-702	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000	16705
CAP-716	Muskingum River Parkway - Locks and Dam Rehabilitation	\$	1,000,000	16706
CAP-748	Local Parks Projects	\$	16,201,700	16707
CAP-753	Project Planning	\$	250,000	16708
CAP-836	State Park Renovations/Upgrading - Dillon Environmental Restoration Project (Corps Grant Match)	\$	600,000	16709
CAP-876	Statewide Trails Program	\$	6,140,000	16710
CAP-881	Dam Rehabilitation - Parks	\$	1,017,600	16711
CAP-929	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	16712
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,500,000	16713
Total Department of Natural Resources		\$	40,109,300	16714
TOTAL Parks and Recreation Improvement Fund		\$	40,109,300	16715
FEDERAL REIMBURSEMENT				16716
All reimbursements received from the federal government for				16717
any expenditures made pursuant to this section shall be deposited				16718
in the state treasury to the credit of the Parks and Recreation				16719
Improvement Fund (Fund 035).				16720
LOCAL PARKS PROJECTS				16721
Of the foregoing appropriation item CAP-748, Local Parks				16722

Projects, \$2,000,000 shall be used for the Center City Park in 16723
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; 16724
\$1,000,000 shall be used for the East Bank/Flats Project; 16725
\$1,000,000 shall be used for the Scioto Mile; \$1,500,000 shall be 16726
used for the Franklin Park Conservatory; \$1,000,000 shall be used 16727
for Kroc Community Park Improvements; \$640,000 shall be used for 16728
the Cuyahoga River Corridor Glens Park; \$540,000 shall be used for 16729
Tar Hollow State Park Improvements; \$515,000 shall be used for the 16730
Cleveland Zoological Society; \$400,000 shall be used for the Hi-Y; 16731
\$300,000 shall be used for the Colerain Township Heritage Park; 16732
\$300,000 shall be used for the Columbus Zoo; \$300,000 shall be 16733
used for the Fremont Park and Athletic Facilities; \$250,000 shall 16734
be used for the Gahanna South Flood Plain Project; \$250,000 shall 16735
be used for the Sippo Lake Park/Canal Way; \$250,000 shall be used 16736
for Van Buren State Park Land Acquisitions; \$250,000 shall be used 16737
for the City of Wellston Veterans Park; \$250,000 shall be used for 16738
the City of Jackson Bike Path; \$250,000 shall be used for 16739
Cambridge Park Improvements; \$250,000 shall be used for the 16740
Brunswick Nature Preserve; \$200,000 shall be used for North 16741
Royalton Recreational Park Improvements; \$200,000 shall be used 16742
for Harrison Village Historical Society-Phoenix Park Museum; 16743
\$200,000 shall be used for Ault Park Improvements; \$200,000 shall 16744
be used for Indian Lake State Park Dredging Improvements; \$200,000 16745
shall be used for the Belmont Carnes Center; \$191,000 shall be 16746
used for Deerfield Township Simpson Creek Erosion Mitigation and 16747
Bank Control; \$185,000 shall be used for the City of Wilmington 16748
Park Upgrades/Tennis Courts; \$175,700 shall be used for the 16749
Georgetown Community Tennis Park; \$170,000 shall be used for 16750
Violet Township Park Land Acquisition; \$150,000 shall be used for 16751
Kelleys Island Park Improvements; \$150,000 shall be used for 16752
Ironton Port Authority Green Space Acquisition; \$150,000 shall be 16753
used for Perry Township Camp Improvements; \$122,000 shall be used 16754
for Sandusky Plains Environmental Nature Preserve; \$100,000 shall 16755

be used for Mountain Bike Park/Midtown Cleveland; \$100,000 shall 16756
be used for Delhi Park Veteran's Memorial Wall; \$100,000 shall be 16757
used for The Mentor Lagoons Nature Preserve; \$100,000 shall be 16758
used for the Chester Township Park; \$100,000 shall be used for 16759
Thompson Park Renovations in East Liverpool; \$100,000 shall be 16760
used for the Aullwood Audubon Center; \$75,000 shall be used for 16761
Perry Township Park; \$75,000 shall be used for Hocking River Park 16762
Complex of Athens County; \$69,000 shall be used for Miami Erie 16763
Canal Repairs in Spencerville; \$65,000 shall be used for Star Mill 16764
Skate Park Improvements; \$60,000 shall be used for Marseilles 16765
Reservoir Bulk Head Project; \$50,000 shall be used for 16766
Beavercreek/John Aekeney Soccer Field and Park; \$50,000 shall be 16767
used for the Beavercreek Community Athletic Association Facility 16768
and Park Upgrade; \$50,000 shall be used for the Delaware Skate 16769
Park; \$50,000 shall be used for the Columbus Zoo Education Center; 16770
\$50,000 shall be used for Dillon State Park Upgrades; \$50,000 16771
shall be used for Indian Lake State Park Shoreline Improvements; 16772
\$40,000 shall be used for Athens Village of Glouster Park 16773
Improvements; \$30,000 shall be used for Harold Miller Memorial 16774
Park Improvements; \$25,000 shall be used for Grand Lake St. Marys 16775
Improvements; \$25,000 shall be used for Geauga Veterans Monument 16776
Park Improvements; \$25,000 shall be used for the Conesville 16777
Community Children's Park; \$25,000 shall be used for the Cambridge 16778
Skate Park; \$19,000 shall be used for East Fork State Park-Harsha 16779
Lake Dock Improvements; \$10,000 shall be used for the Marine Corps 16780
League Park/Monument; \$10,000 shall be used for Huntington 16781
Township Park Improvements; \$5,000 shall be used for Morrow County 16782
Bicentennial Park; and \$5,000 shall be used for the Galion 16783
Memorial Veterans Park. 16784

STATEWIDE TRAILS PROGRAM 16785

Of the foregoing appropriation item CAP-876, Statewide 16786
Trails, \$2,000,000 shall be used for the Ohio to Erie Trail by 16787

Franklin County Metro Parks; \$1,900,000 shall be used for the 16788
Cuyahoga Towpath Trail; \$500,000 shall be used for Henry County 16789
Park and Bike Trails; \$400,000 shall be used for the Prairie Grass 16790
Trail; \$330,000 shall be used for the Williamsburg/Batavia Hike 16791
and Bike Trail; \$200,000 shall be used for the Xenia-Jamestown 16792
Connector Trail Project; \$100,000 shall be used for Tri-County 16793
Triangle Trail Funding; and \$210,000 shall be used for the 16794
Trumbull Bike Trail. 16795

Section 237.20. For the appropriations in Section 237.10 of 16796
this act, the Department of Natural Resources shall periodically 16797
prepare and submit to the Director of Budget and Management the 16798
estimated design, planning, and engineering costs of 16799
capital-related work to be done by the Department of Natural 16800
Resources for each project. Based on the estimates, the Director 16801
of Budget and Management may release appropriations from the 16802
foregoing appropriation item CAP-753, Project Planning, within the 16803
Parks and Recreation Improvement Fund (Fund 035), to pay for 16804
design, planning, and engineering costs incurred by the Department 16805
of Natural Resources for the projects. Upon release of the 16806
appropriations by the Director of Budget and Management, the 16807
Department of Natural Resources shall pay for these expenses from 16808
the Parks Capital Expenses Fund (Fund 227), and shall be 16809
reimbursed from the Parks and Recreation Improvement Fund (Fund 16810
035) using an intrastate voucher. 16811

Section 237.30. The Treasurer of State is hereby authorized 16812
to issue and sell, in accordance with Section 2i of Article VIII, 16813
Ohio Constitution, and Chapter 154. of the Revised Code, 16814
particularly section 154.22 of the Revised Code, original 16815
obligations in an aggregate principal amount not to exceed 16816
\$40,000,000, in addition to the original issuance of obligations 16817
heretofore authorized by prior acts of the General Assembly. These 16818

authorized obligations shall be issued, subject to applicable 16819
constitutional and statutory limitations, to pay the costs of 16820
capital facilities for parks and recreation as defined in section 16821
154.01 of the Revised Code. 16822

Section 237.40. (A) No capital improvement appropriations 16823
made in Section 237.10 of this act shall be released for planning 16824
or for improvement, renovation, or construction or acquisition of 16825
capital facilities if a governmental agency, as defined in section 16826
154.01 of the Revised Code, does not own the real property that 16827
constitutes the capital facilities or on which the capital 16828
facilities are or will be located. This restriction does not apply 16829
in any of the following circumstances: 16830

(1) The governmental agency has a long-term (at least fifteen 16831
years) lease of, or other interest (such as an easement) in, the 16832
real property. 16833

(2) In the case of an appropriation for capital facilities 16834
for parks and recreation that, because of their unique nature or 16835
location, will be owned or be part of facilities owned by a 16836
separate nonprofit organization and made available to the 16837
governmental agency for its use or operated by the nonprofit 16838
organization under contract with the governmental agency, the 16839
nonprofit organization either owns or has a long-term (at least 16840
fifteen years) lease of the real property or other capital 16841
facility to be improved, renovated, constructed, or acquired and 16842
has entered into a joint or cooperative use agreement, approved by 16843
the Department of Natural Resources, with the governmental agency 16844
for that agency's use of and right to use the capital facilities 16845
to be financed and, if applicable, improved, the value of such use 16846
or right to use being, as determined by the parties, reasonably 16847
related to the amount of the appropriation. 16848

(B) In the case of capital facilities referred to in division 16849
(A)(2) of this section, the joint or cooperative use agreement 16850
shall include, as a minimum, provisions that: 16851

(1) Specify the extent and nature of that joint or 16852
cooperative use, extending for not fewer than fifteen years, with 16853
the value of such use or right to use to be, as determined by the 16854
parties and approved by the approving department, reasonably 16855
related to the amount of the appropriation; 16856

(2) Provide for pro rata reimbursement to the state should 16857
the arrangement for joint or cooperative use by a governmental 16858
agency be terminated; and 16859

(3) Provide that procedures to be followed during the capital 16860
improvement process will comply with appropriate applicable state 16861
laws and rules, including the provisions of this act. 16862

Section 239.10. All items set forth in this section are 16863
hereby appropriated out of any moneys in the state treasury to the 16864
credit of the State Capital Improvements Fund (Fund 038), that are 16865
not otherwise appropriated. 16866

		Appropriations	
PWC PUBLIC WORKS COMMISSION			16867
CAP-150	Local Public Infrastructure	\$ 120,000,000	16868
Total Public Works Commission		\$ 120,000,000	16869
TOTAL State Capital Improvements Fund		\$ 120,000,000	16870

The foregoing appropriation item CAP-150, Local Public 16871
Infrastructure, shall be used in accordance with sections 164.01 16872
to 164.12 of the Revised Code. The Director of the Public Works 16873
Commission may certify to the Director of Budget and Management 16874
that a need exists to appropriate investment earnings to be used 16875
in accordance with sections 164.01 to 164.12 of the Revised Code. 16876
If the Director of Budget and Management determines pursuant to 16877

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. 16878
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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. 16881
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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 shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management. 16896
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Section 301.10. Notwithstanding any provision of law to the 16907

contrary, the Director of Budget and Management, with the written 16908
concurrence of the Director of Public Safety, may transfer cash 16909
temporarily from the Highway Safety Fund (Fund 036) to the Highway 16910
Safety Building Fund (Fund 025), and the cash may be used to fund 16911
projects previously appropriated by acts of the general assembly. 16912
The transfers shall be made for the purpose of providing cash to 16913
support appropriations or encumbrances that exist upon the 16914
effective date of this section. At such time as obligations are 16915
issued for Highway Safety Building Fund projects, the Director of 16916
Budget and Management shall transfer from the Highway Safety 16917
Building Fund to the Highway Safety Fund any amounts originally 16918
transferred to the Highway Safety Building Fund under this 16919
section. 16920

Section 303.10. CERTIFICATION OF AVAILABILITY OF MONEYS 16921

No moneys that require release may be expended from any 16922
appropriation contained in this act without certification of the 16923
Director of Budget and Management that there are sufficient moneys 16924
in the state treasury in the fund from which the appropriation is 16925
made. The certification shall be based on estimates of revenue, 16926
receipts, and expenses. Nothing in this section shall be construed 16927
as a limitation on the authority of the Director of Budget and 16928
Management under section 126.07 of the Revised Code. 16929

Section 303.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 16930

The appropriations made in this act, excluding those made to 16931
the State Capital Improvement Fund (Fund 038) and the State 16932
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 16933
or structures, including remodeling and renovations, are limited 16934
to: 16935

(A) Acquisition of real property or interests in real 16936
property; 16937

(B) Buildings and structures, which includes construction, 16938
demolition, complete heating, lighting and lighting fixtures, all 16939
necessary utilities, and ventilating, plumbing, sprinkling, and 16940
sewer systems, when such systems are authorized or necessary; 16941

(C) Architectural, engineering, and professional services 16942
expenses directly related to the projects; 16943

(D) Machinery that is a part of structures at the time of 16944
initial acquisition or construction; 16945

(E) Acquisition, development, and deployment of new computer 16946
systems, including the redevelopment or integration of existing 16947
and new computer systems, but excluding regular or ongoing 16948
maintenance or support agreements; 16949

(F) Equipment that meets all the following criteria: 16950

(1) The equipment is essential in bringing the facility up to 16951
its intended use; 16952

(2) The unit cost of the equipment, and not the individual 16953
parts of a unit, is about \$100 or more; 16954

(3) The equipment has a useful life of five years or more; 16955

(4) The equipment is necessary for the functioning of the 16956
particular facility or project. 16957

No equipment shall be paid for from these appropriations that 16958
is not an integral part of or directly related to the basic 16959
purpose or function of a project for which moneys are 16960
appropriated. This paragraph does not apply to appropriation items 16961
for equipment. 16962

Section 303.30. CONTINGENCY RESERVE REQUIREMENT 16963

Any request for release of capital appropriations by the 16964
Director of Budget and Management or the Controlling Board of 16965
capital appropriations for projects, the contracts for which are 16966

awarded by the Department of Administrative Services, shall 16967
contain a contingency reserve, the amount of which shall be 16968
determined by the Department of Administrative Services, for 16969
payment of unanticipated project expenses. Any amount deducted 16970
from the encumbrance for a contractor's contract as an assessment 16971
for liquidated damages shall be added to the encumbrance for the 16972
contingency reserve. Contingency reserve funds shall be used to 16973
pay costs resulting from unanticipated job conditions, to comply 16974
with rulings regarding building and other codes, to pay costs 16975
related to errors or omissions in contract documents, to pay costs 16976
associated with changes in the scope of work, and to pay the cost 16977
of settlements and judgments related to the project. 16978

Any funds remaining upon completion of a project may, upon 16979
approval of the Controlling Board, be released for the use of the 16980
institution to which the appropriation was made for other capital 16981
facilities projects. 16982

Section 303.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 16983
PROJECTS 16984

Notwithstanding sections 123.01 and 123.15 of the Revised 16985
Code, the Director of Administrative Services may authorize the 16986
Departments of Mental Health, Mental Retardation and Developmental 16987
Disabilities, Agriculture, Job and Family Services, Rehabilitation 16988
and Correction, Youth Services, Public Safety, Transportation, and 16989
the Ohio Veterans' Home to administer any capital facilities 16990
projects, the estimated cost of which, including design fees, 16991
construction, equipment, and contingency amounts, is less than 16992
\$1,500,000. Requests for authorization to administer capital 16993
facilities projects shall be made in writing to the Director of 16994
Administrative Services by the applicable state agency within 16995
sixty days after the effective date of the section of law in which 16996
the General Assembly initially makes an appropriation for the 16997

project. Upon the release of funds for the projects by the
Controlling Board or the Director of Budget and Management, the
agency may administer the capital project or projects for which
agency administration has been authorized without the supervision,
control, or approval of the Director of Administrative Services.

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

**Section 305.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS
AGAINST THE STATE**

Except as otherwise provided in this section, an
appropriation in this act or any other act may be used for the
purpose of satisfying judgments, settlements, or administrative
awards ordered or approved by the Court of Claims or by any other
court of competent jurisdiction in connection with civil actions
against the state. This authorization does not apply to
appropriations to be applied to or used for payment of guarantees
by or on behalf of the state, or for payments under lease
agreements relating to or debt service on bonds, notes, or other
obligations of the state. Notwithstanding any other section of law
to the contrary, this authorization includes appropriations from
funds into which proceeds or direct obligations of the state are
deposited only to the extent that the judgment, settlement, or
administrative award is for or represents capital costs for which
the appropriation may otherwise be used and is consistent with the
purpose for which any related obligations were issued or entered
into. Nothing contained in this section is intended to subject the
state to suit in any forum in which it is not otherwise subject to
suit, and it is not intended to waive or compromise any defense or
right available to the state in any suit against it.

Section 307.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 17029
AND MANAGEMENT 17030

Notwithstanding section 126.14 of the Revised Code, 17031
appropriations for appropriation item CAP-003, Community-Based 17032
Correctional Facilities, appropriated from the Adult Correctional 17033
Building Fund (Fund 027) to the Department of Rehabilitation and 17034
Correction shall be released upon the written approval of the 17035
Director of Budget and Management. The appropriations from the 17036
Public School Building Fund (Fund 021) and the School Building 17037
Program Assistance Fund (Fund 032) to the School Facilities 17038
Commission, from the Clean Ohio Conservation Fund (Fund 056), the 17039
State Capital Improvement Fund (Fund 038), and the State Capital 17040
Improvements Revolving Loan Fund (Fund 040) to the Public Works 17041
Commission shall be released upon presentation of a request to 17042
release the funds, by the agency to which the appropriation has 17043
been made, to the Director of Budget and Management. 17044

Section 309.10. PREVAILING WAGE REQUIREMENT 17045

Except as provided in section 4115.04 of the Revised Code, no 17046
moneys appropriated or reappropriated by the 126th General 17047
Assembly shall be used for the construction of public 17048
improvements, as defined in section 4115.03 of the Revised Code, 17049
unless the mechanics, laborers, or workers engaged therein are 17050
paid the prevailing rate of wages as prescribed in section 4115.04 17051
of the Revised Code. Nothing in this section shall affect the 17052
wages and salaries established for state employees under the 17053
provisions of Chapter 124. of the Revised Code, or collective 17054
bargaining agreements entered into by the state pursuant to 17055
Chapter 4117. of the Revised Code, while engaged on force account 17056
work, nor shall this section interfere with the use of inmate and 17057
patient labor by the state. 17058

Section 311.10. CAPITAL FACILITIES LEASES 17059

Capital facilities for which appropriations are made from the 17060
Highway Safety Building Fund (Fund 025), the Administrative 17061
Building Fund (Fund 026), the Adult Correctional Building Fund 17062
(Fund 027), and the Juvenile Correctional Building Fund (Fund 028) 17063
may be leased by the Ohio Building Authority to the Department of 17064
Public Safety, the Department of Youth Services, the Department of 17065
Administrative Services, and the Department of Rehabilitation and 17066
Correction, and other agreements may be made by the Ohio Building 17067
Authority and the departments with respect to the use or purchase 17068
of the capital facilities, or subject to the approval of the 17069
director of the department or the commission, the Ohio Building 17070
Authority may lease the capital facilities to, and make other 17071
agreements with respect to the use or purchase of the capital 17072
facilities with, any governmental agency or nonprofit corporation 17073
having authority under law to own, lease, or operate the capital 17074
facilities. The director of the department or the commission may 17075
sublease the capital facilities to, and make other agreements with 17076
respect to the use or purchase of the capital facilities with, any 17077
such governmental agency or nonprofit corporation, which 17078
agreements may include provisions for transmittal of receipts of 17079
the agency or nonprofit corporation of any charges for the use of 17080
the facilities, all upon such terms and conditions as the parties 17081
may agree upon and subject to any other provision of law affecting 17082
the leasing, acquisition, or disposition of capital facilities by 17083
the parties. 17084

Section 313.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 17085
MANAGEMENT 17086

The Director of Budget and Management shall authorize both of 17087
the following: 17088

(A) The initial release of moneys for projects from the funds 17089
into which proceeds of direct obligations of the state are 17090
deposited; 17091

(B) The expenditure or encumbrance of moneys from funds into 17092
which proceeds of direct obligations are deposited, but only after 17093
determining to the director's satisfaction that either of the 17094
following applies: 17095

(1) The application of the moneys to the particular project 17096
will not negatively affect any exemption or exclusion from federal 17097
income tax of the interest or interest equivalent on obligations 17098
issued to provide moneys to the particular fund. 17099

(2) Moneys for the project will come from the proceeds of 17100
obligations, the interest on which is not so excluded or exempt 17101
and which have been authorized as "taxable obligations" by the 17102
issuing authority. 17103

The director shall report any nonrelease of moneys pursuant 17104
to this section to the Governor, the presiding officer of each 17105
house of the General Assembly, and the agency for the use of which 17106
the project is intended. 17107

Section 315.10. SCHOOL FACILITIES ENCUMBRANCES AND 17108
REAPPROPRIATION 17109

At the request of the Executive Director of the Ohio School 17110
Facilities Commission, the Director of Budget and Management may 17111
cancel encumbrances for school district projects from a previous 17112
biennium if the district has not raised its local share of project 17113
costs within one year after receiving Controlling Board approval 17114
in accordance with section 3318.05 of the Revised Code. The 17115
Executive Director of the Ohio School Facilities Commission shall 17116
certify the amounts of these canceled encumbrances to the Director 17117
of Budget and Management on a quarterly basis. The amounts of the 17118

canceled encumbrances are hereby appropriated.	17119
Section 317.10. CERTIFICATE OF NEED REQUIREMENT	17120
No appropriation for a health care facility authorized under	17121
this act may be released until the requirements of sections	17122
3702.51 to 3702.68 of the Revised Code have been met.	17123
Section 319.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS	17124
ABATEMENT LITIGATION	17125
All proceeds received by the state as a result of litigation,	17126
judgments, settlements, or claims, filed by or on behalf of any	17127
state agency, as defined by section 1.60 of the Revised Code, or	17128
state-supported or state-assisted institution of higher education,	17129
for damages or costs resulting from the use, removal, or hazard	17130
abatement of asbestos materials shall be deposited in the Asbestos	17131
Abatement Distribution Fund (Fund 674). All funds deposited into	17132
the Asbestos Abatement Distribution Fund are hereby appropriated	17133
to the Attorney General. To the extent practicable, the proceeds	17134
placed in the Asbestos Abatement Distribution Fund shall be	17135
divided among the state agencies and state-supported or	17136
state-assisted institutions of higher education in accordance with	17137
the general provisions of the litigation regarding the percentage	17138
of recovery. Distribution of the proceeds to each state agency or	17139
state-supported or state-assisted institution of higher education	17140
shall be made in accordance with the Asbestos Abatement	17141
Distribution Plan to be developed by the Attorney General, the	17142
General Services Division within the Department of Administrative	17143
Services, and the Office of Budget and Management.	17144
In those circumstances where asbestos litigation proceeds are	17145
for reimbursement of expenditures made with funds outside the	17146
state treasury or damages to buildings not constructed with state	17147
appropriations, direct payments shall be made to the affected	17148

institutions of higher education. Any proceeds received for 17149
reimbursement of expenditures made with funds within the state 17150
treasury or damages to buildings occupied by state agencies shall 17151
be distributed to the affected agencies with an intrastate 17152
transfer voucher to the funds identified in the Asbestos Abatement 17153
Distribution Plan. 17154

These proceeds shall be used for additional asbestos 17155
abatement or encapsulation projects, or for other capital 17156
improvements, except that proceeds distributed to the General 17157
Revenue Fund and other funds that are not bond improvement funds 17158
may be used for any purpose. The Controlling Board may, for bond 17159
improvement funds, create appropriation items or increase 17160
appropriation authority in existing appropriation items equaling 17161
the amount of the proceeds. The amounts approved by the 17162
Controlling Board are hereby appropriated. The proceeds deposited 17163
in bond improvement funds shall not be expended until released by 17164
the Controlling Board, which shall require certification by the 17165
Director of Budget and Management that the proceeds are sufficient 17166
and available to fund the additional anticipated expenditures. 17167

Section 321.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 17168
REVISED CODE 17169

The capital improvements for which appropriations are made in 17170
this act from the Third Frontier Research and Development Fund 17171
(Fund 011), the Job Ready Site Development Fund (Fund 012), the 17172
Ohio Parks and Natural Resources Fund (Fund 031), the School 17173
Building Program Assistance Fund (Fund 032), the Higher Education 17174
Improvement Fund (Fund 034), the State Capital Improvements Fund 17175
(Fund 038), the Clean Ohio Conservation Fund (Fund 056), the Clean 17176
Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio 17177
Trail Fund (Fund 061) are determined to be capital improvements 17178
and capital facilities for research and development, preparation 17179

of sites, natural resources, a statewide system of common schools, 17180
state-supported and state-assisted institutions of higher 17181
education, local subdivision capital improvement projects, and 17182
conservation purposes (under the Clean Ohio Program) and are 17183
designated as capital facilities to which proceeds of obligations 17184
issued under Chapter 151. of the Revised Code are to be applied. 17185

Section 321.20. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 17186
REVISED CODE 17187

The capital improvements for which appropriations are made in 17188
this act from the Highway Safety Building Fund (Fund 025), the 17189
Administrative Building Fund (Fund 026), the Adult Correctional 17190
Building Fund (Fund 027), the Juvenile Correctional Building Fund 17191
(Fund 028), and the Transportation Building Fund (Fund 029) are 17192
determined to be capital improvements and capital facilities for 17193
housing state agencies and branches of state government and are 17194
designated as capital facilities to which proceeds of obligations 17195
issued under Chapter 152. of the Revised Code are to be applied. 17196

Section 321.30. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 17197
REVISED CODE 17198

The capital improvements for which appropriations are made in 17199
this act from the Cultural and Sports Facilities Building Fund 17200
(Fund 030), the Mental Health Facilities Improvement Fund (Fund 17201
033), and the Parks and Recreation Improvement Fund (Fund 035) are 17202
determined to be capital improvements and capital facilities for 17203
housing state agencies and branches of government, mental hygiene 17204
and retardation, and parks and recreation and are designated as 17205
capital facilities to which proceeds of obligations issued under 17206
Chapter 154. of the Revised Code are to be applied. 17207

Section 323.10. TRANSFER OF OPEN ENCUMBRANCES 17208

Upon the request of the agency to which a capital project 17209
appropriation item is appropriated, the Director of Budget and 17210
Management may transfer open encumbrance amounts between separate 17211
encumbrances for the project appropriation item to the extent that 17212
any reductions in encumbrances are agreed to by the contracting 17213
vendor and the agency. 17214

Section 325.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE 17215
BUILDING FUND 17216

Any proceeds received by the state as the result of 17217
litigation or a settlement agreement related to any liability for 17218
the planning, design, engineering, construction, or construction 17219
management of facilities operated by the Department of 17220
Administrative Services shall be deposited into the Administrative 17221
Building Fund (Fund 026). 17222

Section 327.10. COAL RESEARCH AND DEVELOPMENT BONDS 17223

The Ohio Public Facilities Commission, upon the request of 17224
the Director of the Ohio Coal Development Office with the advice 17225
of the Technical Advisory Committee created in section 1551.35 of 17226
the Revised Code and with the approval of the Director of the Air 17227
Quality Development Authority, is hereby authorized to issue and 17228
sell, in accordance with Section 15 of Article VIII, Ohio 17229
Constitution, and Chapter 151. of the Revised Code, and 17230
particularly sections 151.01 and 151.07 and other applicable 17231
sections of the Revised Code, bonds or other obligations of the 17232
state heretofore authorized by prior acts of the General Assembly. 17233
The obligations shall be issued, subject to applicable 17234
constitutional and statutory limitations, to provide sufficient 17235
moneys to the credit of the Coal Research and Development Fund 17236
created in section 1555.15 of the Revised Code to pay costs 17237
charged to the fund when due as estimated by the Director of the 17238

Ohio Coal Development Office. 17239

Section 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 17240

The Ohio Administrative Knowledge System (OAKS) shall be an 17241
enterprise resource planning system that replaces the state's 17242
central services infrastructure systems, including the Central 17243
Accounting System, the Human Resources/Payroll System, the Capital 17244
Improvements Projects Tracking System, the Fixed Assets Management 17245
System, and the Procurement System. The Department of 17246
Administrative Services, in conjunction with the Office of Budget 17247
and Management, may acquire the system, including, but not limited 17248
to, the enterprise resource planning software and installation and 17249
implementation thereof pursuant to Chapter 125. of the Revised 17250
Code. Any lease-purchase arrangement utilized under Chapter 125. 17251
of the Revised Code, including any fractionalized interest therein 17252
as defined in division (N) of section 133.01 of the Revised Code, 17253
shall provide at the end of the lease period that OAKS shall 17254
become the property of the state. 17255

Section 331.10. Sections 201.10 to 239.20 of this act shall 17256
remain in full force and effect commencing on July 1, 2006, and 17257
terminating on June 30, 2008, for the purpose of drawing money 17258
from the state treasury in payment of liabilities lawfully 17259
incurred under those sections, and on June 30, 2008, and not 17260
before, the moneys hereby appropriated shall lapse into the funds 17261
from which they are severally appropriated. Because if, under 17262
Section 1c of Article II, Ohio Constitution, Sections 201.10 to 17263
239.20 of this act do not take effect until after July 1, 2006, 17264
Sections 201.10 to 239.20 of this act shall be and remain in full 17265
force and effect commencing on that later effective date. 17266

Section 401.03. That Section 22.07 of Am. Sub. H.B. 16 of the 17267
126th General Assembly be amended to read as follows: 17268

Sec. 22.07. The Treasurer of State is hereby authorized to 17269
issue and sell in accordance with ~~Section~~ Sections 2i and 16 of 17270
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 17271
Code, particularly section 154.20 of the Revised Code, original 17272
obligations in an aggregate principal amount not to exceed 17273
\$20,000,000 in addition to the original issuance of obligations 17274
heretofore authorized by prior acts of the General Assembly. The 17275
authorized obligations shall be issued, subject to applicable 17276
constitutional and statutory limitations, to pay costs of capital 17277
facilities as defined in section 154.01 of the Revised Code for 17278
mental hygiene and retardation. 17279

Section 401.04. That existing Section 22.07 of Am. Sub. H.B. 17280
16 of the 126th General Assembly is hereby repealed. 17281

Section 401.10. That Sections 203.12.06, 203.24, 203.57, 17282
203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 17283
209.93 of Am. Sub. H.B. 66 of the 126th General Assembly be 17284
amended to read as follows: 17285

Sec. 203.12.06. OHIO BUILDING AUTHORITY 17286

The foregoing appropriation item 100-447, OBA - Building Rent 17287
Payments, shall be used to meet all payments at the times they are 17288
required to be made during the period from July 1, 2005, to June 17289
30, 2007, by the Department of Administrative Services to the Ohio 17290
Building Authority pursuant to leases and agreements under Chapter 17291
152. of the Revised Code, but limited to the aggregate amount of 17292
\$231,831,700. These appropriations are the source of funds pledged 17293
for bond service charges on obligations issued pursuant to Chapter 17294
152. of the Revised Code. 17295

The foregoing appropriation item 100-448, OBA - Building 17296
Operating Payments, shall be used to meet all payments at the 17297

times that they are required to be made during the period from 17298
July 1, 2005, to June 30, 2007, by the Department of 17299
Administrative Services to the Ohio Building Authority pursuant to 17300
~~leases and agreements under~~ Chapter 152. of the Revised Code, but 17301
limited to the aggregate amount of \$51,040,433. 17302

The payments to the Ohio Building Authority are for the 17303
purpose of paying the expenses of the Ohio Building Authority and 17304
the agencies that occupy space in the various state facilities. 17305
The Department of Administrative Services may enter into leases 17306
and agreements with the Ohio Building Authority providing for the 17307
payment of these expenses. The Ohio Building Authority shall 17308
report to the Department of Administrative Services and the Office 17309
of Budget and Management not later than five months after the 17310
start of a fiscal year the actual expenses incurred by the Ohio 17311
Building Authority in operating the facilities and any balances 17312
remaining from payments and rentals received in the prior fiscal 17313
year. The Department of Administrative Services shall reduce 17314
subsequent payments by the amount of the balance reported to it by 17315
the Ohio Building Authority. 17316

Sec. 203.24. AGR DEPARTMENT OF AGRICULTURE 17317

General Revenue Fund 17318

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330	17319
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506	17320
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	17321
GRF 700-404	Ohio Proud	\$	185,395	\$	185,395	17322
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	17323
GRF 700-406	Consumer Analytical	\$	819,907	\$	819,907	17324
	Lab					
GRF 700-407	Food Safety	\$	939,099	\$	939,099	17325
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	17326
GRF 700-410	Plant Industry	\$	391,216	\$	50,000	17327

GRF 700-411	International Trade and Market Development	\$ 617,524	\$ 517,524	17328
GRF 700-412	Weights and Measures	\$ 1,100,000	\$ 1,300,000	17329
GRF 700-413	Gypsy Moth Prevention	\$ 200,000	\$ 200,000	17330
GRF 700-415	Poultry Inspection	\$ 325,000	\$ 325,000	17331
GRF 700-418	Livestock Regulation Program	\$ 1,428,496	\$ 1,428,496	17332
<u>GRF 700-422</u>	<u>Emergency Preparedness Supplies and Equipment</u>	<u>\$ 0</u>	<u>\$ 634,000</u>	17333
GRF 700-424	Livestock Testing and Inspections	\$ 115,946	\$ 115,946	17334
GRF 700-499	Meat Inspection Program - State Share	\$ 4,696,889	\$ 4,696,889	17335
GRF 700-501	County Agricultural Societies	\$ 358,226	\$ 358,226	17336
TOTAL GRF General Revenue Fund		\$ 18,963,611	\$ 18,722,395 <u>19,356,395</u>	17337 17338
Federal Special Revenue Fund Group				17339
3J4 700-607	Indirect Cost	\$ 1,500,027	\$ 1,500,027	17340
3R2 700-614	Federal Plant Industry	\$ 4,800,000	\$ 4,800,000	17341
326 700-618	Meat Inspection Program - Federal Share	\$ 5,201,291	\$ 5,201,291	17342
336 700-617	Ohio Farm Loan Revolving Fund	\$ 43,793	\$ 44,679	17343
382 700-601	Cooperative Contracts	\$ 4,300,000	\$ 4,300,000	17344
TOTAL FED Federal Special Revenue Fund Group		\$ 15,845,111	\$ 15,845,997	17345 17346
State Special Revenue Fund Group				17347
4C9 700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$ 1,922,857	\$ 1,891,395	17348

4D2	700-609	Auction Education	\$	23,885	\$	24,601	17349
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059	17350
4P7	700-610	Food Safety Inspection	\$	816,096	\$	858,096	17351
4R0	700-636	Ohio Proud Marketing	\$	38,300	\$	38,300	17352
4R2	700-637	Dairy Industry Inspection	\$	1,541,466	\$	1,621,460	17353
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	17354
4T7	700-613	International Trade and Market Development	\$	52,000	\$	54,000	17355
494	700-612	Agricultural Commodity Marketing Program	\$	170,220	\$	170,220	17356
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054	17357
497	700-627	Commodity Handlers Regulatory Program	\$	515,820	\$	529,978	17358
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	17359
5H2	700-608	Metrology Lab and Scale Certification	\$	351,526	\$	362,526	17360
5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000	17361
578	700-620	Ride Inspection Fees	\$	1,105,436	\$	1,115,436	17362
652	700-634	Animal Health and Food Safety	\$	1,876,624	\$	1,831,232	17363
669	700-635	Pesticide Program	\$	2,993,232	\$	3,354,448	17364
TOTAL SSR State Special Revenue							17365
Fund Group			\$	12,994,304	\$	13,438,489	17366
Clean Ohio Fund Group							17367
057	700-632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	17368
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000	17369
TOTAL ALL BUDGET FUND GROUPS			\$	47,952,026	\$	48,155,881	17370
						<u>48,789,881</u>	17371

OHIO - ISRAEL AGRICULTURAL INITIATIVE	17372
Of the foregoing General Revenue Fund appropriation item	17373
700-411, International Trade and Market Development, \$100,000	17374
shall be used in fiscal year 2006 for the Ohio - Israel	17375
Agricultural Initiative.	17376
<u>EMERGENCY PREPAREDNESS SUPPLIES AND EQUIPMENT</u>	17377
<u>The foregoing appropriation item 700-422, Emergency</u>	17378
<u>Preparedness Supplies and Equipment, may only be used for</u>	17379
<u>purchasing items contained within a plan that has been submitted</u>	17380
<u>to and approved by the Controlling Board.</u>	17381
FAMILY FARM LOAN PROGRAM	17382
Notwithstanding Chapter 166. of the Revised Code, up to	17383
\$1,000,000 in each fiscal year shall be transferred from moneys in	17384
the Facilities Establishment Fund (Fund 037) to the Family Farm	17385
Loan Fund (Fund 5H1) in the Department of Development. These	17386
moneys shall be used for loan guarantees. The transfer is subject	17387
to Controlling Board approval.	17388
Financial assistance from the Family Farm Loan Fund (Fund	17389
5H1) shall be repaid to Fund 5H1. This fund is established in	17390
accordance with sections 166.031, 901.80, 901.81, 901.82, and	17391
901.83 of the Revised Code.	17392
When the Family Farm Loan Fund (Fund 5H1) ceases to exist,	17393
all outstanding balances, all loan repayments, and any other	17394
outstanding obligations shall revert to the Facilities	17395
Establishment Fund (Fund 037).	17396
<u>CASH TRANSFER TO COOPERATIVE CONTRACTS FUND</u>	17397
<u>On the effective date of this amendment, or as soon as</u>	17398
<u>possible thereafter, the Director of Budget and Management may</u>	17399
<u>transfer \$111,668.76 in cash from the General Revenue Fund to the</u>	17400
<u>Cooperative Contracts Fund (Fund 382) to correct wire transfers to</u>	17401

the Department of Agriculture that were mistakenly deposited in 17402
the General Revenue Fund. 17403

Sec. 203.57. OBM OFFICE OF BUDGET AND MANAGEMENT 17404

General Revenue Fund 17405

GRF 042-321 Budget Development and \$ 2,143,886 \$ 2,143,886 17406
Implementation

GRF 042-410 National Association \$ 27,089 \$ 28,173 17407
Dues

GRF 042-412 Audit of Auditor of \$ 55,900 \$ 58,700 17408
State

GRF 042-435 Gubernatorial \$ 0 \$ 250,000 17409
Transition

TOTAL GRF General Revenue Fund \$ 2,226,875 \$ 2,480,759 17410

General Services Fund Group 17411

105 042-603 Accounting and \$ 9,781,085 \$ 9,976,689 17412
Budgeting

TOTAL GSF General Services Fund \$ 9,781,085 \$ 9,976,689 17413
Group

State Special Revenue Fund Group 17414

5N4 042-602 OAKS Project \$ 2,262,441 \$ 2,272,595 17415
Implementation

TOTAL SSR State Special Revenue \$ 2,262,441 \$ 2,272,595 17416
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 14,270,401 \$ 14,730,043 17417

AUDIT COSTS 17418

Of the foregoing appropriation item 042-603, Accounting and 17419

Budgeting, not more than \$420,000 in fiscal year 2006 and \$425,000 17420

in fiscal year 2007 shall be used to pay for centralized audit 17421

costs associated with either Single Audit Schedules or financial 17422

statements prepared in conformance with generally accepted 17423

accounting principles for the state.	17424
OAKS PROJECT IMPLEMENTATION	17425
Notwithstanding section 126.25 of the Revised Code, in fiscal	17426
years 2006 and 2007, rebates or revenue shares received from any	17427
state payment card program established under division (B) of	17428
section 126.21 of the Revised Code may be deposited into the OAKS	17429
Project Implementation Fund (Fund 5N4).	17430
<u>MEDICAID AGENCY TRANSITION</u>	17431
<u>Upon the transfer of appropriations to GRF appropriation item</u>	17432
<u>042-416, Medicaid Agency Transition, the Director of Budget and</u>	17433
<u>Management may retain staff of the Medicaid Administrative Study</u>	17434
<u>Council, hire staff, enter into contracts, and take other steps</u>	17435
<u>necessary to complete the transition tasks identified in the</u>	17436
<u>Medicaid Administrative Study Council report or other tasks</u>	17437
<u>considered necessary to create a new Department of Medicaid. Any</u>	17438
<u>contracts entered into under this paragraph shall be exempt from</u>	17439
<u>the authority and supervision of the Department of Administrative</u>	17440
<u>Services and the Office of Information Technology.</u>	17441
Sec. 203.81. CEB CONTROLLING BOARD	17442
General Revenue Fund	17443
GRF 911-401 Emergency \$ 5,000,000 \$ 5,000,000	17444
Purposes/Contingencies <u>8,000,000</u>	
GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000	17445
GRF 911-441 Ballot Advertising \$ 300,000 \$ 300,000	17446
Costs	
TOTAL GRF General Revenue Fund \$ 5,950,000 \$ 5,950,000	17447
<u>8,950,000</u>	
TOTAL ALL BUDGET FUND GROUPS \$ 5,950,000 \$ 5,950,000	17448
<u>8,950,000</u>	
FEDERAL SHARE	17449

In transferring appropriations to or from appropriation items 17450
that have federal shares identified in ~~this act~~ Am. Sub. H.B. 66 17451
of the 126th General Assembly, the Controlling Board shall add or 17452
subtract corresponding amounts of federal matching funds at the 17453
percentages indicated by the state and federal division of the 17454
appropriations in ~~this act~~ Am. Sub. H.B. 66 of the 126th General 17455
Assembly. Such changes are hereby appropriated. 17456

DISASTER ASSISTANCE 17457

Pursuant to requests submitted by the Department of Public 17458
Safety, the Controlling Board may approve transfers from 17459
appropriation item 911-401, Emergency Purposes/Contingencies, to 17460
Department of Public Safety appropriation items to provide funding 17461
for assistance to political subdivisions and individuals made 17462
necessary by natural disasters or emergencies. Such transfers may 17463
be requested and approved prior to or following the occurrence of 17464
any specific natural disasters or emergencies in order to 17465
facilitate the provision of timely assistance. 17466

DISASTER SERVICES 17467

Pursuant to requests submitted by the Department of Public 17468
Safety, the Controlling Board may approve transfers from the 17469
Disaster Services Fund (5E2) to a Department of Public Safety 17470
General Revenue Fund appropriation item to provide for assistance 17471
to political subdivisions made necessary by natural disasters or 17472
emergencies. These transfers may be requested and approved prior 17473
to the occurrence of any specific natural disasters or emergencies 17474
in order to facilitate the provision of timely assistance. The 17475
Emergency Management Agency of the Department of Public Safety 17476
shall use the funding for disaster aid requests that meet the 17477
Emergency Management Agency's criteria for assistance. 17478

The Disaster Services Fund (5E2) shall be used by the 17479
Controlling Board, pursuant to requests submitted by state 17480

agencies, to transfer cash and appropriation authority to any fund	17481
and appropriation item for the payment of state agency program	17482
expenses as follows:	17483
(A) The Southern Ohio flooding, referred to as	17484
FEMA-DR-1164-OH;	17485
(B) The flood and storm disaster referred to as	17486
FEMA-DR-1227-OH;	17487
(C) The Southern Ohio flooding, referred to as	17488
FEMA-DR-1321-OH;	17489
(D) The flooding referred to as FEMA-DR-1339-OH;	17490
(E) The tornado and storms referred to as FEMA-DR-1343-OH;	17491
(F) Other disasters declared by the Governor, if the Director	17492
of Budget and Management determines that sufficient funds exist	17493
beyond the expected program costs of these other disasters.	17494
The unencumbered balance of the Disaster Services Fund (5E2)	17495
at the end of fiscal year 2006 is transferred to fiscal year 2007	17496
for use for the same purposes as in fiscal year 2006.	17497
SOUTHERN OHIO CORRECTIONAL FACILITY COST	17498
The Division of Criminal Justice Services in the Department	17499
of Public Safety and the Public Defender Commission may each	17500
request, upon approval of the Director of Budget and Management,	17501
additional funds from appropriation item 911-401, Emergency	17502
Purposes/Contingencies, for costs related to the disturbance that	17503
occurred on April 11, 1993, at the Southern Ohio Correctional	17504
Facility in Lucasville, Ohio.	17505
MANDATE ASSISTANCE	17506
(A) The foregoing appropriation item 911-404, Mandate	17507
Assistance, shall be used to provide financial assistance to local	17508
units of government and school districts for the cost of the	17509

following two unfunded state mandates: 17510

(1) The cost to county prosecutors for prosecuting certain 17511
felonies that occur on the grounds of state institutions operated 17512
by the Department of Rehabilitation and Correction and the 17513
Department of Youth Services; 17514

(2) The cost to school districts of in-service training for 17515
child abuse detection. 17516

(B) The Division of Criminal Justice Services in the 17517
Department of Public Safety and the Department of Education may 17518
prepare and submit to the Controlling Board one or more requests 17519
to transfer appropriations from appropriation item 911-404, 17520
Mandate Assistance. The state agencies charged with this 17521
administrative responsibility are listed below, as well as the 17522
estimated annual amounts that may be used for each program of 17523
state financial assistance. 17524

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal	\$150,000	17527
	Justice Services		17528
Child Abuse Detection	Department of	\$500,000	17529
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 17530
year for appropriation item 911-404, Mandate Assistance, the 17531
Division of Criminal Justice Services in the Department of Public 17532
Safety and the Department of Education may request from the 17533
Controlling Board that amounts smaller or larger than these 17534
estimated annual amounts be transferred to each program. 17535

(D) In addition to making the initial transfers requested by 17536
the Division of Criminal Justice Services in the Department of 17537
Public Safety and the Department of Education, the Controlling 17538
Board may transfer appropriations received by a state agency under 17539

this section back to appropriation item 911-404, Mandate 17540
Assistance, or to the other program of state financial assistance 17541
identified under this section. 17542

(E) It is expected that not all costs incurred by local units 17543
of government and school districts under each of the two programs 17544
of state financial assistance identified in this section will be 17545
fully reimbursed by the state. Reimbursement levels may vary by 17546
program and shall be based on: the relationship between the 17547
appropriation transfers requested by the Division of Criminal 17548
Justice Services in the Department of Public Safety and the 17549
Department of Education and provided by the Controlling Board for 17550
each of the programs; the rules and procedures established for 17551
each program by the administering state agency; and the actual 17552
costs incurred by local units of government and school districts. 17553

(F) Each of these programs of state financial assistance 17554
shall be carried out as follows: 17555

(1) PROSECUTION COSTS 17556

(a) Appropriations may be transferred to the Division of 17557
Criminal Justice Services in the Department of Public Safety to 17558
cover local prosecution costs for aggravated murder, murder, 17559
felonies of the first degree, and felonies of the second degree 17560
that occur on the grounds of institutions operated by the 17561
Department of Rehabilitation and Correction and the Department of 17562
Youth Services. 17563

(b) Upon a delinquency filing in juvenile court or the return 17564
of an indictment for aggravated murder, murder, or any felony of 17565
the first or second degree that was committed at a Department of 17566
Youth Services or a Department of Rehabilitation and Correction 17567
institution, the affected county may, in accordance with rules 17568
that the Division of Criminal Justice Services in the Department 17569
of Public Safety shall adopt, apply to the Division of Criminal 17570

Justice Services for a grant to cover all documented costs that 17571
are incurred by the county prosecutor's office. 17572

(c) Twice each year, the Division of Criminal Justice 17573
Services in the Department of Public Safety shall designate 17574
counties to receive grants from those counties that have submitted 17575
one or more applications in compliance with the rules that have 17576
been adopted by the Division of Criminal Justice Services for the 17577
receipt of such grants. In each year's first round of grant 17578
awards, if sufficient appropriations have been made, up to a total 17579
of \$100,000 may be awarded. In each year's second round of grant 17580
awards, the remaining appropriations available for this purpose 17581
may be awarded. 17582

(d) If for a given round of grants there are insufficient 17583
appropriations to make grant awards to all the eligible counties, 17584
the first priority shall be given to counties with cases involving 17585
aggravated murder and murder; second priority shall be given to 17586
counties with cases involving a felony of the first degree; and 17587
third priority shall be given to counties with cases involving a 17588
felony of the second degree. Within these priorities, the grant 17589
awards shall be based on the order in which the applications were 17590
received, except that applications for cases involving a felony of 17591
the first or second degree shall not be considered in more than 17592
two consecutive rounds of grant awards. 17593

(2) CHILD ABUSE DETECTION TRAINING COSTS 17594

Appropriations may be transferred to the Department of 17595
Education for disbursement to local school districts as full or 17596
partial reimbursement for the cost of providing in-service 17597
training for child abuse detection. In accordance with rules that 17598
the department shall adopt, a local school district may apply to 17599
the department for a grant to cover all documented costs that are 17600
incurred to provide in-service training for child abuse detection. 17601

The department shall make grants within the limits of the funding provided. 17602
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(G) Any moneys allocated within appropriation item 911-404, 17604
Mandate Assistance, not fully utilized may, upon application of 17605
the Ohio Public Defender Commission, and with the approval of the 17606
Controlling Board, be disbursed to boards of county commissioners 17607
to provide additional reimbursement for the costs incurred by 17608
counties in providing defense to indigent defendants pursuant to 17609
Chapter 120. of the Revised Code. Application for the unutilized 17610
funds shall be made by the Ohio Public Defender Commission at the 17611
first June meeting of the Controlling Board. 17612

The amount to be disbursed to each county shall be allocated 17613
proportionately on the basis of the total amount of reimbursement 17614
paid to each county as a percentage of the amount of reimbursement 17615
paid to all of the counties during the most recent state fiscal 17616
year for which data is available and as calculated by the Ohio 17617
Public Defender Commission. 17618

BALLOT ADVERTISING COSTS 17619

Pursuant to requests submitted by the Ohio Ballot Board, the 17620
Controlling Board shall approve transfers from the foregoing 17621
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 17622
Ballot Board appropriation item in order to reimburse county 17623
boards of elections for the cost of public notices associated with 17624
statewide ballot initiatives. 17625

Sec. 206.33. ETH OHIO ETHICS COMMISSION 17626

General Revenue Fund 17627
GRF 146-321 Operating Expenses \$ 1,536,213 \$ ~~1,536,213~~ 17628
1,742,213
TOTAL GRF General Revenue Fund \$ 1,536,213 \$ ~~1,536,213~~ 17629
1,742,213

General Services Fund Group				17630
4M6 146-601 Operating Expenses	\$	502,543	\$ 432,543	17631
TOTAL GSF General Services				17632
Fund Group	\$	502,543	\$ 432,543	17633
TOTAL ALL BUDGET FUND GROUPS	\$	2,038,756	\$ 1,968,756 <u>2,174,756</u>	17634

OPERATING EXPENSES

17635

Of the foregoing GRF appropriation item 146-321, Operating Expenses, in fiscal year 2007 \$56,000 shall be used to complete the Financial Disclosure Database, and in addition to amounts already designated for investigative services, an additional \$150,000 shall be used for that purpose.

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Sec. 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

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Of the foregoing appropriation item 600-321, Support Services, up to \$312,500 per fiscal year may be used to support the activities of the Governor's Office of Faith-Based and Community Initiatives.

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MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING

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Of the foregoing appropriation item 600-321, Support Services, \$1,000,000 in fiscal year 2006 and \$500,000 in fiscal year 2007 shall be provided to the Medicaid Administrative Study Council to carry out the duties of the Council as specified under the section of ~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly entitled "MEDICAID ADMINISTRATIVE STUDY COUNCIL."

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MEDICAID AGENCY TRANSITION

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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

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17657

Services, to newly created GRF appropriation item 042-416, 17658
Medicaid Agency Transition, in the Office of Budget and 17659
Management. The amount transferred is hereby appropriated. The 17660
funds shall be administered by the Office of Budget and Management 17661
and shall be used as specified in Section 203.57 of Am. Sub. H.B. 17662
66 of the 126th General Assembly as amended by this act. 17663

Sec. 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO 17664

General Services Fund Group 17665

5F6 870-622 Utility and Railroad \$ 31,272,222 \$ 31,272,223 17666
 Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 167,233 \$ 167,233 17667

5F6 870-625 Motor Transportation \$ 5,361,239 \$ 5,361,238 17668
 Regulation

TOTAL GSF General Services 17669

Fund Group \$ 36,800,694 \$ 36,800,694 17670

Federal Special Revenue Fund Group 17671

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 17672
 Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,957 17673

350 870-608 Motor Carrier Safety \$ 7,027,712 \$ 7,027,712 17674

TOTAL FED Federal Special Revenue 17675

Fund Group \$ 7,925,669 \$ 7,925,669 17676

State Special Revenue Fund Group 17677

4A3 870-614 Grade Crossing \$ 1,349,757 \$ 1,349,757 17678
 Protection

Devices-State

4L8 870-617 Pipeline Safety-State \$ 187,621 \$ 187,621 17679

4S6 870-618 Hazardous Material \$ 464,325 \$ 464,325 17680
 Registration

4S6 870-621 Hazardous Materials \$ 373,346 \$ 373,346 17681

		Base State				
		Registration				
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986 17682
5BP	870-623	Wireless 911 <u>9-1-1</u>	\$	650,000	\$	375,000 17683
		Administration				
559	870-605	Public Utilities	\$	4,000	\$	4,000 17684
		Territorial				
		Administration				
560	870-607	Special Assessment	\$	100,000	\$	100,000 17685
561	870-606	Power Siting Board	\$	337,210	\$	337,210 17686
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000 17687
661	870-612	Hazardous Materials	\$	900,000	\$	900,000 17688
		Transportation				
TOTAL SSR		State Special Revenue				17689
Fund Group			\$	4,691,245	\$	4,416,245 17690
Agency Fund Group						17691
4G4	870-616	Base State	\$	5,600,000	\$	5,600,000 17692
		Registration Program				
TOTAL AGY		Agency Fund Group	\$	5,600,000	\$	5,600,000 17693
TOTAL ALL BUDGET FUND GROUPS			\$	55,017,608	\$	54,742,608 17694
		COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT				17695
		The Commercial Vehicle Information Systems and Networks Fund				17696
		is hereby created in the state treasury. The fund shall receive				17697
		funding from the United States Department of Transportation's				17698
		Commercial Vehicle Intelligent Transportation System				17699
		Infrastructure Deployment Program and shall be used to deploy the				17700
		Ohio Commercial Vehicle Information Systems and Networks Project				17701
		and to expedite and improve the safety of motor carrier operations				17702
		through electronic exchange of data by means of on-highway				17703
		electronic systems.				17704
		<u>On the effective date of this amendment, or as soon as</u>				17705
		<u>possible thereafter, the Director of Budget and Management shall</u>				17706

transfer \$150,000 in cash from Fund 3V3, Commercial Vehicle 17707
Information Systems/Networks, to Fund 4U8, Civil Forfeitures, and 17708
\$350,000 in cash from Fund 3V3, Commercial Vehicle Information 17709
Systems/Networks, to Fund 4S6, Hazardous Materials Registration. 17710
The purpose of the transfers is to repay the temporary cash 17711
transfers that were made into Fund 3V3, Commercial Vehicle 17712
Information Systems/Networks, in fiscal year 2002. 17713

ENHANCED AND WIRELESS ENHANCED 9-1-1 17714

The foregoing appropriation item 870-623, Wireless ~~911~~ 9-1-1 17715
Administration, shall be used pursuant to section 4931.63 of the 17716
Revised Code. 17717

CASH TRANSFER TO THE PUBLIC UTILITIES FUND 17718

If the cash available in the Public Utilities Fund (Fund 5F6) 17719
is insufficient to support the fiscal year 2007 appropriation to 17720
appropriation item 870-625, Motor Transportation Regulation, 17721
because of delayed implementation of the federal Unified Carrier 17722
Registration Program, the Chairman of the Public Utilities 17723
Commission shall notify the Director of Budget and Management. 17724
Upon receiving the notification, the Director may transfer up to 17725
\$2,100,000 in fiscal year 2007 from the General Revenue Fund to 17726
the Public Utilities Fund (Fund 5F6). 17727

If, after receiving any transfers pursuant to the preceding 17728
paragraph, the Public Utilities Fund (Fund 5F6) receives revenue 17729
for the purpose of motor transportation regulation pursuant to a 17730
continuation of the Single-State Registration Program or the 17731
implementation of the Unified Carrier Registration Program, the 17732
Director of Budget and Management may transfer cash from the 17733
Public Utilities Fund (Fund 5F6) to the General Revenue Fund up to 17734
the amount originally transferred pursuant to the preceding 17735
paragraph. 17736

Sec. 209.63.03. OPERATING EXPENSES 17737

Of the foregoing appropriation item 235-321, Operating 17738
Expenses, up to \$150,000 in each fiscal year shall be used in 17739
conjunction with funding provided in the Department of Education 17740
budget under appropriation item 200-427, Academic Standards, to 17741
create Ohio's Partnership for Continued Learning, in consultation 17742
with the Governor's Office. The Partnership, which replaces and 17743
broadens the former Joint Council of the Department of Education 17744
and the Board of Regents, shall advise and make recommendations to 17745
promote collaboration among relevant state entities in an effort 17746
to help local communities develop coherent and successful "P-16" 17747
learning systems. The Director of Budget and Management may 17748
transfer any unencumbered fiscal year 2006 balance to fiscal year 17749
2007 to support the activities of the Partnership. 17750

Of the foregoing appropriation item 235-321, Operating 17751
Expenses, up to \$50,000 in fiscal year 2007 may be used by the 17752
Board of Regents to work jointly with the Department of Education 17753
to create a system of pre-college stackable certificates pursuant 17754
to division (B) of section 3333.34 of the Revised Code. 17755

Of the foregoing appropriation item 235-321, Operating 17756
Expenses, \$25,000 in fiscal year 2007 shall be used to support the 17757
activities of the North East Ohio Universities Collaboration and 17758
Innovation Study Commission. 17759

Sec. 209.63.30. ACCESS CHALLENGE 17760

In each fiscal year, the foregoing appropriation item 17761
235-418, Access Challenge, shall be distributed to Ohio's 17762
state-assisted access colleges and universities. For the purposes 17763
of this allocation, "access campuses" includes state-assisted 17764
community colleges, state community colleges, technical colleges, 17765
Shawnee State University, Central State University, Cleveland 17766

State University, the regional campuses of state-assisted 17767
universities, and, where they are organizationally distinct and 17768
identifiable, the community-technical colleges located at the 17769
University of Cincinnati, Youngstown State University, and the 17770
University of Akron. 17771

The purpose of Access Challenge is to reduce the student 17772
share of costs for resident undergraduates enrolled in lower 17773
division undergraduate courses at Ohio's access campuses. The 17774
long-term goal is to make the student share of costs for these 17775
students equivalent to the student share of costs for resident 17776
undergraduate students enrolled throughout Ohio's public colleges 17777
and universities. Access Challenge appropriations shall be used in 17778
both years of the biennium to sustain, as much as possible, the 17779
tuition restraint or tuition reduction that was achieved with 17780
Access Challenge allocations in prior years. 17781

In fiscal year 2006, Access Challenge subsidies shall be 17782
distributed by the Board of Regents to eligible access campuses on 17783
the basis of the average of each campus's share of fiscal year 17784
2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In 17785
fiscal year 2007, Access Challenge subsidies shall be distributed 17786
by the Board of Regents to eligible access campuses on the basis 17787
of the average of each campus's share of fiscal year 2004 and 2005 17788
all-terms subsidy-eligible General Studies FTEs. 17789

For purposes of this calculation, Cleveland State 17790
University's enrollments shall be adjusted by the ratio of the sum 17791
of subsidy-eligible lower-division FTE student enrollments 17792
eligible for access funding to the sum of subsidy-eligible General 17793
Studies FTE student enrollments at Central State University and 17794
Shawnee State University, and for the following universities and 17795
their regional campuses: the Ohio State University, Ohio 17796
University, Kent State University, Bowling Green State University, 17797
Miami University, the University of Cincinnati, the University of 17798

Akron, and Wright State University.				17799
Of the foregoing appropriation item 235-418, Access				17800
Challenge, \$10,172,626 in fiscal year 2006 and \$9,663,995				17801
<u>\$11,413,995</u> in fiscal year 2007 shall be used by Central State				17802
University to keep undergraduate fees below the statewide average,				17803
consistent with its mission of service to many first-generation				17804
college students from groups historically underrepresented in				17805
higher education and from families with limited incomes.				17806
Sec. 209.93. SOS SECRETARY OF STATE				17807
General Revenue Fund				17808
GRF 050-321 Operating Expenses	\$	2,585,000	\$ 2,585,000	17809
GRF 050-403 Election Statistics	\$	103,936	\$ 103,936	17810
GRF 050-407 Pollworkers Training	\$	277,997	\$ 277,997	17811
GRF 050-409 Litigation	\$	4,652	\$ 4,652	17812
Expenditures				
TOTAL GRF General Revenue Fund	\$	2,971,585	\$ 2,971,585	17813
General Services Fund Group				17814
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	17815
Machine Examiners				
412 050-609 Notary Commission	\$	685,250	\$ 685,249	17816
413 050-601 Information Systems	\$	169,955	\$ 169,955	17817
414 050-602 Citizen Education Fund	\$	75,700	\$ 55,712	17818
TOTAL General Services Fund Group	\$	938,105	\$ 918,116	17819
Federal Special Revenue Fund Group				17820
3AS 050-616 2005 HAVA Voting	\$	37,436,203	\$ 0	17821
Machines				
3X4 050-612 Ohio Center/Law	\$	41,000	\$ 41,000	17822
Related Educational				
Grant				
TOTAL FED Federal Special Revenue				17823

Fund Group	\$	37,477,203	\$	41,000	17824
State Special Revenue Fund Group					17825
5N9 050-607 Technology	\$	129,565	\$	129,565	17826
Improvements					
599 050-603 Business Services	\$	13,741,745	\$	13,761,734	17827
Operating Expenses					
TOTAL SSR State Special Revenue					17828
Fund Group	\$	13,871,310	\$	13,891,299	17829
Holding Account Redistribution Fund Group					17830
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	17831
Code Refunds					
R02 050-606 Corporate/Business	\$	100,000	\$	100,000	17832
Filing Refunds					
TOTAL 090 Holding Account					17833
Redistribution Fund Group	\$	165,000	\$	165,000	17834
TOTAL ALL BUDGET FUND GROUPS	\$	55,423,203	\$	17,987,000	17835

BOARD OF VOTING MACHINE EXAMINERS 17836

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund, which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are appropriated.

2005 HAVA VOTING MACHINES 17846

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 17851
3AS, 050-616, 2005 HAVA Voting Machines, for use in fiscal year 17852
2006. The transferred amount is hereby appropriated. 17853

On July 1, 2006, or as soon as possible thereafter, the 17854
Director of Budget and Management shall transfer any remaining 17855
unexpended, unencumbered appropriations in Fund 3AS, appropriation 17856
item 050-616, 2005 HAVA Voting Machines, at the end of fiscal year 17857
2006 to fiscal year 2007 for use under the same appropriation 17858
item. 17859

On January 1, 2007, or as soon as possible thereafter, the 17860
Director of Budget and Management shall transfer up to \$6,832,753 17861
in cash from the General Revenue Fund (GRF) to the credit of the 17862
Federal Election Reform Fund (Fund 3AA), the Election 17863
Reform/Health and Human Services Fund (Fund 3AH), the 2004 HAVA 17864
Voting Machines Fund (Fund 3AR), the 2005 HAVA Voting Machines 17865
Fund (Fund 3AS), and the Voter/Poll Worker Education Fund (Fund 17866
3AT). 17867

All investment earnings and amounts equal to the interest 17868
earnings from the first and second quarter of fiscal year 2007 of 17869
the federal Election Reform/Health and Human Services Fund (Fund 17870
3AH) and the 2005 HAVA Voting Machines Fund (Fund 3AS) shall be 17871
credited to the respective funds and distributed in accordance 17872
with the terms of the grant under which the money is received. 17873

Interest earnings from the federal Election Reform/Health and 17874
Human Services Fund (Fund 3AH) and the 2005 HAVA Voting Machines 17875
Fund (Fund 3AS) shall be credited to the respective funds and 17876
distributed in accordance with the terms of the grant under which 17877
the money is received. 17878

HOLDING ACCOUNT REDISTRIBUTION GROUP 17879

The foregoing appropriation items 050-605 and 050-606, 17880
Holding Account Redistribution Fund Group, shall be used to hold 17881

revenues until they are directed to the appropriate accounts or 17882
until they are refunded. If it is determined that additional 17883
appropriations are necessary, such amounts are appropriated. 17884

Section 401.11. That existing Sections 203.12.06, 203.24, 17885
203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, 17886
and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly are 17887
hereby repealed. 17888

Section 403.10. That Section 203.99 of Am. Sub. H.B. 66 of 17889
the 126th General Assembly, as most recently amended by Sub. H.B. 17890
245 of the 126th General Assembly, be amended to read as follows: 17891

Sec. 203.99. DEV DEPARTMENT OF DEVELOPMENT 17892

General Revenue Fund 17893

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 17894

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 17895

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 17896

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 17897

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 17898

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 17899

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 17900

Grants

GRF 195-415 Economic Development \$ 5,794,975 \$ 5,894,975 17901

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,122,372 \$ 4,122,372 17902

Appalachia

GRF 195-422 Third Frontier Action \$ 16,790,000 \$ 16,790,000 17903

Fund

GRF 195-426	Clean Ohio Implementation	\$	300,000	\$	300,000	17904
GRF 195-432	International Trade	\$	4,223,787	\$	4,223,787	17905
GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,227,500	17906
GRF 195-436	Labor/Management Cooperation	\$	811,869	\$	811,869	17907
GRF 195-497	CDBG Operating Match	\$	1,040,956	\$	1,040,956	17908
GRF 195-498	State Match Energy	\$	94,000	\$	94,000	17909
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	17910
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803	17911
GRF 195-507	Travel and Tourism Grants	\$	1,287,500	\$	1,162,500	17912
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0	17913
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	0	\$	13,910,000	17914
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$	0	\$	4,124,400	17915
TOTAL GRF	General Revenue Fund	\$	99,797,446	\$	107,491,846	17916
	General Services Fund Group					17917
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686	17918
5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000	17919
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000	17920
5AD 195-677	Economic Development	\$	0	\$	10,000,000	17921

	Contingency					
685	195-636	General Reimbursements	\$ 1,000,000	\$ 1,000,000	17922	
	TOTAL GSF General Services Fund				17923	
	Group			\$ 16,450,000	\$ 26,539,686	17924
	Federal Special Revenue Fund Group				17925	
3AE	195-643	Workforce Development	\$ 5,800,000	\$ 5,800,000	17926	
	Initiatives					
3K8	195-613	Community Development	\$ 65,000,000	\$ 65,000,000	17927	
	Block Grant					
3K9	195-611	Home Energy Assistance	\$ 90,500,000	\$ 90,500,000	17928	
	Block Grant					
3K9	195-614	HEAP Weatherization	\$ 16,219,478	\$ 16,219,478	17929	
3L0	195-612	Community Services	\$ 25,235,000	\$ 25,235,000	17930	
	Block Grant					
3V1	195-601	HOME Program	\$ 40,000,000	\$ 40,000,000	17931	
308	195-602	Appalachian Regional	\$ 600,660	\$ 600,660	17932	
	Commission					
308	195-603	Housing and Urban	\$ 5,000,000	\$ 5,000,000	17933	
	Development					
308	195-605	Federal Projects	\$ 15,300,249	\$ 15,300,249	17934	
308	195-609	Small Business	\$ 4,296,381	\$ 4,296,381	17935	
	Administration					
308	195-618	Energy Federal Grants	\$ 3,397,659	\$ 3,397,659	17936	
335	195-610	Oil Overcharge	\$ 3,000,000	\$ 3,000,000	17937	
	TOTAL FED Federal Special Revenue				17938	
	Fund Group			\$ 274,349,427	\$ 274,349,427	17939
	State Special Revenue Fund Group				17940	
4F2	195-639	State Special Projects	\$ 290,183	\$ 290,183	17941	
4F2	195-676	Promote Ohio	\$ 5,228,210	\$ 5,228,210	17942	
4S0	195-630	Enterprise Zone	\$ 275,000	\$ 275,000	17943	
	Operating					
4S1	195-634	Job Creation Tax	\$ 375,800	\$ 375,800	17944	

		Credit Operating					
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597	17945
		Enterprise Loan					
444	195-607	Water and Sewer	\$	523,775	\$	523,775	17946
		Commission Loans					
450	195-624	Minority Business	\$	53,967	\$	53,967	17947
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	2,358,311	\$	2,358,311	17948
		Financing Operating					
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$	5,000,000	17949
5CG	195-679	Alternative Fuel	\$	150,000	\$	1,150,000	17950
		Transportation					
5CV	195-680	Defense Conversion	\$	1,000,000	\$	0	17951
		Assistance					
5CY	195-682	Lung Cancer and Lung	\$	10,000,000	\$	0	17952
		Disease Research					
5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000	17953
5M5	195-660	Energy Efficiency Loan	\$	12,000,000	\$	12,000,000	17954
		and Grant					
5X1	195-651	Exempt Facility	\$	25,000	\$	25,000	17955
		Inspection					
611	195-631	Water and Sewer	\$	15,713	\$	15,713	17956
		Administration					
617	195-654	Volume Cap	\$	200,000	\$	200,000	17957
		Administration					
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	17958
		Income Housing Trust					
		Fund					
TOTAL SSR		State Special Revenue					17959
Fund Group			\$	303,076,556	\$	293,076,556	17960
Facilities Establishment		Fund Group					17961
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	17962

010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	17963
037	195-615	Facilities Establishment	\$	63,931,149	\$	63,931,149 <u>105,131,149</u>	17964
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	17965
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	17966
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000	17967
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	17968
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	17969
TOTAL 037 Facilities							17970
Establishment Fund Group			\$	179,406,149	\$	179,406,149 <u>220,606,149</u>	17971
Clean Ohio Revitalization Fund							17972
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000	17973
TOTAL 003 Clean Ohio Revitalization							17974
Fund							
Third Frontier Research & Development Fund Group							17975
011	195-686	Third Frontier Operating	\$	713,028	\$	1,932,056	17976
011	195-687	Third Frontier Research & Development Projects	\$	100,000,000	\$	100,000,000	17977
TOTAL 011 Third Frontier Research &							17978
Development Fund Group							
Job Ready Site Development Fund Group							17979
012	195-688	Job Ready Site Operating	\$	622,200	\$	746,155	17980

TOTAL 012 Job Ready Site Development Fund Group	\$	622,200	\$	746,155	17981
TOTAL ALL BUDGET FUND GROUPS	\$	974,764,806	\$	983,891,875 <u>1,025,091,875</u>	17982

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					17991
GRF 898-401 FutureGen Assistance	\$	0	\$	1,000,000	17992
GRF 898-402 Coal Development Office	\$	568,814	\$	573,814	17993
GRF 898-901 Coal R&D General Obligation Debt Service	\$	7,071,100	\$	8,980,800	17994
TOTAL GRF General Revenue Fund	\$	7,639,914	\$	10,554,614	17995
State Special Revenue Fund Group					17996
5DR 898-606 FutureGen Initiative	\$	0	\$	250,000	17997
TOTAL SSR State Special Revenue Fund Group	\$	0	\$	250,000	17998
Agency Fund Group					17999
4Z9 898-602 Small Business Ombudsman	\$	263,165	\$	264,196	18000
5A0 898-603 Small Business Assistance	\$	71,087	\$	71,087	18001
570 898-601 Operating Expenses	\$	256,875	\$	263,693	18002

TOTAL AGY Agency Fund Group	\$	591,127	\$	598,976	18003
Coal Research/Development Fund					18004
046 898-604 Coal Research and Development Fund	\$	10,000,000	\$	10,000,000	18005
TOTAL 046 Coal Research/Development Fund	\$	10,000,000	\$	10,000,000	18006
TOTAL ALL BUDGET FUND GROUPS	\$	18,231,041	\$	21,403,590	18007
COAL DEVELOPMENT OFFICE					18008
The foregoing appropriation item GRF 898-402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office.					18009 18010 18011
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					18012
The foregoing appropriation item GRF 898-901, Coal R & D General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made under sections 151.01 and 151.07 of the Revised Code during the period from July 1, 2005, to June 30, 2007. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by intrastate transfer voucher.					18013 18014 18015 18016 18017 18018 18019
SCIENCE AND TECHNOLOGY COLLABORATION					18020
The Air Quality Development Authority shall work in close collaboration with the Department of Development, the Board of Regents, and the Third Frontier Commission in relation to appropriation items and programs referred to as Alignment Programs in the following paragraph, and other technology-related appropriations and programs in the Department of Development, Air Quality Development Authority, and the Board of Regents as those agencies may designate, to ensure implementation of a coherent state strategy with respect to science and technology.					18021 18022 18023 18024 18025 18026 18027 18028 18029
To the extent permitted by law, the Air Quality Development					18030

Authority shall assure that coal research and development 18031
programs, proposals, and projects consider or incorporate 18032
appropriate collaborations with Third Frontier Project programs 18033
and grantees and with Alignment Programs and grantees. 18034

"Alignment Programs" means: appropriation items 195-401, 18035
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 18036
Third Frontier Action Fund; 898-604, Coal Research and Development 18037
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 18038
Institute of Technology; 235-510, Ohio Supercomputer Center; 18039
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 18040
235-535, Ohio Agricultural Research and Development Center; 18041
235-553, Dayton Area Graduate Studies Institute; 235-554, 18042
Priorities in Collaborative Graduate Education; 235-556, Ohio 18043
Academic Resources Network; and 195-435, Biomedical Research and 18044
Technology Transfer Trust. 18045

Consistent with the recommendations of the Governor's 18046
Commission on Higher Education and the Economy, Alignment Programs 18047
shall be managed and administered (1) to build on existing 18048
competitive research strengths, (2) to encourage new and emerging 18049
discoveries and commercialization of ideas and products that will 18050
benefit the Ohio economy, and (3) to assure improved collaboration 18051
among Alignment Programs, with programs administered by the Third 18052
Frontier Commission, and with other state programs that are 18053
intended to improve economic growth and job creation. 18054

As directed by the Third Frontier Commission, Alignment 18055
Program managers shall report to the Commission or to the Third 18056
Frontier Advisory Board on the contributions of their programs to 18057
achieving the objectives stated in the preceding paragraph. 18058

Each alignment program shall be reviewed annually by the 18059
Third Frontier Commission with respect to its development of 18060
complementary relationships within a combined state science and 18061

technology investment portfolio and its overall contribution to 18062
the state's science and technology strategy, including the 18063
adoption of appropriately consistent criteria for: (1) the 18064
scientific merit of activities supported by the program; (2) the 18065
relevance of the program's activities to commercial opportunities 18066
in the private sector; (3) the private sector's involvement in a 18067
process that continually evaluates commercial opportunities to use 18068
the work supported by the program; and (4) the ability of the 18069
program and recipients of grant funding from the program to engage 18070
in activities that are collaborative, complementary, and efficient 18071
with respect to the expenditure of state funds. Each alignment 18072
program shall provide annual reports to the Third Frontier 18073
Commission discussing existing, planned, or possible 18074
collaborations between programs and recipients of grant funding 18075
related to technology, development, commercialization, and 18076
supporting Ohio's economic development. The annual review by the 18077
Third Frontier Commission shall be a comprehensive review of the 18078
entire state science and technology program portfolio rather than 18079
a review of individual programs. 18080

Applicants for Third Frontier and Alignment Program funding 18081
shall identify their requirements for high-performance computing 18082
facilities and services, including both hardware and software, in 18083
all proposals. If an applicant's requirements exceed approximately 18084
\$100,000 for a proposal, the Ohio Supercomputer Center shall 18085
convene a panel of experts. The panel shall review the proposal to 18086
determine whether the proposal's requirements can be met through 18087
Ohio Supercomputer Center facilities or through other means and 18088
report its conclusion to the Third Frontier Commission. 18089

To ensure that the state receives the maximum benefit from 18090
its investment in the Third Frontier Project and the Third 18091
Frontier Network, organizations receiving Third Frontier awards 18092
and Alignment Program awards shall, as appropriate, be expected to 18093

have a connection to the Third Frontier Network that enables them 18094
and their collaborators to achieve award objectives through the 18095
Third Frontier Network. 18096

FUTUREGEN ASSISTANCE 18097

The foregoing appropriation item GRF 898-401, FutureGen 18098
Assistance, shall be used to make grants for the drilling of a 18099
test well to assist the state's efforts to secure or support the 18100
development and operation of the United States Department of 18101
Energy FutureGen Initiative pursuant to section 3706.01 of the 18102
Revised Code, as amended by this act. 18103

FUTUREGEN INITIATIVE 18104

The foregoing appropriation item 5DR 898-606, FutureGen 18105
Initiative, shall be used to make grants for the drilling of a 18106
test well to assist the state's efforts to secure or support the 18107
development and operation of the United States Department of 18108
Energy FutureGen Initiative pursuant to section 3706.01 of the 18109
Revised Code, as amended by this act. 18110

Section 405.11. That existing Section 203.27 of Am. Sub. H.B. 18111
66 of the 126th General Assembly, as amended by Sub. H.B. 440 of 18112
the 126th General Assembly, is hereby repealed. 18113

Section 405.16. That Section 209.63 of Am. Sub. H.B. 66 of 18114
the 126th General Assembly, as amended by Sub. H.B. 478 and Am. 18115
Sub. H.B. 530, both of the 126th General Assembly, be amended to 18116
read as follows: 18117

Sec. 209.63. BOR BOARD OF REGENTS 18118

General Revenue Fund 18119

GRF 235-321 Operating Expenses \$ 2,897,659 \$ ~~2,966,351~~ 18120
2,991,351

GRF 235-401	Lease Rental Payments	\$	200,619,200	\$	200,795,300	18121
GRF 235-402	Sea Grants	\$	231,925	\$	231,925	18122
GRF 235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000	18123
GRF 235-408	Midwest Higher Education Compact	\$	90,000	\$	90,000	18124
GRF 235-409	Information System	\$	1,146,510	\$	1,175,172	18125
GRF 235-414	State Grants and Scholarship Administration	\$	1,352,811	\$	1,382,881	18126
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	18127
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	18128
GRF 235-418	Access Challenge	\$	73,513,302	\$	73,004,671 <u>74,754,671</u>	18129
GRF 235-420	Success Challenge	\$	52,601,934	\$	52,601,934	18130
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	18131
GRF 235-433	Economic Growth Challenge	\$	20,343,097	\$	23,186,194	18132
GRF 235-434	College Readiness and Access	\$	6,375,975	\$	7,655,425	18133
GRF 235-435	Teacher Improvement Initiatives	\$	2,697,506	\$	2,697,506	18134
GRF 235-451	Eminent Scholars	\$	0	\$	1,370,988	18135
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	18136
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	18137
GRF 235-501	State Share of Instruction	\$	1,559,096,031	\$	1,589,096,031	18138
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	18139
GRF 235-503	Ohio Instructional	\$	121,151,870	\$	92,496,969	18140

	Grants					
GRF 235-504	War Orphans	\$	4,672,321	\$	4,672,321	18141
	Scholarships					
GRF 235-507	OhioLINK	\$	6,887,824	\$	6,887,824	18142
GRF 235-508	Air Force Institute of	\$	1,925,345	\$	1,925,345	18143
	Technology					
GRF 235-510	Ohio Supercomputer	\$	4,271,195	\$	4,271,195	18144
	Center					
GRF 235-511	Cooperative Extension	\$	25,644,863	\$	25,644,863	18145
	Service					
GRF 235-513	Ohio University	\$	336,082	\$	336,082	18146
	Voinovich Center					
GRF 235-515	Case Western Reserve	\$	3,011,271	\$	3,011,271	18147
	University School of					
	Medicine					
GRF 235-518	Capitol Scholarship	\$	125,000	\$	125,000	18148
	Program					
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	18149
GRF 235-520	Shawnee State	\$	1,918,830	\$	1,822,889	18150
	Supplement				<u>2,056,986</u>	
GRF 235-521	The Ohio State	\$	286,082	\$	286,082	18151
	University Glenn					
	Institute					
GRF 235-524	Police and Fire	\$	171,959	\$	171,959	18152
	Protection					
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	18153
GRF 235-526	Primary Care	\$	2,245,688	\$	2,245,688	18154
	Residencies					
GRF 235-527	Ohio Aerospace	\$	1,764,957	\$	1,764,957	18155
	Institute					
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	18156
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376	18157
GRF 235-534	Student Workforce	\$	2,137,500	\$	2,137,500	18158

Development Grants						
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188	18159
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	18160
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	18161
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866	18162
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107	18163
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	18164
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	18165
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000	18166
GRF 235-547	School of International Business	\$	450,000	\$	450,000	18167
GRF 235-549	Part-time Student Instructional Grants	\$	14,457,721	\$	10,534,617	18168
GRF 235-552	Capital Component	\$	19,059,866	\$	19,059,866	18169
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599	18170
GRF 235-554	Priorities in Collaborative Graduate	\$	2,355,548	\$	2,355,548	18171

	Education				
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458 18172
GRF 235-556	Ohio Academic	\$	3,727,223	\$	3,727,223 18173
	Resources Network				
GRF 235-558	Long-term Care	\$	211,047	\$	211,047 18174
	Research				
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015 18175
	University Canadian				
	Studies Center				
GRF 235-563	Ohio College	\$	0	\$	58,144,139 18176
	Opportunity Grant				
GRF 235-572	The Ohio State	\$	1,277,019	\$	1,277,019 18177
	University Clinic				
	Support				
GRF 235-583	Urban University	\$	4,992,937	\$	4,992,937 18178
	Program				
GRF 235-587	Rural University	\$	1,147,889	\$	1,147,889 18179
	Projects				
GRF 235-596	Hazardous Materials	\$	360,435	\$	360,435 18180
	Program				
GRF 235-599	National Guard	\$	15,128,472	\$	16,611,063 18181
	Scholarship Program				
GRF 235-909	Higher Education	\$	137,600,300	\$	152,114,100 18182
	General Obligation				
	Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,469,261,760	\$	2,548,148,872 18183
					<u>2,550,157,969</u>
	General Services Fund Group				18184
220 235-614	Program Approval and	\$	400,000	\$	400,000 18185
	Reauthorization				
456 235-603	Sales and Services	\$	700,000	\$	900,000 18186
TOTAL GSF	General Services				18187
Fund Group		\$	1,100,000	\$	1,300,000 18188

Federal Special Revenue Fund Group					18189
3H2 235-608 Human Services Project	\$	1,500,000	\$	1,500,000	18190
3H2 235-622 Medical Collaboration Network	\$	3,346,143	\$	3,346,143	18191
3N6 235-605 State Student Incentive Grants	\$	2,196,680	\$	2,196,680	18192
3T0 235-610 National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001	18193
312 235-609 Tech Prep	\$	183,850	\$	183,850	18194
312 235-611 Gear-up Grant	\$	1,370,691	\$	1,370,691	18195
312 235-612 Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	18196
312 235-615 Professional Development	\$	523,129	\$	523,129	18197
312 235-617 Improving Teacher Quality Grant	\$	2,900,000	\$	2,900,000	18198
312 235-619 Ohio Supercomputer Center	\$	6,000,000	\$	6,000,000	18199
312 235-621 Science Education Network	\$	1,686,970	\$	1,686,970	18200
312 235-631 Federal Grants	\$	250,590	\$	250,590	18201
TOTAL FED Federal Special Revenue Fund Group	\$	20,221,014	\$	20,221,014	18202 18203
State Special Revenue Fund Group					18204
4E8 235-602 Higher Educational Facility Commission Administration	\$	55,000	\$	55,000	18205
4P4 235-604 Physician Loan Repayment	\$	476,870	\$	476,870	18206
649 235-607 The Ohio State	\$	760,000	\$	760,000	18207

University				
Highway/Transportation				
Research				
682 235-606 Nursing Loan Program	\$	893,000	\$ 893,000	18208
TOTAL SSR State Special Revenue				18209
Fund Group	\$	2,184,870	\$ 2,184,870	18210
TOTAL ALL BUDGET FUND GROUPS	\$	2,492,767,644	\$ 2,571,854,756	18211
			<u>2,573,863,853</u>	

Section 405.17. That existing Section 209.63 of Am. Sub. H.B. 18213
66 of the 126th General Assembly, as amended by Sub. H.B. 478 and 18214
Am. Sub. H.B. 530, both of the 126th General Assembly, is hereby 18215
repealed. 18216

Section 411.10. That Section 212.30 of Am. Sub. H.B. 66 of 18217
the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 18218
126th General Assembly, be amended to read as follows: 18219

Sec. 212.30. DVM STATE VETERINARY MEDICAL BOARD 18220

General Services Fund Group				18221
4K9 888-609 Operating Expenses	\$	293,691	\$ 307,000	18222
5BU 888-602 Veterinary Student	\$	60,000	\$ 60,000	18223
Loan Program				
TOTAL GSF General Services				18224
Fund Group	\$	353,691	\$ 367,000	18225
TOTAL ALL BUDGET FUND GROUPS	\$	353,691	\$ 367,000	18226

CASH TRANSFER TO ~~VETERINARY STUDENT LOAN PROGRAM~~ VETERINARIAN 18227
LOAN REPAYMENT FUND (FUND 5BU) 18228

On July 1, 2005, or as soon as possible thereafter, the 18229
Director of Budget and Management shall transfer \$60,000 in cash 18230
from the Occupational Licensing and Regulatory Fund (Fund 4K9) to 18231
the ~~Veterinary Student Loan Program~~ Veterinarian Loan Repayment 18232

Fund (Fund 5BU), ~~which is hereby~~ created in division (B) of 18233
section 4741.46 of the Revised Code. The amount of the transfer is 18234
hereby appropriated. 18235

VETERINARY STUDENT LOAN PROGRAM 18236

The foregoing appropriation item 888-602, Veterinary Student 18237
Loan Program, shall be used by the Veterinary Medical Licensing 18238
Board to implement a student loan repayment program for veterinary 18239
students focusing on large animal populations, public health, or 18240
regulatory veterinary medicine. 18241

Section 411.11. That existing Section 212.30 of Am. Sub. H.B. 18242
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 18243
of the 126th General Assembly, is hereby repealed. 18244

Section 415.10. That Sections 243.10 and 287.20 of Am. Sub. 18245
H.B. 530 of the 126th General Assembly be amended to read as 18246
follows: 18247

Sec. 243.10. All items set forth in this section are hereby 18248
appropriated out of any moneys in the state treasury to the credit 18249
of the Cultural and Sports Facilities Building Fund (Fund 030) 18250
that are not otherwise appropriated: 18251

Reappropriations

AFC CULTURAL FACILITIES COMMISSION			18252
CAP-003	Center of Science and Industry - Toledo	\$ 7,542	18253
CAP-033	Woodward Opera House Renovation	\$ 1,150,000	18254
CAP-038	Center Exhibit Replacement	\$ 816,000	18255
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$ 123,000	18256
CAP-043	Statewide Site Repairs	\$ 200,100	18257
CAP-046	Cincinnati Museum Center Improvements	\$ 250,000	18258
CAP-053	Powers Auditorium Improvements	\$ 250,000	18259
CAP-055	Waco Museum & Aviation Learning Center	\$ 500,000	18260

CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	18261
CAP-064	Bramley Historic House	\$	75,000	18262
CAP-065	Beck Center for the Cultural Arts	\$	100,000	18263
CAP-066	Delaware County Cultural Arts Center	\$	40,000	18264
CAP-071	Cleveland Institute of Music	\$	1,500,000	18265
CAP-072	West Side Arts Consortium	\$	138,000	18266
CAP-073	Ice Arena Development	\$	5,500,000	18267
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000	18268
CAP-075	McKinley Museum Improvements	\$	125,000	18269
CAP-076	Spring Hill Historic Home	\$	125,000	18270
CAP-079	Lorain Palace Civic Theatre	\$	200,000	18271
CAP-080	Great Lakes Historical Society	\$	150,000	18272
CAP-745	Historic Sites and Museums	\$	604,453	18273
CAP-753	Buffington Island State Memorial	\$	73,500	18274
CAP-769	Rankin House State Memorial	\$	192,000	18275
CAP-781	Historical Center Archives/Library	\$	624,000	18276
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737	18277
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	18278
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	18279
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	18280
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	18281
CAP-821	Lorain County Historical Society	\$	300,000	18282
CAP-822	Armory Youth Center	\$	40,000	18283
CAP-823	Marion Palace Theatre	\$	1,575,000	18284
CAP-824	McConnellsville Opera House	\$	75,000	18285
CAP-825	Secrest Auditorium	\$	75,000	18286
CAP-826	Renaissance Theatre	\$	700,000	18287
CAP-827	Trumpet in the Land	\$	100,000	18288
CAP-829	Mid-Ohio Valley Players	\$	80,000	18289
CAP-830	The Anchorage	\$	50,000	18290

CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	18291
CAP-835	Jamestown Opera House	\$	125,000	18292
CAP-837	Lake County Historical Society	\$	250,000	18293
CAP-839	Hancock Historical Society	\$	75,000	18294
CAP-840	Riversouth Development	\$	1,000,000	18295
CAP-841	Ft. Piqua Hotel	\$	200,000	18296
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000	18297
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000	18298
CAP-845	Lima Historic Athletic Field	\$	100,000	18299
CAP-846	Butler Palace Theatre	\$	200,000	18300
CAP-847	Voice Of America Museum	\$	275,000	18301
CAP-848	Oxford Arts Center ADA Project	\$	72,000	18302
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	18303
CAP-850	Westcott House Historic Site	\$	75,000	18304
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000	18305
CAP-852	Miami Township Community Amphitheatre	\$	50,000	18306
CAP-853	Western Reserve Historical Society	\$	1,000,000	18307
CAP-854	<u>Cleveland</u> Steamship Mather Museum	\$	100,000	18308
CAP-855	Rock and Roll Hall of Fame	\$	250,000	18309
CAP-858	Strongsville Historic Building	\$	100,000	18310
CAP-859	Arts Castle	\$	100,000	18311
CAP-860	Great Lakes Historical Society	\$	325,000	18312
CAP-861	Ohio Glass Museum	\$	250,000	18313
CAP-863	Ariel Theatre	\$	100,000	18314
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	18315
CAP-867	Ensemble Theatre	\$	450,000	18316
CAP-868	Taft Museum	\$	500,000	18317
CAP-869	Art Academy of Cincinnati	\$	100,000	18318
CAP-870	Riverbend Pavilion Improvements	\$	250,000	18319

CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000	18320
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	18321
CAP-873	John Bloomfield Home Restoration	\$	115,000	18322
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	18323
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000	18324
CAP-876	Art Deco Markay Theatre	\$	200,000	18325
CAP-877	Harvey Wells House	\$	100,000	18326
CAP-879	Broad Street Historical Renovation	\$	300,000	18327
CAP-880	Amherst Historical Society	\$	35,000	18328
CAP-881	COSI - Toledo	\$	1,580,000	18329
CAP-882	Ohio Theatre - Toledo	\$	100,000	18330
CAP-883	Chester Academy Historic Site Renovation	\$	25,000	18331
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	18332
CAP-885	Montgomery County Historical Society Archives	\$	100,000	18333
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	18334
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	18335
CAP-888	Preble County Historical Society	\$	100,000	18336
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	18337
CAP-890	Pro Football Hall of Fame	\$	400,000	18338
CAP-891	Maps Air Museum	\$	15,000	18339
CAP-892	Foundation Community Theatre	\$	50,000	18340
CAP-893	William McKinley Library Restoration	\$	250,000	18341
CAP-896	Richard Howe House	\$	100,000	18342
CAP-897	Ward-Thomas Museum	\$	30,000	18343
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000 <u>675,000</u>	18344
CAP-899	Holland Theatre	\$	100,000	18345
CAP-900	Van Wert Historical Society	\$	32,000	18346
CAP-901	Warren County Historical Society	\$	225,000	18347

CAP-902	Marietta Colony Theatre	\$	335,000	18348
CAP-903	West Salem Village Opera House	\$	92,000	18349
CAP-904	Beavercreek Community Theater	\$	100,000	18350
CAP-905	Smith Orr Homestead	\$	100,000	18351
Total Cultural Facilities Commission		\$	39,831,048	18352
			<u>39,431,048</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	39,831,048	18353
			<u>39,431,048</u>	

ICE ARENA DEVELOPMENT 18354

The amount reappropriated for the foregoing appropriation 18355
item CAP-073, Ice Arena Development, is the unencumbered and 18356
unallotted balance, as of June 30, 2006, in appropriation item 18357
CAP-073, Ice Arena Development, which prior to July 1, 2006, was 18358
named "Marina District/Ice Arena Development," plus \$2,000,000. 18359

Notwithstanding any provision of law to the contrary, on July 18360
1, 2006, or as soon thereafter as possible, the Director of Budget 18361
and Management shall transfer \$2,000,000 from CAP-843, Marina 18362
District Amphitheatre and Related Development, which prior to July 18363
1, 2006, was named "Marina District/Ice Arena Development," to 18364
CAP-073, Ice Arena Development. 18365

The foregoing appropriation item CAP-073, Ice Arena 18366
Development, shall ~~by~~ be used by the ~~City of Toledo~~ County of 18367
Lucas for the development of an ice arena in the City of Toledo. 18368

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT 18369

The amount reappropriated for the foregoing appropriation 18370
item CAP-843, Marina District Amphitheatre and Related 18371
Development, is the unencumbered and unallotted balance, as of June 18372
30, 2006, in appropriation item CAP-843, Marina District 18373
Amphitheatre and Related Development, which prior to July 1, 2006, 18374
was named "Marina District/Ice Arena Development," minus 18375
\$2,000,000. 18376

The foregoing appropriation item CAP-843, Marina District Amphitheatre and Related Development, shall be used by the City of Toledo for the development of an amphitheatre and related developments in the Marina District of Toledo.

PACKARD MUSIC HALL RENOVATIONS PROJECT

The amount reappropriated for the foregoing appropriation item CAP-898, Packard Music Hall Renovation Project, is the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-898, Packard Music Hall Renovation Project, plus ~~\$975,000~~ \$575,000 of the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-063, Robins Theatre Renovations.

Sec. 287.20. DMH/DMR - MENTAL HEALTH FACILITY IMPROVEMENT
FUND 033

The Treasurer of State is hereby authorized to issue and sell, in accordance with ~~Section~~ Sections 2i and 16 of Article VIII, Ohio Constitution, Chapter 154. and particularly section 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$5,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time, subject to applicable constitutional and statutory limitations, as needed to ensure sufficient moneys to the credit of the Mental Health Facilities Improvement Fund (Fund 033) to pay costs of capital facilities for mental hygiene and retardation.

Section 415.11. That existing Sections 243.10 and 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly are hereby repealed.

Section 418.05. That Section 10 of Am. Sub. S.B. 250 of the 123rd General Assembly be amended to read as follows:

Sec. 10. (A) Notwithstanding sections 5501.32, 5501.34, 5501.37, and 5501.45 of the Revised Code, the Director of Transportation may ~~acquire and~~ dispose of real property associated with the abandoned United States Route 68 relocation and expansion project in Champaign County that ~~is~~ was underway on June 21, 2000, the effective date of ~~this act~~ Am. Sub. S.B. 250 of the 123rd General Assembly as provided in ~~this~~ that act.

(B) The Director shall determine whether real property previously acquired for the project is no longer required for highway purposes and shall have ~~any such~~ that property appraised by a Department prequalified appraiser. Following the determination and appraisal, the Director may ~~do either of the following:~~

~~(1) Sell~~ sell the unneeded property to the previous owner of the unneeded property, to the previous owner's heirs and assigns or successors and assigns, or to an owner of property adjacent to the unneeded property for the full fair market value as determined by the appraisals;

~~(2) Convey the unneeded property to the previous owner of the unneeded property or to an owner of property adjacent to the unneeded property as full or partial consideration for other property to be acquired from the property owner in connection with the United States Route 68 project for the full fair market value of the unneeded property as determined by the appraisals.~~

(C) The deed to the purchaser of land under Section 10 of ~~this act~~ Am. Sub. S.B. 250 of the 123rd General Assembly as amended by Am. Sub. H.B. 699 of the 126th General Assembly shall be prepared by the Auditor of State, executed by the Governor,

countersigned by the Secretary of State, and shall bear the Great Seal of the State. 18436
18437

(D) The authority granted in Section 10 of ~~this act~~ Am. Sub. S.B. 250 of the 123rd General Assembly as amended by Am. Sub. H.B. 699 of the 126th General Assembly expires one year after completion of the particular relocation and expansion project involving United States Route 68 underway on the effective date of ~~this act~~ Am. Sub. H.B. 699 of the 126th General Assembly. 18438
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(E) This section does not prevent the Director from ~~acquiring~~ and disposing of real property associated with the abandoned United States Route 68 project in accordance with sections 5501.32, 5501.34, 5501.37, and 5501.45 of the Revised Code. 18444
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Section 418.06. That existing Section 10 of Am. Sub. S.B. 250 of the 123rd General Assembly is hereby repealed. 18448
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Section 501.10. The item in this section is hereby appropriated as designated out of any moneys in the state treasury to the credit of the State Special Revenue Fund Group. For the appropriation made in this section, that in the first column is for fiscal year 2006 and that in the second column is for fiscal year 2007. The appropriation made in this section is in addition to any other appropriations made for the fiscal years 2006-2007 biennium. 18450
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JLE JOINT LEGISLATIVE ETHICS COMMITTEE 18458

State Special Revenue Fund Group 18459

4G7 028-601 Joint Legislative	\$	0	\$	100,000	18460
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Ethics Committee

TOTAL SSR State Special Revenue	\$	0	\$	100,000	18461
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Fund

TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000	18462
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Within the limits set forth in this act, the Director of 18463

Budget and Management shall establish accounts indicating the
source and amount of funds for the appropriation made in this
section, and shall determine the form and manner in which the
appropriation accounts shall be maintained. Expenditures from the
appropriation contained in this section shall be accounted for as
though made in H.B. 66 of the 126th General Assembly.

The appropriation made in this section is subject to all
provisions of H.B. 66 of the 126th General Assembly that are
generally applicable to such an appropriation.

Section 501.20. Notwithstanding sections 101.02 and 101.27 of
the Revised Code, the members of the Senate elected majority floor
leader, assistant majority floor leader, and majority whip for the
127th General Assembly shall receive an annual salary that is
equal to the annual salary prescribed under section 101.27 of the
Revised Code for the respective members of the House of
Representatives elected majority floor leader, assistant majority
floor leader, and majority whip for the 127th General Assembly.
The compensation specified in this section for the members of the
Senate elected majority floor leader, assistant majority floor
leader, and majority whip for the 127th General Assembly shall,
for the remainder of fiscal year 2007, be paid from the fiscal
year 2007 appropriations made to the Senate.

Section 503.10. OHIO COMMUNITY SERVICE COUNCIL DEPOSIT

On January 1, 2007, or as soon as possible thereafter, the
Director of the Ohio Community Service Council may certify to the
Director of Budget and Management the amount of cash posted to the
Ohio Community Service Council Programs Fund (Fund 3R7) that
should have been deposited to the OCSC Community Support Fund
(Fund 624). The Director of Budget and Management may transfer
cash up to the amount certified from the Ohio Community Service

Council Programs Fund (Fund 3R7) to the OCSC Community Support Fund (Fund 624). 18494
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Section 503.20. The amendments of this act to sections 154.02 and 154.20 of the Revised Code, Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly, and Section 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly apply to any proceedings commenced after the effective date of those amendments, and, so far as those amendments support the actions taken, also apply to any proceedings that on that effective date are pending, in progress, or completed, and to the securities authorized or issued or obligations entered into under or pursuant to those proceedings, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, order, notice, or other proceeding. Any proceedings pending or in progress on the effective date of those amendments, and securities sold, issued, and delivered, or obligations entered into under or pursuant to those proceedings, shall be deemed to have been taken, and authorized, sold, issued, delivered, and entered into, in conformity with those amendments. 18496
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Section 503.21. The Directors of Mental Health and of Mental Retardation and Developmental Disabilities shall amend any rules either Director previously adopted pursuant to section 154.20 of the Revised Code to the extent necessary to conform to the amendments of this act to sections 154.02 and 154.20 of the Revised Code, Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly, and Section 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly. 18513
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Section 505.10. The amendment by this act to division (C) of section 2305.26 of the Revised Code applies to liens filed with the county recorder before, on, or after the effective date of the 18521
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18523

amendment.	18524
Section 507.10. TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE	18525
FUND ENDING BALANCES	18526
Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of	18527
section 131.44 of the Revised Code, the Director of Budget and	18528
Management may transfer up to \$100,000,000 of the fiscal year 2007	18529
General Revenue Fund surplus to the Public School Building Fund	18530
(Fund 021).	18531
Section 507.20. TRANSFER FROM HALF-MILL EQUALIZATION FUND	18532
Notwithstanding division (F) of section 3318.18 of the	18533
Revised Code, between June 1, 2007, and June 30, 2007, the	18534
Director of Budget and Management may transfer up to \$60,000,000	18535
in cash from the Half-Mill Equalization Fund (Fund 5BJ) to the	18536
Public School Building Fund (Fund 021).	18537
Section 509.10. HEALTH EMERGENCY FUND	18538
The Health Emergency Fund (Fund 5EC) is hereby created in the	18539
state treasury. The fund may be used by the Department of Health	18540
to purchase vaccines and antiviral drugs to stockpile for pandemic	18541
flu. The Director of Budget and Management, in consultation with	18542
the Director of Health, shall determine the amount of	18543
appropriation needed. The amount so determined is hereby	18544
appropriated. The Director of Budget and Management may transfer	18545
up to \$17,500,000 in cash from the General Revenue Fund to the	18546
Health Emergency Fund (Fund 5EC) as needed. The Director of Budget	18547
and Management shall submit a letter to the Governor, the	18548
President and Minority Leader of the Senate, and the Speaker and	18549
Minority Leader of the House of Representatives detailing the cash	18550
transfers.	18551

Section 511.10. TANF INITIATIVES 18552

The Department of Job and Family Services, in accordance with 18553
sections 5101.80 and 5101.801 of the Revised Code, shall take the 18554
steps necessary, through interagency agreements, adoption of 18555
rules, or otherwise as determined by the Department, to implement 18556
and administer the Title IV-A programs identified in this section. 18557

STRENGTHENING FAMILIES INITIATIVE 18558

The Department of Job and Family Services shall use up to \$11 18559
million in fiscal year 2007 to reimburse the Governor's Office of 18560
Faith-Based and Community Initiatives (GOFBCI) pursuant to section 18561
5101.801 of the Revised Code for projects that are part of the 18562
Ohio Strengthening Families Initiative. 18563

TANF EDUCATIONAL AWARDS PROGRAM 18564

The Department of Job and Family Services shall use up to \$30 18565
million in fiscal year 2007 to reimburse the Ohio Board of Regents 18566
pursuant to section 5101.801 of the Revised Code for initiatives 18567
addressing postsecondary tuition and educational expenses not 18568
covered by other grant programs that target low-income students. 18569

ADOPTION PROMOTION 18570

Up to \$5 million shall be used in fiscal year 2007 for TANF 18571
eligible activities pursuant to section 5101.801 of the Revised 18572
Code to provide additional support for initiatives aimed at 18573
increasing the number of adoptions including recruiting, 18574
promoting, and supporting adoptive families. 18575

CHILD CARE SUBSIDY 18576

Up to \$15 million shall be used in fiscal year 2007 for the 18577
Title IV-A non-assistance child-care subsidy program pursuant to 18578
section 5101.801 of the Revised Code to help additional needy 18579
working families with the cost of child care. 18580

EARLY LEARNING QUALITY AND AVAILABILITY	18581
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.	18582 18583 18584 18585 18586 18587
INDEPENDENT LIVING INITIATIVES	18588
Up to \$2.5 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to support independent living initiatives, including but not limited to life-skills training and work supports for older children in foster care and those who have recently aged-out of foster care.	18589 18590 18591 18592 18593 18594
HOME ENERGY ASSISTANCE PROGRAM	18595
The Department of Job and Family Services shall use up to \$45 million in fiscal year 2007 to reimburse the Ohio Department of Development pursuant to section 5101.801 of the Revised Code for allowable expenditures of the Title IV-A Home Energy Assistance Program during the 2006-2007 HEAP winter heating season.	18596 18597 18598 18599 18600
FOOD BOXES	18601
Up to \$1.5 million shall be used in fiscal year 2007 to reimburse the Ohio network of food banks pursuant to section 5101.801 of the Revised Code for purchase of food boxes for distribution to TANF eligible families on a one-time basis.	18602 18603 18604 18605
TWO-PARENT OHIO WORKS FIRST CASELOAD	18606
Up to \$7 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to enhance county operated work and support programs targeting the two-parent Ohio Works First caseload.	18607 18608 18609 18610

The Department of Job and Family Services shall make TANF 18611
funding available to assist with the programs identified in this 18612
section and provide Title IV-A funds as necessary to implement 18613
these programs. In administering these programs, the state, 18614
county, and private agencies receiving funds from the Department 18615
of Job and Family Services shall comply with the requirements of 18616
the respective interagency agreements, grant agreements, sections 18617
5101.80 and 5101.801 of the Revised Code, Title IV-A of the Social 18618
Security Act, rules adopted by the Department of Job and Family 18619
Services, and other directives from the Department of Job and 18620
Family Services as appropriate. 18621

Section 513.10. FEDERAL JUSTICE PROGRAMS FUNDS 18622

On the effective date of this section, or as soon as possible 18623
thereafter, the Director of Public Safety shall certify the 18624
following to the Director of Budget and Management: 18625

(A) The federal justice program funds to be created in the 18626
accounting system pursuant to the amendment by this act of section 18627
5502.62 of the Revised Code and appropriation items to be created 18628
within those funds. 18629

(B) The amount of cash to be transferred from the Federal 18630
Justice Programs Fund (Fund 3AY) in the Department of Public 18631
Safety to the funds created pursuant to division (A) of this 18632
section. 18633

(C) The amount of appropriation authority to be transferred 18634
from existing appropriation items to the Federal Justice Programs 18635
Fund in the Department of Public Safety to the appropriation items 18636
created pursuant to division (A) of this section. 18637

The Director of Public Safety shall certify only those 18638
amounts required for transfer in order for the department to 18639
comply with the investment earnings retention and distribution 18640

requirements of federal grant awards. 18641

The Director of Budget and Management may create funds in the 18642
accounting system pursuant to section 5502.62 of the Revised Code 18643
upon receiving certification under this section from the Director 18644
of Public Safety. The Director of Budget and Management may 18645
transfer cash and appropriation authority pursuant to the 18646
certification. Any amounts transferred pursuant to the 18647
certification are hereby appropriated. 18648

Section 515.10. Within ninety days after the effective date 18649
of the amendment by this act of section 5709.87 of the Revised 18650
Code, the current owner of record of real property that is subject 18651
to an ongoing exemption previously granted under division 18652
(C)(1)(a) of that section may notify the Tax Commissioner in 18653
writing that the owner elects to discontinue the exemption for the 18654
remainder of its term. Upon receiving such a notification, the 18655
commissioner shall issue an order restoring the property to the 18656
tax list beginning with the year in which the notification was 18657
received. 18658

Section 515.20. It is the intent of the General Assembly that 18659
the amendment to division (P) of section 5739.01 of the Revised 18660
Code is to clarify current law. 18661

Section 520.10. The amendment by this act of sections 133.07, 18662
133.08, 133.20, 307.695, and 5739.09 and the enactment by this act 18663
of section 5709.083 of the Revised Code apply to proceedings 18664
commenced after the effective date of those sections and to any 18665
proceedings commenced or in progress prior to those effective 18666
dates. The authority conferred by those amendments and that 18667
enactment is in addition to, and not in derogation of, any similar 18668
authority conferred by, derived from, or implied by any law, the 18669
Ohio Constitution, a charter, a resolution, or an ordinance. No 18670

inference shall be drawn from those amendments or that enactment 18671
to negate any authority conferred by those sources. 18672

Section 525.10. (A) Pursuant to section 5911.10 of the 18673
Revised Code, the Governor is hereby authorized to execute a deed 18674
in the name of the state conveying to a buyer or buyers to be 18675
determined in the manner provided in division (C) of this section, 18676
and the buyer's or buyers' successors and assigns or heirs and 18677
assigns, all of the state's right, title, and interest in the 18678
following described parcels of real estate that the Adjutant 18679
General has determined are no longer required for armory or 18680
military purposes: 18681

Ashtabula Township. Ashtabula County. State of Ohio 18682

Situated in Ashtabula Township, Ashtabula County, State of Ohio: 18683

Known as being part of the Holmes Tract, and more particularly 18684
described as follows: 18685

Being a parcel of land lying on the left side of the centerline of 18686
survey for State Route 46, Section 27.06, Ashtabula County, Ohio, 18687
made by the Ohio State Department of Highways, and bounded and 18688
described as follows: 18689

Beginning at a point on grantor's southerly property line 165 feet 18690
left of station 1426/04.53; thence northwesterly to a point 160 18691
feet left of station 1429/00; thence continuing northwesterly 18692
parallel with the centerline of survey to a point 160 feet left of 18693
station 1434/00; Thence westerly to a point 175 feet left of 18694
station 1434/79.63; thence westerly to a point 184 feet left of 18695
station 1435/09, said point being in the centerline of County 18696
Highway No. 25 also known as State Road; thence south 0 degrees 18697
16', west along the centerline of State Road a distance of 290 18698
feet to the southwest corner of land conveyed to grantor by 18699
Theodore E. Warren, Trustee, in deed dated January 2, 1952 and 18700

recorded in the deed records of Ashtabula County in deed record 18701
book 469, page 520; thence south 89 degrees 34' east along 18702
grantor's south property line a distance of 532 feet to an iron 18703
pin; thence south 0 degrees 16' west 140.24 feet to an iron pin; 18704
thence south 89 degrees 34' east a distance of 264 feet to the 18705
point of beginning; and containing 2.21 acres, more or less. 18706

Parcel Number: 03-015-00-003-00 18707

Prior Deed Reference: 46-5630 18708

Howey Road Armory 18709

Situate in the City of Columbus, Franklin County, State of Ohio, 18710
and being more fully described as follows: 18711

Said parcel being a part of 80.202 acres acquired from the 18712
Columbus and Southern Ohio Electric Company, December 7, 1951, and 18713
being recorded in Franklin County, Volume 1704, Page 153. 18714

Beginning at an iron pin located at the intersection of the east 18715
right of way of Hiawatha Park Place and the north property line of 18716
the Ohio State Fairgrounds and the east right of way of the North 18717
Freeway, thence north 86 degrees 43'17" east 737.59 feet along the 18718
north property line of the Ohio State Fairgrounds to a point, 18719
thence south 3 degrees 12'14" west 50 feet to a point, thence 18720
south 86 degrees 43'17" east 50 feet to a point, thence north 3 18721
degrees 12'14" east 50 feet to a point in the north property line 18722
of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 18723
17.46 feet to the northeast corner of the Ohio State Fairgrounds, 18724
thence south 3 degrees 12'14" west 1145.00 feet along the east 18725
property line of the Ohio State Fairgrounds to a point at the 18726
intersection of the east right of way of the north freeway, thence 18727
south 25 degrees 55'03" east 695.94 feet along the east right of 18728
way of the North Freeway to a point. Thence south 37 degrees 18729
46'42" east 712.00 feet to the point of beginning containing 9.42 18730
acres, more of less. 18731

Mount Vernon 18732

Situated in the state of Ohio, county of Knox, City of Mount 18733
Vernon and more particularly described as being Lots number Three 18734
Hundred Ninety (390), Three Hundred Ninety One (391) and ten feet 18735
of the east side of Lot Number Four Hundred Seven (407), in 18736
Trimble's Addition to Mount Vernon, County of Knox and the State 18737
of Ohio, as the same are marked on the Plat of said Addition in 18738
the Recorder's Office of Knox County, Ohio in J Book, Volume J, 18739
page 123-124. 18740

Springfield 18741

Situated in the State of Ohio, County of Clark, Township of 18742
Springfield, and described as follows: 18743

Being part of the northwest quarter of Section 3. Township 5, 18744
Range 9, and part of the northeast quarter of Section 9, Township 18745
5, Range 9, between the Miami Rivers Survey. Beginning at a point 18746
in the center line of the Laybourne Road, north 85 degrees 27' 18747
west 370.0 feet from the intersection of said centerline with the 18748
center line of State Route 70 (Springfield and Washington C.H. 18749
Road); thence with the center line of the Laybourne Road, north 85 18750
degrees 57" west, 650.0 feet; thence north 29 degrees 46' east, 18751
248.63 feet to a pipe; thence south 80 degrees 33' east 423.24 18752
feet to the place of beginning, containing 3.20 acres. 18753

And, also to use the following described premises in conjunction 18754
with the grantors herein and under the following terms as are 18755
agreed to by the State of Ohio and the Clark County Fair Board. 18756

Beginning at the intersection of the center lines of the Laybourne 18757
Road and State Route 70; thence with the center line of the 18758
Laybourne Road, north 85 degrees 57' west, 370.0 feet; thence 18759
north 35 degrees 33 west 432.24 feet to a pipe; thence north 80 18760
degrees 33' west 134.22 feet to a pipe; thence north 54 degrees 18761
27' east, 380.0 feet; thence with the center line of State Route 18762

70, south 35 degrees 33' east 754.0 feet to the place of
beginning, containing 4.27 acres. 18763
18764

Urbana 18765

The following described property situated in the State of Ohio,
County of Champagne: 18766
18767

Being part of the Southwest Quarter of Section 19, Town 5, Range
12, in Salem Township and bonded and described as follows: 18768
18769

Beginning at a point in the East line of the Southwest Quarter of
said Section 19. said point being 1044.46 feet, North 7 degrees 5
minutes East, from the Southeast corner of the said Southwest
Quarter of Section 19, Town 5, Range 12; thence North 84 degrees
56 minutes West, 875 feet to a stake; thence South 7 degrees 5
minutes West 225 feet to a stake; thence North 84 degrees 56
minutes West, 425.10 feet to a stake; thence North 67 degrees 5
minutes East, 245 feet to a stake; thence South 84 degrees 56
minutes East, 1300.1 feet to a point in the East line of the said
Southwest Quarter of Section 19; thence South 7 degrees 5 minutes
West, along the East line of the said Southwest Quarter of Section
19, 20 feet to the place of beginning, a total area of 2.791
acres. Subject to the rights of the Department of Highways of the
State of Ohio for highway purposes in and to 120.53 feet taken by
parallel lines off the entire East end of the above described
tract and subject also to the rights of the City of Urbana for
highway purposes in and to approximately 79.47 feet off the West
end of 200 feet taken by parallel lines off the entire East end of
the above described tract. 18770
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(B) At the request of the Adjutant General, the Director of
Administrative Services, pursuant to the procedures described in
division (C) of this section, shall assist in the sale of any of
the parcels described in division (A) of this section. 18789
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(C) The Adjutant General shall appraise the parcels described 18793

in division (A) of this section or have them appraised by one of 18794
more disinterested persons for a fee to be determined by the 18795
Adjutant General, and shall offer the parcels for sale as follows: 18796

(1) The Adjutant General first shall offer a parcel for sale 18797
at its appraised value to the municipal corporation or township in 18798
which it is located. 18799

(2) If, after sixty days, the municipal corporation or 18800
township has not accepted the offer to purchase the parcel at its 18801
appraised value or has accepted the offer but has failed to 18802
complete the purchase, the Adjutant General shall offer the parcel 18803
for sale at its appraised value to the county in which it is 18804
located. 18805

(3) If, after sixty days, the county has not accepted the 18806
offer to purchase the parcel at its appraised value or has 18807
accepted the offer but has failed to complete the purchase, a 18808
public auction shall be held, and the parcel shall be sold to the 18809
highest bidder at a price acceptable to the Adjutant General. The 18810
Adjutant General may reject any and all bids for any reason 18811
whatsoever. 18812

The Adjutant General shall advertise each public auction in a 18813
newspaper of general circulation within the county in which the 18814
parcel is located, once a week for two consecutive weeks before 18815
the date of the auction. 18816

The terms of sale of a parcel at a public auction shall be 18817
payment of ten per cent of the purchase price, as bid by the 18818
highest bidder, in cash, bank draft, or certified check on the 18819
date of sale, with the balance payable within sixty days after the 18820
date of sale. A purchaser who does not timely complete the 18821
conditions of the sale as prescribed in this section shall forfeit 18822
to the state the ten per cent of the purchase price paid on the 18823
date of the sale as liquidated damages. 18824

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 a parcel described in division (A) of this section in accordance with division (C)(3) of this section, or upon notice from the Adjutant General's Department that a parcel of real estate described in division (A) of this section has been sold to a municipal corporation, township, or county in accordance with division (C) of this section, a deed shall be prepared for that parcel by the Auditor of State, with the assistance of the Attorney General, be executed by the Governor, 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. Upon the grantee's payment of the balance of the purchase price, the deed shall be delivered to the grantee. The grantee shall present the deed for recording in the office of the county recorder of the county in which the parcel is located.

(F) The net proceeds of the sales of the parcels described in division (A) of this section shall be deposited in the State Treasury to the credit of the Armory Improvements Fund pursuant to section 5911.10 of the Revised Code.

(G) If a parcel of real estate described in division (A) of this section is sold to a municipal corporation, township, or county and that political subdivision sells that parcel within two years after its purchase, the political subdivision shall pay to the state, for deposit in the state treasury to the credit of the Armory Improvements Fund pursuant to section 5911.10 of the

Revised Code, an amount representing one-half of any net profit 18856
derived from that subsequent sale. The net profit shall be 18857
computed by first subtracting the price at which the political 18858
subdivision bought the parcel from the price at which the 18859
political subdivision sold the parcel, and then subtracting from 18860
that remainder the amount of any expenditures the political 18861
subdivision made for improvements to the parcel. 18862

(H) This section expires five years after its effective date. 18863

Section 525.20. (A) The Governor is hereby authorized to 18864
execute a deed in the name of the state conveying to the City of 18865
Columbus, and its successors and assigns, all of the state's 18866
right, title, and interest in the following described real estate: 18867
Situated in the State of Ohio, County of Franklin, and the City of 18868
Columbus, and being a 0.342 acre tract out of the State of Ohio 18869
original 236.26 acre tract of record in Deed Book 1238, Page 468 18870
of the Recorder's Records, Franklin County, Ohio, said 0.342 acre 18871
tract being more particularly described as follows: 18872

Beginning for reference at the intersection of the 18873
centerlines of North High Street (66 feet wide) and Sunnyside Lane 18874
(50 feet wide); 18875

Thence S 2° 35' 13" W, 214.69 feet, in the centerline of 18876
North High Street, to the Place Of Beginning of said 0.342 acre 18877
tract at the southwesterly corner of the William H. Hadler 1.324 18878
acre Parcel X of record in Instrument #200107130160025 and the 18879
northwesterly corner of said 236.26 acre tract; 18880

Thence S 87° 05' 47" E, 48.00 feet, passing an iron pipe set 18881
at 33.00 feet, in the southerly line of said 1.324 acre tract and 18882
in a northerly line of said 236.26 acre tract, to an iron pipe 18883
set; 18884

Thence S 2° 35' 13" W, 310.59 feet, to an iron pipe set in a 18885

southerly line of said 236.26 acre tract and the northerly line of 18886
the Marjorie H. Bradburn 0.1308 acre tract of record in Official 18887
Record 01835, A-07 of said Recorder's Records; 18888

Thence N 87° 19' 07" W, 48.00 feet, passing an iron pipe set 18889
at 15.00 feet, in the southerly line of said 236.26 acre tract and 18890
in the northerly line of said 0.1308 acre tract, to the centerline 18891
of North High Street; 18892

Thence N 2° 35' 13" E, 310.78 feet, in said centerline, to 18893
the Place of Beginning, containing 0.342 acres (or 14,913 square 18894
feet), more or less. 18895

This description is based on the results of a field survey in 18896
March 2005, by Gary L. Elswick, Professional Surveyor #6395. 18897
Bearings are based on Ohio State Plane, South Zone, NAD83. 18898

Gary L. Elswick, Professional Surveyor #6395, 6/28/05. 18899

(B) Consideration for the conveyance of the real estate 18900
described in division (A) of this section is the purchase price of 18901
ten dollars. 18902

(C) Before the execution of the deed described in division 18903
(D) of this section, possession of the real estate described in 18904
division (A) of this section shall be governed by an existing 18905
interim lease between the Ohio Department of Administrative 18906
Services and the City of Columbus. 18907

(D) Upon payment of the purchase price, the Auditor of State, 18908
with the assistance of the Attorney General, shall prepare a deed 18909
to the real estate described in division (A) of this section. The 18910
deed shall state the consideration. The deed shall be executed by 18911
the Governor in the name of the state, countersigned by the 18912
Secretary of State, sealed with the Great Seal of the state, and 18913
presented for recording in the Office of the Auditor of State. The 18914
City of Columbus shall present the deed for recording in the 18915

office of the Franklin County Recorder. 18916

(E) The City of Columbus shall pay the costs of the 18917
conveyance described in division (A) of this section. 18918

(F) This section expires one year after its effective date. 18919

Section 525.30. (A) The Adjutant General has determined that 18920
the following described properties are no longer needed by the 18921
Ohio National Guard for armory or military purposes. The 18922
reversionary language contained in the deeds for those properties 18923
requires that each property revert back to the grantor if the 18924
property ceases to be used for military purposes. The Adjutant 18925
General is hereby authorized to give proper effect to the 18926
reversionary language in the original deeds. 18927

(B) Deeds to implement division (A) of this section shall be 18928
prepared by the Auditor of State with the assistance of the 18929
Attorney General, executed by the Governor, countersigned by the 18930
Secretary of State, sealed with the Great Seal of the State, and 18931
presented for recording in the Office of the Auditor of State. 18932
Each deed shall be delivered to the original grantor of each 18933
property for recording in the office of the appropriate county 18934
recorder. 18935

(C) The Governor is hereby authorized to execute deeds in the 18936
name of the state, granting all of the state's right, title, and 18937
interest in the following described parcels as indicated to 18938
implement division (A) of this section: 18939

PARCEL 1. 18940

Situated in the City of Mount Vernon, in the County of Knox, and 18941
State of Ohio, to-wit: 18942

commencing at a point at the S. W. Corner of Lot #9 in the C. & G. 18943
Cooper Park Addition and thence west a distance of 130 feet on the 18944
north line of Greenwood Avenue extended; thence in a North 18945

Easterly direction a distance of 152 feet to a point on South line 18946
of 12.5 foot City alley extended, said point being 25 feet west of 18947
the N. W. Corner of Lot #9 of said addition; thence continuing in 18948
a North Easterly direction a distance of 139 feet to a point being 18949
25 feet north of N. E. corner of Lot #10 of said addition on West 18950
line of Elm Street extended north; thence south along west line of 18951
Elm Street extended a distance of 25 feet to a point being the N. 18952
E. corner of Lot #10 of said addition; thence west along the South 18953
line of 12.5 foot City alley extended west, a distance of 115.2 18954
feet to a point being the N. W. corner of Lot #9 in said addition; 18955
thence South along west line of Lot #9 in said addition, a 18956
distance of 124, feet to the point of beginning. Estimated to 18957
contain .26 acres. 18958

PARCEL 2.

18959

Situated in the City of Mount Vernon, in the County of Knox, and 18960
State of Ohio, to-wit: 18961

being Lots #9 and #10 in the C. & G. Cooper Park Addition of the 18962
City of Mount Vernon, Ohio. 18963

Reference is made to Deed Book 198 page 614, Knox County, Ohio 18964
Records. 18965

PARCEL 3.

18966

Situated in the City of Mount Vernon, County of Knox and State of 18967
Ohio, to-wit: 18968

the following real estate, situate City of Mount Vernon, County of 18969
Knox, State of Ohio and being described as follows: 18970

Beginning at an iron stake on the West line of Elm Street 18971
extended, said iron stake bears North 5 deg. 30' East 25.0 feet 18972
from the North East corner of Lot 10 in the C. & G. Cooper Park 18973
Addition and said iron stake also marks the North East corner of 18974
0.26 of an acre parcel conveyed to the State of Ohio in Deed 18975

Volume 199, page 376; Running thence from said beginning point 18976
South 85 deg.-23' West a distance of 142.41 feet to the North West 18977
corner of said 0.26 of an acre parcel; thence North 67 deg.-2.' 18978
East a distance of 159.0 feet to an iron stake on the West line of 18979
Elm Street extended; thence South 5 deg.-30' West a distance of 18980
50.0 feet to the point of beginning, containing 0.08 of an acre, 18981
as surveyed May 21, 1970 by Floyd W. Barnes, Surveyor #3917, Ohio. 18982
Prior Deed recorded Volume 198, page 614, Knox County, Ohio, Deed 18983
Records. 18984
Parcels Nos. 1, 2 and 3 shall revert to the City of Mount Vernon. 18985
PARCEL 4. 18986
Situate in the City of Urbana, Champaign County, Ohio, and being 18987
part of the South-West quarter of Section 19, Town 5, Range 12, in 18988
Salem Township, and bonded and described as follows: Beginning at 18989
a point in the East line of the South-West quarter of Section 19, 18990
Town 5, Range 12; said point being 819.46 feet, North 7 degrees-5 18991
minutes East, from the Southeast Corner of the Southwest quarter 18992
of Section 19, Town 5, Range 12. Thence North 84 degrees, 56 18993
minutes West, 875.00 feet to a stake. Thence North 7 degrees-5 18994
minutes East, 225.00 feet to a stake. Thence South 84 degrees-56 18995
minutes East, 875.00 feet to a point in the East line of the said 18996
Southwest quarter of Section 19, Town 5, Range 12. Thence South 7 18997
degrees -5 minutes West, along the East line 4 of the said 18998
Southwest quarter of Section 19, Town 5, Range 12, 225.00 feet to 18999
the place of beginning. Two hundred feet taken by parallel lines 19000
off the entire East end of the above described tract is reserved 19001
by the City of Urbana for highway purposes, making the area of the 19002
land conveyed equal 3.4844 acres. 19003
Parcel No. 4 shall revert to the City of Urbana. 19004
Section 525.40. (A) The Governor is hereby authorized to 19005

execute a deed in the name of the state conveying to a buyer or 19006
buyers to be determined in the manner provided in division (B) of 19007
this section, and the buyer's or buyers' successors and assigns or 19008
heirs and assigns, all of the state's right, title, and interest 19009
in the following described real estate: 19010

Being a parcel of land situated in the Northwest Quarter of 19011
Section 19 Bath Township, Town 3 South, Range 7 East of Allen 19012
County, Ohio, and more particularly described as follows: 19013

Commencing at a Monument Box at the northwest corner of Section 19014
19; thence South 00 degrees 25 minutes 00 seconds West along the 19015
west line of said quarter section, same also being the centerline 19016
of S.R. 65, a distance of 917.46 feet to a point; 19017

thence South 89 degrees 35 minutes 04 seconds East a distance of 19018
90.00 feet to the northwest corner of said parcel and being the 19019
True Place of Beginning; 19020

thence continuing South 89 degrees 35 minutes 04 seconds East a 19021
distance of 59.96 feet to a point; 19022

thence South 42 degrees 41 minutes 05 seconds East a distance of 19023
310.36 feet to a point; 19024

thence South 00 degrees 27 minutes 40 seconds West a distance of 19025
287.14 feet to a point; 19026

thence North 89 degrees 35 minutes 24 seconds West a distance of 19027
186.94 feet to a point; 19028

thence South 00 degrees 24 minutes 16 seconds West a distance of 19029
26.55 feet to a point; 19030

thence North 89 degrees 33 minutes 37 seconds West a distance of 19031
84.87 feet to a point; 19032

thence North 00 degrees 25 minutes 00 seconds East a distance of 19033
540.28 feet to the Place of Beginning, containing 2.708 acres, 19034

more or less. All Corners are marked with iron Pin /w cap. 19035

Excepting therefrom the following parcel of land owned by the Ohio 19036
Power Company and on which the Department of Transportation has an 19037
ongoing easement. Said Ohio Power land is described as follows: 19038

Commencing at a Monument Box at the northwest corner of Section 19039
19; 19040

thence South 00 degrees 25 minutes 00 seconds West along the west 19041
line of said quarter section, same also being the centerline of 19042
S.R. 65, a distance of 917.46 to a point; 19043

thence South 89 degrees 35 minutes 04 seconds East a distance of 19044
100.08 feet to a point on the northeasterly property line of the 19045
Ohio Power Company, said point being the True Place of Beginning; 19046

thence South 38 degrees 04 minutes 60 seconds East along said 19047
northeasterly property line a distance of 420.66 feet to a point; 19048

thence South 00 degrees 27 minutes 40 seconds West a distance of 19049
160.48 feet to a point on the southwesterly line of the Ohio Power 19050
Company; 19051

thence North 38 degrees 05 minutes 00 seconds West along said 19052
southeasterly property line a distance of 436.65 feet to a point; 19053

thence North 00 degrees 25 minutes 00 seconds East a distance of 19054
147.97 feet to a point; 19055

thence South 89 degrees 35 minutes 04 seconds East a distance of 19056
10.08 feet to the Place of Beginning. Said exception contains 19057
1.001 acres, more or less, leaving a net of 1.707 acres, more or 19058
less. 19059

The above description was provided to the Ohio Department of 19060
Administrative Services by the Ohio Department of Transportation. 19061
Description is from a survey dated April 2, 1990 by Jeffrey L. 19062
Waggamer, Reg. Surveyor S-7125. 19063

(B) The Director of Administrative Services shall offer the real estate described in division (A) of this section, and the improvements and chattels located on the real estate, for sale "as is" in their present condition according to the following process:

(1) The Director of Administrative Services shall offer the real estate to any state entity expressing an interest in obtaining the real estate. Any state entity expressing an interest in the real estate shall obtain occupancy and possession through execution of a Transfer of Jurisdictional Control Affecting State-Owned Lands document and thereafter assume operational control and financial responsibility of the real estate.

(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.

(3) The Director of Administrative Services shall offer the real estate at the appraised value to the Board of County Commissioners of Allen County.

(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.

(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. 19095

The terms of sale of the real estate at a public auction 19096
shall be payment of ten per cent of the purchase price in cash, 19097
bank draft, or certified check on the date of sale. A purchaser 19098
who does not timely complete the conditions of the sale as 19099
prescribed in this section shall forfeit to the state the ten per 19100
cent of the purchase price paid on the date of the sale as 19101
liquidated damages. 19102

If the purchase is not completed and the public auction sale 19103
is voided, the Director of Administrative Services shall hold a 19104
second public auction, and the real estate shall be sold to the 19105
highest bidder at a price acceptable to the Director of 19106
Administrative Services and the Director of Rehabilitation and 19107
Correction. 19108

If, after a second public auction, the purchase is not 19109
completed and the sale is voided, the Director of Administrative 19110
Services may sell the real estate to the second highest bidder at 19111
the second public auction. 19112

The Director of Administrative Services shall advertise each 19113
public auction in a newspaper of general circulation within Allen 19114
County, once a week for two consecutive weeks before the date of 19115
the auction. The Director of Administrative Services may reject 19116
any and all bids at any auction for any reason whatsoever. 19117

(C) Advertising costs, appraisal fees, and other costs of the 19118
sale of the real estate described in division (A) of this section 19119
shall be paid by the Department of Rehabilitation and Correction. 19120

(D) The real estate described in division (A) of this section 19121
shall be sold as an entire tract and not be subdivided. 19122

(E) Upon the payment of ten per cent of the purchase price of 19123
the real estate described in division (A) of this section in 19124

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
the Office of the Auditor of State. Upon the grantee's payment of
the balance of the purchase price, the deed shall be delivered to
the grantee. The grantee shall present the deed for recording in
the Office of the Allen County Recorder.

(F) This section expires three years after its effective
date.

Section 525.50. (A) The Governor is hereby authorized to
execute a deed in the name of the state conveying to O'Bleness
Memorial Hospital, and its successors and assigns, all of the
state's right, title, and interest in the following described real
estate:

Situated in the City of Athens, County of Athens, State of Ohio,
and being a part of Section 15, Township 9N, Range 14W, of the
Ohio River Survey, also being a part of Outlot 91 & Outlot 95 of
the City of Athens, and being more particularly described as
follows;

Being a Survey of a part of a parcel conveyed to Ohio Department
of Mental Health, as recorded in Deed Volume 145, Page 638, in the
Athens County Deed Records, and further described as follows;

Commencing at a chiseled 'x' in a concrete sidewalk on the South 19155
Right of Way Line of West Union Street (66' wide), also being the 19156
Northeast corner of Outlot 91, and being the Northeast corner of a 19157
20.169 acre parcel conveyed to Sheltering Arms Hospital 19158
Foundation, Inc., as recorded in Deed Volume 277, Page 648; 19159

Thence, N 84°44'00" W 90.00 feet with the South Right of Way Line 19160
of West Union Street, to a 5/8" o.d. iron pin found marking the 19161
Northeast corner of said parcel conveyed to Ohio Department of 19162
Mental Health of which this description is a part, the same being 19163
the Northwest corner of said 20.169 acre parcel conveyed to 19164
Sheltering Arms Hospital Foundation, Inc.; 19165

Thence, S 05°03'01" W 324.47 feet leaving West Union Street with 19166
the East line of said parcel conveyed to Ohio Department of Mental 19167
Health of which this description is a part, the same being the 19168
West line of said parcel conveyed to Sheltering Arms Hospital 19169
Foundation, Inc., to an iron pin set at the back of curb, and 19170
being the PRINCIPLE PLACE OF BEGINNING of the 1.669 Acre parcel 19171
herein to be described; 19172

Thence, S 05°03'01" W 825.10 feet continuing with said common 19173
boundary line between Ohio Department of Mental Health and 19174
Sheltering Arms Hospital Foundation, Inc., to a 5/8" o.d. iron pin 19175
found; 19176

Thence with a line across said parcel conveyed to Ohio Department 19177
of Mental Health of which this description is a part, with the 19178
following five (5) courses and distances: 19179

- 1) N 64°00'00" W 96.03 feet to an iron pin set; 19180
- 2) N 05°03'01" E 786.50 feet to an iron pin set at the back of 19181
curb; 19182
- 3) N 80°04'57" E 37.84 feet to an angle point; 19183
- 4) S 82°16'19" E 42.95 feet to an angle point; 19184

5) S 66°00'59" E 10.80 feet to the PRINCIPLE PLACE OF BEGINNING. 19185

Said parcel as surveyed contains 1.669 Acres, more or less, and 19186
subject to all legal easements, restrictions, and covenants of 19187
record. Bearings of the above description are based on the South 19188
Right of Way Line of West Union Street (66' Wide), as being N 19189
84°44'00" W, and is an assumed Meridian used to denote angles 19190
only. Scott A. England P.S. Ohio Registered Surveyor #7452 19191

(B) Consideration for the conveyance of the real estate 19192
described in division (A) of this section is \$340,000.00, and 19193
shall be paid to the state according to the following schedule as 19194
derived by mutual agreement reached between the state and 19195
O'Bleness Memorial Hospital through an executed Offer to Purchase: 19196

(1) O'Bleness Memorial Hospital shall tender a cashier's or 19197
bank check, made payable to the state, in the amount of 19198
\$100,000.00 at the time of closing. 19199

(2) The value of the balance of the purchase price shall be 19200
credited to the state of Ohio, Department of Mental Health, to 19201
offset the cost of services provided by O'Bleness Memorial 19202
Hospital to the Department of Mental Health, as agreed to in a 19203
"Shared Services Agreement" executed by the parties. 19204

(C) The real estate described in division (A) of this section 19205
shall be sold as an entire tract and not in parcels. 19206

(D) Before the execution of the deed described in division 19207
(E) of this section, possession of the real estate described in 19208
division (A) of this section shall be governed by an existing 19209
interim lease between the Ohio Department of Administrative 19210
Services and O'Bleness Memorial Hospital. 19211

(E) Upon payment of \$100,000.00, the Auditor of State, with 19212
the assistance of the Attorney General, shall prepare a deed to 19213
the real estate described in division (A) of this section. The 19214

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 the Office of the Auditor of State.
O'Bleness Memorial Hospital shall present the deed for recording
in the Office of the Athens County Recorder.

(F) O'Bleness Memorial Hospital shall pay the costs of the
conveyance described in division (A) of this section.

(G) This section expires one year after its effective date.

Section 525.60. (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:

Situated in the State of Ohio, County of Franklin, City of
Columbus, Survey No. 1393 of the Virginia Military District, Lot 4
through Lot 16 of George W. Sinks Subdivision of record in Plat
Book 5, Page 198, and being part of those 0.098 acre and 1.966
acre tracts shown in the deed to The State of Ohio of record in
Instrument Number 200104200083861 (all references refer to the
records of the Recorder's Office, Franklin County, Ohio) and
described as follows

Beginning, for reference, at the centerline intersection of
McKinley Avenue with Yale Avenue;

thence North 85° 54' 05" West, with the centerline of said
McKinley Avenue, 25.00 feet,

thence South 04° 05' 55" West, leaving said centerline, 30.00 feet
to an iron pin set at the northeasterly corner of said 1 966 acre
tract, the intersection of the southerly right-of-way line for
McKinley Avenue with the westerly right-of-way line for Yale
Avenue, the true Point of Beginning;

thence South 04° 05' 55" West, with said westerly right-of-way line, 5.00 feet to an iron pin set; 19245
19246

thence North 85° 54' 05" West, across said 0.098 acre and 1.966 acre tracts, 395.23 feet to an iron pin set in the westerly line of said 0.098 acre tract and the easterly line of that tract conveyed to General Maintenance & Engineering Co. of record in Official Record 34267B19, 19247
19248
19249
19250
19251

thence North 04° 05' 55" East, with said westerly and easterly line, 5.00 feet to an iron pin set at a common corner thereof, in said southerly right-of-way line; 19252
19253
19254

thence South 85° 54' 05" East, with said southerly right-of-way line, passing a 3/4 inch iron pin found at 231.27 feet, 395.23 feet to the True Point of Beginning. Containing 0.045 acre, more or less, from Auditor's Parcel No. 010-180286. 19255
19256
19257
19258

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record. 19259
19260

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC. 19261
19262
19263
19264

This description was prepared through the use of existing records and an actual field survey performed in May 2000 and October 2003. 19265
19266

Bearings are based on the coordinate location of monuments COC 17-83 and COC 18-83. A bearing of North 87° 22' 38" West was held between said monuments. 19267
19268
19269

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$910.00. 19270
19271
19272

(C) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels. 19273
19274

(D) Before the execution of the deed described in division 19275
(E) of this section, possession of the real estate described in 19276
division (A) of this section shall be governed by an existing 19277
interim lease between the Ohio Department of Administrative 19278
Services and the City of Columbus. 19279

(E) Upon payment of the purchase price, the Auditor of State, 19280
with the assistance of the Attorney General, shall prepare a deed 19281
to the real estate described in division (A) of this section. The 19282
deed shall state the consideration. The deed shall be executed by 19283
the Governor in the name of the state, countersigned by the 19284
Secretary of State, sealed with the Great Seal of the State, and 19285
presented for recording in the Office of the Auditor of State. The 19286
City of Columbus shall present the deed for recording in the 19287
Office of the Franklin County Recorder. 19288

(F) The City of Columbus shall pay the costs of the 19289
conveyance described in division (A) of this section. 19290

(G) The net proceeds of the sale of the real estate described 19291
in division (A) of this section shall be deposited in the state 19292
treasury to the credit of the Department of Rehabilitation and 19293
Corrections Fund 148 Services and Agricultural Fund (Appropriation 19294
Line Item 501-602) and shall be used to offset the loss of the 19295
Department's agricultural croplands. 19296

(H) This section expires one year after its effective date. 19297

Section 525.70. (A) The Governor is hereby authorized to 19298
execute a deed in the name of the state conveying to the Warren 19299
County Historical Society, and its successors and assigns, all of 19300
the state's right, title, and interest in the following described 19301
real estate: 19302

Parcel A 19303

Situate in the County of Warren, State of Ohio, and in the Village 19304

of Lebanon and being part of Section number five (5) Town four (4) 19305
Range three (3) bounded and further described as follows: 19306

Beginning at an iron pin in the east line of a tract of land 19307
belonging to Albert French 3.46 chains from the southeast corner 19308
of said French's tract of land and northwest corner to a tract of 19309
land conveyed by Herschel I. Fisher to W. F. Eltzroth; 19310

thence with said French's line N. 4° 30' E. 1.98 chains to a 19311
stone; 19312

thence with another line of said French N. 6° 0'E. 7.17 chains to 19313
an iron pin in the Lebanon and Cincinnati pike (north side) and 19314
northeast corner to said French's tract; 19315

thence S. 68° 41' E. 1.73 chains to a point in Turtlecreek which 19316
point is 5 feet 8 inches north of a concrete retaining wall; 19317

thence S. 58° 0' E. 0.71 chains to a point 2 feet 6 inches south 19318
of a stone wall; 19319

thence S. 83° 45' E. 2.27 chains to a point 6 inches north of the 19320
east end of said stone wall, and corner to a tract of land now 19321
owned by the Village of Lebanon; 19322

thence with the line of said last mentioned tract and with the 19323
west line of Mary C. Martin's tract S. 6° 0' W. 6.31 chains to a 19324
post, being the southwest corner of said Mary C. Martin's tract 19325
and in north line of Milton Kever's lot; 19326

thence with said Kever's line N. 83° 30'W. 0.70 chains to a stake 19327
at the end of a hedge, being the northwest corner of said Kever's 19328
lot; 19329

thence with said hedge and with the west line of said Kever and 19330
W. F. Eltzroth S. 6° 0' W. 1.98 chains to an iron pin in the west 19331
line of W. F. Eltzroth and being the northeast corner to a tract 19332
of land conveyed by Herschel I. Fisher to the said W. F. Eltzroth; 19333

thence N. 83° 30' W. 3.76 chains to the place of beginning 19334

containing 3.75 acres. And being the north part of the tract of 19335
5.05 acres conveyed to Herschel I. Fisher by Samuel W. Probasco by 19336
deed dated August 30, 1905 recorded in Vol. 87 page 507, Warren 19337
County Deed Records. 19338

Together with the rights granted and reserved to Ladora S. Owens, 19339
her heirs and assigns in a certain deed to W. F. Eltzroth, dated 19340
September 23, 1905 and recorded in Vol. 87 page 509 which is as 19341
follows: 19342

The said Ladora S. Owens, her heirs an assigns, is to have the 19343
right to use as a means of ingress and egress to and from said 19344
premises hereby conveyed to her, from and to Orchard Avenue, a 19345
strip of ground 20 feet wide by about 228 feet in length on and 19346
along the east side of the property heretofore conveyed to W. F. 19347
Eltzroth, said strip being a part of the property formerly 19348
conveyed to W. F. Eltzroth as aforesaid, said use however, not to 19349
be exclusive but in conjunction with W. F. Eltzroth and his heirs 19350
and assigns. 19351

This conveyance is made to the State of Ohio solely and 19352
exclusively for museum purposes and to be used for the collection 19353
and preservation of every variety of material illustrative of the 19354
history of this county and of this region, including letters, 19355
diaries, journals, memoranda, pioneer reminiscences, newspapers; 19356
account books, school and church registers, commemorative 19357
addresses, genealogies, biographies, photographs, pictures, 19358
paintings, aboriginal relics, material objects illustrating the 19359
life of pioneers, maps, histories, records, furniture, clothing, 19360
etc. Said museum shall be known as "The Warren County Museum". 19361

Excepting from said Parcel A the following Parcel B: 19362

Parcel B 19363

Situate in the State of Ohio, Warren County and Village of 19364
Lebanon, being a part of Section 5, Township 4 East, Range 3 19365

North, Between the Miami Rivers Survey, being a parcel of land on 19366
the South side of a centerline survey made by the Ohio Department 19367
of Transportation as shown on right-of-way sheet No. 10/28 and 19368
labeled 08548 (0) 5 Ohio BRF-10(73)/Warren-42-10.43, also being a 19369
parcel out of those lands conveyed to the State of Ohio (Ohio 19370
Historical Society) by Deed of Record in Deed Book 162, Page 292, 19371
Recorder's Office, Warren County, Ohio, being a channel easement 19372
across those state owned lands known as the "Glendower Museum", 19373
said easement being more particularly described as follows: 19374

Beginning at an iron pin found at grantor's northwest corner, said 19375
point also being located in an east line of a tract of land 19376
conveyed to Gerald Miller by deed recorded in Official Record 308, 19377
page 181 of the Deed Records of Warren County, Ohio, said point 19378
also being locate forty five and 42/100 (45.42) feet right of 19379
station 5 + 18.04 on the above described centerline of survey; 19380

thence along grantor's north line and Miller's east line and its 19381
eastward extension, South sixty-eight degrees, forty-two minutes 19382
forty-six seconds (68°42'46") East for eighty-nine and 76/100 19383
(89.76) feet to the TRUE POINT OF BEGINNING, said point being 19384
located eighty and 90/100 (80.90) feet right of station 6 + 00.48 19385
on the above described centerline of survey; 19386

thence continuing along grantor's north line, South sixty-eight 19387
degrees forty-two minutes forty-six seconds (68°42' 46") East for 19388
twenty-four and 43/100 (24.43) feet to the west corner of Lot 7 of 19389
Spencer's Subdivision of Lebanon, Ohio as recorded in Plat Book 2, 19390
page 177 of the Plat Records of Warren County, Ohio; 19391

thence continuing along grantor's north line and the south line of 19392
said Lot 7, North fifty-seven degrees, one minute forty-six 19393
seconds (57°01' 46") East for twenty-seven and 00/100 (27.00) 19394
feet; 19395

thence leaving grantor's north line and the south line of said Lot 19396

7, North eighty-five degrees thirty-seven minutes fifty-six
seconds (85°37'56") West for seven and 66/100 (7.66) feet to the
inside face of an existing concrete retaining wall;
thence along the inside face of said concrete retaining wall,
North sixty-four degrees forty-nine minutes fifty-seven seconds
(64°49' 57") West for thirty and 69/100 (30.69) feet;
thence continuing along the inside face of said retaining wall
North forty-five degrees, twelve minutes seventeen seconds (45°12'
17") West for fourteen and 09/100 (14.09) fee to the TRUE POINT OF
BEGINNING.
This description is based on field surveys made by Woolpert
Consultants in April, 1986 and May, 1987, under the direction of
Daryl L. Wells, Ohio Registered Surveyor Number 6932.
It is understood that the strip of land above described contains
0.005 acres, more or less, inclusive of the present road occupies
-0- acres, more or less.
The foregoing is recited from a description submitted by the Ohio
Department of Transportation to the Ohio Department of
Administrative Services, Division of Public Works. Further
reference is made to File No. 4953 on file in the offices of the
Ohio Department of Administrative Services, General Services
Division, Real Estate Services, 4200 Surface Road, Columbus, Ohio
43228-1395.
And, also conveying the following described Parcel C:
Parcel C
Situated in the State of Ohio, County of Warren, and in the
Village of Lebanon, being part of Section 5, T. 4, R. 3, and being
bounded as described as follows:
Beginning at a point in the north line of Orchard Avenue and at
the west line of a 20 foot lane,

thence with said lane N.5° 02' E. 218.36 feet to the South Line of the Museum property,

thence N. 84° 24'W. 6 feet to a stone,

thence S. 5° 02'E. (passing an iron pin at 66.36 feet), 218.36 feet to a stone,

thence S. 84° 24'E. 6 feet to the place of beginning, containing .030 acres;

with full rights to use and improve the entire area as an entrance 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 19458
and egress thereover, from the remainder of grantor's property 19459
(lying west of the above described real estate) to the drive or 19460
"20 foot lane" mentioned in the foregoing description, so that 19461
she, her heirs and assigns, may be able to travel from the 19462
remainder of her property to said drive or lane, and over said 19463
drive or lane, and that persons desiring to enter on the remainder 19464
of grantor's premises above mentioned may travel over said drive 19465
and the said 20 foot strip above mentioned. 19466

(B) Consideration for the conveyance of the real estate 19467
described in division (A) of this section is \$10.00. 19468

(C) The conveyance of the real estate described in division 19469
(A) of this section is subject to the following conditions and 19470
restrictions: 19471

(1) The Ohio Historical Society, acknowledging the need for 19472
specific capital improvements to the real estate before its 19473
conveyance, shall make full payment for the specific capital 19474
improvements to the Glendower State Memorial (the structure on the 19475
real estate) and its premises, as listed in the Offer to Purchase 19476
Real Estate executed by the Warren County Historical Society, the 19477
Director of Administrative Services, and the Ohio Historical 19478
Society in December 2005. These improvements include replacing the 19479
roof of the structure, painting of wood trim on the structure, and 19480
correcting site drainage problems, including replacing the gas and 19481
water lines. 19482

(2) The Warren County Historical Society shall undertake all 19483
future rehabilitation work and maintain the historic structure 19484
located on the premises in accordance with the "Secretary of the 19485
Interior's Standards for Rehabilitation" as published by the 19486
Department of the Interior. 19487

(3) The Warren County Historical Society shall agree that no 19488

demolition, alterations, or physical or structural changes shall
be made to the architecturally and historically significant
interior or exterior features of the historic structure on the
premises or to the coloring or surfacing of the exterior of the
structure without prior written approval of the Ohio Historic
Society, acting through the Ohio Historic Preservation Office.
Ordinary and necessary repairs and maintenance not materially
affecting the features shall not be considered demolition,
alterations, or physical or structural changes. This restriction
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. 19520

(E) Upon payment of the purchase price, the Auditor of State, 19521
with the assistance of the Attorney General, shall prepare a deed 19522
to the real estate described in division (A) of this section. The 19523
deed shall state the consideration, restrictions, and conditions. 19524
The deed shall be executed by the Governor in the name of the 19525
state, countersigned by the Secretary of State, sealed with the 19526
Great Seal of the State, and presented for recording in the Office 19527
of the Auditor of State. The Warren County Historical Society 19528
shall present the deed for recording in the Office of the Warren 19529
County Recorder. 19530

(F) The Warren County Historical Society shall pay the costs 19531
of the conveyance described in division (A) of this section. 19532

(G) This section expires one year after its effective date. 19533

Section 525.80. (A) The Governor is hereby authorized to 19534
execute a deed in the name of the state conveying to the City of 19535
Columbus, and its successors and assigns, all of the state's 19536
right, title, and interest in the following described real estate: 19537

PARCEL 1-WD (4.662 Ac.) 19538

LANE AVENUE 19539

Situated in the State of Ohio, County of Franklin, City of 19540
Columbus, Section 3, Township 1, Range 18, United States Military 19541
Lands, and being a part of lands owned by the State of Ohio (The 19542
Ohio State University), said lands also being described in the 19543
following 8 documents of record: 19544

1. 69 acre tract described in Deed Book 616, Page 399 19545
2. 5.04 acre tract (part of Lot 278 - PB 2 Pg. 203) described in 19546
Deed Book 641, Page 242 19547
3. Tuttle Park Place (Doe Alley) vacated by Ordinance No. 919-75 19548

4. Lots 211 through 252, inclusive, of R.P. Woodruff's	19549
Agricultural Addition, P.B. 2, Pg. 203	19550
5. Neil Avenue vacated by Ordinance No. 919-75	19551
6. Peasley Street Vacated by Ordinance No. 179-66	19552
7. OSU North Urban Renewal, Plat 1, Plat Book 37, Page 56	19553
8. OSU North Urban Renewal, Plat 2, Plat Book 38, Page 94	19554
All records are on file in the Recorder's Office, Franklin County,	19555
Ohio, unless otherwise noted, all stations and offsets reference	19556
the Centerline Survey Plat of Lane Avenue prepared by ms	19557
consultants, inc. for the City of Columbus, said Parcel 1-WD being	19558
more particularly described as follows:	19559
Beginning at a point at the centerline intersection of Olentangy	19560
River Road and West Lane Avenue, being at Centerline Station	19561
50+00.00 (Olentangy River Road Centerline Station 120+00.00);	19562
Thence North 14°30'28" East, along the centerline of Olentangy	19563
River Road, a distance of 87.57 feet to a point, being at	19564
Centerline Station 120+87.57;	19565
Thence South 75°29'32" East, a distance of 64.93 feet to a point	19566
on an easterly line of Olentangy River Road, being 64.93 feet	19567
right of Station 120+87.57 (75.05 feet left of West Lane Avenue	19568
Station 50+79.55);	19569
Thence South 59°28'15" East, within said 69 acre tract, a distance	19570
of 22.58 feet to a point, being 65.00 feet left of Station	19571
51+00.00;	19572
Thence North 51°33'30" East, continuing within said 69 acre tract,	19573
a distance of 66.93 feet to a point, being 110.00 feet left of	19574
Station 51+50.00;	19575
Thence South 86°18'28" East, continuing within said 69 acre tract,	19576
a distance of 279.96 feet to a point in the centerline of the	19577

Olentangy River, in the westerly line of a 1.80 acre tract 19578
described in a deed to the City of Columbus of record in Deed Book 19579
3382, Page 600, being 110.00 feet left of Station 54+29.96; 19580

Thence South 40°12'42" West, along the westerly line of said 1.80 19581
acre tract, the centerline of the Olentangy River, with the 19582
meanders thereof, a distance of 108.57 feet to a point at the 19583
southwest corner of said 1.80 acre tract, in the centerline of 19584
existing right of way of West Lane Avenue, being 22.75 feet left 19585
of Station 53+65.35 19586

Thence South 3°42'42" West, along the centerline of the Olentangy 19587
River, with the meanders thereof, a distance of 30.00 feet to a 19588
point on the southerly line of West Lane Avenue, at the northwest 19589
corner of said 5.04 acre tract, being 7.25 feet right of Station 19590
53+65.34; 19591

Thence South 86°17'18" East, along a southerly line of West Lane 19592
Avenue, a northerly line of said 5.04 acre tract, a distance of 19593
1419.55 feet to a point at the northeast corner of said 5.04 acre 19594
tract, on the westerly line of Tuttle Park Place, being 18.57 feet 19595
right of Station 67+85.02; 19596

Thence South 03°42'42" West, along the easterly line of said 5.04 19597
acre tract, the westerly line of Tuttle Park Place, a distance of 19598
20.00 feet to a point, being 38.57 feet right of Station 67+85.00; 19599

Thence South 86°17'18" East, along the northerly line of Tuttle 19600
Park Place as vacated by said Ordinance No. 919-75, a distance of 19601
60.00 feet to a point on the easterly line of Tuttle Park Place, 19602
the westerly line of Lot 211 of said R.P. Woodruff's Agricultural 19603
Addition, being 38.63 feet right of Station 68+45.00; 19604

Thence North 03°42'42" East, along the easterly line of Tuttle 19605
Park Place, the westerly line of said Lot 211, a distance of 20.00 19606
feet to a point at the northwest corner of said Lot 211, on the 19607
southerly line of West Lane Avenue, being 18.63 feet right of 19608

Station 68+45.02; 19609

Thence South 86°17'18" East, along the southerly line of West Lane 19610
Avenue, the northerly lines of Lots 211 through 231, a distance of 19611
629.89 feet to a point at the northeast corner of said Lot 231, on 19612
the westerly line of Neil Avenue, being 25.11 feet right of 19613
Station 74+75.00; 19614

Thence South 03°42'42" West, along the easterly line of said Lot 19615
231, the westerly line of Neil Avenue a distance of 20.00 feet to 19616
a point, being 45.11 feet right of Station 74+75.00; 19617

Thence South 86°17'18" East, along the northerly line of Neil 19618
Avenue as vacated by said Ordinance No. 919-75, a distance of 19619
80.00 feet to a point on the easterly line of Neil Avenue, the 19620
westerly line of Lot 233 of said R.P. Woodruff's Agricultural 19621
Addition, being 45.12 feet right of Station 75+55.00; 19622

Thence North 03°42'42" East, along the easterly line of Neil 19623
Avenue, the westerly line of said Lot 233, a distance of 20.00 19624
feet to a point at the northwest corner of said Lot 233, on the 19625
southerly line of West Lane Avenue, being 25.12 feet right of 19626
Station 75+55.00; 19627

Thence South 86°17'18" East, along the southerly line of West Lane 19628
Avenue, the northerly lines of Lots 233 through 252, the northerly 19629
lines of said OSU North Urban Renewal, Plat 1 and Plat 2, a 19630
distance of 1350.62 feet to a point at the northeast corner of 19631
said OSU North Urban Renewal, Plat 2, on the westerly line of 19632
North High Street, being 45.40 feet right of Station 89+01.19; 19633

Thence South 08°16'08" East, along the easterly line of said OSU 19634
North Urban Renewal, Plat 2, the westerly line of North High 19635
Street, a distance of 27.95 feet to a point, being 45.04 feet left 19636
of Station 299+30.00; 19637

Thence passing through said lands owned by The State of Ohio, the 19638

following 36 courses:	19639
1. North 48°38'40" West, 40.22 feet to a point, being 45.00 feet right of Station 88+75.00;	19640 19641
2. South 86°46'26" West, 79.95 feet to a point, being 45.00 feet right of Station 87+95.05;	19642 19643
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;	19644 19645 19646 19647 19648
4. North 86°17'42" West, 461.03 feet to a point, being 45.00 feet right of Station 82+18.50;	19649 19650
5. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet right of Station 82+18.50;	19651 19652
6. North 86°17'42" West, 60.00 feet to a point, being 55.00 feet right of Station 81+58.50;	19653 19654
7. North 03°42'18" East, 17.00 feet to a point, being 38.00 feet right of Station 81+58.50;	19655 19656
8. North 86°17'42" West, 80.50 feet to a point, being 38.00 feet right of Station 80+78.00;	19657 19658
9. South 39°14'34" West, 8.60 feet to a point, being 45.00 feet right of Station 80+73.00;	19659 19660
10. North 86°17'42" West, 508.00 feet to a point, being 45.00 feet right of Station 75+65.00;	19661 19662
11. South 03°42'18" West, 10.00 feet to a point, being 55.00 feet right of Station 75+65.00;	19663 19664
12. North 86°17'42" West, 100.00 feet to a point, being 55.00 feet right of Station 74+65.00;	19665 19666
13. North 03°42'18" East, 10.00 feet to a point, being 45.00 feet	19667

right of Station 74+65.00;	19668
North 86°17'42" West, 107.57 feet to a point, being 45.00 feet	19669
right of Station 73+57.43;	19670
14. Along the arc of a curve to the left, having a radius of	19671
5684.58 feet, an arc length of 188.26 feet to a point of reverse	19672
curvature, being 45.00 feet right of Station 71+67.68, said arc	19673
being subtended by a chord bearing North 87°14'37.0" West, a chord	19674
distance of 188.25 feet;	19675
15. Along the arc of a curve to the right, having a radius of	19676
5774.58 feet, an arc length of 185.77 feet to a point, being 45.00	19677
feet right of Station 69+83.36, said arc being subtended by a	19678
chord bearing North 87°16'14.6" West, a chord distance of 185.76	19679
feet;	19680
16. North 86°20'57" West, 108.36 feet to a point, being 45.00 feet	19681
right of Station 68+75.00;	19682
17. South 48°39'03" West, 28.28 feet to a point, being 65.00 feet	19683
right of Station 68+65.00;	19684
18. North 86°20'57" West, 85.00 feet to a point, being 65.00 feet	19685
right of Station 67+70.00;	19686
19. North 41°20'57" West, 28.28 feet to a point, being 45.00 feet	19687
right of Station 67+50.00;	19688
20. North 86°20'57" West, 540.00 feet to a point, being 45.00 feet	19689
right of Station 62+10.00;	19690
21. South 03°39'03" West, 20.00 feet to a point, being 65.00 feet	19691
right of Station 62+10.00;	19692
22. North 86°21'38" West, 104.82 feet to a point, being 65.00 feet	19693
right of Station 61+05.00;	19694
23. North 03°29'43" East, 20.00 feet to a point, being 45.00 feet	19695
right of Station 61+05.00;	19696

24. Along the arc of a curve to the left, having a radius of 19697
5684.58 feet, an arc length of 222.11 feet to a point of reverse 19698
curvature, being 45.00 feet right of Station 58+81.13, said arc 19699
being subtended by a chord bearing North $87^{\circ}37'26.8''$ West, a chord 19700
distance of 222.10 feet; 19701
25. Along the arc of a curve to the right, having a radius of 19702
5774.58 feet, an arc length of 81.03 feet to a point, being 45.00 19703
feet right of Station 58+00.74, said arc being subtended by a 19704
chord bearing North $88^{\circ}20'29.4''$ West, a chord distance of 81.02 19705
feet; 19706
26. North $89^{\circ}54'24''$ West, 164.76 feet to a point, being 53.00 feet 19707
right of Station 56+37.56; 19708
27. South $48^{\circ}58'26''$ West, 81.01 feet to a point, being 110.00 feet 19709
right of Station 55+80.00; 19710
28. North $86^{\circ}18'28''$ West, 506.53 feet to a point on an easterly 19711
line of Olentangy River Road, being 93.07 feet right of Station 19712
119+04.31; 19713
29. North $73^{\circ}46'29''$ West, 190.00 feet to a point on a westerly 19714
line of Olentangy River Road, being 96.85 feet left of Station 19715
119+10.00; 19716
30. Thence North $39^{\circ}34'55''$ West, 35.28 feet to a point, being 19717
48.00 feet right of Station 48+65.00; 19718
31. Thence North $84^{\circ}51'39''$ West, 177.71 feet to a point on a 19719
southerly line of West Lane Avenue, being 46.05 feet right of 19720
Station 46+85.00; 19721
32. North $2^{\circ}21'58''$ East, 46.05 feet to a point in the centerline 19722
of West Lane Avenue, being at Centerline Station 46+85.00; 19723
33. Along the centerline of West Lane Avenue, along the arc of a 19724
curve to the right, having a radius of 1762.95 feet, an arc length 19725
of 86.54 feet to a point of tangency, being at Centerline Station 19726

47+71.54, said arc being subtended by a chord bearing South	19727
86°13'40.0" East, a chord distance of 86.53 feet;	19728
34. South 84°49'18" East, along the centerline of West Lane	19729
Avenue, 201.33 feet to a point of curvature, being at Centerline	19730
Station 49+72.87;	19731
35. Along the centerline of West Lane Avenue, along the arc of a	19732
curve to the left, having a radius of 6250.45 feet, an arc length	19733
of 27.13 feet, said arc being subtended by a chord bearing South	19734
84°56'45.2" East, a chord distance of 27.13 feet, to the Place of	19735
Beginning, and containing 4.662 acres of land (1.066 acres of	19736
which is within an easement for the widening of West Lane Avenue	19737
of record in Deed Book 3464, Page 105, and 1.153 acres of which is	19738
within P.R.O., leaving a net take of 2.443 acres). A detail of the	19739
areas split from each Auditor's parcel is attached on the	19740
following page. The bearings for this description are based on a	19741
bearing of North 68°52'08" East from Franklin County control	19742
monument "ASTRO" to control monument "LANE" and are based on the	19743
NAD83 State Plane Coordinate System, Ohio South Zone.	19744
This description was prepared by ms consultants, inc. from an	19745
actual field survey (1995-1999) and existing records	19746
(B) The Governor is hereby authorized to execute a deed of	19747
easement in the name of the state conveying to the City of	19748
Columbus, and its successors and assigns, the following easements:	19749
PARCEL 1-S-1 (0.098 Ac.)	19750
LANE AVENUE	19751
SEWER EASEMENT	19752
Situated in the State of Ohio, County of Franklin, City of	19753
Columbus, Section 3, Township 1, Range 18, United States Military	19754
Lands, and being part of a 69 acre tract described in a deed to	19755
The State of Ohio, of record in Deed Book 616, Page 399, and being	19756

part of a 79.59 acre tract described in a deed to The State of Ohio, of record in Deed Book 428, Page 192, Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by ms consultants, inc. for the City of Columbus, said Parcel 1-S-1 being more particularly described as follows:

Commencing for Reference at centerline intersection of Olentangy River Road and West Lane Avenue, being at Centerline Station 50+00.00;

Thence easterly, along the centerline of West Lane Avenue, along the arc of a curve to the left, having a radius of 6250.45 feet, an arc distance of 135.01 feet, said arc being subtended by a chord bearing South 85°41'22" East, a chord distance of 135.00 feet, to a point of tangency, being at Centerline Station 51+35.01;

Thence South 86°18'28" East, continuing along the centerline of West Lane Avenue, a distance of 4.30 feet to a point, being at Centerline Station 51+39.31;

Thence South 3°41'32" West, a distance of 110.00 feet to a point within said 69 acre tract, being 110.00 feet right of Station 51+39.31, and being the True Place of Beginning;

Thence continuing within said 69 acre tract and said 79.59 acre tract the following 6 courses:

1. South 5°47'25" West, 59.12 feet to a point, being 169.08 feet right of Station 51+37.15;
2. South 42°43'05" East, 55.61 feet to a point, being 207.42 feet right of Station 51+77.43;
3. South 3°41'32" West, 41.42 feet to a point, being 248.84 feet right of Station 51+77.43;
4. North 42°43'05" West, 97.69 feet to a point, being 181.55 feet

right of Station 51+07.47; 19787

5. North 5°47'25" East, 71.54 feet to a point, being 110.05 feet 19788
right of Station 51+09.74; 19789

6. South 86°18'28" East, 30.02 feet to the True Place of 19790
Beginning, and containing 0.098 acres of land. 19791

The bearings for this description are based on a bearing of North 19792
68°52'08" East from Franklin County control monument "ASTRO" to 19793
control monument "LANE" and are based on the NAD83 State Plane 19794
Coordinate System, Ohio South Zone. 19795

This description was prepared by ms consultants, inc. from an 19796
actual field survey (1995-1999) and existing records. 19797

PARCEL 1-S-2 (0.181 Ac.) 19798

LANE AVENUE 19799

SEWER EASEMENT 19800

Situated in the State of Ohio, County of Franklin, City of 19801
Columbus, Section 3, Township 1, Range 18, United States Military 19802
Lands, and being part of a 5.04 acre tract described in a deed to 19803
The State of Ohio, of record in Deed Book 641, Page 242, 19804
Recorder's Office, Franklin County, Ohio, all stations and offsets 19805
reference the Centerline Survey Plat of Lane Avenue prepared by ms 19806
consultants, inc. for the City of Columbus, said Parcel 1-S-2 19807
being more particularly described as follows: 19808

Beginning for Reference at the centerline intersection of 19809
Olentangy River Road and West Lane Avenue, being at Centerline 19810
Station 50+00.00; 19811

Thence easterly, along the centerline of West Lane Avenue, along 19812
the arc of a curve to the left, having a radius of 6250.45 feet, 19813
an arc distance of 135.01 feet, said arc being subtended by a 19814
chord bearing South 85°41'22" East, a chord distance of 135.00 19815
feet, to a point of tangency, being at Centerline Station 19816

51+35.01; 19817

Thence South 86°18'28" East, continuing along the centerline of 19818
West Lane Avenue, a distance of 502.55 feet to a point, being at 19819
Centerline Station 56+37.56; 19820

Thence South 3°41'32" West, a distance of 53.00 feet to a point 19821
within said 5.04 acre tract, being 53.00 feet right of Station 19822
56+37.56, and being the True Place of Beginning; 19823

Thence continuing within said 5.04 acre tract the following 8 19824
courses: 19825

1. South 89°54'24" East, 35.61 feet to a point, being 50.87 feet 19826
right of Station 56+72.79; 19827
2. South 50°01'11" West, 56.05 feet to a point, being 89.47 feet 19828
right of Station 56+32.57; 19829
3. South 01°30'42" West, 80.00 feet to a point, being 169.41 feet 19830
right of Station 56+35.61; 19831
4. South 50°01'11" West, 170.43 feet to a point, being 287.10 feet 19832
right of Station 55+12.34; 19833
5. North 5°01'11" East, 42.43 feet to a point, being 244.68 feet 19834
right of Station 55+13.32; 19835
6. North 50°01'11" East, 126.91 feet to a point, being 157.05 feet 19836
right of Station 56+05.12; 19837
7. North 01°30'42" East, 69.35 feet to a point, being 87.74 feet 19838
right of Station 56+02.48; 19839
8. North 48°58'26" East, 49.38 feet to the True Place of 19840
Beginning, and containing 0.181 acres of land. 19841

The bearings for this description are based on a bearing of North 19842
68°52'08" East from Franklin County control monument "ASTRO" to 19843
control monument "LANE" and are based on the NAD83 State Plane 19844
Coordinate System, Ohio South Zone. 19845

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records.

PARCEL 1-S-3 (0.018 Ac.)

LANE AVENUE

TEMPORARY CONSTRUCTION EASEMENT

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being part of a 69 acre tract described in a deed to The State of Ohio, of record in Deed Book 616, Page 399, Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by ms consultants, inc. for the City of Columbus, said Parcel 1-S-3 being more particularly described as follows:

Beginning for Reference at the centerline intersection of Olentangy River Road and West Lane Avenue, being at Olentangy River Road Centerline Station 120+00.00;

Thence North 14°30'28" East, along the centerline of Olentangy River Road, a distance of 220.89 feet to a point of curvature, being at Centerline Station 122+20.89;

Thence northerly, along the centerline of Olentangy River Road, along the arc of a curve to the left, having a radius of 3819.72 feet, an arc distance of 300.53 feet, said arc being subtended by a chord bearing North 12°15'14" East, a chord distance of 300.46 feet, to a point of tangency, being at Centerline Station 125+21.43;

Thence North 9°59'59" East, continuing along the centerline of Olentangy River Road, a distance of 181.50 feet to a point, being at Centerline Station 127+02.93;

Thence North 80°00'01" West, a distance of 70.22 feet to a point within said 69 acre tract, on the westerly right-of-way line of

Olentangy River Road, being 70.22 feet left of Station 127+02.93, 19876
and being the True Place of Beginning; 19877

Thence continuing within said 69 acre tract the following 4 19878
courses: 19879

1. South 10°05'49" West, along the westerly right-of-way line of 19880
Olentangy River Road, 24.97 feet to a point, being 70.26 feet left 19881
of Station 126+77.96; 19882

2. South 63°18'30" West, 32.17 feet to a point, being 96.06 feet 19883
left of Station 126+58.74; 19884

3. North 26°41'30" West, 20.00 feet to a point, being 108.01 feet 19885
left of Station 126+74.77; 19886

4. North 63°18'30" East, 47.13 feet to the True Place of 19887
Beginning, and containing 0.018 acres of land. 19888

The bearings for this description are based on a bearing of North 19889
68°52'08" East from Franklin County control monument "ASTRO" to 19890
control monument "LANE" and are based on the NAD83 State Plane 19891
Coordinate System, Ohio South Zone. 19892

This description was prepared by ms consultants, inc. from an 19893
actual field survey (1995-1999) and existing records. 19894

(C) Consideration for the conveyance of the real estate 19895
described in division (A) of this section and for the conveyance 19896
of the easements described in division (B) of this section is the 19897
purchase price of \$1,480,000.00, which shall be paid by the City 19898
of Columbus in certain roadway enhancements as described in a real 19899
estate purchase contract dated May 12, 2003. 19900

(D) Upon completion of the roadway enhancements described in 19901
division (C) of this section, the Auditor of State, with the 19902
assistance of the Attorney General, shall prepare a deed to the 19903
real estate described in division (A) of this section and a deed 19904
to the easements described in division (B) of this section. The 19905

deeds shall state the consideration. The deeds shall be executed 19906
by the Governor in the name of the state, countersigned by the 19907
Secretary of State, sealed with the Great Seal of the State, 19908
presented in the Office of the Auditor of State for recording, and 19909
delivered to the City of Columbus. The City of Columbus shall 19910
present the deeds for recording in the Office of the Franklin 19911
County Recorder. 19912

(E) The City of Columbus shall pay the costs of the 19913
conveyances described in divisions (A) and (B) of this section. 19914

(F) This section expires one year after its effective date. 19915

Section 525.90. (A) The Governor is hereby authorized to 19916
execute a deed in the name of the state conveying to the City of 19917
Columbus, and its successors and assigns, all of the state's 19918
right, title, and interest in the following described real estate: 19919

PARCEL 7-WD (0.010 Ac.) 19920

Situated in the State of Ohio, County of Franklin, City of 19921
Columbus, Section 3, Township 1, Range 18, United States Military 19922
Lands, and being part of Lots 3, 4, 5, and 6 of the Jacob Weber 19923
Place subdivision, of record in Plat Book 17, Pages 28 and 29, 19924
said Lots 3, 4, 5, and 6 also being described in a deed to the 19925
State of Ohio, of record in Official Record 16902 B17, all records 19926
are on file in the Recorder's Office, Franklin County, Ohio, all 19927
stations and offsets reference the Centerline Survey Plat of Lane 19928
Avenue prepared by ms consultants, inc. for the City of Columbus, 19929
said Parcel 7-WD being more particularly described as follows: 19930

Beginning for Reference at the centerline intersection of Tuttle 19931
Park Place and West Lane Avenue, being at Centerline Station 19932
68+12.54; 19933

Thence North 86°20'57" West, along the centerline of West Lane 19934
Avenue, a distance of 119.68 feet to a point, being at Centerline 19935

Station 66+92.86; 19936

Thence North 3°39'03" East, a distance of 41.53 feet to a point at 19937
the southeast corner of said Lot 3, the southwest corner of Lot 2 19938
of said Jacob Weber Place subdivision, on the northerly line of 19939
West Lane Avenue, being 41.53 feet left of Station 66+92.86 19940
(witness an iron pin found 41.43' left of sta. 66+92.94), and 19941
being the True Place of Beginning; 19942

Thence North 86°17'18" West, along the southerly lines of said 19943
Lots 3, 4, 5, and 6, the northerly line of Lane Avenue, a distance 19944
of 184.44 feet to a point at the southwest corner of said Lot 6, 19945
the southeast corner of Lot 7 of said Jacob Weber Place 19946
subdivision, being 41.73 feet left of Station 65+08.41; 19947

Thence North 3°42'42" East, along the easterly line said Lot 7, 19948
the westerly line of said Lot 6, a distance of 2.27 feet to a 19949
point, being 44.00 feet left of Station 65+08.42; 19950

Thence South 86°20'57" East, passing through said Lots 3, 4, 5, 19951
and 6, a distance of 184.44 feet to a point on the easterly line 19952
of said Lot 3, on the westerly line of said Lot 2, being 44.00 19953
feet left of Station 66+92.86; 19954

Thence South 3°42'42" West, along the easterly line of said Lot 3, 19955
the westerly line of said Lot 2, a distance of 2.47 feet to the 19956
True Place of Beginning, and containing 0.010 acres of land. 19957

The bearings for this description are based on a bearing of North 19958
68°52'08" East from Franklin County control monument "ASTRO" to 19959
control monument "LANE" and are based on the NAD83 State Plane 19960
Coordinate System, Ohio South Zone. 19961

This description was prepared by ms consultants, inc. from an 19962
actual field survey (1995-1999) and existing records. 19963

(B) Consideration for the conveyance of the real estate 19964
described in division (A) of this section is the purchase price of 19965

\$10,575.00.

19966

(C) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Columbus. The City of Columbus shall present the deed for recording in the Office of the Franklin County Recorder.

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(D) The City of Columbus shall pay the costs of the conveyance described in division (A) of this section.

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(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.

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(F) This section expires one year after its effective date.

19982

Section 527.10. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to a purchaser or purchasers, and the purchaser's or purchasers' successors and assigns or heirs and assigns, the state's right, title and interest in the following described real estate:

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Real estate situated in the County of Union, State of Ohio, and in the Township of Paris, and bounded and described as follows:

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Being part of Survey No. 3354, and bounded and described as follows:

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19991

Beginning at a point in the center of the Marysville Milford Center Road (State Routes Nos. 4 and 36), point being the northerly corner of the Golda Dennis 0.50 acre tract; thence with the center line of said road North 44° 30' East 470.6 feet to a

19992
19993
19994
19995

point; thence South 45° 30' East (passing over an iron pin at 30 feet) 388.8 feet to an iron pin; thence South 11° 18' West 283.5 feet to an iron pin; thence South 84° 03' West 317.2 feet to an 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. 19996
19997
19998
19999
20000
20001

Containing 4.988 acres, more or less, but subject to the legal road right of way. 20002
20003

Being a part of Tract I described in Union County Deed Record Volume 139 page 309. 20004
20005

LAST DEED REFERENCE: VOLUME 206 PAGE 325, RECORDS OF UNION COUNTY, OHIO. 20006
20007

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$230,000.00. 20008
20009
20010

(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. 20011
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(D) The purchaser or purchasers shall pay the costs of the conveyance of the real estate described in division (A) of this section. 20021
20022
20023

(E) The net proceeds from the sale of the real estate described in division (A) of this section shall be deposited in 20024
20025

the Ohio State University General Fund.	20026
(F) This section expires one year after its effective date.	20027
Section 527.20. (A) The Governor is hereby authorized to	20028
execute a deed in the name of the state conveying jointly to the	20029
Village of Apple Creek and the Board of Township Trustees of East	20030
Union Township, Wayne County, all of the state's right, title, and	20031
interest in the following described real estate:	20032
Parcel One	20033
Situated in the Township of East Union, County of Wayne, State of	20034
Ohio and known as being a part of the Southeast and Southwest	20035
Quarters of Section 16 and the Northeast and Northwest Quarters of	20036
Section 21, T-16N; R-12W, also known as being a part of lands	20037
conveyed to the State of Ohio in Volume 207, Page 223; Volume 207,	20038
Page 224; Volume 207, Page 228; Volume 207, Pages 226-227; and	20039
Volume 206, Page 454, of Wayne County Deed Records and further	20040
bounded and described as follows:	20041
Beginning at a 1" pipe found at the northwest corner of the	20042
Northwest Quarter of Section 21:	20043
1) Thence N 89° 19' 38" E along the section line and the southerly	20044
line of lands conveyed to Oris Earl and Dorothy Ellen Steiner	20045
in Volume 545; Page 386 of Wayne County Deed Records a	20046
distance of 1363.52 feet to a 1 1/2" pipe found at the	20047
southeast corner of Steiner;	20048
2) Thence N 00° 20' 53" E along the easterly line of said Steiner	20049
a distance of 70.00 feet to a 1" pipe found;	20050
3) Thence S 89° 49' 28" E, 809.75 feet to a 5/8" rebar with I.D.	20051
cap marked "S.J.L., INC." set on the westerly line of lands	20052
conveyed to Wayne County in Volume 720; Page 772 of Wayne	20053
County Deed Records;	20054
4) Thence S 00° 40' 22" E along the westerly line of said Wayne	20055

County a distance of 58.00 feet to a rebar over a stone found	20056
on the section line;	20057
5) Thence S 00° 40' 21" E along the westerly line of said Wayne	20058
County a distance of 240.00 feet to a 5/8" rebar found at the	20059
southwest corner thereof;	20060
6) Thence N 89° 18' 59" E along the southerly line of said Wayne	20061
County a distance of 550.13 feet to a 5/8" rebar found at the	20062
southeast corner;	20063
7) Thence N 00° 59' 39" E along the easterly line of said Wayne	20064
County a distance of 240.00 feet to a rebar over a stone	20065
found on the section line;	20066
8) Thence N 00° 23' 47" W along the easterly line of said Wayne	20067
County a distance of 113.44 feet to a 1" pipe found;	20068
9) Thence N 89° 18' 10" E along the southerly line of said Wayne	20069
County a distance of 521.12 feet to a 1" pipe found at the	20070
southeasterly corner thereof;	20071
10) Thence N 00° 36' 26" E along the easterly line of said Wayne	20072
County a distance of 150.61 feet to a 1" pipe found;	20073
11) Thence S 89° 00' 00" E along the southerly line of said Wayne	20074
County a distance of 291.03 feet to a 1" pipe found on the	20075
westerly line of lands conveyed to the Wayne County Fire	20076
Rescue Association in Volume 663; Page 123 of Wayne County	20077
Deed Records;	20078
12) Thence S 17° 31' 23" W along the westerly line of said Wayne	20079
County Fire Rescue Association and passing through a 5/8"	20080
rebar found at 268.87 feet on the section line a total	20081
distance of 662.32 feet to a 5/8" rebar found;	20082
13) Thence S 62° 13' 08" E, 51.88 feet to a 5/8" rebar found;	20083
14) Thence S 05° 53' 22" W along the westerly line of said Wayne	20084
County Fire Rescue Association a distance of 466.73 feet to a	20085

5/8" rebar found at a southwesterly corner thereof;	20086
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;	20087 20088 20089
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;	20090 20091 20092
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;	20093 20094
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;	20095 20096
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;	20097 20098
20) Thence N 00° 01' 05" E, 274.73 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20099 20100
21) Thence S 86° 58' 55" W, 695.35 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of curvature;	20101 20102
22) Thence northwesterly 166.81 feet along the arc of a curve deflecting to the right, said curve having a radius of 257.00 feet, a central angle of 37° 11' 20" and a chord which bears N 74° 25' 25" W, 163.90 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of reverse curve;	20103 20104 20105 20106 20107
23) Thence northwesterly 60.37 feet along the arc of a curve deflecting to the left, said curve having a radius of 515.54 feet, a central angle of 06° 42' 35" and a chord which bears N 59° 11' 02" W, 60.34 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;	20108 20109 20110 20111 20112
24) Thence N 62° 32' 20" W, 267.57 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of curvature;	20113 20114

- 25) Thence northwesterly 129.18 feet along the arc of a curve 20115
deflecting to the right, said curve having a radius of 219.70 20116
feet, a central angle of $33^{\circ} 41' 22''$ and a chord which bears 20117
N $45^{\circ} 41' 38''$ W, 127.33 feet to a 5/8" rebar with I.D. cap 20118
marked "S.J.L., INC." set at a point of reverse curve; 20119
- 26) Thence northwesterly 225.18 feet along the arc of a curve 20120
deflecting to the left, said curve having a radius of 932.78 20121
feet a central angle of $13^{\circ} 49' 53''$ and a chord which bears N 20122
 $35^{\circ} 45' 54''$ W, 224.63 feet to a 5/8" rebar with I.D. cap 20123
marked "S.J.L., INC." set at a point of compound curve; 20124
- 27) Thence northwesterly 375.09 feet along the arc of a curve 20125
deflecting to the left, said curve having a radius of 267.00 20126
feet, a central angle of $80^{\circ} 29' 25''$ and a chord which bears 20127
N $82^{\circ} 55' 33''$ W, 345.00 feet to a 5/8" rebar with I.D. cap 20128
marked "S.J.L., INC." set at a point of reverse curve; 20129
- 28) Thence southwesterly 306.27 feet long the arc of a curve 20130
deflecting to the right, said curve having a radius of 20131
1179.00 feet, a central angle of $14^{\circ} 53' 02''$ and a chord 20132
which bears S $64^{\circ} 16' 16''$ W, 305.41 feet to a 5/8" rebar with 20133
I.D. cap marked "S.J.L., INC." set; 20134
- 29) Thence S $71^{\circ} 42' 47''$ W, 525.58 feet to a monument spike set on 20135
the section line and centerline of Apple Creek Road (C.R. 20136
44); 20137
- 30) Thence N $00^{\circ} 00' 03''$ W along the section line and centerline 20138
of Apple Creek Road a distance of 1479.67 feet to the place 20139
of beginning and containing within said bounds 130.822 acres 20140
of land of which 1.191 acres are in the Southwest Quarter of 20141
Section 16, 2.861 acres are in the Southeast Quarter of 20142
Section 16, 35.159 acres are in the Northeast Quarter of 20143
Section 21 and 91.611 acres are in the Northwest Quarter of 20144
Section 21, more or less, and subject to all legal highways 20145

and easements of record. 20146

This description was prepared by Virgil D. Landis, P.S. #6551 from 20147
a survey made in April of 2000 by Shaffer, Johnston, Lichtenwalter 20148
& Associates, Inc. Bearings are based on the Section line between 20149
Sections 16 and 21, bearing N 89° 19' 38" E according to record 20150
survey "EE"-429. 20151

See Survey "QQ" Page 528. 20152

Excepting therefrom the following described parcel: 20153

Situated in the Township of East Union, County of Wayne, State of 20154
Ohio and being known as being a part of the Northeast Quarter of 20155
Section 21, T-16N, R-12W and also a part of lands of the State of 20156
Ohio as recorded in Official Record 207, Page 224 and being 20157
further bounded and described as follows: 20158

Commencing at an iron pin and stone found marking the northeast 20159
corner of the Northeast Quarter of Section 21; 20160

Thence S 86°05'34" W, 855.22 feet with the north line of said 20161
Quarter Section to a 5/8" rebar found on the east line of lands of 20162
The Wayne County Fire Rescue Assoc. as recorded in Volume 663, 20163
Page 123; 20164

Thence continuing S 86°05'34"W, 1147.11 feet to a 5/8" rebar found 20165
on the easterly line of the Grantor; 20166

Thence S 14°18'47"W, 388.24 feet with the west line of the Grantor 20167
to a 5/8" rebar found and being the principal place of beginning 20168
of the parcel herein described; 20169

1) Thence S 65°08'56"E with a northerly line of the Grantor a 20170
distance of 50.85 feet to a 5/8" rebar found; 20171

2) Thence S 02°40'46"W with an easterly line of the Grantor a 20172
distance of 471.99 feet to a 5/8" rebar found; 20173

3) Thence N 88°30'30"E, 327.08 feet with a northerly line of the 20174

Grantor a 5/8" rebar found;	20175
4) Thence S 01°32'02"E, 442.22 feet with an easterly line of the Grantor to a 5/8" rebar found;	20176 20177
5) Thence S 85°51'29"W, 205.84 feet to a 5/8" rebar and cap set;	20178
6) Thence N 07°14'47"W, 112.61 feet to a 5/8" rebar and cap set;	20179
7) Thence N 85°10'27"W, 150.74 feet to a 5/8" rebar and cap set;	20180
8) Thence N 02°28'35"E, 773.07 feet to a 5/8" rebar and cap set;	20181
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.	20182 20183 20184
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.	20185 20186 20187
Survey "SS"-779.	20188
Meaning to convey 127.350 acres	20189
Parcel No. 27-01866.000, 27-01867.000, 27-01876.000, 27-_____.	20190 20191
Parcel Two	20192
Situated in the Township of East Union, County of Wayne and State of Ohio and known as being a part of the southwest quarter of Section 21 and a part of the northwest quarter of Section 28, T-16N; R-12W and being further bounded and described as follows:	20193 20194 20195 20196
Commencing at an iron pin found at the southwest corner of the southwest quarter of Section 21; thence N 89°42'44" E along the section line a distance of 691.84 feet to an iron pin set on the easterly line of the Apple Creek Cemetery and the principal place of beginning of the parcel herein described;	20197 20198 20199 20200 20201
1) Thence N 0°17'16" W, 70.85 feet to an iron pipe found;	20202

2) Thence N 89°42'44" E 76.56 feet to an iron pipe found;	20203
3) Thence N 01°17'16" W, 70.62 feet to an iron pipe found at the northeast corner of said cemetery;	20204 20205
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;	20206 20207
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;	20208 20209 20210
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;	20211 20212 20213
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.	20214 20215 20216 20217 20218
Survey "JJ"-200.	20219
Prior conveyance: Wayne County Deed Vol. 207, Pages 220, 228.	20220
Parcel No. 27-01877.003, 27-01877.000	20221
(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.	20222 20223 20224 20225 20226 20227
(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	20228 20229 20230 20231 20232

Trustees of East Union Township, Wayne County. 20233

(D) The deed described in division (E) of this section shall 20234
be subject to the following restrictions: 20235

(1) Until June 1, 2018, the Village of Apple Creek and the 20236
Board of Township Trustees of East Union Township, Wayne County, 20237
shall limit their usage, conveyance, or lease of the real estate 20238
described in division (A) of this section to a public purpose 20239
recognized by the Internal Revenue Service. 20240

(2) If the Village of Apple Creek or the Board of Township 20241
Trustees of East Union Township, Wayne County, breaches the 20242
restriction set forth in division (D)(1) of this section, they 20243
shall pay to the state a sum equal to the balance of the capital 20244
bond indebtedness of the Ohio Department of Mental Retardation and 20245
Developmental Disabilities for the Apple Creek Developmental 20246
Center that, at the time of the breach and as determined by the 20247
Office of Budget and Management, is attributable to the real 20248
estate described in division (A) of this section. 20249

(E) Upon payment of the purchase price, the Auditor of State, 20250
with the assistance of the Attorney General, shall prepare a deed 20251
to the real estate described in division (A) of this section. The 20252
deed shall state the consideration and the restrictions described 20253
in division (D) of this section. The deed shall be executed by the 20254
Governor in the name of the state, be countersigned by the 20255
Secretary of State, sealed with the Great Seal of the State, and 20256
presented for recording in the Office of the Auditor of State. The 20257
Village of Apple Creek and the Board of Township Trustees of East 20258
Union Township, Wayne County, shall present the deed for recording 20259
in the Office of the Wayne County Recorder. 20260

(F) The Village of Apple Creek and the Board of Township 20261
Trustees of East Union Township, Wayne County, shall pay the 20262
recordation and all other costs of the conveyance of the real 20263

estate described in division (A) of this section. 20264

(G) The net proceeds of the sale of the real estate described 20265
in division (A) of this section shall be deposited in the state 20266
treasury to the credit of Fund 33 Mental Health Improvement Fund. 20267

(H) This section expires one year after its effective date. 20268

Section 527.30. (A) The Governor is hereby authorized to 20269
execute a deed in the name of the state conveying to the Three 20270
Rivers Fire District, and its successors and assigns, all of the 20271
state's rights, title, and interest in the following described 20272
real estate: 20273

Situated in the Township of Keene, County of Coshocton, State of 20274
Ohio, and being 3.440 acres, more or less, in Lot 19, Plat of 20275
Hamilton's Section, DR 6, page 62, in the Fourth Quarter, Township 20276
6 North, Range 6 West, United States Military Lands, conveyed to 20277
the State of Ohio, DR 283-536 (part), Parcel No. 017-09400062-00 20278
(part), and being more particularly described as follows: 20279

Commencing at a point at Station 111+50, Cos-36-20.74 R/W Plan, 20280
Limited Access, Plat Book 3, page 43; 20281

Thence, N. 13°03'14" E. a distance of 125.00' to a 5/8" rebar set 20282
on the North Line of said Limited Access, said rebar being the 20283
TRUE POINT OF BEGINNING: 20284

Thence, through the property of State of Ohio, DR 283-536 and with 20285
the North Line of said Limited Access, N. 80° 24' 39" W. a 20286
distance of 24.20 to a 5/8" rebar set; 20287

Thence, continuing through the property of State of Ohio, DR 20288
283-536, the following 3 courses: 20289

1. thence, N. 10° 55' 32" E. a distance of 76.65' to a 5/8" rebar 20290
set; 20291
2. thence, N. 69° 10' 06" E. a distance of 746.20' to a 5/8" rebar 20292

set; 20293

3. thence, S. 88° 51' 07" E. a distance of 130.41' to a 5/8" rebar set on the West right-of-way of State Road 621; 20294
20295

Thence, continuing through the property of State of Ohio, Dr 20296
283-536, and with the West right-of-way line of State Road 621, S 20297
44° 44' 18" W. a distance of 461.28' to a 5/8" rebar set; 20298

Thence, continuing through the property of State of Ohio, DR 20299
283-536, and with the North line of said Limited Access, the 20300
following 2 courses: 20301

1. thence, S. 74° 02' 13" W. a distance of 296.88' to a 5/8" rebar set; 20302
20303

2. thence, N. 72° 06' 38" W. a distance of 218.95' to the TRUE 20304
POINT OF BEGINNING, containing 3.440 acres, more or less, and is 20305
subject to all easement, rights-of-way, or restrictions, whether 20306
recorded or implied. 20307

Bearings are based on Plat Book 3, page 43 and are for angular 20308
calculations only. 20309

Prior Instrument Reference: Deed Book 283, page 536 20310

Parcel Number: 017-09400062-00 20311

(B) Consideration for the conveyance of the real estate 20312
described in division (A) of this section shall be a purchase 20313
price based upon an appraisal and be approved by the Board of 20314
Trustees of The Ohio State University. The Board of Trustees shall 20315
cause the real estate to be appraised by one or more disinterested 20316
persons at a fee determined by the Board of Trustees. Upon the 20317
Board of Trustees' approval of the appraised value, the Board of 20318
Trustees shall notify the Three Rivers Fire District in writing of 20319
the purchase price for the real estate. 20320

(C) Upon the Three Rivers Fire District's payment of the 20321
purchase price as determined in accordance with division (B) of 20322

this section for the real estate described in division (A) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Three Rivers Fire District. The Three Rivers Fire District shall present the deed for recording in the Office of the Coshocton County Recorder.

(D) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in The Ohio State University's Endowment Fund for the Ohio Agricultural Research and Development Center.

(E) The Three Rivers Fire District shall pay the costs of conveying the real estate described in division (A) of this section, including advertising costs, appraisal fees, and other costs incident to the sale of the real estate.

(F) This section expires one year after its effective date.

Section 527.40. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Board of Education of the Columbus City School District, and its successors and assigns, all of the state's right, title, and interest in the following described real estate that was intended to have been conveyed to the Board of Education of the Columbus City School District, but was omitted from the description of certain of the real estate conveyed [Parcel No. 21302 (Parcel 1); Instrument No. 200601240015294 in the Office of the Franklin County Recorder] to the Board of Education of the Columbus City School District, in Section 6 of Sub. H.B. 139 of the 126th General Assembly:

Situated in the County of Franklin, in the State of Ohio, and 20353
in the City of Columbus: 20354

Together with all right, title and interest in and to the 20355
(Ten) 10 foot alley vacated by the City of Columbus Ordinance No. 20356
70-54, passed February 8, 1954. 20357

Contained within Parcel No. 21302 20358

(B) The Auditor of State, with the assistance of the Attorney 20359
General, shall prepare a deed to the real estate described in 20360
division (A) of this section. The deed shall be executed by the 20361
Governor in the name of the state, countersigned by the Secretary 20362
of State, sealed with the Great Seal of the State, and presented 20363
for recording in the Office of the Auditor of State. The Board of 20364
Education of the Columbus City School District shall present the 20365
deed for recording in the Office of the Franklin County Recorder. 20366

(C) This section expires one year after its effective date. 20367

Section 527.50. (A) The Governor is hereby authorized to 20368
execute a deed in the name of the state conveying to a purchaser 20369
or purchasers, and the purchaser's or purchasers' heirs and 20370
assigns or successors and assigns, all of the state's right, 20371
title, and interest in the following described real estate: 20372

A parcel of land in the northwest quarter and northeast 20373
quarter of Section 16, Town 3, United States Reserve in the City 20374
of Toledo, Lucas County, Ohio, and being Lot 7 of the Lucas County 20375
Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, 20376
Page 23, Lucas County Recorder's Office. 20377

Commencing at the north quarter corner of said Section 16; 20378

thence North 90 degrees 00 minutes 00 seconds West a distance 20379
of 33.79 feet along the north line of said Section 16, same being 20380
the centerline of Arlington Avenue, as it now exists, to the 20381
centerline of Detroit Avenue, as it now exists; 20382

thence South 26 degrees 18 minutes 17 seconds West a distance 20383
of 1332.31 feet along the said centerline of Detroit Avenue, as it 20384
now exists, to the intersection of said centerline of Detroit 20385
Avenue, as it now exists, with the westerly extension of a 20386
southerly line of said Lucas County Senior Citizens Complex Plat 20387
1; 20388

thence South 89 degrees 31 minutes 02 seconds East a distance 20389
of 55.55 feet along the westerly extension of a southerly line of 20390
said Lucas County Senior Citizens Complex Plat 1, to the easterly 20391
existing right of way line of Detroit Avenue, as it now exists, 20392
said point being a southwesterly corner of said Lucas County 20393
Senior Citizens Complex Plat 1; 20394

thence continuing South 89 degrees 31 minutes 02 seconds East 20395
a distance of 339.49 feet along a southerly line of said Lucas 20396
County Senior Citizens Complex Plat 1 to a point of deflection in 20397
said line; 20398

thence South 29 degrees 34 minutes 55 seconds East a distance 20399
of 248.26 feet along a southwesterly line of said Lucas County 20400
Senior Citizens Complex Plat 1 to a point of deflection in said 20401
line; 20402

thence North 60 degrees 25 minutes 05 seconds East a distance 20403
of 60.00 feet along a southeasterly line of said Lucas County 20404
Senior Citizens Complex Plat 1, to the southerly most corner of 20405
said Lot 7, said point being the TRUE POINT OF BEGINNING; 20406

thence North 29 degrees 34 minutes 55 seconds West a distance 20407
of 94.65 feet along a southwesterly line of said Lot 7, same being 20408
the easterly existing right of way line of Garden Lake Parkway, as 20409
it now exists, to a point; 20410

thence North 00 degrees 07 minutes 29 seconds East a distance 20411
of 102.88 feet along a westerly line of said Lot 7, same being an 20412
easterly line of a parcel of land owned by the State of Ohio as 20413

shown on said plat, to a corner of said Lot 7; 20414

thence North 89 degrees 31 minutes 02 seconds West a distance 20415
of 57.44 feet along a southerly line of said Lot 7, same being a 20416
northerly line of said parcel owned by the State of Ohio, to a 20417
corner of said Lot 7; 20418

thence northerly along a westerly line of said Lot 7, same 20419
being the easterly existing right of way line of Garden Lake 20420
Parkway, as it now exists, along a curve to the right having a 20421
radius of 120.82 feet, a central angle of 47 degrees 34 minutes 48 20422
seconds, an arc distance of 100.33 feet to a point of tangency, 20423
said curve having a chord direction of North 02 degrees 30 minutes 20424
52 seconds East and a chord length of 97.47 feet; 20425

thence North 26 minutes 18 minutes 17 seconds East a distance 20426
of 41.80 feet along a northwesterly line of said Lot 7 and 20427
easterly existing right of way line of Garden Lake Parkway, as it 20428
now exists, to a northwesterly corner of said Lot 7; 20429

thence South 63 degrees 41 minutes 43 seconds East a distance 20430
of 140.74 feet along a northerly line of said Lot 7, same being a 20431
southerly line of Lot 8 in said Lucas County Senior Citizens 20432
Complex Plat 1, to a corner of said Lot 7; 20433

thence North 44 degrees 56 minutes 46 seconds East a distance 20434
of 191.26 feet along an easterly line of said Lot 7, same being a 20435
southerly line of said Lot 8, to a northerly corner of said Lot 7; 20436

thence South 45 degrees 03 minutes 14 seconds East a distance 20437
of 262.84 feet along a northerly line of said lot 7, same being a 20438
southerly line of said Lot 8, to the northeasterly corner of said 20439
Lot 7; 20440

thence South 60 degrees 25 minutes 05 seconds West a distance 20441
of 421.04 feet along a southeasterly line of said Lot 7, same 20442
being a southeasterly line of said Lucas County Senior Citizens 20443

Complex Plat 1, to the TRUE POINT OF BEGINNING. 20444

The above described parcel contains 2.138 acres, more or less 20445
and is currently known as Lucas County Auditor's Number 09-85811 20446
and is subject to any and all leases, easements or restrictions of 20447
record. 20448

This description was prepared by Steven E. Anello and 20449
reviewed by Kenneth E. Ducat, Professional Surveyor Number 6783, 20450
DGL CONSULTING ENGINEERS, LLC, on September 21, 2006. 20451

The above description is based on the plat of Lucas County 20452
Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, 20453
Page 23, Lucas County Recorder's Office. Bearings in this 20454
description are based on those shown on said plat and are used 20455
only for the purpose of describing angular measurements. 20456

(B) The Board of Trustees of the University of Toledo shall 20457
negotiate with any potential purchaser or purchasers of the real 20458
estate described in division (A) of this section and, in 20459
accordance with Chapter 3364. and any other applicable sections of 20460
the Revised Code and subject to division (C) of this section, 20461
contract for the sale and conveyance of that real estate to the 20462
grantee or grantees selected by the Board of Trustees. 20463

(C) Consideration for the conveyance of the real estate 20464
described in division (A) of this section shall be a purchase 20465
price that is determined by the Board of Trustees of the 20466
University of Toledo, but that is at least equal in amount to the 20467
appraised value of the real estate as approved by the Board of 20468
Trustees. The Board of Trustees shall cause the real estate to be 20469
appraised by one or more disinterested persons at a fee determined 20470
by the Board of Trustees. Upon the Board of Trustees' approval of 20471
the appraised value, the Board of Trustees shall notify the 20472
potential grantee or grantees of the real estate in writing of the 20473
purchase price for the real estate. 20474

(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 otherwise specified in the contract for the sale and conveyance of the real estate described in division (A) of this section, the Board of Trustees of the University of Toledo shall pay the costs of the conveyance of the real estate. The grantee or grantees of the real estate shall pay the appraisal fee for the real estate.

(G) This section shall expire one year after its effective date.

Section 527.60. That Section 4 of Sub. H.B. 139 of the 126th General Assembly is hereby repealed.

Section 606.03. The items of law of which the sections of law contained in this act are composed, and their applications, are independent and severable. If any item of law that constitutes the whole or part of a section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a section of law contained in this act, is held invalid, the

invalidity does not affect other items of law or applications of 20505
items of law that can be given effect without the invalid item of 20506
law or application. 20507

Section 609.03. An item of law that composes the whole or 20508
part of a section of law contained in this act that makes, or that 20509
provides for funding of, an appropriation or reappropriation of 20510
money has no effect after June 30, 2008, unless its context 20511
clearly indicates otherwise. 20512

Section 612.03. Except as otherwise specifically provided in 20513
this act, the amendment or enactment of the sections of law 20514
contained in this act, and the items of law of which the 20515
amendments or enactments are composed, are subject to the 20516
referendum. Therefore, under Ohio Constitution, Article II, 20517
Section 1c and section 1.471 of the Revised Code, the amendments 20518
or enactments, and the items of law of which the amendments or 20519
enactments are composed, take effect on the ninety-first day after 20520
this act is filed with the Secretary of State. If, however, a 20521
referendum petition is filed against any such amendment or 20522
enactment, or against any item of law of which any such amendment 20523
or enactment is composed, the amendment or enactment, or item, 20524
unless rejected at the referendum, takes effect at the earliest 20525
time permitted by law. 20526

Section 615.03. The amendment or enactment by this act of the 20527
sections of law listed in this section, and the items of law of 20528
which the amendments or enactments are composed, are not subject 20529
to the referendum. Therefore, under Ohio Constitution, Article II, 20530
Section 1d and section 1.471 of the Revised Code, the amendments 20531
or enactments, and the items of law of which the amendments or 20532
enactments are composed, go into immediate effect when this act 20533
becomes law. 20534

Sections 121.482, 3333.34, 3706.01, 5111.88, 5727.84, and 20535
5919.31 of the Revised Code. 20536

The version of section 5502.62 of the Revised Code resulting 20537
from Section 101.01 of this act. 20538

Sections 203.12.06, 203.24, 203.27, 203.57, 203.81, 203.99, 20539
206.33, 206.66.06, 209.54, 209.63, 209.63.03, 209.63.30, 209.93, 20540
and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly. 20541

Sections 110.07, 110.08, 110.09, 235.60.70, 401.10, 401.11, 20542
405.10, 405.11, 405.16, 405.17, 411.10, 411.11, 501.10, 501.20, 20543
503.10, 507.10, 507.20, 509.10, 511.10, and 513.10 of this act. 20544

Sections 615.03, 615.09, and 623.03 of this act. 20545

Section 615.09. The amendment or enactment by this act of the 20546
sections of law listed in this section are not subject to the 20547
referendum. Therefore, under Ohio Constitution, Article II, 20548
Section 1d and section 1.471 of the Revised Code, the amendments 20549
or enactments, and the items of law of which amendments or 20550
enactments are composed, go into effect as specified in this 20551
section. 20552

Section 4919.76 of the Revised Code takes effect January 1, 20553
2007. 20554

The version of section 5502.62 of the Revised Code resulting 20555
from Sections 110.07 and 110.08 of this act takes effect April 1, 20556
2007. 20557

Section 618.03. The amendment or enactment by this act of the 20558
sections of law listed in this section provides for or is 20559
essential to implementation of a tax levy. Therefore, under Ohio 20560
Constitution, Article II, Section 1d, the amendments and 20561
enactments, and the items of which the amendments and enactments 20562
are composed, are not subject to the referendum and go into 20563

immediate effect when this act becomes law. 20564

Sections 133.07, 133.08, 133.20, 307.695, 5701.11, 5709.083, 20565
5739.09, 5748.01, 5748.021, and 5748.081 of the Revised Code. 20566

Section 618.03 of this act. 20567

Section 619.03. The amendments by this act to section 340.03 20568
of the Revised Code are subject to the referendum. Therefore, 20569
under Ohio Constitution, Article II, Section 1c and section 1.471 20570
of the Revised Code: 20571

(A) Except as specified in division (B) of this section, the 20572
amendments take effect on the ninety-first day after this act is 20573
filed with the Secretary of State. 20574

(B) The amendments to division (A)(1)(c) of section 340.03 of 20575
the Revised Code beginning with the strike through of 20576
"Eligibility" and continuing through the third paragraph of that 20577
division created by the amendments and the amendments to division 20578
(A)(8)(a) of section 340.03 of the Revised Code take effect July 20579
1, 2007. 20580

If, however, a referendum petition is filed against any of 20581
the amendments, the amendment, unless rejected at the referendum, 20582
goes into effect at the earliest time permitted by law that is on 20583
or after the effective date specified by this section. 20584

Section 619.06. The amendments of section 5119.611 of the 20585
Revised Code are subject to the referendum. Therefore under Ohio 20586
Constitution, Article II, Section 1c and section 1.471 of the 20587
Revised Code, the amendments take effect July 1, 2007. If however, 20588
a referendum petition is filed against any of the amendments, the 20589
amendment, unless rejected at the referendum, goes into effect at 20590
the earliest time permitted by law that is on or after the 20591
effective date specified by this section. 20592

Section 621.03. The amendment of section 101.83 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

Section 621.06. The enactment of section 5533.75 of the Revised Code by this act is intended to supersede the enactment of section 5533.75 of the Revised Code by Am. Sub. S.B. 114 of the 126th General Assembly, because section 5533.75 of the Revised Code, as enacted by this act, contains similar provisions relating to the naming of a memorial highway.

Section 623.03. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 131.02 of the Revised Code as amended by both Sub. H.B. 390 and Am. Sub. H.B. 530 of the 126th General Assembly.

Section 5126.0210 of the Revised Code as amended by both Am. Sub. S.B. 10 and Sub. S.B. 107 of the 126th General Assembly.

Section 181.52 (5502.62) of the Revised Code as amended by both Sub. H.B. 4 and Am. Sub. H.B. 66 of the 126th General Assembly.

Section 209.63 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by both Sub. H.B. 478 and Am. Sub. H.B. 530 of the 126th General Assembly.

The finding in this section takes effect at the same time as the section referenced in the finding takes effect.