

AN ACT

To amend 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; to enact sections 121.482, 184.191, 3333.34, 5533.75, 5709.083, 5713.051, 5748.021, and 5748.081 of the Revised Code; to amend Section 206.09.84 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended, and to amend Section 206.09.84 of Am. Sub. H.B. 66 of the

126th General Assembly, for the purpose of codifying it as section 3310.41 of the Revised Code; to amend Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly; to amend Sections 203.12.06, 203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly; to amend Sections 203.27, 203.99, 209.63, and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; to amend Sections 243.10 and 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly; to amend Section 10 of Am. Sub. S.B. 250 of the 123rd General Assembly; to repeal Section 4 of Sub. H.B. 139 of the 126th General Assembly; and to amend the version of section 5502.62 of the Revised Code that is scheduled to take effect April 1, 2007, to make capital and other appropriations and to provide authorization and conditions for the operation of state programs.

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

SECTION 101.01. That sections 3.21, 3.23, 5.10, 9.37, 101.34, 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 ~~he~~ the person deems binding on ~~his~~ the person's conscience.

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

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

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

"I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of Ohio, will administer justice without respect to persons, and will faithfully and impartially discharge and perform

all of the duties incumbent upon me as (name of office) according to the best of my ability and understanding. [This I do as I shall answer unto God.]"

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

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

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

- (A) Permit publication of a reproduction of the great seal of the state of Ohio;
- (B) Aid educational or historical programs;
- (C) Promote the economic or cultural development of the state in a manner deemed appropriate by the governor.

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

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

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

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

(Insert the name of the proper county.)

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

The seal of the secretary of state shall consist of the coat of arms of the

state within a circle one and one-fourth inches in diameter and shall be surrounded by the words "THE SEAL OF THE SECRETARY OF STATE OF OHIO."

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

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

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

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

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

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

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

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

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

public official is permitted or required by law in the performance of official duties to make by issuing a check or warrant.

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

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

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

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

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

In the first regular session of each general assembly, the speaker of the house of representatives shall appoint the chairperson of the committee from among the house members of the committee, and the president of the senate shall appoint the vice-chairperson of the committee from among the senate

members of the committee. In the second regular session of each general assembly, the president of the senate shall appoint the chairperson of the committee from among the senate members of the committee, and the speaker of the house of representatives shall appoint the vice-chairperson of the committee from among the house members of the committee. The chairperson, vice-chairperson, and members of the committee shall serve until their respective successors are appointed or until they are no longer members of the general assembly.

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

(B) The joint legislative ethics committee:

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

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

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

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

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

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

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

(8) Shall act as an advisory body to the general assembly and to individual members, candidates, and employees on questions relating to

ethics, possible conflicts of interest, and financial disclosure;

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

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

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

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

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

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

(F)(1) Any file obtained by or in the possession of the former house ethics committee or former senate ethics committee shall become the property of the joint legislative ethics committee. Any such file is

confidential if either of the following applies:

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

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

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

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

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

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

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

(B) In addition to the initial registration statement required by division (A) of this section, each legislative agent 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 bills or resolutions on which the agent actively advocated under that engagement during the period covered by the updated statement, and with it any statement of expenditures required to be filed by section 101.73 of the Revised Code and any details of financial transactions required to be filed by section 101.74 of the Revised Code.

(C) If a legislative agent is engaged by more than one employer, the agent shall file a separate initial and updated registration statement for each engagement. If an employer engages more than one legislative agent, 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 legislative agents engaged by the employer.

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

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

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

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

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

(G) The executive director of the joint committee shall be responsible for reviewing each registration statement filed with the joint committee under this section and for determining whether the statement contains all of the 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 than four years after its creation, unless the agency is renewed in accordance with division (D) of this section. An agency created after January 1, 2005, that is created on any other date shall be considered for the purpose of this section to have been created on the preceding thirty-first day of December, and the agency shall expire not later than four years after the date it was considered to have been created, unless the agency is renewed in accordance with division (D) of this section. Any act creating or renewing an agency shall contain a distinct section providing a specific expiration date for the agency in accordance with this division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

under this section during the preceding year.

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

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

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

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

(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.

(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.

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.

(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.

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

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

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

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

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

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

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

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

Sec. 121.62. (A) Each executive agency lobbyist and each employer

shall file with the joint legislative ethics committee, within ten days following the engagement of an executive agency lobbyist, an initial registration statement showing all of the following:

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

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

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

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

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

(C) If an executive agency lobbyist is engaged by more than one employer, the lobbyist shall file a separate initial and updated registration statement for each engagement. If an employer engages more than one executive agency lobbyist, the employer need file only one updated registration statement under division (B) of 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.

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

(2) Within thirty days following the termination of an engagement, the executive agency lobbyist who was employed under the engagement shall

send written notification of the termination to the joint committee.

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

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

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

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

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

section as a breach of a material condition of the contract, grant, lease, or other financial arrangement.

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

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

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

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

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

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

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

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

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

Under division (A)(2)(a) or (b) of this section, if the tax credit authority determines it appropriate, "new employee" also may include an employee re-hired or called back from lay-off to work in a new facility or on a new product or service established or produced by the taxpayer after entering into the agreement under this section or after the tax credit authority

approves the tax credit in a public meeting. Except as otherwise provided in this paragraph, "new employee" does not include any employee of the taxpayer who was previously employed in this state by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the tax credit agreement or after the tax credit authority approved the credit in a public meeting, or any employee of the taxpayer for which the taxpayer has been granted a certificate under division (B) of section 5709.66 of the Revised Code. However, if the taxpayer is engaged in the enrichment and commercialization of uranium or uranium products or is engaged in research and development activities related thereto and if the tax credit authority determines it appropriate, "new employee" may include an employee of the taxpayer who was previously employed in this state by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the tax credit agreement or after the tax credit authority approved the credit in a public meeting. "New employee" does not include an employee of the taxpayer who is employed in an employment position that was relocated to a project from other operations of the taxpayer in this state or from operations of a related member of the taxpayer in this state. In addition, "new employee" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who is an employee of the taxpayer and who has a direct or indirect ownership interest of at least five per cent in the profits, capital, or value of the taxpayer. Such ownership interest shall be determined in accordance with section 1563 of the Internal Revenue Code and regulations prescribed thereunder.

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

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

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5733.06 or 5747.02 or

Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the new income tax revenue for that year multiplied by the percentage specified in the agreement with the tax credit authority. Any credit granted under this section against the tax imposed by section 5733.06 or 5747.02 of the Revised Code, to the extent not fully utilized against such tax for taxable years ending prior to 2008, shall automatically be converted without any action taken by the tax credit authority to a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.

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

- (1) The taxpayer's project will create new jobs in this state;
- (2) The taxpayer's project is economically sound and will benefit the people of this state by increasing opportunities for employment and strengthening the economy of this state;
- (3) Receiving the tax credit is a major factor in the taxpayer's decision to go forward with the project.

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

- (1) A detailed description of the project that is the subject of the agreement;
- (2) The term of the tax credit, which shall not exceed fifteen years, and the first taxable year, or first calendar year that includes a tax period, for which the credit may be claimed;
- (3) A requirement that the taxpayer shall maintain operations at the project location for at least twice the number of years as the term of the tax credit;
- (4) The percentage, as determined by the tax credit authority, of new income tax revenue that will be allowed as the amount of the credit for each taxable year or for each calendar year that includes a tax period;
- (5) A specific method for determining how many new employees are employed during a taxable year or during a calendar year that includes a tax

period;

(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;

(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;

(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.

(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:

(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;

(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.

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

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

agreement or the director notifies the taxpayer in writing of such failure. If the taxpayer fails to annually report any of the information required by division (D)(6) of this section within the time required by the director, the reduction of the percentage or term may take effect in the current taxable year. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, or shall not claim the tax credit under section 5725.32, 5729.032, or 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years, and shall not claim the tax credit under division (A) of section 5751.50 of the Revised Code for any tax period in the calendar year in which the relocation occurs and any subsequent tax periods.

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

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

(H) A taxpayer claiming a credit under this section shall submit to the

tax commissioner or, if the taxpayer is an insurance company, to the superintendent of insurance, a copy of the director of development's certificate of verification under division (D)(7) of this section with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if the taxpayer submits a copy of the certificate to the commissioner or superintendent within sixty days after the commissioner or superintendent requests it.

(I) The director of development, after consultation with the tax commissioner and the superintendent of insurance 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.

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

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

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

(2) If the taxpayer maintained operations at the project location for at least the number of years of the term of the tax credit, an amount not

exceeding fifty per cent of the sum of any previously allowed credits under this section;

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

In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

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

(M) There is hereby created the tax credit authority, which consists of the director of development and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. Of the initial appointees, the members appointed by the governor shall serve a term of two years; the members appointed by the president of the senate and the speaker of the house of representatives shall serve a term of four years. Thereafter, terms of office shall be for four years. Initial appointments to the authority shall be made within thirty days after January 13, 1993. Each member shall serve on the authority until the end of

the term for which the member was appointed. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Members may be reappointed to the authority. Members of the 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 5733.042 of the Revised Code or to an elected consolidated taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business

a nonrefundable credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a period up to fifteen taxable years and against the tax levied by Chapter 5751. of the Revised Code for a period of up to fifteen calendar years. The credit shall be in an amount not exceeding seventy-five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full-time employment positions at the project site during the calendar year that includes the last day of such business' taxable year or tax period with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full-time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit shall be claimed only for the taxable years or tax periods specified in the eligible business' agreement with the tax credit authority under division (E) of this section, but in no event shall the credit be claimed for a taxable year or tax period terminating before the date specified in the agreement. Any credit granted under this section against the tax imposed by section 5733.06 or 5747.02 of the Revised Code, to the extent not fully utilized against such tax for taxable years ending prior to 2008, shall automatically be converted without any action taken by the tax credit authority to a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.

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

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

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

(D) Upon review of the determinations and recommendations described

in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following:

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

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

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

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

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

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

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

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

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

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

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

(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 the agreement if the director of development determines both of the following:

(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;

(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.

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

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

(F) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the credit. The reduction of the percentage or term shall take effect (1) in the taxable year

immediately following the taxable year in which the authority amends the agreement or the director of development notifies the taxpayer in writing of such failure, or (2) in the first tax period beginning in the calendar year immediately following the calendar year in which the authority amends the agreement or the director notifies the taxpayer in writing of such failure. If the taxpayer fails to annually report any of the information required by division (E)(6) of this section within the time required by the director, the reduction of the percentage or term may take effect in the current taxable year. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, shall not claim the tax credit under section 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years, and shall not claim the tax credit under division (A) of section 5751.50 of the Revised Code for the tax period in which the relocation occurs and any subsequent tax periods.

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

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

(I) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of

chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A tax credit received under this section by a partnership, S-corporation, or other such business entity shall be apportioned among the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed, in the same proportions as those in which the income or profit is distributed.

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

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

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

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

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

If the director of development determines that a taxpayer that received a

tax credit under this section has reduced the number of employees agreed to under division (E)(5) of this section by more than ten per cent, the director shall notify the tax credit authority of the noncompliance. After receiving such notice, and after providing the taxpayer an opportunity to explain the noncompliance, the authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction in the percentage or term shall take effect in the taxable year, or in the calendar year that includes the tax period, in which the authority amends the agreement.

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

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

(M)(1) A nonrefundable credit shall be allowed to an applicable corporation and its related members in an amount equal to the applicable difference. The credit is in addition to the credit granted to the corporation or related members under division (B) of this section. The credit is subject to divisions (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 to the credit allowed under division (M) of this section for any tax year for which the person is not eligible for the credit provided under division (B) of this section.

Sec. 126.11. (A)(1) The director of budget and management shall, upon

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

director before being presented, published, or disseminated in preliminary, draft, or final form, or publicly filed in paper, electronic, or other format.

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

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

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

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

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

(2) Except as otherwise expressly authorized for the purpose by law,

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

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

Sec. 131.02. (A) 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 which the payment is payable. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general.

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

- (1) If a law, including an administrative rule, of this state prescribes the

time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

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

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

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

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

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

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

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

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

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

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

(a) The assessment or case number;

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

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

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

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

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

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

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

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

(1) Compromise the claim;

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

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

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

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

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

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

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

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

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of

tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

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

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

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

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

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

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

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

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal Revenue Code,

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

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

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

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

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

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

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

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

(3) The needs of political subdivisions.

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

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

(1) The nonprofit corporation designated under division (B) of section

3351.07 of the Revised Code:

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

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

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

(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, or repair of state highways that exceeds an amount equal to one-half of one per cent of its tax valuation.

(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:

(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;

(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;

(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.

(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:

(1) Securities described in section 307.201 of the Revised Code;

(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:

(a) Water systems or facilities;

(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;

(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;

(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;

(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;

(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;

(g) Facilities for natural resources exploration, development, recovery,

use, and sale;

(h) Correctional and detention facilities and related rehabilitation facilities.

(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the county amounts equivalent to debt charges on the securities;

(4) Voted general obligation securities issued for the purpose of permanent improvements for sanitary sewerage or water systems or facilities to the extent that the total principal amount of voted securities outstanding for the purpose does not exceed an amount equal to two per cent of the county's tax valuation;

(5) Securities issued for permanent improvements to house agencies, departments, boards, or commissions of the county or of any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from unvoted county property taxes, derived from leases or other agreements between the county and those agencies, departments, boards, commissions, or municipal corporations relating to the use of the permanent improvements are sufficient to cover the cost of all operating expenses of the permanent improvements paid by the county and debt charges on the securities;

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

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

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

(9) Securities issued for the acquisition, construction, equipping, or repair of any permanent improvement or any class or group of permanent improvements enumerated in a resolution adopted pursuant to division (D) of section 5739.026 of the Revised Code to the extent that the legislation authorizing the issuance of the securities includes a covenant to appropriate from moneys received from the taxes authorized under section 5739.023 and division (A)(5) of section 5739.026 of the Revised Code an amount sufficient to pay debt charges on the securities and those moneys shall be pledged for that purpose;

(10) Securities issued for county or joint county solid waste or hazardous waste collection, transfer, or disposal facilities, or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities;

(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;

(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;

(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;

(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;

(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;

(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;

(17) Bonds or notes issued under section 133.60 of the Revised Code if

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

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

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

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

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

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

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

(1) For one or more established sewer districts, any of the purposes provided in divisions (C)(2)(a) and (b) of section 133.07 of the Revised Code;

(2) Hospital facilities as defined in division (E) of section 140.01 of the Revised Code;

(3) Facilities described in division (C)(10) of section 133.07 of the Revised Code;

(4) Off-street parking facilities pursuant to section 307.02 of the Revised Code;

(5) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code.

(C) The county shall establish rates or charges for the use, availability, or rental of the facilities to which the financing relates, being the improvement, enterprise, system, project, or categories of improvements or

the operation or function that the facilities serve, which rates or charges shall be designed to provide revenues to the county sufficient to pay the costs of all current expenses of the facilities payable by the county and to pay the debt charges on the securities and to establish and maintain any contractually required special funds relating to the securities or the facilities.

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

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

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

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

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

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

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

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

(1) Fifty years:

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

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

(c) Pursuant to section 307.675 of the Revised Code, constructing or repairing a bridge using long life expectancy material for the bridge deck, and purchasing, installing, and maintaining any performance equipment to monitor the physical condition of a bridge so constructed or repaired. Additionally, the average maturity of the bonds shall not exceed the expected useful life of the bridge deck as determined by the county engineer under that section.

(2) Forty years:

(a) General waterworks or water system permanent improvements, including buildings, water mains, or other structures and facilities in connection therewith;

(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;

(c) Storm water drainage, surface water, and flood prevention facilities.

(3) Thirty-five years: ~~sports~~

(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;

(b) Sports facilities.

(4) Thirty years:

- (a) Municipal recreation, excluding recreational equipment;
- (b) Urban redevelopment projects;
- (c) Acquisition of real property;
- (d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.

(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.

(6) Fifteen years:

- (a) Resurfacing roads, highways, streets, or alleys;
- (b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;
- (c) Passenger buses used for mass transportation;
- (d) Energy conservation measures as authorized by section 133.06 of the Revised Code.

(7) Ten years:

- (a) Water meters;
- (b) Fire department apparatus and equipment;
- (c) Road rollers and other road construction and servicing vehicles;
- (d) Furniture, equipment, and furnishings;
- (e) Landscape planting and other site improvements;
- (f) Playground, athletic, and recreational equipment and apparatus;
- (g) Energy conservation measures as authorized by section 307.041, 505.264, or 717.02 of the Revised Code.

(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.

(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 taxing authority shall specify.

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

(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of

this section. The maximum maturity of such a bond issue shall not exceed the average number of years of life or period of usefulness of the permanent improvements as measured by the weighted average of the amounts expended or proposed to be expended for the categories of permanent improvements.

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

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

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

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

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

capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses. For purposes of sections 122.085 to 122.0820 of the Revised Code, "costs of capital facilities" includes "allowable costs" as defined in section 122.085 of the Revised Code.

(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 obligations is initially calculated. Principal amount does not include any premium paid to the state by the initial purchaser of the obligations. "Principal amount" of a capital

appreciation bond, as defined in division (C) of section 3334.01 of the Revised Code, means its face amount, and "principal amount" of a zero coupon bond, as defined in division (J) of section 3334.01 of the Revised Code, means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser, if provided for pursuant to the bond proceedings.

(11) "Special funds" or "funds," unless the context indicates otherwise, means the bond service fund, and any other funds, including any reserve funds, created under the bond proceedings and stated to be special funds in those proceedings, including moneys and investments, and earnings from investments, credited and to be credited to the particular fund. Special funds do not include the school building program assistance fund created by section 3318.25 of the Revised Code, the higher education improvement fund created by division (F) of section 154.21 of the Revised Code, the highway capital improvement bond fund created by section 5528.53 of the Revised Code, the state parks and natural resources fund created by section 1557.02 of the Revised Code, the coal research and development fund created by section 1555.15 of the Revised Code, the clean Ohio conservation fund created by section 164.27 of the Revised Code, the clean Ohio revitalization fund created by section 122.658 of the Revised Code, the job ready site development fund created by section 122.0820 of the Revised Code, the third frontier research and development fund created by section 184.19 of the Revised Code, the third frontier research and development taxable bond fund created by section 184.191 of the Revised Code, or other funds created by the bond proceedings that are not stated by those proceedings to be special funds.

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

(C) Each issue of obligations shall be authorized by resolution or order of the issuing authority. The bond proceedings shall provide for or authorize the manner for determining the principal amount or maximum principal amount of obligations of an issue, the principal maturity or maturities, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the place or places of payment of debt service which may be within or outside the state. Unless otherwise provided

by law, the latest principal maturity may not be later than the earlier of the thirty-first day of December of the twenty-fifth calendar year after the year of issuance of the particular obligations or of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to obligations. The purpose of the obligations may be stated in the bond proceedings in general terms, such as, as applicable, "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution," "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution," "paying costs of capital facilities for a system of common schools throughout the state as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of capital facilities for state-supported and state-assisted institutions of higher education as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of coal research and development as authorized by Section 15 of Article VIII, Ohio Constitution," "financing or assisting in the financing of local subdivision capital improvement projects as authorized by Section 2m of Article VIII, Ohio Constitution," "paying costs of conservation projects as authorized by Section 2o of Article VIII, Ohio Constitution," "paying costs of revitalization projects as authorized by Section 2o of Article VIII, Ohio Constitution," "paying costs of preparing sites for industry, commerce, distribution, or research and development as authorized by Section 2p of Article VIII, Ohio Constitution," or "paying costs of research and development as authorized by Section 2p of Article VIII, Ohio Constitution."

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

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

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

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

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

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

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

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

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

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

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

(10) Amendment of the bond proceedings;

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

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

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

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

(I) Except to the extent that rights are restricted by the bond proceedings, any owner of obligations or provider of a credit enhancement facility may by any suitable form of legal proceedings protect and enforce any rights relating to obligations or that facility under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all applicable duties of the issuing authority and the state. Each duty of the issuing authority and that authority's officers, staff, and employees, and of each state entity or agency, or using district or using institution, and its officers, members, staff, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the entity or individual having authority to perform that duty, specifically enjoined by law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The individuals who are from time to time the issuing authority, members or officers of the issuing authority, or those members' designees acting pursuant to section 151.02 of

the Revised Code, or the issuing authority's officers, staff, or employees, are not liable in their personal capacities on any obligations or otherwise under the bond proceedings.

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

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

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

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

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

(3) The principal amount of refunding or renewal obligations issued pursuant to division (J) of this section shall be in addition to the amount authorized by the general assembly as referred to in division (B) of the following sections: section 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B)(1) The issuing authority shall issue general obligations of the state to pay costs of conservation projects pursuant to division (B)(1) of Section 2o of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The issuing authority, upon the certification to it by the Ohio public works commission of amounts needed in and for the purposes of the clean Ohio conservation fund created by section 164.27 of the Revised Code, the clean Ohio agricultural easement fund created by section 901.21 of the Revised Code, and the clean Ohio trail fund created by section 1519.05 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. ~~The~~

~~total~~ Not more than two hundred million dollars principal amount of obligations issued under this section shall not exceed two hundred million dollars for conservation purposes may be outstanding at any one time. Not more than fifty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal year could have been, but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year.

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

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

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

(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;

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

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

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

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

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

(3) "Project" means any research and development project, as defined in section 184.10 of the Revised Code, or facility, including undivided or other interests, acquired or to be acquired, constructed or to be constructed, or operating or to be operated by a person doing business in this state or by an 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 or the third frontier research and development taxable bond fund 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.

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

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

(D) There is hereby created in the state treasury the third frontier research and development 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. 151.40. (A) As used in this section:

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

(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.

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

(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 20 of Article VIII, Ohio Constitution.

(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.

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

(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.

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

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

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

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

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

(B)(1) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 20 of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by the clean Ohio council of the amount of moneys needed in and for the purposes of the clean Ohio revitalization fund created by section 122.658 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. ~~The total~~ Not more than two hundred million dollars principal amount of obligations issued under this section ~~shall not exceed two hundred million dollars~~ for revitalization purposes may be outstanding at any one time. Not more than fifty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal year could have been, but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. ~~The~~

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

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

(D) There is hereby created the revitalization projects bond service fund, which shall be in the custody of the treasurer of state, but shall be separate and apart from and not a part of the state treasury. All money 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 money 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 pledged receipts is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

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

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

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

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

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

any combination of them;

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

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

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 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 be housed by a capital facility for which the Ohio building authority is authorized to issue revenue obligations pursuant to sections 152.09 to 152.33 of the Revised Code.

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

(4) "Capital facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, within the state, and any one, part of, or combination of the foregoing, for housing of branches and agencies of state government, including capital facilities for the purpose of housing personnel, equipment, or functions, or any combination thereof that the state agencies are responsible for housing, for which the Ohio building authority is authorized

to issue obligations pursuant to Chapter 152. of the Revised Code, and includes storage and parking facilities related to such capital facilities.

(5) "Cost of capital facilities" means the costs of assessing, planning, acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, altering, maintaining, equipping, furnishing, repairing, painting, decorating, managing, or operating capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of participating in capital facilities pursuant to section 152.33 of the Revised Code, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the authority and lessee state agencies, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts that represent the portion of investment earnings to be rebated or to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those obligations pursuant to section 148(f) of the Internal Revenue Code, amounts necessary to establish reserves as required by the resolutions or the obligations, trust agreements, or indentures, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental entity, whether to or by the authority or others, from whatever source provided, for the payment of any item or items of cost of the capital facilities, any share of the cost undertaken by the authority pursuant to arrangements made with governmental entities under division (J) of section 152.21 of the Revised Code, and all other expenses necessary or incident to assessing, planning, or determining the feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the assessment, planning, acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, alteration, maintenance, equipment, furnishing, repair, painting, decoration, management, or operation of capital facilities, the financing thereof and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

(6) "Governmental entity" means any state agency, municipal

corporation, county, township, school district, and any other political subdivision or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or any of the states or any department, division, or agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(7) "Governing body" means:

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

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

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

(B) Pursuant to the powers granted to the general assembly under Section 2i of Article VIII, Ohio Constitution, to authorize the issuance of revenue obligations and other obligations, the owners or holders of which are not given the right to have excises or taxes levied by the general assembly for the payment of principal thereof or interest thereon, the Ohio building authority may issue obligations, in accordance with Chapter 152. of the Revised Code, and shall cause the net proceeds thereof, after any deposits of accrued interest for the payment of bond service charges and after any deposit of all or such lesser portion as the authority may direct of the premium received upon the sale of those obligations for the payment of the bond service charges, to be applied to the costs of capital facilities designated by or pursuant to act of the general assembly for housing state agencies as authorized by Chapter 152. of the Revised Code. The authority

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

(C) The obligations shall be signed by the authority chairperson, vice-chairperson, and secretary-treasurer, and the authority seal shall be affixed. The signatures may be facsimile signatures and the seal affixed may be a facsimile seal, as provided by resolution of the authority. Any coupons attached may bear the facsimile signature of the chairperson. In case any officer who has signed any obligations, or caused the officer's facsimile signature to be affixed thereto, ceases to be such officer before such obligations have been delivered, such obligations may, nevertheless, be

issued and delivered as though the person who had signed the obligations or caused the person's facsimile signature to be affixed thereto had not ceased to be such officer.

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

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

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

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

Sec. 152.18. Whenever the Ohio building authority constructs, reconstructs, rehabilitates, remodels, renovates, enlarges, improves, alters, maintains, equips, furnishes, repairs, paints, or decorates capital facilities pursuant to section 152.19, ~~152.21~~, or 152.31 of the Revised Code or buildings, facilities, and other properties for use and occupancy of persons

pursuant to section 152.04 of the Revised Code, the authority shall make the necessary plans and specifications, and shall advertise for bids for all work to be placed under contract once a week for two consecutive weeks in a newspaper of general circulation in the county within which the work is to be done, and shall award the contract to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. When the authority determines, subject to approval by the controlling board, that a real and present emergency exists or if the cost of such a contract does not exceed fifty thousand dollars, such a contract may be awarded without advertising and receipt of bids. A bid guaranty pursuant to sections 153.54 to 153.571 of the Revised Code shall be required for any contract under this section.

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

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

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

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

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

property suitable for its purposes;

(B) ~~Acquire~~ Assess, plan, acquire, purchase, construct, reconstruct, rehabilitate, remodel, renovate, enlarge, improve, alter, maintain, equip, furnish, repair, paint, decorate, and operate capital facilities as provided in sections 152.18, 152.19, and 152.31 of the Revised Code;

(C) Issue obligations to secure funds to accomplish its purposes as more fully set forth in sections 152.09 to 152.33 of the Revised Code;

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

(E) Fix, alter, and charge rentals for the use and occupancy of its capital facilities and enter into leases for such use and occupancy as provided in section 152.24 of the Revised Code;

(F) Employ financial consultants, appraisers, consulting engineers, architects, superintendents, managers, construction and accounting experts, attorneys at law, and other employees and agents as are necessary, in its judgment, and fix their compensation;

(G) Manage and have general custodial care and supervision of its capital facilities or enter into contracts with the department of administrative services or the using state agency or governmental entity for such purposes;

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

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

(J) Enter into lawful arrangements with the appropriate governmental entity for the planning and installation of streets and sidewalks, public utility facilities, and other necessary appurtenances to its capital facilities, and

grant necessary easements for such purposes;

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

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

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

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

Sec. 152.24. (A) Except as otherwise provided with respect to leasing of capital facilities in sections 152.241, 152.242, 152.31, and 152.33 of the Revised Code, the department of administrative services or, with the consent of the department of administrative services, the state agency using an office facility and related storage and parking facilities, or participating in such facilities pursuant to section 152.33 of the Revised Code, shall lease any office facility and related storage and ~~parking~~ parking facility acquired, purchased, constructed, reconstructed, rehabilitated, remodeled, renovated, enlarged, improved, altered, operated, maintained, equipped, furnished, repaired, painted, decorated, or financed by the Ohio building authority for housing any state agencies. An agreement between the authority and the department of administrative services or such using or participating agency may provide for the transfer of the property to the state after bonds and notes issued by the authority for the purpose of the acquisition, purchase, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, alteration, equipping, furnishing, repair, painting, decorating, or financing of such building or facility have been repaid. A lease between the authority and the department of administrative services or a using or participating agency shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department of administrative services and the state agencies which will occupy or participate in the office facility and related storage and parking facility being leased, and such lease may contain such other terms as the department of administrative services, or a using or participating agency, and the authority agree notwithstanding any other provision of law, including provision that rental payments in amounts at least sufficient to pay bond service charges payable during the current two-year lease term shall be an absolute and unconditional obligation of the department of administrative services, or the using or participating agency, independent of all other duties under the lease without

setoff or deduction or any other similar rights or defenses. Such an agreement may provide for renewal of a lease at the end of each term for another term, not exceeding two years, provided that no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department of administrative services, or the using or participating agency, may lawfully pay rentals under such lease. For purposes of this section, the term "lease" may include, without limitation, any agreement between the department of administrative services, or the using or participating agency, and the authority with respect to any costs of capital facilities to be incurred prior to land acquisition.

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

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

(D) Capital facilities acquired, purchased, constructed, reconstructed, rehabilitated, remodeled, renovated, enlarged, improved, altered, operated, maintained, equipped, furnished, repaired, painted, decorated, or financed by the Ohio building authority, other than any office facility and related storage and parking facility required to be leased pursuant to division (A) of this section, shall be leased to the department of administrative services ~~or to~~ the state agency using the capital facilities, or the state agency participating in the capital facilities pursuant to section 152.33 of the Revised Code. The department of administrative services or the using or participating state agency may sublease such capital facilities to other state agencies or other governmental entities. Such parties, including other state agencies or state-supported or state-assisted institutions of higher education, may make other agreements for the use, construction, or operation of such capital facilities in any manner permitted by the lease or agreement with the authority and for the charging, collection, and deposit of such revenues and receipts of the using or participating state agency constituting available receipts, all upon such terms and conditions as the parties may agree upon

and pursuant to this chapter notwithstanding other provisions of law affecting the leasing, acquisition, operation, or disposition of capital facilities by such parties. Any such lease between the authority and the department of administrative services or a using or participating state agency shall be for a period not to exceed the then current two-year period for which appropriations have been made by the general assembly to the department of administrative services or such using or participating state agency. The lease between the authority and the department of administrative services or the using or participating state agency may provide for renewal of the lease at the end of each term for another term, not exceeding two years, but no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department of administrative services or the using or participating state agency may lawfully pay rentals under such lease. Any such leases, subleases, or agreements may set forth the responsibilities of the authority, state agencies, state-supported, or state-assisted institutions of higher education, or other governmental entities as to the financing, assessment, planning, acquisition, purchase, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, alteration, subleasing, management, operation, maintenance, equipping, furnishing, repair, painting, decorating, and insuring of such capital facilities and other terms and conditions applicable thereto, and any other provisions mutually agreed upon for the purposes of this chapter. Promptly upon execution thereof, a signed or conformed copy of each such lease or sublease or agreement, and any supplement thereto, between the authority and a governmental entity shall be filed by the authority with the department of administrative services and the director of budget and management, and, promptly upon execution thereof, a signed or conformed copy of each such sublease or agreement between two governmental entities, not including the authority, shall be filed with the authority and the director of budget and management. For purposes of this section, the term "lease" may include, without limitation, any agreement between the department of administrative services or the state agency using or participating in such capital facilities and the authority with respect to any costs of capital facilities to be incurred prior to land acquisition.

(E) The transfer of tangible personal property by lease under authority of this chapter is not a sale as used in Chapter 5739. of the Revised Code. Any agreement of a governmental entity to make rental, use, or other payments or payment of purchase price, in installments or otherwise, or repayments to or on account of the authority and the obligations issued by

the authority, shall not be deemed to constitute indebtedness, bonded or otherwise, or bonds, notes, or other evidence of indebtedness of such governmental entity for the purpose of Chapter 133. of the Revised Code or any other purpose; such leases and agreements requiring payments beyond the current fiscal year are continuing contracts for the purposes of sections 5705.41 and 5705.44 of the Revised Code.

(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 the state government shall cooperate with the authority ~~and the legislative office building committee~~ in supplying any services or information and in relocating offices to carry out this chapter.

Sec. 154.02. (A) Pursuant to the provisions of Chapter 154. of the Revised Code, the issuing authority may issue obligations as from time to time authorized by or pursuant to act or resolution of the general assembly, consistent with such limitations thereon, subject to section 154.12 of the

Revised Code, as the general assembly may thereby prescribe as to principal amount, bond service charges, or otherwise, and shall cause the proceeds thereof to be applied to those capital facilities designated by or pursuant to act of the general assembly for ~~mental hygiene and retardation, state supported and assisted institutions of higher education, including technical education, parks and recreation, Ohio cultural facilities, and Ohio sports facilities~~ any of the following:

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

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

(3) Parks and recreation;

(4) Ohio cultural facilities;

(5) Ohio sports facilities.

(B) The authority provided by Chapter 154. of the Revised Code is in addition to any other authority provided by law for the same or similar purposes, except as may otherwise specifically be provided in Chapter 154. of the Revised Code. In case any section or provision of Chapter 154. of the Revised Code or in case any covenant, stipulation, obligation, resolution, trust agreement, indenture, lease agreement, act, or action, or part thereof, made, assumed, entered into, or taken under Chapter 154. of the Revised Code, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision of Chapter 154. of the Revised Code or any other covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under such chapter, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity or any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, resolution, trust agreement, indenture, lease, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

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

(B) Any capital facilities for mental hygiene or retardation, including housing for mental hygiene and retardation patients, may be leased by the commission to the department of mental health, the department of mental retardation and developmental disabilities, or the department of alcohol and drug addiction services, and other agreements may be made by the commission and any one or more of these departments with respect to the use or purchase of such capital facilities or, subject to the approval of the director of the department, the commission may lease such capital facilities to, and make or provide for other agreements with respect to the use or purchase thereof with, any governmental agency having authority under law to operate such capital facilities, and the director of the department may sublease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any such governmental agency, which may include provisions for transmittal to the mental health bond service trust fund created under division (E) of this section, by such governmental agency or by a nonprofit corporation providing mental hygiene and retardation services for or under contract with or the supervision of that governmental agency, of receipts of that agency or nonprofit corporation from charges for the treatment or care of mental hygiene and retardation patients, all upon such terms and conditions as the parties may agree upon and pursuant to this chapter, notwithstanding any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by the parties.

(C) For purposes of this section, "available receipts" means all receipts of the state from charges for the treatment or care of mental hygiene and retardation patients, including support payments received under Chapter 5121. of the Revised Code and moneys required to be transmitted to the mental health bond service trust fund pursuant to subleases and other agreements between any of the departments and another governmental agency pursuant to division (B) of this section as the subleases and other agreements may be further implemented for internal planning, budgeting, and accounting purposes pursuant to rules adopted by the director of mental health, director of mental retardation and developmental disabilities, or director of alcohol and drug addiction services, any revenues or receipts derived by the commission from the operation, leasing, or other disposition of capital facilities financed under this section, the proceeds of obligations issued under this section and sections 154.11 and 154.12 of the Revised Code, and also means any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges on such obligations. The issuing authority may pledge all, or such portion as that

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

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

(E) There is hereby created the mental health bond service trust fund, which shall be in the custody of the treasurer of state but shall be separate and apart from and not a part of the state treasury. All moneys received by or on account of the commission or issuing authority or state agencies and required by the applicable bond proceedings to be deposited, transferred, or credited to the fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited with the treasurer of state and credited to such fund, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. The mental health bond service trust fund is a trust fund and is hereby pledged to the payment of bond service charges on the obligations issued pursuant to this section and sections 154.11 and 154.12 of the Revised Code to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

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

(1) Paying costs of capital facilities for mental hygiene and retardation, including housing for mental hygiene and retardation patients, under the

jurisdiction of the department of mental health, department of mental retardation and developmental disabilities, or department of alcohol and drug addiction services ~~or for participation;~~

(2) Participating in capital facilities for mental hygiene and retardation, including housing for mental hygiene and retardation patients, with the federal government, municipal corporations, counties, or other governmental agencies, or to a nonprofit corporation specifically chartered to provide a mental health or mental retardation service when such service fulfills a public purpose, which participation may be by grants or contributions to them for such capital facilities. Except as provided in division (G) of this section, the nonprofit corporation may act in concert with a limited partnership or a limited liability company eligible to participate in the nonprofit set-aside described in section 42(h)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2198, 26 U.S.C. 42, and the Ohio housing finance agency's housing tax credit program for the purpose of making use of low-income housing tax credits in support of housing for mental hygiene and retardation patients.

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

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

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

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

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

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

(a) The nature and value of the property;

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

been subtracted;

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

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

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

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

(a) Qualified volunteers;

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

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

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

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

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

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

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

(D) For the purposes of this section:

(1) "Project" means any construction, rehabilitation, remodeling, or improvement of residential housing, whether on a single or multiple site for which a person, as defined in section 1.59 of the Revised Code, or municipal corporation, county, or township receives financing, that is financed in whole or in part from state moneys or pursuant to this chapter, section 133.51 or 307.698 of the Revised Code, or Chapter 174. or 175. of the Revised Code, except for any of the following:

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

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

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

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

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

As used in division (D)(1)(e) of this section, "sponsored" means that ~~the~~ a general partner of a limited partnership owning the project or a managing member of a limited liability company owning the project is either a nonprofit organization that is exempt from federal income tax under section

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

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

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

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

Sec. 184.191. The third frontier research and development taxable bond fund is hereby created in the state treasury. The fund shall consist of the net proceeds of federally taxable obligations issued and sold by the issuing authority pursuant to sections 151.01 and 151.10 of the Revised Code. Investment 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 Chapter 351. of the Revised Code.

(5) "Lodging taxes" means excise taxes levied under division (A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and the revenues arising therefrom.

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

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

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

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

133.01 of the Revised Code.

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

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

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

(C) The purpose of the pledges and contributions described in divisions (B)(1) and (2) of this section is payment of principal, interest, and premium, if any, on bonds and notes issued by or for the benefit of the bureau to finance the construction and equipping of a convention center. The pledges and contributions provided for in the agreement shall be for the period stated in the agreement, ~~but not to exceed thirty years~~. Revenues determined from time to time by the board to be needed to cover the real and actual costs of administering the tax imposed by division (C) of section 5739.09 of the Revised Code may not be pledged or contributed. The agreement shall provide that any such bonds and notes shall be secured by a trust agreement between the bureau or other issuer acting for the benefit of the bureau and a corporate trustee that is a trust company or bank having the powers of a trust company within or without the state, and the trust agreement shall pledge or assign to the retirement of the bonds or notes, all moneys paid by the county under this section. A tax the revenues from which are pledged under an agreement entered into by a board of county commissioners under this section shall not be subject to diminution by initiative or referendum, or diminution by statute, unless provision is made therein for an adequate substitute therefor reasonably satisfactory to the trustee under the trust agreement that secures the bonds and notes.

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

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

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

(G) The board of county commissioners of an eligible county may undertake, finance, operate, and maintain a project. The board may lease a project to an entity on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project; the lease may be for a term of thirty-five years or less and may provide for an option of the entity to renew the lease for a term of thirty-five years or less. The board may enter into an agreement with an entity with respect to a project on terms that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. To the extent provided for in an agreement or a lease with an entity, the board may authorize the entity to administer on behalf of the board any contracts for the project. The board may enter into an agreement providing for the sale to a person of naming rights to a project or portion of a project, for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. The board may enter into an agreement with a person owning or operating a professional athletic or sports team providing for the use by that person of a project or portion of a project for that team's offices, training, practices, and home games for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. The board may establish ticket charges or surcharges for admission to events at a project, charges or surcharges for parking for events at a project, and charges for the use of a project or any portion of a project, including suites and seating rights, and may, as necessary, enter into agreements related thereto with persons for a period, for consideration, and on other terms and conditions that the board determines to be in the best interest of the county and in furtherance of the public purpose of the project. A lease or agreement authorized by this division is not subject to sections 307.02, 307.09, and 307.12 of the Revised Code.

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

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

A resolution adopted under division (H) of this section may direct the board of elections to submit the question of enacting or increasing lodging taxes, as the case may be, to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than seventy-five days after a certified copy of the resolution is transmitted to the board of elections and no later than January 15, 2008. A resolution submitted to the electors under this division shall not go into effect unless it is approved by a majority of those voting upon it. A resolution adopted under division (H) of this section that is not submitted to the electors of the county for their approval or disapproval is subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

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

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

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

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

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

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

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

(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.

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.

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

- (1) The proposed impact facility is economically sound;
- (2) Construction of the proposed impact facility has not begun prior to the day the agreement is entered into;
- (3) The impact facility will benefit the county by increasing employment opportunities and strengthening the local and regional economy; and
- (4) Receiving payments from the board of county commissioners is a major factor in the person's decision to go forward with construction of the impact facility.

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

- (1) A description of the impact facility that is the subject of the agreement, including the existing investment level, if any, the proposed

amount of investments, the scheduled starting and completion dates for the facility, and the number and type of full-time equivalent positions to be created at the facility;

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

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

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

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

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

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

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

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

(C) For purposes of this section, the transfer of a full-time equivalent position or taxable asset from another political subdivision in this state to the political subdivision in which the impact facility is or will be located shall be considered a relocation, unless the person refills the full-time equivalent position, or replaces the taxable asset with an asset of equal or greater taxable value, within six months after the transfer. The person may

not receive a payment under this chapter for any year in which more than ten relocations occurred without the written consent of the board of county commissioners.

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

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

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

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

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

The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to ~~provide or purchase~~, make available. The board must include crisis intervention services for individuals in an emergency situation in the plan and explain how the board intends to make such services available. The plan must also include an explanation of how the board intends to make any payments that it may be required to pay under section 5119.62 of the Revised Code, a statement of the inpatient and community-based services the board proposes that the department operate, an assessment of the number and types of residential facilities needed, ~~and~~ such other information as the department requests, and a budget for moneys the board expects to receive. The board shall also submit an allocation request for state and federal funds.

Within sixty days after the department's determination that the plan and allocation request are complete, the department shall approve or disapprove the plan and request, in whole or in part, according to the criteria developed pursuant to section 5119.61 of the Revised Code. The department's statement of approval or disapproval shall specify the inpatient and the community-based services that the department will operate for the board.

Eligibility

Eligibility for ~~financial support~~ state and federal funding shall be contingent upon an approved plan or relevant part of a plan. The department may provide state and federal funding for services included in a plan only if the services are for individuals whose focus of treatment or prevention is a mental disorder according to the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders that is current at the time the funding is provided. This shall include such services for individuals who have a mental disorder and a co-occurring substance use disorder, substance-induced disorder, chronic dementing organic mental disorder, mental retardation, or developmental disability. The department may not provide state or federal funding under a plan for a service for individuals whose focus of treatment or prevention is solely a substance use disorder, substance-induced disorder, chronic dementing organic mental disorder, mental retardation, or developmental disability.

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

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

If a board determines that it is necessary to amend a plan or an allocation request that has been approved under division (A)(1)(c) of this section, the board shall submit a proposed amendment to the director. The

director may approve or disapprove all or part of the amendment. If the director does not approve all or part of the amendment within thirty days after it is submitted, the amendment or part of it shall be considered to have been approved. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the department.

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

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

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

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

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

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

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

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

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

(8)(a) Enter into contracts with public and private facilities for the operation of facility services included in the board's community mental health plan and enter into contracts with public and private community mental health agencies for the provision of community mental health services that are listed in section 340.09 of the Revised Code and included in the board's community mental health plan. ~~Contracts~~ The board may not contract with a community mental health agency to provide community mental health services included in the board's community mental health plan unless the services are certified by the director of mental health under section 5119.611 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community mental health agency, a board shall consider the cost effectiveness of services provided by that agency and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process shall be established as part of the contract for services entered into between a board and a community mental health agency. The board may establish this process in a way that is most effective and efficient in meeting local needs. In the case of a contract with a community mental health facility, as defined in section 5111.023 of the Revised Code, to provide services listed in division (B) of that section, the contract shall provide for the facility to be paid in accordance with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and any rules adopted under division (A) of section 5119.61 of the Revised Code.

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

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

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

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

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

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

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

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

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

community mental health service previously provided by a community mental health agency unless the board has established to the director's satisfaction that the agency cannot effectively provide the service or that the agency has requested the board take over providing the service.

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

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

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

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

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

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

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

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

(d) Emergency services and crisis intervention;

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

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

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

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

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

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

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

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

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

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

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

(16) Perform the duties under section 3722.18 of the Revised Code

required by rules adopted under section 5119.61 of the Revised Code regarding referrals by the board or mental health agencies under contract with the board of individuals with mental illness or severe mental disability to adult care facilities and effective arrangements for ongoing mental health services for the individuals. The board is accountable in the manner specified in the rules for ensuring that the ongoing mental health services are effectively arranged for the individuals.

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

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

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

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

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

mental health services and the provision of the following services from funds appropriated for that purpose by the general assembly:

- (A) Outpatient;
- (B) Inpatient;
- (C) Partial hospitalization;
- (D) Rehabilitation;
- (E) Consultation;
- (F) Mental health education and other preventive services;
- (G) Emergency;
- (H) Crisis intervention;
- ~~(I)~~ (J) Research;
- ~~(J)~~ (K) Administrative;
- ~~(K)~~ (L) Referral and information;
- ~~(L)~~ (M) Residential;
- ~~(M)~~ (N) Training;
- ~~(N)~~ (O) Substance abuse;
- ~~(O)~~ (P) Service and program evaluation;
- ~~(P)~~ (Q) Community support system;
- ~~(Q)~~ (R) Case management;
- ~~(R)~~ (S) Residential housing;
- ~~(S)~~ (T) Other services approved by the board and the director of mental health.

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

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

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

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

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

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

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

(B)(1) One or more municipal corporations and one or more townships may enter into a contract approved by the legislative authority of each contracting party pursuant to which they create as a joint economic development district an area or areas for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the state and in the area of the contracting parties. A municipal corporation described in division (A)(4) of this section may enter into a contract with other municipal corporations and townships to create a new joint economic development district. In a district that includes a municipal corporation described in division (A)(4) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party. The area or areas of land to be included in the district shall not include any parcel of land owned in fee by a municipal corporation or a township or parcel of land that is leased to a municipal corporation or a township, unless the municipal corporation or township is a party to the contract or unless the municipal corporation or township has given its consent to have its parcel of land included in the district by the 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 corporation or township included within the district shall file a copy of the fully executed contract with the county recorder of each county within which a party to the contract is located, in the miscellaneous records of the county. No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger, or consolidation with a municipal corporation of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the county recorder of each county within which a party to the contract is located unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each county within which a party to the contract is located or unless the contract is terminated during this period.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving the petition for the creation of the district if the petition and other documents have been filed in

accordance with the requirements of division (C)(1) of this section. If the petition and other documents do not substantially meet the requirements of that division, the legislative authority of any county within which a party to the contract is located may adopt a resolution disapproving the petition for the creation of the district. The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving or disapproving the petition within thirty days after the petition was filed. If the legislative authority of each such county does not adopt the resolution within the thirty-day period, the petition shall be deemed approved and the contract shall go into effect immediately after that approval or at such other time as the contract specifies.

(D)(1) The contract creating the district shall set forth or provide for the amount or nature of the contribution of each municipal corporation and township to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting municipal corporations and townships agree and may include but are not limited to the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to share revenue from taxes levied on property by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied. The contract shall provide for new, expanded, or additional services, facilities, or improvements, including expanded or additional capacity for or other enhancement of existing services, facilities, or improvements, provided that those services, facilities, or improvements, or expanded or additional capacity for or enhancement of existing services, facilities, or improvements, required herein have been provided within the two-year period prior to the execution of the contract.

(2) Before the legislative authority of a municipal corporation or a board of township trustees passes any ordinance or resolution approving a contract to create a joint economic development district pursuant to this section, the legislative authority of the municipal corporation and the board of township trustees shall each hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. The board of township trustees may provide additional notice to township residents in accordance with section 9.03 of the Revised Code, and any additional notice shall include the public hearing announcement; a summary of the terms of

the contract; a statement that the entire text of the contract and district maps and plans are on file for public examination in the office of the township fiscal officer; and information pertaining to any tax changes that will or may occur as a result of the contract.

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

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

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

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

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

(E) The district created by the contract shall be governed by a board of directors that shall be established by or pursuant to the contract. The board is a public body for the purposes of section 121.22 of the Revised Code. The provisions of Chapter 2744. of the Revised Code apply to the board and the district. The members of the board shall be appointed as provided in the

contract from among the elected members of the legislative authorities and the elected chief executive officers of the contracting parties, provided that there shall be at least two members appointed from each of the contracting parties.

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

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

(2) Any resolution of the board of directors levying an income tax that is adopted subsequent to one hundred eighty days after the first meeting of the board of directors shall be subject to a referendum as provided in division (F)(2) of this section. Any resolution of the board of directors levying an income tax that is adopted subsequent to one hundred eighty days after the first meeting of the board of directors shall be subject to an initiative proceeding to amend or repeal the resolution levying the income tax as provided in division (F)(2) of this section. When a referendum petition,

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

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

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

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

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

(b) Except as otherwise specified by this division, any referendum or initiative proceeding within a district shall be conducted in the same manner

as is required for such proceedings within a municipal corporation pursuant to sections 731.28 to 731.40 of the Revised Code.

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

(H) The powers and authorizations granted pursuant to this section or section 715.71 of the Revised Code are in addition to and not in derogation of all other powers granted to municipal corporations and townships pursuant to law. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a municipal corporation may exercise all of the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a township may exercise all of the powers of a township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract. The district board of directors has no powers except those specifically set forth in the contract as agreed to by the participating parties. No political subdivision shall authorize or grant any tax exemption pursuant to Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district, ~~except that a political subdivision that is a contracting party may grant a tax exemption under section 5709.62, 5709.63, or 5709.632 of the Revised Code on property located within the district, with~~ without the consent of the other contracting parties. The prohibition for any tax exemption pursuant to this division shall not apply to any exemption filed, pending, or approved, or for which an agreement has been entered into, before the effective date of the contract entered into by the parties.

(I) Municipal corporations and townships may enter into binding agreements pursuant to a contract authorized under this section or section

715.71 of the Revised Code with respect to the substance and administration of zoning and other land use regulations, building codes, public permanent improvements, and other regulatory and proprietary matters that are determined, pursuant to the contract, to be for a public purpose and to be desirable with respect to the operation of the district or to facilitate new or expanded economic development in the state or the district, provided that no contract shall exempt the territory within the district from the procedures and processes of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including but not limited to procedures and processes concerning zoning.

(J) A contract entered into pursuant to this section or section 715.71 of the Revised Code may be amended and it may be 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 development potential with respect to the canal lands and the recreational, ecological, and historical value of the canal lands. In addition, the conveyance of canal lands shall be conducted in accordance with the director's policies governing the protection and conservation of canal lands established under this section.

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

Code.

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

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

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

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

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

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

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

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

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

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

(K) "Directors" means the persons vested with the authority to conduct the affairs of the corporation irrespective of the name, such as trustees, by which they are designated.

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

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

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

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

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

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

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

(c) Modest perquisites.

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

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

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

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

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

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

Sec. 1702.08. (A) When an unincorporated society or association,

organized for any of the purposes for which a corporation could be formed under this chapter, authorizes the incorporation of that society or association, by the same procedure and affirmative vote of its voting members that the regulations, constitution, or other fundamental agreement of the society or association requires for an amendment to that fundamental agreement or, if no such vote is specified, by a majority vote 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,~~ at a duly convened meeting the purpose of which is stated in the notice of the meeting, then upon the filing of the articles under section 1702.04 of the Revised Code setting forth those facts and that the required vote has been obtained, that society or association shall become a corporation, and the members of the society or association shall become members of that corporation in accordance with provisions in the articles to that effect.

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

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

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

(2) The qualifications, admission, voluntary withdrawal, censure, and suspension of members, and the termination of membership;

(3) The fees and dues of members;

(4) The rights of members or classes of members, or of their elected representatives or delegates, to vote; the manner of conducting votes of members on matters, including ~~any right to vote~~ voting by mail, by the use of authorized communications equipment, ~~if permitted by this chapter,~~ or by proxy; the specification of the relative rights and privileges among members and in the property of the corporation; and limitations upon or regulations governing the right of members to examine the books and records of the corporation;

(5) The election of representatives or delegates of members and their authority, rights, and privileges;

(6) The number, classification, manner of fixing or changing the

number, qualifications, term of office, voting rights, compensation or manner of fixing compensation, and the removal of directors;

(7) The place, if any, and time for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;

(8) The appointment of an executive and other committees of the directors or of members, their authority, and the method by which they take action;

(9) The titles, qualifications, duties, term of office, compensation or manner of fixing compensation, and the removal, of officers;

(10) Defining, limiting, or regulating the exercise of the authority of the corporation, the directors, the officers, the members, or any class of members;

(11) The method by which voting members may change the regulations;

(12) Providing for the use of authorized communications equipment.

(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.

(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.

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

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

(E) If the regulations are amended or new regulations adopted without a meeting of the voting members, the secretary of the corporation shall send by mail, overnight delivery service, or authorized communications equipment a copy of the amendment or the new regulations to each voting member who would have been entitled to vote on the amendment or new regulations and did not participate in the adoption of the amendment or new regulations. If the secretary of the corporation mails the copy or sends it by overnight delivery service, the secretary shall send the copy of the amendment or the new regulations to the voting member at the voting member's address as it appears on the records of the corporation. If the secretary sends the copy by means of authorized communications equipment, the secretary shall send the copy of the amendment or the new regulations to the address provided by the voting member for transmissions by authorized communications equipment.

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

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

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

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

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

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

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

(B) If so provided in the articles or the regulations, meetings of voting members may be held either within or without this state or solely by means

of authorized communications equipment.

(C) ~~If authorized by~~ Unless the directors articles or regulations provide otherwise, the voting members and proxyholders who are not physically present at a meeting of voting members may attend the meeting by the use of authorized communications equipment that enables the voting members and proxyholders an opportunity to participate in the meeting and to vote on matters submitted to the voting members, including an opportunity to read or hear the proceedings of the meeting, participate in the proceedings, and contemporaneously communicate with the persons who are physically present at the meeting. Any voting member who uses authorized communications equipment under this division is deemed to be present in person at the meeting whether the meeting is held at a designated place or solely by means of authorized communications equipment. The directors may adopt procedures and guidelines for the use of authorized communications equipment in connection with a meeting of voting members to permit the corporation to verify that a person is a voting member or proxyholder and to maintain a record of any vote or other action taken at the meeting.

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

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

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

Sec. 1702.20. (A) Except as otherwise provided in the articles or the

regulations, each member, regardless of class, shall be entitled to one vote on each matter properly submitted to the members for their vote, consent, waiver, release, or other action.

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

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

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

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

(A)(1) 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 any meeting of voting members shall constitute a quorum for the meeting.

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

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

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

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

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

(1) Change the name of the corporation;

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

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

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

(C)(1) The voting members present in person ~~or, if permitted, by mail, by proxy, or~~ by use of authorized communications equipment, by mail, or, if permitted, by proxy at a meeting held for that purpose, may adopt an amendment by the affirmative vote of a majority of the voting members present if a quorum is present or, if the articles or the regulations provide or

permit, by the affirmative vote of a greater or lesser proportion or number of the voting members, and by the affirmative vote of the voting members of any particular class that is required by the articles or the regulations.

(2) For purposes of division (C)(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.

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

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

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

(G) Upon the adoption of any amendment or amended articles, a certificate containing a copy of the resolution adopting the 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 affirmative vote of a majority of the voting members present as described in this division, if a quorum is present, or, if the articles or the regulations provide or permit, by the affirmative vote of a greater or lesser proportion or number of the voting members, and by the affirmative vote of the voting members of any particular class that is required by the articles or the regulations. Notice of the meeting of the members shall be given to all members entitled to vote at the meeting. Such notice shall be accompanied by a copy or summary of the terms of that transaction.

(2) For purposes of division (A)(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.

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

(a) The transaction has received the prior approval of the court of common pleas of the county in this state in which the principal office of the corporation is located, in a proceeding of which the attorney general's charitable law section has been given written notice by certified mail within three days of the initiation of the proceeding, and in which proceeding the attorney general may intervene as of right.

(b)(i) The corporation has provided written notice of the proposed transaction, including a copy or summary of the terms of such transaction, at least twenty days before consummation of the lease, sale, exchange,

transfer, or other disposition of the assets, to the attorney general's charitable law section and to the members of the corporation, and the proposed transaction has been approved 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 affirmative vote of a majority of the voting members present as described in this division, if a quorum is present, or, if the articles or regulations provide or permit, by the affirmative vote of a greater or lesser proportion or number of the voting members, and if the articles or regulations require, by the affirmative vote of the voting members of any particular class.

(ii) For purposes of division (B)(1)(b)(i) 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.

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

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

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

(D) The corporation by its directors may abandon the proposed lease, sale, exchange, transfer, or other disposition of the assets of the corporation pursuant to division (A) or (B) of this section, subject to the contract rights of other persons, if that power of abandonment is conferred upon the

directors either by the terms of the transaction or by the same vote of voting members and at the same meeting of members as that referred to in division (A) or (B) of this section, as applicable, or at any subsequent meeting.

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

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

(B)(1) At each meeting described in division (A) of this section, a vote of the members shall be taken on the proposed agreement. In order to be adopted, the agreement (including any amendments or additions to the agreement proposed at each such meeting) must receive the affirmative vote of a majority of the voting members of each constituent corporation present at that meeting 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, or, if the articles or the regulations of that corporation provide or permit, the affirmative vote of a greater or lesser proportion or number of the voting members, and the affirmative vote of the voting members of any particular class that is required by the articles or the regulations of such corporation. If the agreement would authorize any particular corporate action that, under any applicable provision of law or under the existing articles of one or more of the constituent corporations, could be authorized only by or pursuant to a specified vote of voting members, the agreement (including any amendments or additions to the agreement proposed at each such meeting) in order to be adopted must receive the affirmative vote so specified.

(2) For purposes of division (B)(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.

(C) At any time prior to the filing of the agreement, the merger or consolidation may be abandoned by the directors of one or more of the constituent corporations, if the power of abandonment is conferred upon

those directors either by the agreement or by the same vote of voting members of each of the constituent corporations and at the same meetings as those referred to in division (B) of this section or at subsequent meetings.

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

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

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

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

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;

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;

In Harrison and Noble counties, one judge, to be elected in 1954, term

to begin April 18, 1955;

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;

In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;

In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;

In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;

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

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

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

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

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

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

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

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

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

In Lawrence county, two judges, one to be elected in 1954, term to

begin February 9, 1955, and the second to be elected in 1976, term to begin January 1, 1977;

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

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

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

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

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

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

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

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

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

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

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

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

In Clark county, four judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1956, term to begin January 2,

1957, the third to be elected in 1986, term to begin January 3, 1987, and the fourth to be elected in 1994, term to begin January 2, 1995.

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

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

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

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

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

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

In Butler county, eleven judges, one to be elected in 1956, term to begin January 1, 1957; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; one to be elected in 1968, term to begin January 2, 1969; one to be elected in 1986, term to begin January 3, 1987; two to be elected in 1988, terms to begin January 1, 1989, and January 2, 1989, respectively; one to be elected in 1992, term to begin January 4, 1993; two to be elected in 2002, terms to begin January 2, 2003, and January 3, 2003, respectively; and one to be elected in 2006, term to begin January 3,

2007;

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

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

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

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

(C) In Cuyahoga county, thirty-nine judges; eight to be elected in 1954, terms to begin on successive days beginning from January 1, 1955, to January 7, 1955, and February 9, 1955, respectively; eight to be elected in 1956, terms to begin on successive days beginning from January 1, 1957, to January 8, 1957; three to be elected in 1952, terms to begin from January 1, 1953, to January 3, 1953; two to be elected in 1960, terms to begin on January 8, 1961, and January 9, 1961, respectively; two to be elected in 1964, terms to begin January 4, 1965, and January 5, 1965, respectively; one to be elected in 1966, term to begin on January 10, 1967; four to be elected in 1968, terms to begin on successive days beginning from January 9, 1969, to January 12, 1969; two to be elected in 1974, terms to begin on January 18, 1975, and January 19, 1975, respectively; five to be elected in 1976, terms to begin on successive days beginning January 6, 1977, to January 10, 1977; two to be elected in 1982, terms to begin January 11, 1983, and January 12, 1983, respectively; and two to be elected in 1986, terms to begin January 13, 1987, and January 14, 1987, respectively;

In Franklin county, twenty-two judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957; four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959; three to be elected in 1968, terms to begin January 5, 1969, to January 7, 1969; three to be elected in 1976, terms to begin on successive days beginning January 5, 1977, to January 7, 1977; one to be elected in 1982, term to begin

January 8, 1983; one to be elected in 1986, term to begin January 9, 1987; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; one to be elected in 1996, term to begin January 2, 1997; and one to be elected in 2004, term to begin July 1, 2005;

In Hamilton county, twenty-one judges; eight to be elected in 1966, terms to begin January 1, 1967, January 2, 1967, and from February 9, 1967, to February 14, 1967, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957; one to be elected in 1964, term to begin January 1, 1965; one to be elected in 1974, term to begin January 15, 1975; one to be elected in 1980, term to begin January 16, 1981; two to be elected at large in the general election in 1982, terms to begin April 1, 1983; one to be elected in 1990, term to begin July 1, 1991; and two to be elected in 1996, terms to begin January 3, 1997, and January 4, 1997, respectively;

In Lucas county, fourteen judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; two to be elected in 1956, terms to begin January 1, 1957, and October 29, 1957, respectively; two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 4, 1969; two to be elected in 1976, terms to begin January 4, 1977, and January 5, 1977, respectively; one to be elected in 1982, term to begin January 6, 1983; one to be elected in 1988, term to begin January 7, 1989; one to be elected in 1990, term to begin January 2, 1991; and one to be elected in 1992, term to begin January 2, 1993;

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

In Montgomery county, fifteen judges; three to be elected in 1954, terms to begin January 1, 1955, January 2, 1955, and January 3, 1955, respectively; four to be elected in 1952, terms to begin January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 3, 1969; three to be elected in 1976, terms to begin on successive days beginning January 4, 1977, to January 6, 1977; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; and one to be elected in 1992, term to begin January 1, 1993.

In Stark county, eight judges; one to be elected in 1958, term to begin

on January 2, 1959; two to be elected in 1954, terms to begin on January 1, 1955, and February 9, 1955, respectively; two to be elected in 1952, terms to begin January 1, 1953, and April 16, 1953, respectively; one to be elected in 1966, term to begin on January 4, 1967; and two to be elected in 1992, terms to begin January 1, 1993, and January 2, 1993, respectively;

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

Notwithstanding the foregoing provisions, in any county having two or more judges of the court of common pleas, in which more than one-third of the judges plus one were previously elected at the same election, if the office of one of those judges so elected becomes vacant more than forty days prior to the second general election preceding the expiration of that judge's term, the office that that judge had filled shall be abolished as of the date of the next general election, and a new office of judge of the court of common pleas shall be created. The judge who is to fill that new office shall be elected for a six-year term at the next general election, and the term of that judge shall commence on the first day of the year following that general election, on which day no other judge's term begins, so that the number of judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas are judges of the court of common pleas but shall be elected pursuant to sections 2101.02 and 2101.021 of the Revised Code, except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot counties in which the judge of the court of common pleas elected pursuant to this section also shall serve as judge of the probate division, except in Lorain county in which the judges of the 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.

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.

(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 charge and collect the fees set forth in section 317.32 of the Revised Code.~~

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

Sec. 2329.07. (A)(1) If neither execution on a judgment rendered in a court of record or certified to the clerk of the court of common pleas in the county in which the judgment was rendered is issued, nor a certificate of judgment for obtaining a lien upon lands and tenements is issued and filed, as provided in sections 2329.02 and 2329.04 of the Revised Code, within five years from the date of the judgment or within five years from the date of the issuance of the last execution thereon or the issuance and filing of the last such certificate, whichever is later, then, unless the judgment is in favor of the state, the judgment shall be dormant and shall not operate as a lien upon the estate of the judgment debtor.

(2) If the judgment is in favor of the state, the judgment shall not become dormant and shall not cease to operate as a lien against the estate of the judgment debtor provided that 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 ten years from the date of the judgment or within ~~twelve~~ fifteen years from the date of the issuance of the last execution thereon or the issuance and filing of the last such certificate, whichever is later, except as otherwise provided in division (C) of this section. The fifteen-year limitation period applies to executions issued and certificates of judgments issued and filed before, on, or after the effective date of the amendment of this section by of the 126th general assembly.

(B) If, in any county other than that in which a judgment was rendered, the judgment has become a lien by reason of the filing, in the office of the

clerk of the court of common pleas of that county, of a certificate of the judgment as provided in sections 2329.02 and 2329.04 of the Revised Code, and if no execution is issued for the enforcement of the judgment within that county, or no further certificate of the judgment is filed in that county, within five years or, if the judgment is in favor of the state, within ~~twelve~~ fifteen years from the date of issuance of the last execution for the enforcement of the judgment within that county or the date of filing of the last certificate in that county, whichever is the later, then the judgment shall cease to operate as a lien upon lands and tenements of the judgment debtor within that county, except as otherwise provided in division (C) of this section. The fifteen-year limitation period applies to executions issued and certificates of judgments issued and filed before, on, or after the effective date of the amendment of this section by H.B. 699 of the 126th general assembly.

(C)(1) As used in division (C) 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.

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

(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;

(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.

(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.

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.~~ 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 transmit a certificate thereof to such clerk, signed by the officer administering such oath.~~

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

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

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

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

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

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

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

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

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

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

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

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

(b) The school district in which the child is entitled to attend school has

developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

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

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

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

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

to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the ~~State Board of Education~~ state board shall prohibit a parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under this section so that the parent may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program for which the parent is required to pay for services for the child. A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C)(1) ~~Notwithstanding anything to the contrary in~~ As prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(10) of section 3317.03 of the Revised Code, a child who is not a handicapped preschool child for whom a scholarship is awarded under this section shall be counted in the formula ADM and the category six special education ADM of the district in which the child is entitled to attend school and not in the formula ADM and the category six special education ADM of any other school district. As prescribed in divisions (B)(3)(h) and (B)(10) of section 3317.03 of the Revised Code, a child who is a handicapped preschool child for whom a scholarship is awarded under this section shall be counted in the preschool scholarship ADM and category six special education ADM of the school district in which the child is entitled to attend school and not in the preschool scholarship ADM or category six special education ADM of any other school district.

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

(3) From time to time, the ~~Department~~ department shall make a payment to the parent of each qualified special education child for whom a scholarship has been awarded under this section. The scholarship amount

shall be proportionately reduced in the case of any such child who is not enrolled in the special education program for which a scholarship was awarded under this section for the entire school year. The ~~Department~~ department shall make no payments to the parent of a child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

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

(E) The ~~State Board~~ state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers. ~~The Board shall adopt the rules so that the program established under this section is operational by January 1, 2004.~~

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

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

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

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

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

(D) A multiple of 2.3646 for students identified as orthopedically handicapped, as this term is defined pursuant to Chapter 3323. of the

Revised Code or other health handicapped - major;

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

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

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

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

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

(1) Compute the following for each eligible district:

$$\left\{ \left[\left(\text{cost-of-doing-business factor} \times \text{the formula amount } X \left(\text{formula ADM} + \text{preschool scholarship ADM} \right) \right) + \text{the sum of the base funding supplements prescribed in divisions (C)(1) to (4) of section 3317.012 of the Revised Code} \right] - \left[.023 \times \left(\text{the sum of recognized valuation and property exemption value} \right) \right] \right\}$$

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

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

(a) The difference of (i) the district's fiscal year 2005 base cost payment under the version of division (A)(1) of this 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:

$$\left[\left(\text{fiscal year 2005 base cost payment} / \text{fiscal year 2005 formula ADM} \right) \times \left(\text{current year formula ADM} + \text{preschool scholarship ADM} \right) \right] \text{ minus the amount computed for the district}$$

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 3317.013 of the Revised Code;

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

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

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

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

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

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

(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.

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

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

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

(3) "Related services" includes:

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

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

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

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

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

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

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

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

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

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

The district's state share percentage
X the formula amount for the year

for which the aid is calculated

X the district's total special education weight

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

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

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

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

(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
the personnel allowance X
the state share percentage

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

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

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

The scholarships deducted from the school district's account under section 3310.41 of the Revised Code shall be considered to be an approved special education and related services expense for the purpose of the school district's compliance with division (C)(5) of this section.

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

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

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

(a) "Daily bus miles per student" equals the number of bus miles

traveled per day, divided by transportation base.

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

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

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

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

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

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

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

FISCAL YEAR	PERCENTAGE
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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:

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

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.

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

(c) "Density multiplier" means a figure calculated in accordance with

the following formula:

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

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

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

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

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

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

$$\frac{\text{state share percentage X}}{\text{the formula amount X}} \times \text{total vocational education weight}$$

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

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

$$\frac{\text{state share percentage X} \times .05 \times \text{the formula amount X}}{\text{the sum of categories one and two vocational education ADM}}$$

In any fiscal year, a school district receiving funds under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of

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

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

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

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

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows:

$$(1 - \text{state share percentage}) \times \\ [(\text{total vocational education weight} \times \\ \text{the formula amount}) + \text{the payment under} \\ \text{division (E)(2) of this section}]$$

Sec. 3317.029. (A) As used in this section:

(1) "Poverty percentage" means the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio

works first program or an antecedent program known as TANF or ADC, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.

(2) "Statewide poverty percentage" means the five-year average of the total number of children ages five to seventeen years residing in the state and receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(3) "Poverty index" means the quotient obtained by dividing the school district's poverty percentage by the statewide poverty percentage.

(4) "Poverty student count" means the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code.

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

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

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

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

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

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

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

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

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

If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (K) of this section to designate buildings where the Ohio works first percentage in those grades equals or exceeds the district-wide Ohio works first percentage.

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

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

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

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

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

(a) If the district's poverty index is greater than or equal to 0.25 but less than 0.75:

$$\begin{aligned} & \text{large-group intervention units X hourly rate X} \\ & \text{level one hours X } [(\text{poverty index} - 0.25) / 0.5] \\ & \text{X phase-in percentage} \end{aligned}$$

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;

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 and 1.00 in

fiscal year 2007.

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

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

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

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

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

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

Where:

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

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

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

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

Where:

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

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

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

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

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

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

Where:

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

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

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

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

small group intervention units X hourly rate

X level three hours X phase-in percentage

Where:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Multiply the kindergarten through third grade ADM by 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 fringe benefits.

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

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

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

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

$$0.25 \times \text{formula amount}$$

(3) Multiply the per student amount determined for the district under division (F)(1) or (2) of this section by the number of the district's limited

English proficient students, times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007. For purposes of this calculation, the number of limited English proficient students for each district shall be the number determined by the department when it calculated the district's percentage of limited English proficient students for its school district report card issued in 2003 for the 2002-2003 school year.

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

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

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

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

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

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

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

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

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

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

$$0.005 \times \text{formula amount} \times \text{poverty index}$$

$$\times \text{formula ADM} \times \text{phase-in percentage}$$

Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

(I) An amount for community outreach, if the district is an urban school district as defined in section 3314.02 of the Revised Code, calculated as follows:

$$0.005 \times \text{formula amount} \times \text{poverty index} \times$$

$$\text{formula ADM} \times \text{phase-in percentage}$$

Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

(J) This division applies only to school districts whose poverty index is

1.0 or greater.

(1) Each school district subject to this division 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), (F), (G), (H), or (I) of this section to provide all-day kindergarten in addition to the all-day kindergarten payment under division (D) of this section.

(2) Except as permitted under division (J)(1) of this section, each school district shall use its payment under division (F) of this section for one or more of the following purposes:

(a) To hire teachers for limited English proficient students or other personnel to provide intervention services for those students;

(b) To contract for intervention services for those students;

(c) To provide other services to assist those students in passing the third-grade reading achievement test, and to provide for those students the intervention services required by section 3313.608 of the Revised Code.

(3) Except as permitted under division (J)(1) of this section, each school district shall use its payment under division (G) of this section for professional development of teachers or other licensed personnel providing educational services to students only in one or more of the following areas:

(a) Data-based decision making;

(b) Standards-based curriculum models;

(c) Job-embedded professional development activities that are research-based, as defined in federal law.

In addition, each district shall use the payment only to implement programs identified on a list of eligible professional development programs provided by the department of education. The department annually shall provide the list to each district receiving a payment under division (G) of this section. However, a district may apply to the department for a waiver to implement an alternative professional development program in one or more of the areas specified in divisions (J)(3)(a) to (c) of this section. If the department grants the waiver, the district may use its payment under division (G) of this section to implement the alternative program.

(4) Except as permitted under division (J)(1) of this section, each big eight school district shall use its payment under division (H) of this section either for preventing at-risk students from dropping out of school, for safety and security measures described in division (J)(5)(b) of this section, for academic intervention services described in division (J)(6) of this section, or for a combination of those purposes. Not later than September 1, 2005, the

department of education shall provide each big eight school district with a list of dropout prevention programs that it has determined are successful. The department subsequently may update the list. Each district that elects to use its payment under division (H) of this section for dropout prevention shall use the payment only to implement a dropout prevention program specified on the department's list. However, a district may apply to the department for a waiver to implement an alternative dropout prevention program. If the department grants the waiver, the district may use its payment under division (H) of this section to implement the alternative program.

(5) Except as permitted under division (J)(1) of this section, each urban school district that has a poverty index greater than or equal to 1.0 shall use its payment under division (I) of this section for one or a combination of the following purposes:

(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(c) To implement academic intervention services described in division (J)(6) of this section.

(6) Except as permitted under division (J)(1) of this section, each school district with a poverty index greater than or equal to 1.0 shall use the amount of its payment under division (C) of this section, and may use any amount of its payment under division (H) or (I) of this section, for academic intervention services for students who have failed or are in danger of failing any of the tests administered pursuant to section 3301.0710 of the Revised Code, including intervention services required by section 3313.608 of the Revised Code. Except as permitted under division (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 regular days of instruction to the school calendar or by providing summer programs.

(K) Each district shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (J)(7) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(L)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its all-day kindergarten

percentage. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code, shall determine for each school district subject to division (J) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the 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.

(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.

(2) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (C) of this section shall use its payment under that division in accordance with all requirements of division (J)(6) of this section.

(3) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (I) of this section shall use its payment under that division for one or a combination of the following purposes:

- (a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;
- (b) To implement programs designed to ensure that schools are free of

drugs and violence and have a disciplined environment conducive to learning;

(c) To implement academic intervention services described in division (J)(6) of this section.

(4) Each school district to which division (M)(1), (2), or (3) of this section applies shall expend the remaining funds received under this section, and any other district with a poverty index less than 1.0 shall expend all funds received under this section, for any of the following purposes:

(a) The purchase of technology for instructional purposes for remediation;

(b) All-day kindergarten;

(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;

(d) Summer school remediation;

(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;

(f) Guaranteeing that all third graders are ready to progress to more advanced work;

(g) Summer education and work programs;

(h) Adolescent pregnancy programs;

(i) Head start, preschool, early childhood education, or early learning programs;

(j) Reading improvement and remediation programs described by the department of education;

(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;

(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.

(N) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.

The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.

(O)(1) A district may use a portion of the funds calculated for it under division (D) of this section to modify or purchase classroom space to provide all-day kindergarten, if both of the following conditions are met:

(a) The district certifies to the department, in a manner acceptable to the department, that it has a shortage of space for providing all-day kindergarten.

(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section.

(2) A district may use a portion of the funds described in division (J)(7) of this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department.

Sec. 3317.0217. The department of education shall annually compute and pay state parity aid to school districts, as follows:

(A) Calculate the local wealth per pupil of each school district, which equals the following sum:

(1) Two-thirds times the quotient of (a) the district's recognized valuation divided by (b) its formula ADM; plus

(2) One-third times the quotient of (a) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (b) its formula ADM.

(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula:

$$\frac{\text{threshold local wealth per pupil} - \text{the district's local wealth per pupil}}{\text{wealth per pupil}} \times 0.0075$$

Where:

(1) Seven and one-half mills (0.0075) is an adjustment to the original parity aid standard of nine and one-half mills, to account for the general assembly's policy decision to phase-out use of the cost-of-doing-business factor in the base cost formula.

(2) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil.

If the result of the calculation for a school district under division (C) of this section is less than zero, the district's per pupil parity aid shall be zero.

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, in accordance with the following formula:

$$\text{Payment percentage} \times \$60,000 \times \\ (1 - \text{income factor}) \times 4/15 \times 0.023$$

Where:

(1) "Poverty index" has the same meaning as in section 3317.029 of the Revised Code.

(2) "Payment percentage," for purposes of division (D) of this section, equals 50% in fiscal year 2002 and 100% after fiscal year 2002.

(E) Pay each district that has a combination of an income factor of 1.0 or less, a poverty index of 1.0 or greater, and a fiscal year 2005 cost-of-doing-business factor of 1.0375 or greater, the greater of the following:

(1) The product of the district's per pupil parity aid calculated under division (C) of this section times its net formula ADM;

(2) The product of its per pupil alternative parity aid calculated under division (D) of this section times its net formula ADM.

(F) Pay every other district the product of its per pupil parity aid calculated under division (C) of this section times its net formula ADM.

(G) As used in divisions (E) and (F) of this section, "net formula ADM" means formula ADM minus the number of internet- and computer-based community school students and scholarship students reported under divisions (B)(3)(e) ~~and~~, (f), and (g) of section 3317.03 of the Revised Code.

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education 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 board, for the schools under the

superintendent's supervision, the formula ADM for the first full week in February. If a school under the superintendent's supervision 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 shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(e) Students receiving services in the district through a scholarship awarded under section 3310.41 of the Revised Code.

(2) On an FTE basis, except as provided in division (A)(2)(h) of this section, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to 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;

(d) An adjacent or other school district under an open enrollment policy

adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;

(h) An alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 of the Revised Code.

(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(5) Beginning in fiscal year 2007, in the case of the report submitted for the first full week in February, or the alternative week if specified by the superintendent of public instruction, the number of students reported under division (A)(1) or (2) of this section for the first full week of the preceding October but who since that week have received high school diplomas.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts for the same week for which formula ADM is certified:

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;

(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that are eligible for approval under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(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;

(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;

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;

(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;

(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;

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;

(g) 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;

(h) 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;

(i) Participating in a program operated by a county MR/DD board or a state institution.

(4) The number of pupils enrolled in joint vocational schools;

(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;

(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;

(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;

(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;

(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;

(10) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;

(e) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

(f) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(g) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code.

(C)(1) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same

proportion of the school year that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code.

(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (12), or division (D) of this section, except as follows:

(a) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

(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 instruction, the superintendent of the joint vocational school district may include the number of students reported under division (D)(1) of this section for the first full week of the preceding October but who since that week have received high school diplomas.

The following categories of students shall not be included in the determination made under division (D)(1) of this section:

- (a) Students enrolled in adult education classes;
- (b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;
- (c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;
- (d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified:

- (a) Students enrolled in each grade included in the joint vocational district schools;
- (b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;
- (c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;
- (d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;

(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;

(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;

(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record 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.

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the formula ADM is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the

superintendent after the fifteenth day of February. Division (F)(1) of this section does not apply after fiscal year 2006.

(2) If on the first school day of April the total number of classes or units for handicapped preschool children that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code.

(3) If a student attending a community school under Chapter 3314. of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the community school student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school during the first full school week in October.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all handicapped children other than handicapped preschool children receiving services at the institution for each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code;

(ii) The average daily membership of all handicapped preschool children in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall,

for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any 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.

Sec. 3333.34. (A) As used in this section:

(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.

(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.

(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:

(1) Be uniform across the state;

(2) Be available from an array of providers, including adult career centers, institutions of higher education, and employers;

(3) Be structured to respond to the expectations of both the workplace and higher education;

(4) Be articulated in a way that ensures the most effective

interconnection of competencies offered in specialized training programs:

(5) Establish standards for earning pre-college certificates;

(6) Establish transferability of pre-college certificates to college credit.

(C) The board shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.

Sec. 3353.07. (A) Ohio government telecommunications shall be funded through the eTech Ohio commission and shall be managed by a broadcasting station under a contract. The contract shall not take effect until the program committee of Ohio government telecommunications approves the contract. The broadcasting station shall manage the staff of Ohio government telecommunications. There is hereby created the Ohio government telecommunications service. The Ohio government telecommunications service shall provide the state government and affiliated organizations with multimedia support including audio, visual, and internet services, multimedia streaming, and hosting multimedia programs.

Services relating to the official activities of the general assembly and the executive offices provided by the Ohio government telecommunications service shall be funded through grants to a public television broadcasting station that will manage the staff and provide the services of the Ohio government telecommunications service. The Ohio educational television stations shall select a member station to manage the Ohio government telecommunications service. The Ohio government telecommunications service shall receive grants from, or contract with, any of the three branches of Ohio government, and their affiliates, to provide additional services. Services provided by the Ohio government telecommunications service shall not be used for political purposes included in campaign materials, or otherwise used to influence an election, legislation, issue, judicial decision, or other policy of state government.

(B)(1) There is hereby created the ~~program~~ legislative programming committee of the Ohio government telecommunications service that shall consist of the president of the senate, speaker of the house of representatives, minority leader of the senate, and minority leader of the house of representatives, or their designees, and the clerks of the senate and house of representatives as nonvoting, ex officio members. By a vote of a majority of its members, the program committee may add additional members to the committee.

(2) The ~~program~~ legislative programming committee shall adopt rules that govern the operation of the Ohio government telecommunications

~~service relating to the general assembly and the coverage and distribution of official governmental activities by Ohio government telecommunications any affiliated organizations.~~

Sec. 3353.11. There is hereby created in the state treasury the governmental ~~television/telecommunications~~ telecommunications operating fund. The fund shall consist of money received from contract ~~productions services~~ of the Ohio government telecommunications ~~studio~~ service and shall be used for operations or equipment breakdowns related to the ~~studio service~~. Only the Ohio government telecommunications service may authorize the spending of money in the fund. All investment earnings of the fund shall be credited to the fund. Once the fund has a balance of zero, the fund shall cease to exist.

Sec. 3383.01. As used in this chapter:

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

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

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

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

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

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

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

(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.

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

(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of

its cultural project, provided that both of the following apply:

(1) Those amounts either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(N) "State historical facility" means a site or facility that has all of the following characteristics:

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

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

both the state and the society.

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

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

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

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

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

Revised Code.

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

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

(C) General building services for an Ohio cultural facility shall be provided by the Ohio cultural facilities commission or by a cultural organization that occupies, will occupy, or is responsible for the facility, as determined by the commission, ~~except that~~. 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 such an organization, but not the authority to disapprove that provision. Alternatively, the Ohio building authority may elect to provide those services for Ohio cultural facilities financed with proceeds of state bonds issued by the authority. The costs of management and general building services shall be paid by the cultural organization that

occupies, will occupy, or is responsible for the facility as provided in an agreement between the commission and the cultural organization, except that the state may pay for general building services for state-owned cultural facilities constructed on state-owned land.

General building services for an Ohio sports facility shall be provided by or at the direction of the governmental agency or nonprofit corporation that will be responsible for the management of the facility, all as determined by the commission. 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 amounting to not less than fifty per cent of the total state funding for the cultural project. 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 the adequacy of the regional support but only in the affirmative.

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the cultural

project, or for rental payments relating to the financing of the construction of the cultural project. Authorization to spend money, or an appropriation, for planning the cultural project does not constitute authorization to spend money on, or an appropriation for, construction of the cultural project.

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

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

(1) The Ohio cultural facilities commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter. For a facility 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) As an indication of substantial local support for the facility, the commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state. For a facility receiving a state appropriation of fifty thousand dollars or less, the commission may delegate to its executive director the authority to evaluate the financial and development plan and the contribution and to determine their adequacy but only in the affirmative.

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

appropriation for, costs of constructing the facility.

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

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

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

(2) Any motorsports organization that commits to using the facility for an established period of time shall give the political subdivision in which the facility is located not less than six months' advance notice if the organization intends to cease utilizing the facility prior to the expiration of that established period. Such a motorsports organization shall be liable to the state for any state funds used on the construction costs of the facility.

(H) In addition to the requirements of division (F) of this section, no state bond proceeds shall be spent on any Ohio sports facility that is a tennis facility, unless the owner or manager of the facility provides contractual commitments from a national or international professional tennis organization in a form acceptable to the cultural facilities commission that assures that one or more sanctioned professional tennis events will be presented at the facility during each year that the bonds remain outstanding.

Sec. 3706.01. As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority

established pursuant to an interstate compact or agreement.

(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.

(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.

(G) "Air quality facility" means any of the following:

(1) Any method, modification or replacement of property, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including, without limitation, facilities and expenditures that qualify as air pollution control facilities under section 103 (C)(4)(F) of the Internal Revenue Code of 1954, as amended, and regulations adopted thereunder;

(2) Motor vehicle inspection stations operated in accordance with, and any equipment used for motor vehicle inspections conducted under, section 3704.14 of the Revised Code and rules adopted under it;

(3) Ethanol or other biofuel facilities, including any equipment used at the ethanol or other biofuel facility for the production of ethanol or other biofuels;

(4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air;

(5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation;

(6) Any coal research and development project conducted under Chapter 1555. of the Revised Code;

(7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes;

(8) Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project.

"Air quality facility" further includes any property or system to be used in whole or in part for any of the purposes in divisions (G)(1) to (8) of this section, whether another purpose is also served, and any property or system incidental to or that has to do with, or the end purpose of which is, any of the foregoing. Air quality facilities that are defined in this division for industry, commerce, distribution, or research, including public utility companies, are hereby determined to be those that qualify as facilities for the control of air pollution and thermal pollution related to air under Section 13 of Article VIII, Ohio Constitution.

(H) "Project" or "air quality project" means any air quality facility, including undivided or other interests therein, acquired or to be acquired or constructed or to be constructed by the Ohio air quality development authority under this chapter, or acquired or to be acquired or constructed or to be constructed by a governmental agency or person with all or a part of the cost thereof being paid from a loan or grant from the authority under this chapter, including all buildings and facilities that the authority determines 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.

(I) "Cost" as applied to an air quality project means the cost of acquisition and construction, the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition and construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office and sub-offices of the authority, the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or

easements for such access roads, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for no more than eighteen months after completion of construction, engineering, expenses of research and development with respect to air quality facilities, legal expenses, plans, specifications, surveys, studies, estimates of cost and revenues, working capital, other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing such project, administrative expense, and such other expense as may be necessary or incident to the acquisition or construction of the project, the financing of such acquisition or construction, including the amount authorized in the resolution of the authority providing for the issuance of air quality revenue bonds to be paid into any special funds from the proceeds of such bonds, and the financing of the placing of such project in operation. Any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a project may be regarded as a part of the cost of that project and may be reimbursed out of the proceeds of air quality revenue bonds as authorized by this chapter.

(J) "Owner" includes an individual, copartnership, association, or corporation having any title or interest in any property, rights, easements, or interests authorized to be acquired by this chapter.

(K) "Revenues" means all rentals and other charges received by the authority for the use or services of any air quality project, any gift or grant received with respect to any air quality project, any moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of an air quality project, moneys received in repayment of and for interest on any loans made by the authority to a person or governmental agency, whether from the United States or any department, administration, or agency thereof, or otherwise, proceeds of such bonds to the extent that use thereof for payment of principal of, premium, if any, or interest on the bonds is authorized by the authority, proceeds from any insurance, condemnation, or guaranty pertaining to a project or property mortgaged to secure bonds or pertaining to the financing of the project, and income and profit from the investment of the proceeds of air quality revenue bonds or of any revenues.

(L) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

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

(N) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates a different meaning or intent, includes air quality revenue notes, air quality revenue renewal notes, and air quality revenue refunding bonds, except that notes issued in anticipation of the issuance of bonds shall have a maximum maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, other than a recyclable by-product, generated from a municipal, commercial, or industrial waste water treatment plant, water supply plant, or air pollution control facility or any other such wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets; forest products; or other renewable or biomass resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable or biomass resources, that meets all of the specifications in the American society for testing and materials (ASTM) specification D 4806-88 and is

denatured as specified in Parts 20 and 21 of Title 27 of the Code of Federal Regulations.

(T) "Biofuel" means any fuel that is made from cellulosic biomass resources, including renewable organic matter, crop waste residue, wood, aquatic plants and other crops, animal waste, solid waste, or sludge, and that is used for the production of energy for transportation or other purposes.

(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage.

Sec. 3770.05. (A) As used in this section, "person" means any person, association, corporation, partnership, club, trust, estate, society, receiver, trustee, person acting in a fiduciary or representative capacity, instrumentality of the state or any of its political subdivisions, or any other combination of individuals meeting the requirements set forth in this section or established by rule or order of the state lottery commission.

(B) The director of the state lottery commission may license any person as a lottery sales agent. No license shall be issued to 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.

Before issuing any license to a lottery sales agent, the director shall consider all of the following:

(1) The financial responsibility and security of the ~~person~~ applicant and the ~~person's applicant's~~ business or activity;

(2) The accessibility of the ~~agent's~~ applicant's place of business or activity to the public;

(3) The sufficiency of existing licensed agents to serve the public interest;

(4) The volume of expected sales by the applicant;

(5) Any other factors pertaining to the public interest, convenience, or trust.

(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:

(1) Has been convicted of a felony; or has been convicted of a crime

involving moral turpitude;

(2) Has been convicted of an offense that involves illegal gambling;

(3) Has been found guilty of fraud or misrepresentation in any connection;

(4) Has been found to have violated any rule or order of the commission; or

(5) Has been convicted of illegal trafficking in food stamps.

(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 or licensee is a corporation and any of the following applies:

(1) Any of ~~whose~~ the corporation's directors, officers, or controlling shareholders ~~have~~ has been found guilty of any of the activities specified in divisions (C)(1) to ~~(4)~~(5) of this section;

(2) ~~In which it~~ It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, or controlling shareholder of the corporation, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;

(3) ~~Not~~ The corporation is not the owner or lessee of the business at which it ~~will~~ would conduct a lottery sales agency pursuant to the license applied for, ~~or that any;~~

(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving dividends or distributions as a shareholder, or participates or will participate in the management of the affairs of the applicant or licensee.

(E)(1) The director of the state lottery commission shall refuse to grant a license to an applicant for a lottery sales agent license and shall revoke a lottery sales agent license ~~of a licensee~~ if the applicant or licensee is or has been convicted of a violation of division (A) or (C)(1) of section 2913.46 of the Revised Code.

(2) The director shall refuse to grant a license to an applicant for a lottery sales agent license that is a corporation and shall revoke the lottery sales agent license of a ~~licensee that is a corporation;~~ if the corporation is or has been convicted of a violation of division (A) or (C)(1) of ~~a violation of~~ section 2913.46 of the Revised Code.

(F) The director of the state lottery commission shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the

criminal records of any applicant for a lottery sales agent license, and may periodically request ~~such~~ the criminal records of any person to whom ~~such~~ a lottery sales agent license has been issued. At or prior to the time of making such a request, the director shall require an applicant or licensee to obtain fingerprint impressions on fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause ~~these~~ those fingerprint cards to be forwarded to the bureau of criminal identification and investigation ~~and, to the federal bureau of investigation, or to both bureaus.~~ The commission shall assume the cost of obtaining the fingerprint cards. ~~The~~

The director shall pay to each agency supplying ~~such~~ criminal records for each investigation a reasonable fee, as determined by the agency. ~~The~~

The commission may adopt uniform rules specifying time periods after which the persons described in divisions (C)(1) to ~~(4)(5)~~ and (D)(1) to ~~(3)(4)~~ of this section may be issued a license and establishing requirements for ~~such~~ those persons to seek a court order to have records sealed in accordance with law.

(G)(1) Each applicant for a lottery sales agent license shall do both of the following:

(a) Pay to the state lottery commission, at the time the application is submitted, a fee of twenty-five dollars upon approval of in an amount that the application director of the state lottery commission determines by rule adopted under Chapter 119. of the Revised Code and that the controlling board approves;

(b) Prior to approval of the application, obtain a surety ~~or, if required, a fidelity~~ bond in an amount ~~to be determined by the director~~ determines by rule adopted under Chapter 119. of the Revised Code or, alternatively, with the director's approval, deposit the same amount into a dedicated account for the benefit of the state lottery. The director also may approve the obtaining of a surety bond to cover part of the amount required, together with a dedicated account deposit to cover the remainder of the amount required. ~~The~~

A surety bond may be with any company that complies with the bonding and surety laws of this state and the requirements established by rules of the commission pursuant to this chapter. A dedicated account deposit shall be conducted in accordance with policies and procedures the director establishes.

A surety bond, dedicated account, or both, as applicable, may be used to pay for the lottery sales agent's failure to make prompt and accurate

payments for lottery ticket sales, for missing or stolen lottery tickets, or for damage to equipment or materials issued to the lottery sales agent, or to pay for expenses the commission incurs in connection with the lottery sales agent's license.

(2) A lottery sales agent license is effective for one year. ~~A~~

A licensed lottery sales agent shall, on or before the date established by the director, shall renew the agent's license and provide at that time evidence to the director that the surety bond, dedicated account deposit, or both, required under division ~~(F)(G)(1)(b)~~ of this section has been renewed or is active, whichever applies. The director shall certify to the commission that the applicant for renewal has the required bond.

The Before the commission renews a lottery sales agent license, the lottery sales agent shall submit a renewal fee to the commission in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code and that the controlling board approves. The renewal fee shall not exceed the actual cost of administering the license renewal and processing changes reflected in the renewal application. The renewal of the license is effective for up to one year.

(3) A lottery sales agent license shall be complete, accurate, and current at all times during the term of the license. Any changes to an original license application or a renewal application may subject the applicant or lottery sales agent, as applicable, to paying an administrative fee that shall be in an amount that the director determines by rule adopted under Chapter 119. of the Revised Code, that the controlling board approves, and that shall not exceed the actual cost of administering and processing the changes to an application.

(4) The relationship between the state lottery commission and a lottery sales agent is one of trust. A lottery sales agent collects funds on behalf of the commission through the sale of lottery tickets for which the agent receives a compensation.

(H) Pending a final resolution of any question arising under this section, the director of the state lottery commission may issue a temporary lottery sales agent license, subject to such the terms and conditions as the director may consider considers appropriate.

(I) If a lottery sales agent's rental payments for the lottery sales agent's premises are determined, in whole or in part, by the amount of retail sales the lottery sales agent makes, and if the rental agreement does not expressly provide that the amount of such those retail sales includes the amounts the lottery sales agent receives from lottery ticket sales, only the amounts the lottery sales agent receives as compensation from the state lottery

commission for selling lottery tickets shall be considered to be amounts the lottery sales agent receives from the retail sales the lottery sales agent makes, for the purpose of computing the lottery sales agent's rental payments.

Sec. 3770.073. (A) If a person is entitled to a lottery prize award and is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (G)~~(2)~~(4) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and if the amount of the prize money or the cost of goods or services awarded as a lottery prize award is five thousand dollars or more, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments, at the time the installments become due and owing to the person, until the debt is fully satisfied.

(B) If a person entitled to a lottery prize award owes more than one debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first.

(C) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 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 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.

(B) This section does not apply to:

(1) Transactions in this state involving a policy solicited, written, and delivered outside this state covering only subjects of insurance not resident, located, or to be performed in this state at the time of issuance, provided such transactions are subsequent to the issuance of the policy;

(2) Attorneys-at-law acting on behalf of their clients in the adjustment of claims or losses;

(3) Transactions involving policies issued by a captive insurer. For this purpose, a "captive insurer" means any of the following:

(a) An insurer owned by one or more individuals or organizations, whose exclusive purpose is to insure risks of one or more of the parent organizations or individual owners and risks of one or more affiliates of the parent organizations or individual owners;

(b) In the case of groups and associations, insurers owned by the group or association whose exclusive purpose is to insure risks of members of the group or association and affiliates of the members;

(c) Other types of insurers, licensed and operated in accordance with the captive insurance laws of their jurisdictions of domicile and operated in a manner so as to self-insure risks of their owners and insureds.

(4) Professional or medical liability insurance procured by a hospital organized under Chapter 3701. of the Revised Code or on behalf of an entity

that manufactures, packages, and sells, as more than fifty per cent of the entity's business, pharmaceutical products for human use where the production, packaging, and sale of such products are subject to regulation by an agency of the United States;

(5) Insurance with an initial policy period of more than three years and that is procured to cover known events related to environmental remediation that occurred prior to the effective date of that insurance.

(C) In transactions that are subject to sections 3905.30 to 3905.35 of the Revised Code, each person licensed under section 3905.30 of the Revised Code shall pay to the treasurer of state, on or before the thirty-first day of January of each year, five per cent of the balance of the gross premiums charged for insurance placed or procured under the license after a deduction for return premiums, as reported on a form prescribed by the treasurer of state. The tax shall be collected from the insured by 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 3931.06 of the Revised Code the attorney shall set forth the gross amount of premiums or deposits received ~~by him~~ during the preceding calendar year on contracts of indemnity covering risks within the state. ~~He~~ The attorney shall also set forth therein, in separate items, premiums paid for cancellations, premiums or deposits returned and credited ratably to subscribers, and considerations both received and paid for reinsurance during such year.

The superintendent shall compute a tax at the rate of ~~two one~~ one and ~~one-half four-tenths~~ per cent, and in case of fire insurance an additional ~~one-half three-quarters~~ of one per cent fire marshal tax, on the balance of such gross amount of premiums or deposits, after deducting premiums and deposits returned and credited and considerations received for reinsurances. Such tax of ~~two one~~ one and ~~one-half four-tenths~~ per cent and, in the case of fire insurance, such additional tax of ~~one-half three-quarters~~ of one per cent, shall be paid at the time provided in sections 5729.04 and 5729.05 of the

Revised Code. Where insurance against fire is included with insurance against other perils at an undivided premium, a reasonable allocation from such entire premium shall be made for the fire portion of the coverage in such manner as the superintendent of insurance may direct. No further taxes shall be imposed upon such attorney or ~~his~~ the attorney's subscribers or their representatives for the privilege of transacting business in the state.

If an attorney ceases doing business in the state, ~~he~~ the attorney shall thereupon make a report to the superintendent of the premiums or deposits subject to taxation, not previously reported, and forthwith pay to the superintendent a tax thereon computed according to law. If such attorney fails to make any report for taxation, or fails to pay any tax as required by this section, ~~his~~ the attorney's subscribers shall be liable to the state for such unpaid taxes, and a penalty of not more than twenty-five per cent per annum after demand therefor. Service of process in any action to recover such tax or penalty shall be made according to the law relating to actions against the attorney and ~~his~~ the attorney's subscribers.

Sec. 4115.04. (A) Every public authority authorized to contract for or construct with its own forces a public improvement, before advertising for bids or undertaking such construction with its own forces, shall have the director of commerce determine the prevailing rates of wages of mechanics and laborers in accordance with section 4115.05 of the Revised Code for the class of work called for by the public improvement, in the locality where the work is to be performed. Such schedule of wages shall be attached to and made part of the specifications for the work, and shall be printed on the bidding blanks where the work is done by contract. A copy of the bidding blank shall be filed with the director before such contract is awarded. A minimum rate of wages for common laborers, on work coming under the jurisdiction of the department of transportation, shall be fixed in each county of the state by said department of transportation, in accordance with section 4115.05 of the Revised Code.

(B) Sections 4115.03 to 4115.16 of the Revised Code do not apply to:

(1) Public improvements in any case where the federal government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided the federal government or any of its agencies prescribes predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvements;

(2) A participant in a work activity, developmental activity, or an alternative work activity under sections 5107.40 to 5107.69 of the Revised Code when a public authority directly uses the labor of the participant to

construct a public improvement if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;

(3) Public improvements undertaken by, or under contract for, the board of education of any school district or the governing board of any educational service center;

(4) Public improvements undertaken by, or under contract for, a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code if none of the funds used in constructing the improvements are the proceeds of bonds or other obligations which are secured by the full faith and credit of the state, a county, a township, or a municipal corporation and none of the funds used in constructing the improvements, including funds used to repay any amounts borrowed to construct the improvements, are funds that have been appropriated for that purpose by the state, a board of county commissioners, a township, or a municipal corporation from funds generated by the levy of a tax; provided, however, that a county hospital or municipal hospital may elect to apply sections 4115.03 to 4115.16 of the Revised Code to a public improvement undertaken by, or under contract for, the hospital;

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) of section 176.05 of the Revised Code.

Sec. 4121.121. (A) There is hereby created the bureau of workers' compensation, which shall be administered by the administrator of workers' compensation. A person appointed to the position of administrator shall possess significant management experience in effectively managing an organization or organizations of substantial size and complexity. The governor shall appoint the administrator as provided in section 121.03 of the Revised Code, and the administrator shall serve at the pleasure of the governor. The governor shall fix the administrator's salary on the basis of the administrator's experience and the administrator's responsibilities and duties under this chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised Code. The governor shall not appoint to the position of administrator any person who has, or whose spouse has, given a contribution to the campaign committee of the governor in an amount greater than one thousand dollars during the two-year period immediately preceding the date of the appointment of the administrator.

The administrator shall hold no other public office and shall devote full time to the duties of administrator. Before entering upon the duties of the office, the administrator shall take an oath of office as required by sections 3.22 and 3.23 of the Revised Code, and shall file in the office of the

secretary of state, a bond signed by the administrator and by surety approved by the governor, for the sum of fifty thousand dollars payable to the state, conditioned upon the faithful performance of the administrator's duties.

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

(1) Establish the overall administrative policy of the bureau for the purposes of this chapter and Chapters 4123., 4127., 4131., and 4167. of the Revised Code, and perform all acts and exercise all authorities and powers, discretionary and otherwise that are required of or vested in the bureau or any of its employees in 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 this division to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment in the unclassified service. If the position the person previously held has been filled or placed in the unclassified service, or is otherwise unavailable, the person shall be appointed to a position in the classified service within the bureau that the department of administrative services certifies is comparable in compensation to the position the person previously held. Reinstatement, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when the administrator demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or Chapter 124., 4123., 4127., 4131., or 4167. of the Revised Code, violation of the rules of the director of administrative services or the administrator of workers' compensation, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. An employee 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 a position substantially equal to that position in the classified service held previously, as certified by the department of administrative services. ~~If the position the person previously held in the classified service 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 bureau that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service.~~ Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment in the unclassified service. When a person is reinstated to a position in the classified service as provided in this ~~section~~ division, the person is entitled to all rights, status, and benefits accruing to the position during the person's time of service in the position in the unclassified service.

(3) Reorganize the work of the bureau, its sections, departments, and offices to the extent necessary to achieve the most efficient performance of

its functions and to that end may establish, change, or abolish positions and assign and reassign duties and responsibilities of every employee of the bureau. All persons employed by the commission in positions that, after November 3, 1989, are supervised and directed by the administrator under this section are transferred to the bureau in their respective classifications but subject to reassignment and reclassification of position and compensation as the administrator determines to be in the interest of efficient administration. The civil service status of any person employed by the commission is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit.

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

(5) Prepare and submit to the oversight commission information the administrator considers pertinent or the oversight commission requires, together with the administrator's recommendations, in the form of administrative rules, for the advice and consent of the oversight commission, for classifications of occupations or industries, for premium rates and contributions, for the amount to be credited to the surplus fund, for rules and systems of rating, rate revisions, and merit rating. The administrator shall obtain, prepare, and submit any other information the oversight commission requires for the prompt and efficient discharge of its duties.

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

(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment objectives, policies, and criteria established by the oversight commission pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation. The administrator shall not engage in any prohibited investment activity specified by the oversight commission pursuant to division (G)(6) of section

4121.12 of the Revised Code and shall not invest in any type of investment specified in ~~division~~ divisions (G)(6)(a) to (j) of that section. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property held, in the name of the bureau, or in the name of its nominee, provided that nominees are authorized by the administrator solely for the purpose of facilitating the transfer of securities, and restricted to the administrator and designated employees.

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

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

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

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

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

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

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

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

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

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

(a) Assist the administrator in establishing standard medical fees, approving medical procedures, and determining eligibility and reasonableness of the compensation payments for medical, hospital, and nursing services, and in establishing guidelines for payment policies which recognize usual, customary, and reasonable methods of payment for covered services;

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

(c) Audit fee bill payments;

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

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

(17) Appoint, as the administrator determines necessary, panels to

review and advise the administrator on disputes arising over a determination that a health care service or supply provided to a claimant is not covered under this chapter or Chapter 4123. of the Revised Code or is medically unnecessary. If an individual health care provider is involved in the dispute, the panel shall consist of individuals licensed pursuant to the same section of the Revised Code as such health care provider.

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

(19) Comply with section 3517.13 of the Revised Code, and except in regard to contracts entered into pursuant to the authority contained in section 4121.44 of the Revised Code, comply with the competitive bidding procedures set forth in the Revised Code for all contracts into which the administrator enters provided that those contracts fall within the type of contracts and dollar amounts specified in the Revised Code for competitive bidding and further provided that those contracts are not otherwise specifically exempt from the competitive bidding procedures contained in the Revised Code.

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

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

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

Sec. 4503.068. On or before the second Monday in September of each year, the county treasurer shall total the amount by which the taxes levied in that year were reduced pursuant to section 4503.067 of the Revised Code,

and certify that amount to the tax commissioner. Within ninety days of the receipt of the certification, the commissioner shall certify that amount to the ~~auditor~~ director of state budget and management and the ~~auditor~~ director shall make two payments from the general revenue fund in favor of the county treasurer. One shall be in the full amount by which taxes were reduced. The other shall be in an amount equal to two per cent of such amount and shall be a payment to the county auditor and county treasurer for the costs of administering sections 4503.064 to 4503.069 of the Revised Code.

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

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

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

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

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

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

(B) If fees or contributions for engaging in providing debt adjusting services are charged or accepted, directly or indirectly, no person providing or engaged in debt adjusting shall do any of the following:

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

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

(3) ~~Aaccept~~ Charge or accept a periodic fee or contribution from a debtor residing in this state for administering a debt management plan or similar

plan, which fee or contribution exceeds eight and one-half per cent of the amount paid by the debtor each month for distribution to the debtor's creditors or thirty dollars, whichever is greater.

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

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

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

(2) The attorney general shall make available a summary of the results of the audit and the auditor's opinion upon written request of a person and payment of a fee not exceeding the cost of copying the summary and opinion.

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

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

(2) The insurance coverage includes a deductible that does not exceed ten per cent of the face amount of the policy coverage.

(3) The insurance coverage is issued by an insurer rated at least A- or its equivalent by a nationally recognized rating organization.

(4) The insurance coverage provides that thirty days advance written notice be given to the consumer protection division of the attorney general before coverage is terminated.

(F)(1) No person engaged in debt adjusting shall fail to comply with division (A) of this section or shall violate division (B) of this section.

(2) No person engaged in debt adjusting shall fail to comply with divisions (D) and (E) of this section.

Sec. 4728.03. (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a precious metals dealer's

license has had sufficient financial responsibility, reputation, and experience in the business of precious metals dealer, or a related business, to act as a precious metals dealer in compliance with this chapter.

(B)(1) The division of financial institutions in the department of commerce may grant a precious metals dealer's license to any person of good character, having experience and fitness in the capacity involved, who demonstrates a net worth of at least ten thousand dollars and the ability to maintain that net worth during the licensure period. The superintendent of financial institutions shall compute the applicant's net worth according to generally accepted accounting principles.

(2) In place of the demonstration of net worth required by division (B)(1) of this section, an applicant may obtain a surety bond issued by a surety company authorized to do business in this state if all of the following conditions are met:

- (a) A copy of the surety bond is filed with the division;
- (b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter;
- (c) The bond is in the amount of not less than ten thousand dollars.

(3) Before granting a license under this division, the division shall determine that the applicant meets the requirements of division (B)(1) or (2) of this section.

(C) The division shall require an applicant for a precious metals dealer's license to pay to the division a nonrefundable, initial investigation fee of two hundred dollars which shall be for the exclusive use of the state. The license fee for a precious metals dealer's license and the renewal fee shall be determined by the superintendent, provided that the fee may not exceed three hundred dollars. A license issued by the division shall expire on the last day of June next following the date of its issuance. Fifty per cent of license fees shall be for the use of the state, and fifty per cent shall be paid to the municipal corporation, or if outside the limits of any municipal corporation, to the county in which the office of the licensee is located. All portions of license fees payable to municipal corporations or counties shall be paid as they accrue, by the treasurer of state, on vouchers issued by the ~~auditor~~ director of state budget and management.

(D) Every such license shall be renewed annually by the last day of June according to the standard renewal procedure of ~~sections~~ Chapter 4745. of the Revised Code. No license shall be granted to any person not a resident of or the principal office of which is not located in the municipal corporation or county designated in such license, unless, and until such applicant shall, in writing and in due form, to be first approved by and filed with the division,

appoint an agent, a resident of the state, and city or county where the office is to be located, upon whom all judicial and other process, or legal notice, directed to the applicant may be served; and in case of the death, removal from the state, or any legal disability or any disqualification of any agent, service of process or notice may be made upon the superintendent.

(E) The division may, pursuant to Chapter 119. of the Revised Code, upon notice to the licensee and after giving the licensee reasonable opportunity to be heard, revoke or suspend any license, if the licensee or the licensee's officers, agents, or employees violate this chapter. Whenever, for any cause, the license is revoked or suspended, the division shall not issue another license to the licensee nor to the husband or wife of the licensee, nor to any copartnership or corporation of which the licensee is an officer, nor to any person employed by the licensee, until the expiration of at least one year from the date of revocation of the license.

(F) In conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section, the superintendent may request that the superintendent of the bureau of criminal identification and investigation investigate and determine whether the bureau has procured any information pursuant to section 109.57 of the Revised Code pertaining to the applicant.

If the superintendent of financial institutions determines that conducting an investigation to determine whether an applicant satisfies the requirements for licensure under this section will require procuring information outside the state, then, in addition to the fee established under division (C) of this section, the superintendent may require the applicant to pay any of the actual expenses incurred by the division to conduct such an investigation, provided that the superintendent shall assess the applicant a total no greater than one thousand dollars for such expenses. The superintendent may require the applicant to pay in advance of the investigation, sufficient funds to cover the estimated cost of the actual expenses. If the superintendent requires the applicant to pay investigation expenses, the superintendent shall provide to the applicant an itemized statement of the actual expenses incurred by the division to conduct the investigation.

(G)(1) Except as otherwise provided in division (G)(2) of this ~~sections~~ section a precious metals dealer licensed under this section shall maintain a net worth of at least ten thousand dollars, computed as required under division (B)(1) of this section, for as long as the licensee holds a valid precious metals dealer's license issued pursuant to this section.

(2) A licensee who obtains a surety bond under division (B)(2) of this section is exempt from the requirement of division (G)(1) of this section, but

shall maintain the bond for at least two years after the date on which the licensee ceases to conduct business in this state.

Sec. 4733.14. The state board of registration for professional engineers and surveyors shall, upon payment of the registration fee, register and issue a certificate showing initial registration of an applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a registered professional engineer, the certificate shall authorize the practice of "professional engineering," and in the case of a registered professional surveyor, the certificate shall authorize the practice of "professional surveying." Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairperson and the secretary of the board under seal of the board.

Registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, or of a registered professional surveyor, while the registration remains unrevoked or unexpired.

Each registrant may, upon completing registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "registered professional engineer," or "registered professional surveyor," provided, however, that any registered surveyor's seal obtained prior to the amendment of this section effective April 4, 1985, 140 Ohio Laws 4092, shall remain as a legal seal for any registrant who was registered as a "registered surveyor." Plans, specifications, plats, reports, and all other engineering or surveying work products issued by a registrant shall be stamped with the seal ~~or bear a computer-generated seal in accordance with this section,~~ and be signed and dated by the registrant or bear a computer-generated seal and electronic signature and date, but no person shall stamp, seal, or sign any documents after the 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. The board may, if the fund falls below that amount, require current certificate holders, registrants, and licensees to pay an additional assessment.

~~(g) Defining, with respect to state-registered real estate appraiser assistants, the educational and experience requirements of pursuant to~~ division (C)(1)(d) of section 4763.05 of the Revised Code;

(h) Establishing a real estate appraiser assistant program for the registration of real estate appraiser assistants.

~~(2) Provide or procure appropriate examination questions and answers~~

~~for~~ Prescribe by rule the requirements for the examinations required by division (D) of section 4763.05 of the Revised Code, and establish the criteria for successful completion of those examinations;

(3) Periodically review the standards for preparation and reporting of real estate appraisals provided in this chapter and adopt rules explaining and interpreting those standards;

(4) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders the superintendent of real estate issues pursuant to this chapter;

(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;

(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.

(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:

(1) Prescribe the form and content of all applications required by this chapter;

(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;

(3) Retain records and all application materials submitted to the superintendent;

(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;

(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;

(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;

(7) Administer this chapter;

(8) Issue all orders necessary to implement this chapter;

(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;

(10) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries

as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators and auditors have the right to review and audit the business records of certificate holders, registrants, and licensees during normal business hours. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or currently licensed certificate holders or licensees to assist in performing the duties of this division.

(11) Appoint a referee or examiner for any proceeding involving the revocation or suspension of a certificate, registration, or license under section 3123.47 or 4763.11 of the Revised Code;

(12) Administer the real estate appraiser recovery fund;

(13) Conduct the examinations required by division (D) of section 4763.05 of the Revised Code at least four times per year.

(C) The superintendent may do all of the following:

(1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4763.04 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other appropriate relief, or any combination thereof.

(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(10) of this section, from certificate holders, registrants, licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department of commerce, shall be held in confidence by the superintendent, the investigators and auditors, and other personnel of the department.

(E) This section does not prevent the division of real estate and professional licensing from releasing information relating to certificate holders, registrants, and licensees to the superintendent of financial institutions for purposes relating to the administration of sections 1322.01 to 1322.12 of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the attorney general, or to local law enforcement agencies and local prosecutors. Information released by the division pursuant to this section remains confidential.

(F) Any rule the board adopts shall not exceed the requirements specified in federal law or regulations.

Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent prescribes. The application shall include the address of the applicant's principal place of business and all other addresses at which the applicant currently engages in the business of preparing real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which shall not constitute a public record for purposes of section 149.03 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also shall include a fingerprint of the applicant; a pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with division (A)(11) of section 109.572 of the Revised Code. Notwithstanding division (J) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees

required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess ~~at least thirty months of~~ experience in real estate appraisal, ~~or any equivalent experience the board prescribes.~~ An applicant for a residential real estate appraiser certificate or residential real estate appraiser license shall possess at least two years of experience in real estate appraisal, ~~or any equivalent experience~~ as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

~~(C)(1) Except as provided in division (C)(2) of this section, an~~ An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, truthful, and of good reputation and shall present satisfactory evidence to the superintendent ~~of the following, as appropriate:~~

~~(a) If the applicant is seeking a state-certified general real estate appraiser certificate, that the applicant has successfully completed at least one hundred sixty five classroom hours of courses in subjects related to real estate appraisal, including at least one course devoted exclusively to federal, state, and municipal fair housing law, presented by a nationally recognized appraisal organization, an institution of higher education, a career school registered by the state board of career colleges and schools, a state or federal commission or agency, or any other organization that represents the interests of financial institutions or real estate brokers, appraisers, or agents and that provides appraisal education, plus fifteen classroom hours related to standards of professional practice and the provisions of this chapter;~~

~~(b) If the applicant is seeking a state-certified residential real estate appraiser certificate, that the applicant has successfully completed at least one hundred five classroom hours of courses in subjects related to real estate appraisal, including 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, plus fifteen classroom hours related to standards of professional practice and the provisions of this chapter;~~

~~(c) If the applicant is seeking a state licensed residential real estate appraiser license, that the applicant has successfully completed at least seventy five classroom hours of courses in subjects related to real estate appraisal, including at least one course devoted exclusively to federal, state, and municipal fair housing law, presented by a nationally recognized appraisal organization, an institution of higher education, a career school registered by the state board of career colleges and schools, a state or federal commission or agency, or any other organization that represents the interests of financial institutions or real estate brokers, appraisers, or agents and that provides appraisal education, plus fifteen classroom hours related to standards of professional practice and the provisions of this chapter;~~

~~(d) If the applicant is seeking a state registered real estate appraiser assistant registration, that the applicant has successfully completed at least seventy five classroom hours of courses in subjects related to real estate appraisal, including at least one course devoted exclusively to federal, state, and municipal fair housing law, presented by a nationally recognized appraisal organization, an institution of higher education, a career school registered by the state board of career colleges and schools, or any other organization that represents the interests of financial institutions or real estate brokers, appraisers, or agents, and that provides appraisal education that included at least fifteen classroom hours of instruction related to standards of professional practice and the requirements of this chapter and the rules adopted under this chapter.~~

~~(2) Each person who files an application for an initial certificate or license within one year of the date established by the board as the first date on which applications will be accepted under this section, which date shall be no later than September 1, 1990, and who, at the time of filing that application, does not satisfy the educational requirements for the certification or licensure sought of either division (C)(1)(a) or (b) of this section is exempt from those educational requirements for the term of the initial certification or licensure. In applying for a renewal certificate or license pursuant to section 4763.06 of the Revised Code, a certificate holder or licensee who was exempted from the educational requirements of division (C)(1)(a) or (b) of this section when applying for the initial~~

~~certificate or license shall present satisfactory evidence to the superintendent that the certificate holder or licensee has completed the educational requirements for the certification or licensure to be renewed of one of those divisions before the renewal certificate or license may be issued any education requirements the board prescribes by rule.~~

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license. ~~The examination shall require the applicant to demonstrate all of the following:~~

~~(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and the economic concepts applicable to real estate;~~

~~(2) Understanding of the principles of land economics, real estate appraisal processes, and problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;~~

~~(3) Understanding of the standards for the development and communication of real estate appraisals as provided in this chapter and the rules adopted thereunder;~~

~~(4) Knowledge of theories of depreciation, cost estimating, methods of capitalization, direct sales comparison, and the mathematics of real estate appraisal that are appropriate for the certification or licensure for which the applicant has applied;~~

~~(5) Knowledge of other principles and procedures as appropriate for the certification or licensure;~~

~~(6) Basic understanding of real estate law;~~

~~(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certificate holder and licensee The board shall prescribe the examination requirements by rule.~~

(E)(1) A nonresident, natural person of this state who has complied with this section may obtain a certificate, registration, or license. The board shall adopt rules relating to the certification, registration, and licensure of a nonresident applicant whose state of residence the board determines to have certification, registration, or licensure requirements that are substantially similar to those set forth in this chapter and the rules adopted thereunder.

(2) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(a) The temporary registration is to perform an appraisal assignment that

is part of a federally related transaction.

(b) The appraiser's business in this state is of a temporary nature.

(c) The appraiser registers with the board pursuant to this division.

An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year.

(3) In addition to any other information required to be submitted with the nonresident applicant's or appraiser's application for a certificate, registration, license, or temporary recognition of a certificate or license, each nonresident applicant or appraiser shall submit a statement consenting to the service of process upon the nonresident applicant or appraiser by means of delivering that process to the secretary of state if, in an action against the applicant, certificate holder, registrant, or licensee arising from the applicant's, certificate holder's, registrant's, or licensee's activities as a certificate holder, registrant, or licensee, the plaintiff, in the exercise of due diligence, cannot effect personal service upon the applicant, certificate holder, registrant, or licensee.

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state

certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not issue a general real estate appraiser certificate, residential real estate appraiser certificate, residential real estate appraiser license, or real estate appraiser assistant registration to any person who has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, including a violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to such an offense. However, if the applicant has pleaded guilty to or been convicted of such an offense, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will commit such an offense again.

Sec. 4763.06. (A) A person licensed, registered, or certified under this chapter may obtain a renewal certificate, registration, or license by filing a renewal application with and paying the renewal fee set forth in section 4763.09 of the Revised Code and any amount assessed pursuant to division (A)(2) of section 4763.05 of the Revised Code to the superintendent of real estate. The renewal application shall include a statement, signed by the certificate holder, registrant, or licensee, that the certificate holder, registrant, or licensee has not, during the immediately preceding twelve-month period, been convicted of or pleaded guilty to any criminal offense described in division (H)(2) of section 4763.05 of the Revised Code. The certificate holder, registrant, or licensee shall file the renewal application at least thirty days, but no earlier than one hundred twenty days, prior to expiration of the certificate holder's, registrant's, or licensee's current certificate, registration, or license. ~~A certificate holder or licensee who applies for a renewal certificate or license who, pursuant to division (C)(2) of section 4763.05 of the Revised Code, was exempted from the educational requirements of division (C)(1) of that section during the term of the initial certificate or license, as a condition of renewal, also shall present satisfactory evidence of having completed the appropriate educational requirements of either division (C)(1)(a) or (b) of that section since the effective date of the initial certificate or license.~~

(B) A certificate holder, registrant, or licensee who fails to renew a certificate, registration, or license prior to its expiration is ineligible to obtain a renewal certificate, registration, or license and shall comply with

section 4763.05 of the Revised Code in order to regain certification or licensure, except that a certificate holder, registrant, or licensee may, within three months after the expiration of the certificate holder's, registrant's, or licensee's certificate, registration, or license, renew the certificate, registration, or license without having to comply with section 4763.05 of the Revised Code by payment of all fees for renewal and payment of the late filing fee set forth in section 4763.09 of the Revised Code. A certificate holder, registrant, or licensee who applies for late renewal of the certificate holder's, registrant's, or licensee's certificate, registration, or license may engage in all activities permitted by the certification, registration, or license being renewed for the three-month period following the certificate's, registration's, or license's normal expiration date.

Sec. 4919.76. The public utilities commission of Ohio shall adopt rules applicable to motor carrier registration ~~under the single state insurance registration program. The rules shall be~~ consistent with and equivalent in scope, coverage, and content to the registration rules specified by the ~~interstate commerce commission in accordance with the "Intermodal Surface Transportation Efficiency Act of 1991," 105 Stat. 2146, 49 U.S.C.A. 11506~~ United States department of transportation.

Sec. 5107.12. An assistance group seeking to participate in the Ohio works first program shall apply to a county department of job and family services using an application containing information the director of job and family services requires pursuant to rules adopted under section 5107.05 of the Revised Code and any additional information the county department requires. If cash assistance under the program is to be paid by the ~~auditor~~ director of state budget and management through the medium of direct deposit as provided by section 329.03 of the Revised Code, the application shall be accompanied by information the ~~auditor~~ director needs to make direct deposits.

When a county department receives an application for participation in Ohio works first, it shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts surrounding the application and to obtain such other information as may be required. Upon the completion of the investigation, the county department shall determine whether the applicant is eligible to participate, the amount of cash assistance the applicant should receive, and the approximate date when participation shall begin. The amount of cash assistance so determined shall be certified to the department of job and family services in such form as the department shall prescribe. Warrants, direct deposits, or debit cards shall be delivered or made payable in the manner the department may prescribe.

To the extent required by rules adopted under section 5107.05 of the Revised Code, a participant of Ohio works first shall notify the county department immediately upon the receipt or possession of additional income not previously reported to the county department. Any failure to so notify a county department shall be regarded as prima-facie evidence of an intent to defraud.

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8817 of the Revised Code:

"Administrative agency" means the department of job and family services or, if the department assigns the day-to-day administration of the ICF/MR conversion pilot program to the department of mental retardation and developmental disabilities pursuant to section 5111.887 of the Revised Code, the department of mental retardation and developmental disabilities.

"ICF/MR conversion pilot program" means the medicaid waiver component authorized by a waiver sought under division (B)(1) of this section.

"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid-covered intermediate care facility for the mentally retarded services.

"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

(B) ~~By July 1, 2006, or as soon thereafter as practical, but not~~ Not later than ~~January 1~~ June 30, 2007, the director of job and family services shall, after consulting with and receiving input from the ICF/MR conversion advisory council, submit both of the following to the United States secretary of health and human services:

(1) An application for a waiver authorizing the ICF/MR conversion pilot program under which intermediate care facilities for the mentally retarded, other than such facilities operated by the department of mental retardation and developmental disabilities, may volunteer to convert in whole or in part from providing intermediate care facility for the mentally retarded services to providing home and community-based services and individuals with mental retardation or a developmental disability who are eligible for ICF/MR services may volunteer to receive instead home and community-based services;

(2) An amendment to the state medicaid plan to authorize the director,

beginning on the first day that the ICF/MR conversion pilot program begins implementation under section 5111.882 of the Revised Code and except as provided by section 5111.8811 of the Revised Code, to refuse to enter into or amend a medicaid provider agreement with the operator of an intermediate care facility for the mentally retarded if the provider agreement or amendment would authorize the operator to receive medicaid payments for more intermediate care facility for the mentally retarded beds than the operator receives on the day before that day.

(C) The director shall notify the governor, speaker and minority leader of the house of representatives, and president and minority leader of the senate when the director submits the application for the ICF/MR conversion pilot program under division (B)(1) of this section and the amendment to the state medicaid plan under division (B)(2) of this section. The director is not required to submit the application and the amendment at the same time.

Sec. 5115.06. Assistance under the disability financial assistance program may be given by warrant, direct deposit, or, if provided by the director of job and family services pursuant to section 5101.33 of the Revised Code, by electronic benefit transfer. It shall be inalienable whether by way of assignment, charge, or otherwise, and is exempt from attachment, garnishment, or other like process.

Any direct deposit shall be made to a financial institution and account designated by the recipient. If disability financial assistance is to be paid by the ~~auditor~~ director of state budget and management through direct deposit, the application for assistance shall be accompanied by information the ~~auditor~~ director needs to make direct deposits.

The director of job and family services may adopt rules for designation of financial institutions and accounts.

No financial institution shall impose any charge for direct deposit of disability financial assistance payments that it does not charge all customers for similar services.

Sec. 5119.071. ~~Any~~ An appointing ~~officer~~ authority may appoint a person ~~holding~~ who holds a certified position in the classified service ~~of~~ within the department of mental health to ~~any~~ a position in the unclassified service ~~of~~ within the department. A person ~~so~~ appointed pursuant to this section to a position in the unclassified service shall retain the right to resume the position and status held by ~~him~~ the person in the classified service immediately prior to ~~his~~ the person's appointment. ~~If the position the person previously held has been placed in the unclassified service under this section, he shall be appointed to a position in the classified service that the director of administrative services certifies is comparable in compensation~~

~~to the position the person previously held. Reinstatement to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or Chapter 124. of the Revised Code, violation of the rules of the director of administrative services or the director of mental health, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. An employee 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 a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service 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 in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to ~~his~~ the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this section, ~~he~~ the person is entitled to all rights, status, and ~~emoluments~~ benefits accruing to the position in the classified service during the person's time of ~~his~~ service in the position in the unclassified service.

~~Sec. 5119.611. (A) A board of alcohol, drug addiction, and mental health services may not contract with a community mental health agency under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health services included in the board's community mental health plan unless the services are certified by the director of mental health under this section.~~

A community mental health agency that seeks ~~the director's~~ certification of its community mental health services shall submit an application to the

director of mental health. On receipt of the application, the director may visit and shall evaluate the agency to determine whether its services satisfy the standards established by rules adopted under division ~~(C)~~(D) of this section. The director shall make the evaluation, and, if the director visits the agency, shall make the visit, in cooperation with the board of alcohol, drug addiction, and mental health services with which the agency seeks to contract under division (A)(8)(a) of section 340.03 of the Revised Code.

~~If the director determines that a community mental health agency's services satisfy the standards~~ Subject to divisions (B) and (C) of this section, the director shall certify ~~the a community mental health agency's services that the director determines satisfy the standards~~.

If the director determines that a community mental health agency's services do not satisfy the standards, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and offer technical assistance to the board of alcohol, drug addiction, and mental health services so that the board may assist the agency in satisfying the standards. The director shall give the agency a reasonable time within which to demonstrate that its services satisfy the standards or to bring the services into compliance with the standards. If the director concludes that the services continue to fail to satisfy the standards, the director may request that the board reallocate the funds for the community mental health services the agency was to provide to another community mental health agency whose community mental health services satisfy the standards. If the board does not reallocate those funds in a reasonable period of time, the director may withhold state and federal funds for the community mental health services and allocate those funds directly to a community mental health agency whose community mental health services satisfy the standards.

(B) Each community mental health agency seeking certification of its community mental health services under this section shall pay a fee for the certification review required by this section. Fees shall be paid into the sale of goods and services fund created pursuant to section 5119.161 of the Revised Code.

(C) The director may certify a community mental health service only if the service is for individuals whose focus of treatment is a mental disorder according to the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders that is current at the time the director issues the certification, including such services for individuals who have a mental disorder and a co-occurring substance use disorder, substance induced disorder, chronic dementing organic mental disorder, mental retardation, or developmental disability. The director may not certify a

service that is for individuals whose focus of treatment is solely a substance use disorder, substance-induced disorder, chronic dementing organic mental disorder, mental retardation, or developmental disability.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Establish certification standards for community mental health services, including assertive community treatment and intensive home-based mental health services, that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of services or the health and safety of clients of community mental health services. The standards shall address at a minimum all of the following:

- (a) Reporting major unusual incidents to the director;
- (b) Procedures for applicants for and clients of community mental health services to file grievances and complaints;
- (c) Seclusion;
- (d) Restraint;
- (e) Development of written policies addressing the rights of clients, including all of the following:
 - (i) The right to a copy of the written policies addressing client rights;
 - (ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;
 - (iii) The right to have access to the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;
 - (iv) The right to have a client rights officer provided by the agency or board of alcohol, drug addiction, and mental health services advise the client of the client's rights, including the client's rights under Chapter 5122. of the Revised Code if the client is committed to the agency or board.

(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;

(3) Establish the process for certification of community mental health services;

(4) Set the amount of certification review fees based on a portion of the cost of performing the review;

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.

~~(D) The rules adopted under division (C)(1) of this section to establish certification standards for assertive community treatment and intensive home-based mental health services shall be adopted not later than July 1, 2004.~~

Sec. 5120.03. (A) ~~The~~ Subject to division (C) of this section, the director of rehabilitation and correction, ~~by executive order and with the approval of the governor,~~ may change the purpose for which any institution or place under the control of the department of rehabilitation and correction; is being used. The director may designate a new or another use for such institution, if the change of use and new designation has for its objective, improvement in the classification, segregation, care, education, cure, or rehabilitation of persons subject to the control of the department.

(B) The director of rehabilitation and correction, by executive order, issued on or before December 31, 1988, shall eliminate the distinction between penal institutions and 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 compensation to the position the person previously held. Reinstatement to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or Chapter 124. of the Revised Code, the rules of the director of mental retardation and developmental disabilities 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. An employee 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 a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service 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 in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to ~~his~~ the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this section, ~~he~~ the person is entitled to all rights, status, and ~~emoluments~~ benefits accruing to the position in the classified service during the time of ~~his~~ the person's service in the position in the unclassified service.

Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities pursuant to

Chapter 119. of the Revised Code.

(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills.

(2) "Adult services" includes all of the following:

(a) Adult day habilitation services;

(b) Adult day care;

(c) Prevocational services;

(d) Sheltered employment;

(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;

(f) Community employment services and supported employment services.

(B)(1) "Adult day habilitation services" means adult services that do the following:

(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;

(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.

(2) "Adult day habilitation services" includes all of the following:

(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;

(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services;

(c) Training and education in self-determination designed to help the

individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected;

(f) Transportation necessary to access adult day habilitation services;

(g) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of mental retardation and developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment services" or "supported employment services" means job training and other services related to employment outside a sheltered workshop. "Community employment services" or "supported employment services" include all of the following:

(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;

(2) Supervised work experience through an employer paid to provide the supervised work experience;

(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;

(4) Ongoing supervision by an employer paid to provide the supervision.

(E) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.

"Developmental disability" means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;

(2) It is manifested before age twenty-two;

(3) It is likely to continue indefinitely;

(4) It results in one of the following:

(a) In the case of a person under age three, at least one developmental delay or an established risk;

(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;

(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

(F) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.

(G)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.

(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.

(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air

conditioning.

(H) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.

(I) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

(J) "Home and community-based services" means medicaid-funded home and community-based services specified in division (B)(1) of section 5111.87 of the Revised Code and provided under the medicaid waiver components the department of mental retardation and developmental disabilities administers pursuant to section 5111.871 of the Revised Code.

(K) "Immediate family" means parents, grandparents, brothers, sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

(N) "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group.

(O) "Residential services" means services to individuals with mental retardation or other developmental disabilities to provide housing, food, clothing, habilitation, staff support, and related support services necessary for the health, safety, and welfare of the individuals and the advancement of their quality of life. "Residential services" includes program management, as described in section 5126.14 of the Revised Code.

(P) "Resources" means available capital and other assets, including moneys received from the federal, state, and local governments, private grants, and donations; appropriately qualified personnel; and appropriate

capital facilities and equipment.

(Q) "Senior probate judge" means the current probate judge of a county who has served as probate judge of that county longer than any of the other current probate judges of that county. If a county has only one probate judge, "senior probate judge" means that probate judge.

(R) "Service and support administration" means the duties performed by a service and support administrator pursuant to section 5126.15 of the Revised Code.

(S)(1) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" means equipment, supplies, and supports that enable an individual to increase the ability to perform activities of daily living or to perceive, control, or communicate within the environment.

(2) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" includes the following:

(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.

(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.

(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.

(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:

(a) Providing the support necessary to enable an individual to live in a residence of the individual's choice, with any number of individuals who are not disabled, or with not more than three individuals with mental retardation and developmental disabilities unless the individuals are related by blood or marriage;

(b) Encouraging the individual's participation in the community;

(c) Promoting the individual's rights and autonomy;

(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.

(2) "Supported living" includes the provision of all of the following:

(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;

(b) A combination of ~~life-long~~ lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of the Revised Code.

Sec. 5126.02. (A) Each county shall either have its own county board of mental retardation and developmental disabilities or, pursuant to section 5126.021 or 5126.022 of the Revised Code, be a member of a multicounty board of mental retardation and developmental disabilities. Subject to division (B) of this section:

(1) A county board shall be operated as a separate administrative and service entity.

(2) The functions of a county board shall not be combined with the functions of any other entity of county government.

(B) Division (A) of this section does not prohibit or restrict any county board from sharing administrative functions or personnel with one or more other county boards, including entering into an arrangement authorized by division (B) of section ~~5126.0225~~ 5126.0226 of the Revised Code.

Sec. 5126.024. (A) If a board of county commissioners and senior probate judge propose to join in the creation of, join, or terminate the county's membership in a multicounty board of mental retardation and

developmental disabilities as provided in section ~~5126.01~~, 5126.021, 5126.022, or 5126.023 of the Revised Code, the board of county commissioners and judge shall do both of the following:

(1) Notify the county board of mental retardation and developmental disabilities in writing of their intent to join in the creation of, join, or terminate the county's membership in a multicounty board, including a written explanation of the administrative, fiscal, and performance considerations underlying the proposed action;

(2) Provide the county board an opportunity to comment on the proposed action.

(B) If the county board, not more than sixty days after receiving the notice under division (A) of this section, votes to 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;

(5) Provide for the county board's membership to reflect, as nearly as

possible, the composition of the county or counties that the county board serves.

(B) The appointing authorities of a multicounty board shall coordinate their appointments to the extent necessary to satisfy the requirements of this section. The coordination may provide for one of the boards of county commissioners making one of the two appointments required by division ~~(B)~~(A)(2) of this section and another board of county commissioners making the other appointment required by that division. The coordination shall ensure that at least one of the senior probate judges satisfies the requirement of division ~~(B)~~(A)(3) of this section.

Sec. 5126.0210. (A) None of the following individuals may serve as a member of a county board of mental retardation and developmental disabilities:

(1) An elected public official, except for a township trustee, township clerk fiscal officers officer, or individual excluded from the definition of public official or employee in division (B) of section 102.01 of the Revised Code;

(2) An immediate family member of another county board member;

(3) A county board employee or immediate family member of a county board employee;

(4) ~~An individual who had been employed by~~ A former employee of the county board not whose employment with the county board ceased less than one calendar year before the individual former employee would begin to serve as a member of the county board;

(5) An individual who or whose immediate family member is a board member or an employee of an agency licensed or certified by the department of mental retardation and developmental disabilities to provide services to individuals with mental retardation or developmental disabilities;

(6) An individual who or whose immediate family member is a board member or employee of an agency contracting with the county board that is not licensed or certified by the department of mental retardation and developmental disabilities to provide services to individuals with mental retardation or developmental disabilities unless there is no conflict of interest;

(7) An individual with an immediate family member who serves as a county commissioner of a county served by the county board unless the individual was a member of the county board before October 31, 1980.

(B) All questions relating to the existence of a conflict of interest for the purpose of division (A)~~(5)~~(6) of this section shall be submitted to the local prosecuting attorney for resolution. The Ohio ethics commission may

examine any issues arising under Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the Revised Code.

Sec. 5126.0211. (A) No individual may be appointed or reappointed to a county board of mental retardation and developmental disabilities unless the individual, before the appointment or reappointment, provides to the appointing authority a written declaration specifying both of the following:

(1) That no circumstance described in section ~~5126.029~~ 5126.0210 of the Revised Code exists that bars the individual from serving on the county board;

(2) Whether the individual or an immediate family member of the individual has an ownership interest in or is under contract with an agency contracting with the county board, and, if such an ownership interest or contract exists, the identity of the agency and the nature of the relationship to that agency.

(B) On appointment or reappointment of an individual to the county board, the appointing authority shall provide a copy of the individual's declaration to the superintendent of the county board. The declaration is a public record for the purpose of section 149.43 of the Revised Code.

Sec. 5126.0212. Except for members appointed under section ~~5126.0213~~ 5126.0214 of the Revised Code to fill a vacancy, members of a county board of mental retardation and developmental disabilities shall be appointed or reappointed not later than the last day of November, commence their terms on the date of the stated annual organizational meeting in the following January as provided under section ~~5126.0215~~ 5126.0216 of the Revised Code, and serve terms of four years. The membership of an individual appointed as ~~a relative~~ an immediate family member of a recipient of services shall not be terminated because the services are no longer received.

Sec. 5126.0213. Except as otherwise provided in this section and section ~~5126.0224~~ 5126.0225 of the Revised Code, a member of a county board of mental retardation and developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets the requirements of sections ~~5126.028~~ 5126.029 and ~~5126.0224~~ 5126.0225 of the Revised Code.

A member who has served during each of three consecutive terms shall not be reappointed for a subsequent term until two years after ceasing to be a member of the county board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two

years.

Sec. 5126.0214. Within sixty days after a vacancy on a county board of mental retardation and developmental disabilities occurs, including a vacancy created under section ~~5126.0219~~ 5126.0220 of the Revised Code, the appointing authority shall fill the vacancy for the unexpired term. A Before filling a vacancy, the appointing authority shall cause a notice of the vacancy to be published on at least two separate dates in one or more newspapers serving the county or counties the county board serves.

A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

Sec. 5126.0220. (A) Subject to sections ~~5126.0220~~ 5126.0221 and 5126.0223 of the Revised Code, an appointing authority shall remove a member of a county board of mental retardation and developmental disabilities for any of the following reasons:

- (1) Neglect of duty;
- (2) Misconduct;
- (3) Malfeasance;
- (4) Ineligibility to serve on the county board pursuant to section ~~5126.029~~ 5126.0210 of the Revised Code;
- (5) Failure to attend at least four hours of in-service training session each year;
- (6) Failure to attend within one year four regularly scheduled board meetings;
- (7) Failure to attend within one year two regularly scheduled board meetings if the member gave no prior notice of the member's absence;
- (8) Consistently poor performance on the county board, as demonstrated by documentation that the president of the county board provides to the appointing authority and the appointing authority determines is convincing evidence.

(B) The removal provisions of divisions (A)(6) and (7) of this section do not apply to absences from special meetings or work sessions.

Sec. 5126.0221. An appointing authority shall not remove a member of a county board of mental retardation and developmental disabilities from the county board by reason of division (A)(5), (6), or (7) of section ~~5126.0219~~ 5126.0220 of the Revised Code if the director of mental retardation and developmental disabilities waives the requirement that the member be removed. The director may issue the waiver only if the appointing authority requests that the director issue the waiver and provides the director evidence that is satisfactory to the director that the member's absences from the

in-service training sessions or regularly scheduled board meetings are due to a serious health problem of the member or a member of the member's immediate family. The director's decision on whether to issue the waiver is final and not subject to appeal.

The county board on which the member serves may pass a resolution urging the appointing authority to request that the director issue the waiver. The member whose absences from the sessions or meetings are at issue may not vote on the resolution. The appointing authority may request the waiver regardless of whether the county board adopts the resolution.

Sec. 5126.0222. If there are grounds for the mandatory removal of a member of a county board of mental retardation and developmental disabilities under section ~~5126.0219~~ 5126.0220 of the Revised Code, the county board shall supply the board member and the member's appointing authority with written notice of the grounds.

Sec. 5126.0223. An appointing authority shall afford a member of a county board of mental retardation and developmental disabilities an opportunity for a hearing on the member's proposed removal in accordance with procedures the appointing authority shall establish, unless the appointing authority requested that the director of mental retardation and developmental disabilities waive the mandatory removal under section ~~5126.0220~~ 5126.0221 of the Revised Code and the director refused to issue the waiver. The appointing authority shall hold the hearing if the member requests the hearing not later than thirty days after the date that the county board sends the member the notice required by section ~~5126.0221~~ 5126.0222 of the Revised Code.

Sec. 5126.0224. If a member of a county board of mental retardation and developmental disabilities requests a hearing within the time required by section ~~5126.0222~~ 5126.0223 of the Revised Code, the appointing authority may not remove the member from the board before the conclusion of the hearing.

Sec. 5126.0225. A member of a county board of mental retardation and developmental disabilities who is removed from the county board is ineligible for reappointment to the board for not less than one year. The appointing authority shall specify the time during which the member is ineligible for reappointment. If the member is removed under division (A)(5) of section ~~5126.0219~~ 5126.0220 of the Revised Code, the county board shall specify the training the member must complete before being eligible for reappointment.

Sec. 5126.031. (A) Except as provided in division (B) of this section, annually at the organizational meeting required by section ~~5126.0215~~

5126.0216 of the Revised Code, the chairperson of the county board of mental retardation and developmental disabilities shall appoint three members of the board to an ethics council to review all direct services contracts. The board's chairperson may be one of those appointed. The superintendent of the board shall be a nonvoting member of the council. The chairperson shall not appoint a person to the council if the person, or any member of the person's immediate family, will have any interest in any direct services contract under review by the council while the person serves on the council or during the twelve-month period after completing service on the council. If a council member or a member of the council member's immediate family has or will have such an interest, the chairperson shall replace the member by appointing another board member to the council.

The council shall meet regularly as directed by the board to perform its duties. Minutes shall be kept of the actions of the council. The minutes shall be part of the public record of the county board.

Any action taken by the council on direct services contracts under its review shall be in public. The council shall afford an affected party the opportunity to meet with the council on matters related to a direct services contract or any action taken by the council.

(B) If a county board establishes a policy specifying that the board is not willing to enter into direct services contracts with any person who is a board member or former board member or a member of the immediate family of a board member or former board member, the board may assume the responsibilities and perform the 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 administrator, a deputy superintendent, or the superintendent of schools of the department of youth services, a member of the release authority, the chief of staff to the release authority, and the victims administrator of the office of victim services.

(2) Each division established by the director of youth services shall consist of managing officers and other employees, including those employed in institutions and regions as necessary to perform the functions assigned to them. The director, assistant director, or appropriate deputy director or managing officer of the department shall supervise the work of each division and determine general policies governing the exercise of powers vested in the department and assigned to each division. The appropriate managing officer or deputy director is responsible to the director or assistant director for the organization, direction, and supervision of the work of the division or unit and for the exercise of the powers and the performance of the duties of the department assigned to it and, with the director's approval, may establish bureaus or other administrative units within the department.

(B) The director shall appoint all managing officers, who shall be in the unclassified civil service. ~~If the~~ The director appoints a ~~may appoint a~~ person who holds a certified position in the classified service within the department to a position as a managing officer within the department. A person appointed pursuant to this division to a position as a managing officer from within the classified service of the department, the person so appointed retains ~~shall retain~~ the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment as managing officer. If such a person is removed from the position as managing officer, the person shall be reinstated, regardless of the number of 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 in the position in the classified service held by the reinstated person held immediately prior to the person's appointment as a managing officer. If a person is reinstated to a position in the classified service under this division, the person shall be returned to the pay range and step to which the person had been assigned at the time of the appointment as managing officer. Longevity, where applicable, shall be calculated pursuant to the provisions of section 124.181 of the Revised Code.

(C) Each person appointed as a managing officer shall have received special training and shall have experience in the type of work that the person's division is required to perform. Each managing officer, under the supervision of the director, has entire charge of the division, institution, unit, or region for which the managing officer is appointed and, with the director's approval, shall appoint necessary employees and may remove

them for cause.

Sec. 5502.62. (A) There is hereby created in the department of public safety a division of criminal justice services. The director of public safety, with the concurrence of the governor, shall appoint an executive director of the division of criminal justice services. The executive director shall be the head of the division. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section and to comply with sections 5502.63 to 5502.66 of the Revised Code, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain any necessary staff and may enter into any necessary contracts and other agreements. The executive director of the division, and all professional and technical personnel employed within the division who are not public employees as defined in section 4117.01 of the Revised Code, shall be in the unclassified civil service, and all other persons employed within the division shall be in the classified civil service.

(B) Subject to division (F) of this section and subject to divisions (D) to (F) of section 5120.09 of the Revised Code insofar as those divisions relate to federal criminal justice acts that the governor requires the department of rehabilitation and correction to administer, the division of criminal justice services shall do all of the following:

(1) Serve as the state criminal justice services agency and perform criminal justice system planning in the state, including any planning that is required by any federal law;

(2) Collect, analyze, and correlate information and data concerning the criminal justice system in the state;

(3) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal justice system in the state, and other appropriate organizations and persons;

(4) Encourage and assist agencies, offices, and departments of the criminal justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division;

(5) Administer within the state any federal criminal justice acts that the governor requires it to administer;

(6) Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program;

- (7) Implement the state comprehensive plans;
- (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the division;
- (9) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the division;
- (10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice system in the state. ~~Except as otherwise provided in this division, all money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the federal program purposes fund shall be credited to the fund.~~ All money from such federal grants that require that the money be deposited into an interest-bearing fund or account, that are intended to provide funding to local criminal justice programs, and that require that investment earnings be distributed for program purposes shall be deposited in the state treasury to the credit of the federal justice programs ~~fund~~ funds, which ~~is~~ are hereby created. A separate fund shall be established each federal fiscal year. All investment earnings of ~~the a~~ federal justice programs fund shall be credited to ~~the~~ that fund and distributed in accordance with the terms of the grant under which the money is received.
- (11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the division;
- (12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;
- (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;
- (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;
- (15) Assist, advise, and make any reports that are requested or required by the governor, director of public safety, attorney general, or general assembly;

(16) Develop and maintain the Ohio incident-based reporting system in accordance with division (C) of this section;

(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code.

(C) The ~~office~~ 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 ~~office~~ 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 office to participate in OIBRS or in the uniform crime reporting program of the federal bureau of investigation. An agency that submits OIBRS data to the Ohio local law enforcement information sharing network shall be considered to be in compliance with division (C)(6) of this section if both of the following apply:

(a) The Ohio local law enforcement information sharing network is capable of collecting OIBRS data.

(b) The ~~office~~ division of criminal justice services has the ability to extract the OIBRS data for reporting to the national incident-based reporting system in the manner required by the federal bureau of investigation.

(D) Upon the request of the director of public safety or governor, the division of criminal justice services may do any of the following:

(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;

(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency

offices, and the departments of the juvenile justice system in the state and other appropriate organizations and persons;

(3) Encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division.

(E) Divisions (B), (C), and (D) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.

(F) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency or to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio.

Sec. 5533.75. That portion of the road known as state route one hundred eighty-eight, located within Fairfield county only, shall be known as the "Deputy Ethan Collins Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name.

Sec. 5537.01. As used in this chapter:

(A) "Commission" means the Ohio turnpike commission created by section 5537.02 of the Revised Code or, if that commission is abolished, the board, body, officer, or commission succeeding to the principal functions thereof or to which the powers given by this chapter to the commission are given by law.

(B) "Project" or "turnpike project" means any express or limited access highway, super highway, or motorway constructed, operated, or improved, under the jurisdiction of the commission and pursuant to this chapter, at a location or locations reviewed by the turnpike ~~oversight~~ legislative review committee and approved by the governor, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, those portions of connecting public roads that serve interchanges and are determined by the commission and the director of transportation to be necessary for the safe merging of traffic between the turnpike project and those public roads, toll booths, service facilities, and administration, storage, and other buildings, property, and facilities that the commission considers necessary for the operation or policing of the project, together with all property and rights which may be acquired by the commission for the construction, maintenance, or operation of the project, and includes any sections or extensions of a turnpike project designated by the commission as such for the particular purpose. Each turnpike project shall be separately designated, by name or number, and may be constructed, improved, or

extended in such sections as the commission may from time to time determine. Construction includes the improvement and renovation of a previously constructed project, including additional interchanges, whether or not the project was initially constructed by the commission.

(C) "Cost," as applied to construction of a turnpike project, includes the cost of construction, including bridges over or under existing highways and railroads, acquisition of all property acquired by the commission for the construction, demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which the buildings or structures may be moved, site clearance, improvement, and preparation, diverting public roads, interchanges with public roads, access roads to private property, including the cost of land or easements therefor, all machinery, furnishings, and equipment, communications facilities, financing expenses, interest prior to and during construction and for one year after completion of construction, traffic estimates, indemnity and surety bonds and premiums on insurance, title work and title commitments, insurance, and guarantees, engineering, feasibility studies, and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing or operating a project, administrative expenses, and any other expense that may be necessary or incident to the construction of the project, the financing of the construction, and the placing of the project in operation. Any obligation or expense incurred by the department of transportation with the approval of the commission for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project, or by the federal government with the approval of the commission for any public road projects which must be reimbursed as a condition to the exercise of any of the powers of the commission under this chapter, shall be regarded as a part of the cost of the project and shall be reimbursed to the state or the federal government, as the case may be, from revenues, state taxes, or the proceeds of bonds as authorized by this chapter.

(D) "Owner" includes all persons having any title or interest in any property authorized to be acquired by the commission under this chapter.

(E) "Revenues" means all tolls, service revenues, investment income on special funds, rentals, gifts, grants, and all other moneys coming into the possession of or under the control of the commission by virtue of this chapter, except the proceeds from the sale of bonds. "Revenues" does not include state taxes.

(F) "Public roads" means all public highways, roads, and streets in the state, whether maintained by a state agency or any other governmental

agency.

(G) "Public utility facilities" means tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility.

(H) "Financing expenses" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing of bonds including, without limitation, costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, redemption premiums, and credit enhancement facilities.

(I) "Bond proceedings" means the resolutions, trust agreements, certifications, notices, sale proceedings, leases, lease-purchase agreements, assignments, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, or any one or more or any combination thereof, authorizing, or authorizing or providing for the terms and conditions applicable to, or providing for the security or sale or award or liquidity of, bonds, and includes the provisions set forth or incorporated in those bonds and bond proceedings.

(J) "Bond service charges" means principal, including any mandatory sinking fund or mandatory redemption requirements for the retirement of bonds, and interest and any redemption premium payable on bonds, as those payments come due and are payable to the bondholder or to a person making payment under a credit enhancement facility of those bond service charges to a bondholder.

(K) "Bond service fund" means the applicable fund created by the bond proceedings for and pledged to the payment of bond service charges on bonds provided for by those proceedings, including all moneys and investments, and earnings from investments, credited and to be credited to that fund as provided in the bond proceedings.

(L) "Bonds" means bonds, notes, including notes anticipating bonds or other notes, commercial paper, certificates of participation, or other evidences of obligation, including any interest coupons pertaining thereto, issued by the commission pursuant to this chapter.

(M) "Net revenues" means revenues lawfully available to pay both current operating expenses of the commission and bond service charges in any fiscal year or other specified period, less current operating expenses of the commission and any amount necessary to maintain a working capital reserve for that period.

(N) "Pledged revenues" means net revenues, moneys and investments, and earnings on those investments, in the applicable bond service fund and any other special funds, and the proceeds of any bonds issued for the purpose of refunding prior bonds, all as lawfully available and by resolution of the commission committed for application as pledged revenues to the payment of bond service charges on particular issues of bonds.

(O) "Service facilities" means service stations, restaurants, and other facilities for food service, roadside parks and rest areas, parking, camping, tenting, rest, and sleeping facilities, hotels or motels, and all similar and other facilities providing services to the traveling public in connection with the use of a turnpike project and owned, leased, licensed, or operated by the commission.

(P) "Service revenues" means those revenues of the commission derived from its ownership, leasing, licensing, or operation of service facilities.

(Q) "Special funds" means the applicable bond service fund and any accounts and subaccounts in that fund, any other funds or accounts permitted by and established under, and identified as a "special fund" or "special account" in, the bond proceedings, including any special fund or account established for purposes of rebate or other requirements under federal income tax laws.

(R) "State agencies" means the state, officers of the state, and boards, departments, branches, divisions, or other units or agencies of the state.

(S) "State taxes" means receipts of the commission from the proceeds of state taxes or excises levied and collected, or appropriated by the general assembly to the commission, for the purposes and functions of the commission. State taxes do not include tolls, or investment earnings on state taxes except on those state taxes referred to in Section 5a of Article XII, Ohio Constitution.

(T) "Tolls" means tolls, special fees or permit fees, or other charges by the commission to the owners, lessors, lessees, or operators of motor vehicles for the operation of or the right to operate those vehicles on a turnpike project.

(U) "Credit enhancement facilities" means letters of credit, lines of credit, standby, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that

provide for direct or contingent payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of bonds, or for making payment of bond service charges and at the option and on demand of bondholders or at the option of the commission or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the bonds, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

(V) "Person" has the same meaning as in section 1.59 of the Revised Code and, unless the context otherwise provides, also includes any governmental agency and any combination of those persons.

(W) "Refund" means to fund and retire outstanding bonds, including advance refunding with or without payment or redemption prior to stated maturity.

(X) "Governmental agency" means any state agency, federal agency, political subdivision, or other local, interstate, or regional governmental agency, and any combination of those agencies.

(Y) "Property" has the same meaning as in section 1.59 of the Revised Code, and includes interests in property.

(Z) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(AA) "Outstanding," as applied to bonds, means outstanding in accordance with the terms of the bonds and the applicable bond proceedings.

(BB) "Ohio turnpike system" or "system" means all existing and future turnpike projects constructed, operated, and maintained under the jurisdiction of the commission.

Sec. 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 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.

(2) The members appointed by the governor shall be residents of the state, shall have been qualified electors therein for a period of at least five years next preceding their appointment, and shall serve terms of eight years commencing on the first day of July and ending on the thirtieth day of June. Those members appointed by the president of the senate or the speaker of the house of representatives shall serve a term of the remainder of the general assembly during which the senator or representative is appointed. Each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. If a commission member dies or resigns, or if a senator, or representative, ~~or the director of transportation~~ who is a member of the commission ceases to be a senator, or representative, or ~~the director of transportation~~ if an ex officio member ceases to hold the applicable office, the vacancy shall be filled in the same manner as provided in division (B)(1) of this section. Any member who fills a vacancy occurring prior to the end of the term for which the member's predecessor was appointed shall, if appointed by the governor, hold office for the remainder of such term or, if appointed by the president of the senate or the speaker of the house of representatives, shall hold office for the remainder of the term or for a shorter period of time as determined by the president or the speaker. Any member appointed by the governor shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A member of the commission is eligible for

reappointment. Each member of the commission appointed by the governor, before entering upon ~~his~~ the member's duties, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor, the president of the senate, or the speaker of the house of representatives, may at any time remove their respective appointees to the commission for misfeasance, nonfeasance, or malfeasance in office.

(3)(a) A member of the commission who is appointed by the president of the senate or the speaker of the house of representatives shall not participate in any vote of the commission. Serving as an appointed member of the commission under divisions (B)(1)(c), (1)(d), or (2) of this section does not constitute grounds for resignation from the senate or the house of representatives under section 101.26 of the Revised Code.

(b) The director of budget and management and the director of development shall not participate in any vote of the commission.

(C) The voting members of the commission shall elect one of the appointed voting members as chairperson and another as vice-chairperson, and shall appoint a secretary-treasurer who need not be a member of the commission. Three of the voting members of the commission constitute a quorum, and the affirmative vote of three voting members is necessary for any action taken by the commission. No vacancy in the membership of the commission impairs the rights of a quorum to exercise all the rights and perform all the duties of the commission.

(D) Each member of the commission appointed by the governor shall give a surety bond to the commission in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in at least the penal sum of fifty thousand dollars. The commission may require any of its officers or employees to file surety bonds including a blanket bond as provided in section 3.06 of the Revised Code. Each such bond shall 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, long sight 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. The turnpikes and turnpike projects authorized by this chapter are hereby or shall be made part of the Ohio turnpike system.

Sec. 5537.10. This chapter provides an additional and alternative method for doing the things and taking the actions authorized by this chapter. This chapter shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on or after September 1, 1949. ~~The~~ Except for section 126.11 of the Revised Code, the issuance of bonds under this chapter need not comply with any other law applicable to the issuance of bonds.

Sec. 5537.17. (A) Each turnpike project open to traffic shall be maintained and kept in good condition and repair by the Ohio turnpike commission. The Ohio turnpike system shall be policed and operated by a force of police, toll collectors, and other employees and agents that the commission employs or contracts for.

(B) All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation or consideration made therefor out of moneys provided under this chapter.

(C) All governmental agencies may lease, lend, grant, or convey to the commission at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property that is necessary or convenient to the effectuation of the purposes

of the commission, including public roads and other property already devoted to public use.

(D) Each bridge constituting part of a turnpike project shall be inspected at least once each year by a professional engineer employed or retained by the commission.

(E) On or before the first day of July in each year, the commission shall make an annual report of its activities for the preceding calendar year to the governor and the general assembly. Each such report shall set forth a complete operating and financial statement covering the commission's operations during the year. The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants, and the cost thereof may be treated as a part of the cost of operations of the commission. The auditor of state, at least once a year and without previous notice to the commission, shall audit the accounts and transactions of the commission.

(F) The commission shall submit a copy of its annual audit by the auditor of state and its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before adopting its annual budget, the commission shall submit a copy of its proposed annual budget to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission. The office of budget and management shall review the proposed budget and may provide recommendations to the commission for its consideration.

Sec. 5537.24. (A) There is hereby created a turnpike ~~oversight~~ legislative review committee consisting of six members as follows:

(1) Three members of the senate, no more than two of whom shall be

members of the same political party, one of whom shall be the chairperson of the committee dealing primarily with highway matters, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the minority leader of the senate.

Both the senate member who is appointed by the president of the senate and the senate member appointed by the minority leader of the senate shall represent either districts in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or districts located in the vicinity of a turnpike project that is part of the Ohio turnpike system.

The president of the senate shall make the president of the senate's appointment to the committee first, followed by the minority leader of the senate, and they shall make their appointments in such a manner that their two appointees represent districts that are located in different areas of the state. If the chairperson of the senate committee dealing primarily with highway matters represents a district in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or a district located in the vicinity of a turnpike project that is part of the Ohio turnpike system, the president of the senate and the minority leader of the senate shall make their appointments in such a manner that their two appointees and the chairperson of the senate committee dealing primarily with highway matters all represent districts that are located in different areas of the state.

(2) Three members of the house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the house of representatives committee dealing primarily with highway matters, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the minority leader of the house of representatives.

Both the house of representatives member who is appointed by the speaker of the house of representatives and the house of representatives member appointed by the minority leader of the house of representatives shall represent either districts in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or districts located in the vicinity of a turnpike project that is part of the Ohio turnpike system.

The speaker of the house of representatives shall make the speaker of the house of representative's appointment to the committee first, followed by the minority leader of the house of representatives, and they shall make their appointments in such a manner that their two appointees represent districts

that are located in different areas of the state. If the chairperson of the house of representatives committee dealing primarily with highway matters represents a district in which is located or through which passes a portion of a turnpike project that is part of the Ohio turnpike system or a district located in the vicinity of a turnpike project that is part of the Ohio turnpike system, the 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 speaker. A member of the committee is eligible for reappointment.

(C) The turnpike ~~oversight~~ legislative review committee shall meet at least quarterly and may meet at the call of its chairperson, or upon the written request to the chairperson of not fewer than four members of the committee. ~~At least three of the quarterly meetings~~ Meetings shall be held at sites ~~located along a turnpike project as~~ that are determined solely by the chairperson of the committee. At each meeting, the Ohio turnpike commission shall make a report to the committee on commission matters, including but not limited to financial and budgetary matters and proposed

and on-going construction, maintenance, repair, and operational projects of the commission.

The committee, by the affirmative vote of at least four of its members, may submit written recommendations to the commission, either at meetings held pursuant to this section or at any other time, describing new turnpike projects or new interchanges located on existing projects that the committee believes the commission should consider constructing.

(D) The members of the turnpike ~~oversight~~ legislative review committee who are members of the general assembly shall serve without compensation, but shall be reimbursed by the commission for their actual and necessary expenses incurred in the discharge of their official duties as committee members. Serving as a member of the turnpike ~~oversight~~ legislative review committee does not constitute grounds for resignation from the senate or house of representatives under section 101.26 of the Revised Code.

Sec. 5537.26. (A) Except as provided in division (D) of this section, no increase by the Ohio turnpike commission in the toll rate structure that is applicable to vehicles operating on a turnpike project shall become effective unless the commission complies with the notice and hearing requirements prescribed in division (B) of this section, and the commission shall not take any action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the commission beyond the Ohio turnpike, unless the commission complies with the notice and hearing requirements prescribed in division (B) of this section.

(B) Not less than ninety days prior to the date on which the commission votes to increase any part of the toll rate structure that is applicable to vehicles operating on a turnpike project, and not less than ninety days prior to the date on which the commission votes to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the commission beyond the Ohio turnpike, the commission shall ~~commence~~ do both of the following:

(1) Send notice to the governor and the presiding officers and minority leaders of the senate and house of representatives that details the proposed increase to the toll rate structure or the expansion of the sphere of responsibility of the commission beyond the Ohio turnpike, including a description of and a justification for the increase or expansion;

(2) Commence holding public hearings on the proposed increase in the toll rate structure or the proposed action. If the commission is proposing an increase in the toll rate structure that is applicable to vehicles operating on a

turnpike project, it shall hold not less than three public hearings in three geographically diverse locations in this state that are in the immediate vicinity of the affected project. If the commission is proposing to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the commission beyond the Ohio turnpike, it shall hold not less than three public hearings in three locations in the immediate vicinity where the expanded responsibilities would arise.

The commission shall hold the third or, if it holds more than three hearings, the last hearing of any set of hearings required to be held under this section not less than thirty days prior to the date on which it votes to increase part of the toll rate structure that is applicable to vehicles operating on a turnpike project or to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the commission beyond the Ohio turnpike.

The commission shall inform the public of all the hearings required to be held under this section by causing a notice to be published in a newspaper of general circulation in the county in which each hearing is to be held, not less than once per week for two weeks prior to the date of the hearing.

(C) If the commission does not comply with the notice and hearing requirements contained in division (B) of this section and votes for an increase in the toll rate structure that is applicable to vehicles operating on a turnpike project, the increase in the toll rate structure shall not take effect, any attempt by the commission to implement the increase in the toll rate structure is void, and, if necessary, the attorney general shall file an action in the court of common pleas of the county in which the principal office of the commission is located to enjoin the commission from implementing the increase. The commission shall not implement any increase until it complies with division (B) of this section.

If the commission does not comply with the notice and hearing requirements contained in division (B) of this section and votes to take an action that expands, has the effect of expanding, or will to any degree at any time in the future have the effect of expanding the sphere of responsibility of the commission beyond the Ohio turnpike, the commission shall not take the proposed action and, if necessary, the attorney general shall file an action in the court of common pleas of the county in which the principal office of the commission is located to enjoin the commission from taking the proposed action. The commission shall not take the proposed action until it complies

with the notice and hearing requirements prescribed in division (B) of this section.

(D) Divisions (A) to (C) of this section do not apply to any decrease made to the toll rate structure by the commission. The commission may implement a temporary decrease in the toll rate structure only if it does not exceed eighteen months in duration. Prior to instituting any decrease to the toll rate structure, the commission shall ~~hold~~ do both of the following:

(1) Not less than five days prior to any public meeting under division (D)(2) of this section, send notice to the governor and the presiding officers and minority leaders of the senate and house of representatives that details the proposed decrease to the toll rate structure;

(2) Hold a public meeting to explain to members of the traveling public the reasons for the upcoming decrease, to inform them of any benefits and any negative consequences, and to give them the opportunity to express their opinions as to the relative merits or drawbacks of each toll decrease. The commission shall inform the public of the meeting by causing a notice to be published in newspapers of general circulation in Cuyahoga, Lucas, Mahoning, Trumbull, Williams, and Summit counties not less than five days prior to the meeting. The commission shall not be required to hold any public hearing or meeting upon the expiration of any temporary decrease in the toll rate structure, so long as it implements the same toll rate structure that was in effect immediately prior to the temporary decrease.

(E) As used in this section, "Ohio turnpike" means the toll freeway that is under the jurisdiction of the commission and runs in an easterly and westerly direction across the entire northern portion of this state between its borders with the state of Pennsylvania in the east and the state of Indiana in the west, and carries the interstate highway designations of interstate seventy-six, interstate eighty, and interstate eighty-ninety.

Sec. 5537.27. The Ohio turnpike commission, the director of transportation or the director's designee, and another person designated by the governor shall establish a procedure whereby a political subdivision or other government agency or agencies may submit a written application to the commission, requesting the commission to construct and operate a project within the boundaries of the subdivision, agency, or agencies making the request. The procedure shall include a requirement that the commission send a written reply to the subdivision, agency, or agencies, explaining the disposition of the request. The procedure established pursuant to this section shall not become effective unless it is approved by the commission and by the director or the director's designee and the designee of the governor, and shall require submission of the proposed project to the turnpike ~~oversight~~

legislative review committee if the project must be approved by the governor.

Sec. 5537.28. (A) Notwithstanding any other provision of law, on and after the effective date of this section, the Ohio turnpike commission shall not expend any toll revenues that are generated by an existing turnpike project to fund in any manner or to any degree the construction, operation, maintenance, or repair of another turnpike project the location of which must be reviewed by the turnpike ~~oversight~~ legislative review committee and approved by the governor.

In paying the cost of such a project, the commission may issue bonds and bond anticipation notes as permitted by this chapter, and may accept moneys from any source to pay the cost of any portion of the project, including, but not limited to, the federal government, any department or agency of this state, and any political subdivision or other government agency. Each such project shall be constructed, operated, maintained, and repaired entirely with funds generated by that project or otherwise specifically acquired for that project from sources permitted by this chapter.

(B) The commission shall not expend any toll revenues generated by the Ohio turnpike to pay any amount of the principal amount of, or interest due on, any bonds or bond anticipation notes issued by the commission to pay any portion of the cost of another turnpike project the location of which must be reviewed by the turnpike ~~oversight~~ legislative review committee and approved by the governor. The commission shall not expend any toll revenues generated by any turnpike project to pay any amount of the principal amount of, or interest due on, any bonds or bond anticipation notes issued by the commission to pay any portion of the cost of a new turnpike project the location of which must be reviewed by the turnpike ~~oversight~~ legislative review committee and approved by the governor or the cost of the operation, repair, improvement, maintenance, or reconstruction of any turnpike project other than the project that generated those toll revenues.

(C) As used in this section:

(1) "Ohio turnpike" has the same meaning as in division (E) of section 5537.26 of the Revised Code;

(2) "Another turnpike project" does not include infrastructure improvements on the Ohio turnpike or on connecting roadways within one mile of an Ohio turnpike interchange.

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.

(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.

(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 those provisions and the provisions that would otherwise be incorporated under division (A) of this section, constitutes the making of an irrevocable election under this division for ~~that taxable year and for the subsequent taxable year if it ends before the effective date of this section~~ that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5709.083. Real and personal property comprising a project undertaken, financed, operated, or maintained by an eligible county under section 307.695 of the Revised Code is exempt from taxation so long as the project remains owned by the eligible county.

As used in this section, "eligible county" and "project" have the same meanings as in section 307.695 of the Revised Code.

Sec. 5709.87. (A) As used in this section:

(1) "Improvement," "building," "fixture," and "structure" have the same meanings as in section 5701.02 of the Revised Code.

(2) "Applicable standards," "property," "remedy," and "remedial activities" have the same meanings as in section 3746.01 of the Revised

Code.

(B) The director of environmental protection, after issuing a covenant not to sue for property under section 3746.12 of the Revised Code and determining that remedies or remedial activities have commenced or been completed at that property to the satisfaction of the director, shall certify to the tax commissioner and to the director of development that such a covenant has been issued and such remedies or remedial activities have occurred at that property. The certification shall be in such form as is agreed upon by the directors of environmental protection and development and the tax commissioner and shall include a description of the property in sufficient detail for the tax commissioner and director of development to determine the boundaries of the property entitled to exemption from taxation under this section.

(C)(1)(a) Upon receipt by the tax commissioner of a certification for property under division (B) of this section, the commissioner shall issue an order granting an exemption from real property taxation of the increase in the assessed value of land constituting property that is described in the certification, and of the increase in the assessed value of improvements, buildings, fixtures, and structures situated on that land at the time the order is issued as indicated on the current tax lists. The exemption shall commence on the first day of the tax year including the day on which the order is issued and shall end on the last day of the tenth tax year after issuance of the order. The order shall include a description of the property and the tax years for which the property is to be exempted from taxation. The commissioner shall send copies of the exemption order to the owner of record of the property to which the exemption applies and to the county auditor of each county in which any portion of that property is located.

(b) Within sixty days after receiving the commissioner's order, the owner of record of the property may notify the commissioner in writing that the owner does not want the exemption from real property taxation provided under division (C)(1) of this section to apply. Upon receiving such a notification from the property owner of record, the commissioner shall issue a subsequent order rescinding the previously granted exemption.

(2) The director of development shall maintain a record of certifications received under this section for purposes of section 5709.88 of the Revised Code.

(D) Any sale or other transfer of the property does not affect an exemption granted under division (C) of this section. The exemption shall continue in effect thereafter for the full period stated in the exemption order.

(E) If at any time the director revokes a covenant not to sue under

Chapter 3746. of the Revised Code and rules adopted under it for property concerning which the commissioner has issued an exemption order under division (C) of this section, the director shall so notify the commissioner and the legislative authority of the municipal corporation and county in which the property is located. The commissioner immediately shall rescind the exemption order and shall so notify the owner of record of the property and the county auditor of each county in which any portion of the property is located.

Upon revocation of the ~~covenant~~ covenant not to sue, the owner of record shall pay the amount of taxes that would have been charged against the property had the property not been exempted from taxation for the period beginning with commencement of the exemption and ending with the date of revocation of the covenant not to sue. The county auditor shall return the property to the tax list and enter on the tax list the amount so payable as current taxes charged against the property. Taxes required to be paid pursuant to this section are payable in full on the first succeeding day on which the first one-half of taxes is required to be paid under section 323.12 of the Revised Code. If such taxes are not paid in full when due, a penalty shall be charged, and interest shall accrue on those taxes, as provided in section 323.121 of the Revised Code. In cases of underpayment or nonpayment, the deficiency shall be collected as otherwise provided for the collection of delinquent real property taxes.

Sec. 5713.051. (A) As used in this section:

(1) "Oil" means all grades of crude oil.

(2) "Gas" means all forms of natural gas.

(3) "Well" means an oil or gas well or an oil and gas well.

(4) "M.C.F." means one thousand cubic feet.

(5) "Commonly metered wells" means two or more wells that share the same meter.

(6) "Total production" means the total amount of oil, measured in barrels, and the total amount of gas, measured in 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.

(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.

(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 secondary recovery methods divided by the number of the those wells.

(9) "Stabilized production" means total production reduced, if applicable, by the greater of forty-two and one-half per cent of flush production or fifty per cent of production through secondary recovery methods.

(10) "Average daily production" means stabilized production divided by three hundred sixty-five, provided the well was in production at the beginning of the calendar year. If the well was not in production at the beginning of the calendar year, "average daily production" means stabilized production divided by the number of days beginning with the day the well went into production in the calendar year and ending with the thirty-first day of December.

(11) "Gross price" means the unweighted average price per barrel of oil or the average price per M.C.F. of gas produced from Ohio wells and first sold during the five-year period ending with the calendar year immediately preceding the tax lien date, as reported by the department of natural resources.

(12) "Average annual decline rate" means the amount of yearly decline in oil and gas production of a well after flush production has ended. For the purposes of this section, the average annual decline rate is thirteen per cent.

(13) "Gross revenue" means the gross revenue from a well during a ten-year discount period with production assumed to be one barrel of oil or one M.C.F. of gas during the first year of production and declining at the annual average annual decline rate during the remaining nine years of the ten-year discount period, as follows:

- (a) First year: one barrel or one M.C.F. multiplied by gross price;
- (b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by gross price;
- (c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by gross price;
- (d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by gross price;

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by gross price;

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by gross price;

(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by gross price;

(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price;

(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price;

(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price.

(14) "Average royalty expense" means the annual cost of royalties paid by all working interest owners in a well. For the purposes of this section, the average royalty expense is fifteen per cent of annual gross revenue.

(15) "Average operating expense" means the annual cost of operating and maintaining a producing well after it first begins production. For the purposes of this section, the average operating expense is forty per cent of annual gross revenue.

(16) "Average capital recovery expense" means the annual capitalized investment cost of a developed and producing well. For the purposes of this section, average capital recovery expense is thirty per cent of annual gross revenue.

(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.

(B) The true value in money of oil reserves constituting real property on tax lien dates January 1, 2007, and thereafter with respect to a developed and producing well that has not been the subject of a recent arm's length sale, exclusive of personal property necessary to recover the oil, shall be determined under division (B)(1) or (2) of this section.

(1) For wells for which average daily production of oil is one barrel or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of oil from the well multiplied by the net present value of one barrel of oil, where:

(a) Net present value of one barrel of oil = $365 \times$ the sum of [net income for each year of the discount period \times discount rate factor for that year] for all years in the discount period; and

(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense,

average operating expense, and average capital recovery expense.

(2) For wells for which average daily production of oil is less than one barrel in the calendar year preceding the tax lien date, the true value in money equals the average daily production of the well in the calendar year preceding the tax lien date multiplied by sixty per cent of the net present value of one barrel of oil as computed under division (B)(1) of this section.

(C) The true value in money of gas reserves constituting real property on tax lien dates January 1, 2007, and thereafter with respect to a developed and producing well that has not been the subject of a recent arm's length sale, exclusive of personal property necessary to recover the gas, shall be determined under division (C)(1) or (2) of this section.

(1) For wells for which average daily production of gas is eight M.C.F. or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of gas from the well multiplied by the net present value of one M.C.F. of gas, where:

(a) Net present value of one M.C.F. of gas = 365 x the sum of [net income for each year of the discount period x discount rate factor for that year] for all years in the discount period; and

(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and average capital recovery expense.

(2) For wells for which average daily production of gas is less than eight M.C.F. in the calendar year preceding the tax lien date, the true value in money equals the average daily production of the well in the calendar year preceding the tax lien date multiplied by fifty per cent of the net present value of one M.C.F. as computed under division (C)(1) of this section.

Sec. 5725.31. (A) As used in this section:

(1) "Eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code.

(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.

Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:

(1) "School district" means a city, local, or exempted village school district.

(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.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid," for a school district, means the sum of state aid amounts computed for ~~a school the district or joint vocational school district~~ under Chapter 3317: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C) of section 3314.08; division (D) of section 3314.13; divisions (E), (K), (L), (M), (N), and (O) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2006 and 2007, include the amount computed for the district under Section 206.09.21 of Am. Sub. H.B. 66 of the 126th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; include amounts calculated under Section 206.09.39 of that act, as subsequently amended; and account for adjustments under division (C)(2) of section 3310.41 of the Revised Code.

(5) "State education aid," for a joint vocational school district, means the sum of the state aid amounts computed for the district under division (N)

of section 3317.024 and section 3317.16 of the Revised Code. However, when calculating state education aid for a joint vocational school district for fiscal years 2006 and 2007, include the amount computed for the district under Section 206.09.42 of Am. Sub. H.B. 66 of the 126th general assembly, as subsequently amended.

~~(6)~~ "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

~~(6)~~~~(7)~~ "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.

~~(7)~~~~(8)~~ "Electric company tax value loss" means the amount determined under division (D) of this section.

~~(8)~~~~(9)~~ "Natural gas company tax value loss" means the amount determined under division (E) of this section.

~~(9)~~~~(10)~~ "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

~~(10)~~~~(11)~~ "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

~~(11)~~~~(12)~~ "Fixed-rate levy loss" means the amount determined under division (G) of this section.

~~(12)~~~~(13)~~ "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.

~~(13)~~~~(14)~~ "Fixed-sum levy loss" means the amount determined under division (H) of this section.

~~(14)~~~~(15)~~ "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.

(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:

(1) Fifty-nine and nine hundred seventy-six one-thousandths per cent, shall be credited to the general revenue fund.

(2) Two and six hundred forty-six one-thousandths per cent shall be credited to the local government fund, for distribution in accordance with section 5747.50 of the Revised Code.

(3) Three hundred seventy-eight one-thousandths per cent shall be

credited to the local government revenue assistance fund, for distribution in accordance with section 5747.61 of the Revised Code.

(4) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.

(5) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.

(C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows:

(1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code.

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (3) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.

(a) The three-year average for tax years 1996, 1997, and 1998 of the

assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric company tax value loss, obtained by subtracting the amount described in division (D)(1) of this section from the difference obtained by subtracting the amount described in division (D)(3)(b) of this section from the amount described in division (D)(3)(a) of this section.

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2000 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned to the taxing district for tax year 2000;

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in

division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss, which is the amount obtained by subtracting the amount described in division (H)(2) of this section from the amount described in division (H)(1) of this section:

(1) The sum of the electric company tax value loss multiplied by the tax rate in effect in tax year 1998, and the natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999, for fixed-sum levies for all taxing districts within each school district, joint vocational school district, and local taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the

electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum levy loss has territory.

Sec. 5729.07. As used in this section:

(A) "Eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code.

(B) "Credit period" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5729.02 of the Revised Code.

There is hereby allowed a nonrefundable credit against the tax imposed under this chapter for a foreign insurance company for which a tax credit certificate is issued under section 5733.42 of the Revised Code. The credit may be claimed for credit periods beginning on or after January 1, 2003, and ending on or before December 31, ~~2006~~ 2007. The amount of the credit for the credit period beginning on January 1, 2003, shall equal one-half of the average of the eligible training costs paid or incurred by the company during calendar years 1998, 1999, and 2000, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the company. The amount of the credit for the credit period beginning on January 1, 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 not exceed one hundred thousand dollars.

A foreign insurance company 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 the company shall be considered a taxpayer for the purposes of those divisions.

A foreign insurance company may carry forward the credit allowed under this section to the extent that the credit exceeds the company's tax due for the credit period. The company 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.

The reduction in the tax due under this chapter to the extent of the credit allowed by this section does not increase the amount of the tax otherwise due under section 5729.06 of the Revised Code.

Sec. 5733.42. (A) As used in this section:

(1) "Eligible training program" means a program to provide job skills to eligible employees who are unable effectively to function on the job due to skill deficiencies or who would otherwise be displaced because of their skill deficiencies or inability to use new technology, or to provide job skills to eligible employees that enable them to perform other job duties for the taxpayer. Eligible training programs do not include executive, management, or personal enrichment training programs, or training programs intended exclusively for personal career development.

(2) "Eligible employee" means an individual who is employed in this state by a taxpayer and has been so employed by the same taxpayer for at least one hundred eighty consecutive days before the day an application for the credit is filed under this section. "Eligible employee" does not include any employee for which a credit is claimed pursuant to division (A)(5) of section 5709.65 of the Revised Code for all or any part of the same year, an employee who is not a full-time employee, or executive or managerial personnel, except for the immediate supervisors of nonexecutive, nonmanagerial personnel.

(3) "Eligible training costs" means:

(a) Direct instructional costs, such as instructor salaries, materials and supplies, textbooks and manuals, videotapes, and other instructional media and training equipment used exclusively for the purpose of training eligible employees;

(b) Wages paid to eligible employees for time devoted exclusively to an eligible training program during normal paid working hours.

(4) "Full-time employee" means an individual who is employed for

consideration for at least thirty-five hours per week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(5) "Partnership" includes a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for taxpayers for which a tax credit certificate is issued under division (C) of this section. The credit may be claimed for tax years 2004, 2005, 2006, ~~and 2007, and 2008~~. The amount of the credit for tax year 2004 shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during calendar years 1999, 2000, and 2001, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer during those calendar years. The amount of the credit for tax year 2005 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 during those calendar years. The amount of the credit for tax year 2006 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 during those calendar years. The amount of the credit for tax year 2007 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 during those calendar years. The amount of the credit for tax year 2008 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 during those calendar years.

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 a taxpayer shall determine the taxpayer's credit amount in the manner prescribed by division (K) of this section.

(D) If the director of job and family services denies an application for a tax credit certificate, the director shall send notice of the denial and the reason for denial to the applicant by certified mail, return receipt requested. If the director determines that an authorized training program, as actually conducted, fails to meet the requirements of this section or to comply with any condition set forth in the authorization, the director may reduce the amount of the tax credit previously granted. If the director reduces a tax credit, the director shall send notice of the reduction and the reason for the reduction to the taxpayer by certified mail, return receipt requested, and shall certify the reduction to the tax commissioner or, in the case of the reduction of a credit claimed by an insurance company, the superintendent of insurance. The tax commissioner or superintendent of insurance shall reduce the credit that may be claimed by the taxpayer accordingly. Within sixty days after receiving a notice of denial or notice of reduction of the tax

credit, an applicant or taxpayer may request, in writing, a hearing before the director to review the denial or reduction. Within sixty days after receiving a request that is filed within the prescribed time, the director shall hold such a hearing at a location to be determined by the director. Within thirty days after the hearing is adjourned, the director shall issue a redetermination affirming, reversing, or modifying the denial or reduction of the tax credit and send notice of the redetermination to the applicant or taxpayer by certified mail, return receipt requested, and shall issue a notice of the redetermination to the tax commissioner or superintendent of insurance. If an applicant or taxpayer is aggrieved by the director's redetermination, the applicant or taxpayer may appeal the redetermination to the board of tax appeals in the manner prescribed by section 5717.02 of the Revised Code.

(E) A taxpayer to which a tax credit certificate is issued shall retain records indicating the eligible training costs it pays or incurs for the eligible training program for which the certificate is issued for four years following the end of the tax year for which the credit is claimed. Such records shall be open to inspection by the director of job and family services upon the director's request during business hours.

Financial statements and other information submitted by an applicant to the director of job and family services for a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the director of job and family services, the tax commissioner, or superintendent of insurance may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credits allowed under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code.

(F) The director of job and family services, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The rules shall be adopted after consultation with the tax commissioner and the superintendent of insurance. The rules shall require that if a taxpayer to which a tax credit certificate is issued under any of those sections permanently relocates or transfers employees trained under the tax credit certificate to another state or country within two years of receiving the certificate, the taxpayer shall repay the total amount of the tax credit received by the taxpayer for any 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.

(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.

(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.

(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.

Sec. 5739.01. As used in this chapter:

(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.

(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:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An affiliated group means two or more persons related in such a way that one person owns or controls the business operation of another

member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Employment service is or is to be provided;

(l) Employment placement service is or is to be provided;

(m) Exterminating service is or is to be provided;

(n) Physical fitness facility service is or is to be provided;

(o) Recreation and sports club service is or is to be provided;

(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;

(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(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 serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used directly in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, if the corporation is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal

property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale.

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide

treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the

person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2) and (3) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued 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.

(v) Installation charges;

(vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute

membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by

consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, regardless of whether the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in

the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of

such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services 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:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(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;

(j) Providing debt collection services by any oral, written, graphic, or electronic means.

The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary

purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(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;

(h) Ancillary service;

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.

(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:

(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900" service and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units of dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units of dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate.

(8) "Customer" has the same meaning as in section 5739.034 of the Revised Code.

(BB) "Laundry and dry cleaning services" means removing soil or dirt from towels, linens, articles of clothing, or other fabric items that belong to others and supplying towels, linens, articles of clothing, or other fabric items. "Laundry and dry cleaning services" does not include the provision of self-service facilities for use by consumers to remove soil or dirt from towels, linens, articles of clothing, or other fabric items.

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns

which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development. Tangible personal property primarily used in

testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development equipment unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year.

(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.

(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning

organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set-up the tangible personal property.

(2) "Lease" and "rental," as defined in division (UU) of this section, shall not apply to leases or rentals that exist before June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division (UU)(1) of this section regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws.

(VV) "Mobile telecommunications service" has the same meaning as in

the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(AAA) "Computer" means an electronic device that accepts 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 tobacco, or any other item that contains tobacco.

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(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.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement

under division (KKK)(1)(e) of this section.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), and (5) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment. Except as provided in division (A)(2), (3), (4), or (5) or (H) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is

imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code, ~~may or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying that a tax under division (A)(1) of this section to provide for an increase in the rate of the that tax up to five seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or~~ be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section; ~~and to, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or~~

municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4) A board of county commissioners that levies a tax under division (A)(1) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and

contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase

the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(B)(1) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of this section may, by ordinance or resolution, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or the board of trustees of the township shall deposit at least fifty per cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The levy of a tax under this division is in addition to any tax imposed on the same transaction by a municipal corporation or a township as authorized by division (A) of section 5739.08 of the Revised Code.

(2) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding,

maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

As used in division (B)(2) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(C) ~~For the purpose of making the payments authorized by purposes described in section 307.695 of the Revised Code to construct and equip a convention center in the county~~ and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (A) of section 5739.08 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code. A tax imposed under this division shall remain in effect at the rate at

which it is imposed for the duration of the period ~~for which the revenue from the tax has been pledged pursuant to that section~~ during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), and (C) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this division may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the

period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), (C), and (D) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county, but not to exceed fifteen years.

(F) The legislative authority of a county that has levied a tax under division (E) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no

longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code. The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code. All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code, this division, and division (E) of this section.

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes establishments in which fewer than five rooms are used for the accommodation of guests. The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the

extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code.

(5) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (H) of this section shall be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2003, for the principal purpose of constructing, improving, expanding, equipping, financing, or operating a convention center unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity. Notwithstanding any contrary provision of section 351.04 of the Revised Code, if a tax is levied by a county under division (H) of this section, the board of county

commissioners of that county may determine the manner of selection, the qualifications, the number, and terms of office of the members of the board of directors of any convention facilities authority, corporation, or other entity described in division (H)(5) of this section.

(6)(a) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (H) of this section may be used for any purpose other than paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center and for the real and actual costs of administering the tax, unless, prior to the adoption of the resolution of the legislative authority of the county authorizing the levy, extension, increase, or deposit, the county and the mayor of the most populous municipal corporation in that county have entered into an agreement as to the use of such amounts, provided that such agreement has been approved by a majority of the mayors of the 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 the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(5) Any amount collected from a tax levied or extended under division

(I) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied or extended under division (I) of this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, ~~or~~ or other entity has consented to the creation of that convention facilities authority, corporation, or entity.

Sec. 5741.101. The amount of any refund to be certified to the treasurer ~~and auditor~~ of state and the director of budget and management pursuant to section 5741.10 of the Revised Code may be reduced by the amount the person claiming the refund is indebted to the state for any tax or fee administered by the tax commissioner that is paid to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code, or any charge, penalty, or interest arising from such a tax or fee. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. If the person has more than one such debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first. This section applies only to debts that have become final.

Sec. 5747.39. (A) As used in this section, "eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code, and "pass-through entity" includes a sole proprietorship.

(B)(1) For taxable years beginning in 2003, 2004, 2005, ~~and~~ and 2007 there is hereby allowed a nonrefundable credit against the tax imposed by section 5747.02 of the Revised Code for a taxpayer that is an investor in a pass-through entity for which a tax credit certificate is issued under section 5733.42 of the Revised Code. For the taxable year beginning in 2003, the amount of eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 1999, 2000, and 2001, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2003 shall equal the taxpayer's interest in the entity on December 31, 2001, multiplied by the credit available to the entity as computed by the entity.

(2) For the taxable year beginning in 2004, the amount of the eligible training costs for which a credit may be claimed by all taxpayers that are

investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 2002, 2003, and 2004, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2004 shall equal the taxpayer's interest in the entity on December 31, 2004, multiplied by the credit available to the entity as computed by the entity.

(3) For the taxable year beginning in 2005, the amount of the eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 2003, 2004, and 2005, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2005 shall equal the taxpayer's interest in the entity on December 31, 2005, multiplied by the credit available to the entity as computed by the entity.

(4) For the taxable year beginning in 2006, the amount of the eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 2004, 2005, and 2006, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2006 shall equal the taxpayer's interest in the entity on December 31, 2006, multiplied by the credit available to the entity as computed by the entity.

(5) For the taxable year beginning in 2007, the amount of the eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during calendar years 2005, 2006, and 2007, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2007 shall equal the taxpayer's interest in the entity on December 31, 2007, multiplied by the credit available to the entity as computed by the entity.

(6) The total amount of credits that may be claimed by all such taxpayers with respect to each pass-through entity for each taxable year shall not exceed one hundred thousand dollars.

(C) The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. A taxpayer may carry forward the credit to the extent that the taxpayer's credit exceeds the taxpayer's tax due after allowing

for any other credits that precede the credit allowed by this section in the order prescribed by section 5747.98 of the Revised Code. The taxpayer may carry the excess credit forward for three taxable years following the taxable year for which the taxpayer first claims the credit under this section.

(D) A pass-through entity 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 "taxable year" shall be substituted for "tax year" wherever that phrase appears in those divisions, and that "pass-through entity" shall be substituted for "taxpayer" wherever "taxpayer" appears in those divisions.

Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it existed prior to its repeal by Amended Substitute House Bill No. 291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in Substitute Senate Bill No. 28 of the 118th general assembly;

(3) Section 5748.08 of the Revised Code as enacted in Amended Substitute Senate Bill No. 17 of the 122nd general assembly;

(4) Section 5748.021 of the Revised Code;

(5) Section 5748.081 of the Revised Code.

(B) "Individual" means an individual subject to the tax levied by section 5747.02 of the Revised Code.

(C) "Estate" means an estate subject to the tax levied by section 5747.02 of the Revised Code.

(D) "Taxable year" means a taxable year as defined in division (M) of section 5747.01 of the Revised Code.

(E) "Taxable income" means:

(1) In the case of an individual, one of the following, as specified in the resolution imposing the tax:

(a) Ohio adjusted gross income for the taxable year as defined in division (A) of section 5747.01 of the Revised Code, less the exemptions provided by section 5747.02 of the Revised Code, and less military pay and allowances the deduction of which has been authorized pursuant to section 5748.011 of the Revised Code;

(b) Wages, salaries, tips, and other employee compensation to the extent included in Ohio adjusted gross income as defined in section 5747.01 of the Revised Code, less military pay and allowances the deduction of which has

been authorized pursuant to section 5748.011 of the Revised Code, and net earnings from self-employment, as defined in section 1402(a) of the Internal Revenue Code, to the extent included in Ohio adjusted gross income.

(2) In the case of an estate, taxable income for the taxable year as defined in division (S) of section 5747.01 of the Revised Code.

(F) Except as provided in section 5747.25 of the Revised Code, "resident" of the school district means:

(1) An individual who is a resident of this state as defined in division (I) of section 5747.01 of the Revised Code during all or a portion of the taxable year and who, during all or a portion of such period of state residency, is domiciled in the school district or lives in and maintains a permanent place of abode in the school district;

(2) An estate of a decedent who, at the time of death, was domiciled in the school district.

(G) "School district income" means:

(1) With respect to an individual, the portion of the taxable income of an individual that is received by the individual during the portion of the taxable year that the individual is a resident of the school district and the school district income tax is in effect in that school district. An individual may have school district income with respect to more than one school district.

(2) With respect to an estate, the taxable income of the estate for the portion of the taxable year that the school district income tax is in effect in that school district.

(H) "Taxpayer" means an individual or estate having school district income upon which a school district income tax is imposed.

(I) "School district purposes" means any of the purposes for which a tax may be levied pursuant to section 5705.21 of the Revised Code.

Sec. 5748.021. A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 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.

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.

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 of the replacement tax, whether the replacement tax is to be levied for a specified number of years or for a continuing time, the specific school district purposes for which the replacement tax is to be levied, the date on which the replacement tax will begin to be levied, the date of the election at which the question of the replacement is to be submitted to the electors of the school district, that the existing tax will cease to be levied and the replacement tax will begin to be levied if the replacement is approved by a majority of the electors voting on the replacement, and that if the replacement is not approved by a majority of the electors voting on the replacement the existing tax will remain in effect under its original authority for the remainder of its previously approved term. The resolution goes into immediate effect upon its adoption. Publication of the resolution is not necessary, and the information that will be provided in the notice of election is sufficient notice. At least seventy-five days before the date of the election at which the question of the replacement will be submitted to the electors of the school district, the board shall certify a copy of the resolution to the board of elections.

The replacement tax shall have the same specific school district purposes as the existing tax, and its rate shall be the same as the tax commissioner's estimate rounded to the nearest one-fourth of one per cent. The replacement tax shall begin to be levied on the first day of January of the year following the year in which the question of the replacement is submitted to and approved by the electors of the school district or on the first day of January of a later year, as specified in the resolution. The date of the election shall be the date of an otherwise scheduled primary, general, or special election.

The board of elections shall make arrangements to submit the question of the replacement to the electors of the school district on the date specified in the resolution. The board of elections shall publish notice of the election

on the question of the replacement in one or more newspapers of general circulation in the school district once a week for four consecutive weeks. The notice shall set forth the question to be submitted to the electors and the time and place of the election thereon.

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the ballot shall be substantially as follows:

"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.

	<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 commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question vote against the replacement, the existing tax shall continue to be levied under its original authority, for the remainder of its previously approved term.

A board of education may not submit the question of replacing a tax more than twice in a calendar year. If a board submits the question more than once, one of the elections at which the question is submitted shall be on the date of a general election.

If a board of education later intends to renew a replacement tax levied under this section, it shall repeat the procedure outlined in this section to do so, the replacement tax then being levied being the "existing tax" and the renewed replacement tax being the "replacement tax."

Sec. 5748.081. A board of education of a school district that under

divisions (A)(1), (D)(1), and (E) of section 5748.08 of the Revised Code levies a tax on the school district income of individuals and estates as defined in divisions (G) and (E)(1)(a) and (2) of section 5748.01 of the Revised Code may replace that tax with a tax on the school district income of individuals as defined in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the Revised Code by following the procedure outlined in, and subject to the conditions specified in, section 5748.021 of the Revised Code, as if the existing tax levied under section 5748.08 were levied under section 5748.02 of the Revised Code. The tax commissioner and the board of elections shall perform duties in response to the actions of the board of education under this section as directed in section 5748.021 of the Revised Code.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities. "Person" does not include nonprofit organizations or the state, its agencies, its instrumentalities, and its political subdivisions.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a group that is a consolidated elected taxpayer or a combined taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public

utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this 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 one or more measurement periods that include the entire tax period under this chapter;

(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p);

(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a);

(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);

(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial

holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.

For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization;

(d) In the case of multiple ownership, the ownership interests of more than one person may be aggregated to meet the fifty per cent ownership tests in this division only when each such owner is described in division (E)(3), (5), (6), or (7) of this section and is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k) or is a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state;

(9) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(10) A person that solely facilitates or services one or more securitizations or similar transactions for any person described in division (E)(3), (5), (6), (7), (8), or (9) of this section. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment

from the asset or assets so transferred.

(11) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(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;

(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; 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.

(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;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other 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 reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. of the Revised Code;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(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.

(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;

(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;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(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.

(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.

(III) "Qualified distribution center" means a warehouse or other similar facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. However, all warehouses or other similar facilities that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(VI) "Qualifying certificate" means an annual application approved by the tax commissioner from an operator of a distribution center that has filed an application as prescribed by the commissioner and paid the annual fee for the qualifying certificate on or before the first day of September prior to the qualifying year or forty-five days after the opening of the distribution center, whichever is later. The application and annual fee shall be filed and paid for each qualified distribution center.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) 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.) 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 receiving a qualifying certificate is responsible for paying the tax, interest, and penalty upon amounts claimed as qualifying distribution center receipts that would not otherwise have been owed by the supplier if the qualifying certificate were available when it is later determined that the qualifying certificate should not have been issued because the statutory requirements were in fact not met.

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this

section. The fee imposed under this division may be assessed in the same manner as the tax imposed under this chapter. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the commercial activity tax administrative fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(vii) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this section.

(aa) Any receipts for which the tax imposed by this chapter is prohibited by the ~~constitution~~ Constitution or laws of the United States or the ~~constitution~~ Constitution of ~~this state~~ Ohio.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for 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 receivable but only to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

- (1) Owns or uses a part or all of its capital in this state;
- (2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;
- (3) Has bright-line presence in this state;
- (4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the ~~constitution~~ Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section

5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

- (1) A person receiving a fee to sell financial instruments;
- (2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;
- (3) A person issuing licenses and permits under section 1533.13 of the Revised Code;
- (4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;
- (5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

Sec. 5751.011. (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements:

- (1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related interests, by common owners during all or

any portion of the tax period, together with the common owners. At the election of the group, all entities that are not incorporated or formed under the laws of a state or of the United States and that meet the elected ownership test shall either be included in the group or all shall be excluded from the group. The group shall notify the tax commissioner of the foregoing elections before the due date of the return in which the election is to become effective. If fifty per cent of the value of a person's ownership interests is owned or controlled by each of two consolidated elected taxpayer groups formed under the fifty per cent ownership or control test, that person is a member of each group for the purposes of this section, and each group shall include in the group's taxable gross receipts fifty per cent of that person's taxable gross receipts. Otherwise, all of that person's taxable gross receipts shall be included in the taxable gross receipts of the consolidated elected taxpayer group of which the person is a member. In no event shall the ownership or control of fifty per cent of the value of a person's ownership interests by two otherwise unrelated groups form the basis for consolidating the groups into a single consolidated elected taxpayer group or permit any exclusion under division (C) of this section of taxable gross receipts between members of the two groups. Division (A)(3) of this section applies with respect to the elections described in this division.

(2) The group makes the election to be treated as a consolidated elected taxpayer in the manner prescribed under division (D) of this section.

(3) Subject to review and audit by the tax commissioner, the group agrees that all of the following apply:

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.

(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group.

(d) The group agrees to the application of division (B) of this section.

(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group.

(C)(1) ~~A (a) Members of a consolidated elected taxpayer group shall exclude taxable gross receipts between its members and taxable among persons included in the consolidated elected taxpayer group.~~

~~(b) Subject to divisions (C)(1)(c) and (C)(2) of this section, nothing in this section shall have the effect of requiring a consolidated elected taxpayer group to include gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, except for taxable gross receipts received by a member described in division (E)(4) of section 5751.01 of the Revised Code that is not a qualifying dealer as defined in section 5725.24 of the Revised Code. Except as provided in division (C)(2) of this section, nothing in this section shall have the effect of excluding taxable gross receipts received from persons that are not members of the group if that person is a member of the group pursuant to the elections made by the group under division (A)(1) of this section.~~

~~(c)(i) As used in division (C)(1)(c) of this section, "dealer transfer" means a transfer of property that satisfies both of the following: (I) the property is directly transferred by any means from one member of the group to another member of the group that is a dealer in intangibles but is not a qualifying dealer as defined in section 5725.24 of the Revised Code; and (II) the property is subsequently delivered by the dealer in intangibles to a person that is not a member of the group.~~

~~(ii) In the event of a dealer transfer, a consolidated elected taxpayer group shall not exclude, under division (C) of this section, gross receipts from the transfer described in division (C)(1)(c)(i)(I) of this section.~~

(2) Gross receipts related to the sale or transmission of electricity through the use of an intermediary regional transmission organization approved by the federal energy regulatory commission shall be excluded from taxable gross receipts under division (C)(1) of this section if all other requirements of that division are met, even if the receipts are from and to the same member of the group.

(D) To make the election to be a consolidated elected taxpayer, a group of persons shall notify the tax commissioner of the election in the manner prescribed by the commissioner and pay the commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new

members to the group once the group has remitted a fee in the amount of two hundred dollars. The election shall be made and the fee paid before the later of the beginning of the first calendar quarter to which the election applies or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group.

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A)(1) of this section, and the group shall notify the tax commissioner of any additions to the group with the next tax return it files with the commissioner.

(E) Each member of a consolidated elected taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.

Sec. 5751.033. For the purposes of this chapter, gross receipts shall be situated to this state as follows:

(A) Gross rents and royalties from real property located in this state shall be situated to this state.

(B) Gross rents and royalties from tangible personal property shall be situated to this state to the extent the tangible personal property is located or used in this state.

(C) Gross receipts from the sale of electricity and electric transmission and distribution services shall be situated to this state in the manner provided under section 5733.059 of the Revised Code.

(D) Gross receipts from the sale of real property located in this state shall be situated to this state.

(E) Gross receipts from the sale of tangible personal property shall be situated to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. For purposes of this section, the phrase "delivery of tangible personal property by common carrier or by other means of transportation" includes the

situation in which a purchaser accepts the property in this state and then transports the property directly or by other means to a location outside this state. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale.

(F) Gross receipts from the sale, exchange, disposition, or other grant of the right to use trademarks, trade names, patents, copyrights, and similar intellectual property shall be sited to this state to the extent that the receipts are based on the amount of use of the property in this state. If the receipts are not based on the amount of use of the property, but rather on the right to use the property, and the payor has the right to use the property in this state, then the receipts from the sale, exchange, disposition, or other grant of the right to use such property shall be sited to this state to the extent the receipts are based on the right to use the property in this state.

(G) Gross receipts from the sale of transportation services by a common or contract carrier shall be sited to this state in proportion to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways in this state to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways everywhere. With prior written approval of the tax commissioner, a common or contract carrier may use an alternative siting procedure for transportation services.

(H) Gross receipts from dividends, interest, and other sources of income from financial instruments described in ~~division~~ divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of section 5733.056 of the Revised Code shall be sited to this state in accordance with the siting provisions set forth in those divisions. When applying the provisions of divisions (F)(6), (8), and (13) of section 5733.056 of the Revised Code, "gross receipts" shall be substituted for "net gains" wherever "net gains" appears in those divisions. Nothing in this division limits or modifies the exclusions enumerated in divisions (E) and (F)(2) of section 5751.01 of the Revised Code. The tax commissioner may promulgate rules to further specify the manner in which to situs gross receipts subject to this division.

(I) Gross receipts from the sale of all other services, and all other gross receipts not otherwise sited under this section, shall be sited to this state in the proportion that the purchaser's benefit in this state with respect to what was purchased bears to the purchaser's benefit everywhere with respect to what was purchased. The physical location where the purchaser

ultimately uses or receives the benefit of what was purchased shall be paramount in determining the proportion of the benefit in this state to the benefit everywhere. If a taxpayer's records do not allow the taxpayer to determine that location, the taxpayer may use an alternative method to situs gross receipts under this division if the alternative method is reasonable, is consistently and uniformly applied, and is supported by the taxpayer's records as the records exist when the service is provided or within a reasonable period of time thereafter.

(J) If the siting provisions of divisions (A) to (H) of this section do not fairly represent the extent of a person's activity in this state, the person may request, or the tax commissioner may require or permit, an alternative method. Such request by a person must be made within the applicable statute of limitations set forth in this chapter.

(K) The tax commissioner may adopt rules to provide additional guidance to the application of this section, and provide alternative methods of siting gross receipts that apply to all persons, or subset of persons, that are engaged in similar business or trade activities.

Sec. 5910.03. Scholarships shall be granted only to children of deceased or disabled veterans of the armed services of the United States. To be eligible for a scholarship, such child shall:

(A) At the time of application, have attained the sixteenth, but not the ~~twenty-first~~ twenty-fifth, birthday;

(B) At the time of application, if a child of a veteran who entered the armed services:

(1) As a legal resident of Ohio, have resided in the state for the last preceding year;

(2) Not as a legal resident of Ohio, have resided in the state for the year preceding the year in which application for the scholarship is made and any other four of the last ten years;

(C) Be in financial need, as determined by the board.

Sec. 5919.31. (A) If an active duty member of the Ohio national guard chooses to purchase life insurance pursuant to the "Servicemembers' Group Life Insurance Act," 79 Stat. 880 et seq. (1965), 38 U.S.C. 1965 et seq. and if the adjutant general determines that the member is ineligible for reimbursement of associated premiums under federal law, the adjutant general shall reimburse the member in an amount equal to the monthly premium paid for each month or part of a month by the member pursuant to the act while being an active duty member.

(B) The adjutant general may request additional money from the controlling board if the adjutant general does not have sufficient available

unencumbered funds to reimburse active duty members for life insurance premiums pursuant to this section.

(C) The adjutant general may prescribe and enforce regulations to implement the requirements of this section. In prescribing and enforcing those regulations, the adjutant general need not comply with section 111.15 or Chapter 119. of the Revised Code.

(D) As used in this section, "active duty member" means a member of the Ohio national guard on active duty pursuant to an executive order of the president of the United States, the "Act of October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as amended, another act of the congress of the United States, or a proclamation of the governor, but does not include a member performing full-time Ohio national guard duty or performing special work active duty under the "Act of October 3, 1964," 78 Stat. 999, 32 U.S.C. 502(f).

SECTION 101.02. That existing sections 3.21, 3.23, 5.10, 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 of the Revised Code are hereby repealed.

SECTION 101.03. That existing 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, is hereby repealed.

SECTION 110.07. That the version of section 5502.62 of the Revised Code that is scheduled to take effect April 1, 2007, be amended to read as follows:

Sec. 5502.62. (A) There is hereby created in the department of public safety a division of criminal justice services. The director of public safety, with the concurrence of the governor, shall appoint an executive director of the division of criminal justice services. The executive director shall be the head of the division. The executive director shall serve at the pleasure of the director of public safety. To carry out the duties assigned under this section and to comply with sections 5502.63 to 5502.66 of the Revised Code, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain any necessary staff and may enter into any necessary contracts and other agreements. The executive director of the division, and all professional and technical personnel employed within the division who are not public employees as defined in section 4117.01 of the Revised Code, shall be in the unclassified civil service, and all other persons employed within the division shall be in the classified civil service.

(B) Subject to division (F) of this section and subject to divisions (D) to (F) of section 5120.09 of the Revised Code insofar as those divisions relate to federal criminal justice acts that the governor requires the department of rehabilitation and correction to administer, the division of criminal justice services shall do all of the following:

(1) Serve as the state criminal justice services agency and perform criminal justice system planning in the state, including any planning that is required by any federal law;

(2) Collect, analyze, and correlate information and data concerning the criminal justice system in the state;

(3) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal justice system in the state, and other appropriate organizations and persons;

(4) Encourage and assist agencies, offices, and departments of the criminal justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division;

(5) Administer within the state any federal criminal justice acts that the governor requires it to administer;

(6) Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended,

with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program;

(7) Implement the state comprehensive plans;

(8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the division;

(9) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the division;

(10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice system in the state. ~~Except as otherwise provided in this division, all money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the federal program purposes fund shall be credited to the fund.~~ All money from such federal grants that require that the money be deposited into an interest-bearing fund or account, that are intended to provide funding to local criminal justice programs, and that require that investment earnings be distributed for program purposes shall be deposited in the state treasury to the credit of the federal justice programs ~~fund~~ funds, which ~~is~~ are hereby created. A separate fund shall be established each federal fiscal year. All investment earnings of ~~the a~~ a federal justice programs fund shall be credited to ~~the that~~ that fund and distributed in accordance with the terms of the grant under which the money is received.

(11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the division;

(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;

(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;

(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;

(15) Assist, advise, and make any reports that are requested or required by the governor, director of public safety, attorney general, or general assembly;

(16) Develop and maintain the Ohio incident-based reporting system in accordance with division (C) of this section;

(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code;

(18)(a) Not later than June 1, 2007, and subject to the approval of the director of public safety, adopt rules for the establishment and maintenance of a mcgruff house program by any sponsoring agency. The rules shall include the following:

(i) The adoption of the mcgruff house symbol to be used exclusively in all mcgruff house programs in this state;

(ii) The requirements for any sponsoring agency to establish and maintain a mcgruff house program;

(iii) The criteria for the selection of volunteers to participate in a mcgruff house program that shall include, but not be limited to, criminal background checks of those volunteers;

(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 duties of the division.

(E) Divisions (B), (C), and (D) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.

(F) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency or to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio.

SECTION 110.08. That the existing version of section 5502.62 of the Revised Code that is scheduled to take effect April 1, 2007, is hereby repealed.

SECTION 110.09. That Sections 110.07 and 110.08 of this act take effect April 1, 2007.

SECTION 201.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Wildlife Fund (Fund 015), that are not otherwise appropriated.

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			
CAP-012	Land Acquisition - Statewide	\$	3,000,000
CAP-852	Wildlife Area Building Development/Renovations	\$	1,000,000
Total Department of Natural Resources		\$	4,000,000
TOTAL Wildlife Fund		\$	4,000,000

SECTION 203.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 021), that are not otherwise appropriated.

		Appropriations	
SFC SCHOOL FACILITIES COMMISSION			
CAP-622	Public School Buildings	\$	154,632,362
CAP-786	New School Planning and Design	\$	4,000,000
Total School Facilities Commission		\$	158,632,362
TOTAL Public School Building Fund		\$	158,632,362

SECTION 203.20. PUBLIC SCHOOL BUILDING FUND

The Controlling Board, when requested to do so by the Executive Director of the Ohio School Facilities Commission, may increase appropriations in the Public School Building Fund (Fund 021), based on revenues received by the fund, including cash transfers and interest that may accrue to the fund.

SECTION 203.40. NEW BLIND AND DEAF SCHOOL PLANNING AND DESIGN

The foregoing appropriation item CAP-786, New School Planning and Design, shall be used for the planning and design of a new consolidated school, residential facility, transportation garage, and athletic facilities for the Ohio State School for the Blind and the Ohio School for the Deaf. Notwithstanding sections 123.01 and 123.15 of the Revised Code and in

addition to its powers and duties under Chapter 3318. of the Revised Code, the Ohio School Facilities Commission shall administer the planning and design of a new consolidated school, residential facility, transportation garage, and athletic facilities for the Ohio State School for the Blind and the Ohio School for the Deaf on the current campus of the Ohio School for the Deaf. The design and construction of the new consolidated school shall comply to the fullest extent possible with the specifications and policies set forth in the Ohio School Design Manual. This project shall not be considered a part of any program created under Chapter 3318. of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall determine the planning, design, scope, and budget of the project in consultation with the superintendents of the Ohio State School for the Blind and the Ohio School for the Deaf and the Director of Budget and Management. Upon issuance by the Commission of a certificate of completion of the project, the Commission's participation in the project shall end.

The Executive Director of the Ohio School Facilities Commission shall comply with the procedures and guidelines established in Chapter 153. of the Revised Code. Upon the release of funds for the project by the Controlling Board or the Director of Budget and Management, the commission may administer the project without the supervision, control, or approval of the Director of Administrative Services. Any references to the Director of Administrative Services in the Revised Code, with respect to the administration of this project, shall be construed to refer to the Director of the Ohio School Facilities Commission.

SECTION 205.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Highway Safety Fund (Fund 036), that are not otherwise appropriated.

Appropriations

DHS DEPARTMENT OF PUBLIC SAFETY

CAP-083	Alum Creek Facility Roof Renovation	\$	1,067,000
CAP-084	OSHP Academy Maintenance	\$	433,000
	Total Department of Public Safety	\$	1,500,000
	TOTAL Highway Safety Fund	\$	1,500,000

SECTION 207.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040). Revenues to the State Capital Improvements Revolving Loan Fund shall consist of all

repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

		Appropriations
PWC PUBLIC WORKS COMMISSION		
CAP-151	Revolving Loan	\$ 25,300,000
Total Public Works Commission		\$ 25,300,000
TOTAL State Capital Improvements Revolving Loan Fund		\$ 25,300,000

The foregoing appropriation item CAP-151, Revolving Loan, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item CAP-151, Revolving Loan.

SECTION 209.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Waterways Safety Fund (Fund 086), that are not otherwise appropriated.

		Appropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-324	Cooperative Funding for Boating Facilities	\$ 8,700,000
CAP-934	Operations Facilities Development	\$ 3,440,000
Total Department of Natural Resources		\$ 12,140,000
TOTAL Waterways Safety Fund		\$ 12,140,000

SECTION 211.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the

Army National Guard Service Contract Fund (Fund 342), that are not otherwise appropriated.

		Appropriations
ADJ ADJUTANT GENERAL		
CAP-065	Armory Construction-Federal	\$ 877,275
Total Adjutant General		\$ 877,275
TOTAL Army National Guard Service Contract Fund		\$ 877,275

SECTION 213.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Special Administrative Fund (Fund 4A9), that are not otherwise appropriated.

		Appropriations
JFS DEPARTMENT OF JOB AND FAMILY SERVICES		
CAP-702	Central Office Building Renovations	\$ 2,000,000
Total Department of Job and Family Services		\$ 2,000,000
TOTAL Special Administrative Fund		\$ 2,000,000

SECTION 215.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Fire Marshal Fund (Fund 546), that are not otherwise appropriated.

		Appropriations
COM DEPARTMENT OF COMMERCE		
CAP-115	Emergency Generator Replacement	\$ 1,650,000
CAP-116	IT Infrastructure	\$ 720,000
CAP-117	Security Fence & Entrance Gate	\$ 50,000
CAP-118	Driver Training/Road Improvement	\$ 1,070,000
CAP-119	Master Plan for SFM Facilities	\$ 500,000
CAP-120	Forensic Laboratory Equipment	\$ 130,000
Total Department of Commerce		\$ 4,120,000
TOTAL State Fire Marshal Fund		\$ 4,120,000

SECTION 217.10. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Veterans' Home Improvement Fund (Fund 604), that are not otherwise appropriated.

		Appropriations
OVH OHIO VETERANS' HOME AGENCY		
CAP-786	General Building Renovations	\$ 2,700,000
Total Ohio Veterans' Home Agency		\$ 2,700,000
TOTAL Veterans' Home Improvement Fund		\$ 2,700,000

SECTION 219.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Job Ready Site Development Fund (Fund 012), that are not otherwise appropriated:

		Appropriations
DEV DEPARTMENT OF DEVELOPMENT		
CAP-003	Job Ready Sites	\$ 30,000,000
Total Department of Development		\$ 30,000,000
TOTAL Job Ready Site Development Fund		\$ 30,000,000

SECTION 219.20. JOB READY SITE DEVELOPMENT

The Ohio Public Facilities Commission, upon request of the Department of Development, is hereby authorized to issue and sell, in accordance with Section 2p of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.11 of the Revised Code, original obligations of the State of Ohio in an aggregate amount not to exceed \$30,000,000 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 Job Ready Site Development Fund (Fund 012) to pay costs of sites and facilities.

SECTION 221.10.10. All items set forth in Sections 221.10.20 to 221.20.10 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 026), that are not otherwise appropriated.

		Appropriations
SECTION 221.10.20. ADJ ADJUTANT GENERAL		
CAP-036	Roof Replacement - Various	\$ 530,000
CAP-038	Electrical Systems - Various	\$ 560,000
CAP-044	Replace Windows/Doors - Various	\$ 220,000
CAP-045	Plumbing Renovations - Various	\$ 525,000
CAP-046	Paving Renovations - Various	\$ 455,225
CAP-050	HVAC Systems - Various	\$ 700,000
CAP-056	Masonry Repairs/Renovations - Various	\$ 220,000
CAP-071	Construct Delaware Armory	\$ 1,756,250
CAP-072	Energy Conservation - Various	\$ 33,525
CAP-063	Rickenbacker International Airport	\$ 2,775,000
CAP-075	Mansfield Lahm Air National Guard Facility	\$ 1,000,000

CAP-076	Camp Perry Improvements	\$	1,200,000
Total Adjutant General		\$	9,975,000

ARMORY CONSTRUCTION

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

CAP-773	Governor's Residence Renovations	\$	912,000
CAP-826	Surface Road Building Renovations	\$	394,300
CAP-834	Capital Improvements Project Management System	\$	2,342,400
CAP-835	Energy Conservation Projects	\$	1,000,000
CAP-838	SOCC Renovations	\$	1,200,000
CAP-850	Education Building Renovations	\$	564,900
CAP-852	North High Building Complex Renovations	\$	14,001,400
CAP-855	Office Space Planning	\$	5,000,000
CAP-856	Governor's Residence Security Upgrades	\$	25,000
CAP-865	DAS Building Security Upgrades	\$	79,500
CAP-869	JFS Facility Land Acquisition and Construction - Columbiana County	\$	1,000,000
Total Department of Administrative Services		\$	26,519,500

Appropriations

SECTION 221.10.40. AGR DEPARTMENT OF AGRICULTURE

CAP-043	Building and Grounds Renovation	\$	600,000
CAP-051	Plant Industries Building #7 Replacement	\$	10,485,631
CAP-052	Grounds Security/Emergency Power	\$	200,000
Total Department of Agriculture		\$	11,285,631

Appropriations

SECTION 221.10.50. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

CAP-024	Capitol Square Security	\$	350,000
CAP-025	CSRAB Visitors' Center	\$	747,000
Total Capitol Square Review and Advisory Board		\$	1,097,000

Appropriations

SECTION 221.10.60. EXP EXPOSITIONS COMMISSION

CAP-056	Building Renovations and Repairs	\$	4,696,000
CAP-072	Emergency Repairs and Equipment Repair or Replacement	\$	1,000,000
CAP-074	Multi-Purpose Building	\$	14,000,000
Total Expositions Commission		\$	19,696,000

Appropriations

SECTION 221.10.70. DHS DEPARTMENT OF PUBLIC SAFETY

CAP-085	American Red Cross Public Safety Facility	\$	500,000
CAP-086	Consolidated Communications Project of Strongsville	\$	100,000
CAP-087	Domestic Violence Center	\$	100,000
CAP-088	Family Services of Cincinnati	\$	100,000
Total Department of Public Safety		\$	800,000

Appropriations

SECTION 221.10.80. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-742	Fountain Square Building and Telephone System Improvements	\$	1,000,000
CAP-744	MARCS	\$	2,000,000
CAP-747	DNR Fairgrounds Areas - General Upgrading - Fairgrounds Site Improvements	\$	700,000
Total Department of Natural Resources		\$	3,700,000

Appropriations

SECTION 221.10.90. OSB SCHOOL FOR THE BLIND

CAP-784	Renovations and Repairs	\$	890,000
CAP-785	Replacement of School Elevator	\$	110,000
Total School for the Blind		\$	1,000,000

Appropriations

SECTION 221.20.10. OSD SCHOOL FOR THE DEAF

CAP-783	Renovations and Repairs	\$	1,000,000
Total School for the Deaf		\$	1,000,000
TOTAL Administrative Building Fund		\$	75,073,131

SECTION 221.20.20. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$68,000,000 in addition to the original issuance of obligations heretofore

authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs associated with previously authorized capital facilities and the capital facilities referred to in Sections 221.10.10 to 221.20.10 of this act.

SECTION 223.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Adult Correctional Building Fund (Fund 027), that are not otherwise appropriated.

		Appropriations
DRC DEPARTMENT OF REHABILITATION AND CORRECTION		
STATEWIDE AND CENTRAL OFFICE PROJECTS		
CAP-003	Community Based Correctional Facility	\$ 1,200,000
CAP-017	Security Improvements - Statewide	\$ 6,127,037
CAP-111	General Building Renovations	\$ 28,847,973
Total Statewide and Central Office Projects		\$ 36,175,010
TOTAL Department of Rehabilitation and Correction		\$ 36,175,010
TOTAL ADULT CORRECTIONAL BUILDING FUND		\$ 36,175,010

SECTION 223.20. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and section 307.021 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$21,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs associated with previously authorized capital facilities and the capital facilities referred to in Section 223.10 of this act for the Department of Rehabilitation and Correction.

SECTION 225.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Juvenile Correctional Building Fund (Fund 028), that are not otherwise appropriated.

		Appropriations
DYS DEPARTMENT OF YOUTH SERVICES		
CAP-801	Fire Suppression/Safety/Security	\$ 2,369,806
CAP-803	General Institutional Renovations	\$ 4,833,336

CAP-812	CCF Renovations/Maintenance	\$	1,322,304
CAP-837	Sanitary Safety & Other Renovations - Indian River	\$	4,850,000
CAP-839	Classroom Renovations	\$	1,988,875
CAP-840	Mental Health Unit Construction	\$	2,877,510
Total Department of Youth Services		\$	18,241,831
TOTAL Juvenile Correctional Building Fund		\$	18,241,831

SECTION 225.20. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$18,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay the costs associated with previously authorized capital facilities and the capital facilities referred to in Section 225.10 of this act for the Department of Youth Services.

SECTION 227.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Cultural and Sports Facilities Building Fund (Fund 030), that are not otherwise appropriated.

		Appropriations	
AFC CULTURAL FACILITIES COMMISSION			
CAP-734	Hayes Center Renov & Repairs	\$	300,000
CAP-745	Renovations and Repairs	\$	850,000
CAP-763	Historic Site Signage	\$	250,000
CAP-770	Serpent Mound Improvements	\$	340,000
CAP-781	Information Technology Project	\$	364,000
CAP-784	Center Rehabilitation	\$	1,035,000
CAP-803	Digitization of Collections	\$	300,000
CAP-809	Exhibit Replace/Orientation	\$	415,000
CAP-910	Collections Facility Planning	\$	1,240,000
CAP-911	W.P. Snyder Restoration	\$	876,000
CAP-912	Lockington Locks Restoration	\$	172,000
CAP-913	Huntington Park	\$	7,000,000
CAP-914	Schuster Center for the Performing Arts	\$	5,500,000
CAP-916	Cincinnati Symphony Orchestra - Riverbend	\$	3,000,000
CAP-917	Marina District Amphitheatre	\$	2,900,000
CAP-918	Cincinnati Museum Center	\$	2,000,000
CAP-919	National Underground Railroad Freedom Center	\$	2,000,000
CAP-920	Cincinnati Sports Facility Improvements	\$	2,000,000
CAP-921	Pro Football Hall of Fame	\$	1,650,000
CAP-922	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,300,000
CAP-923	Western Reserve Historical Society	\$	1,000,000

CAP-925	COSI Columbus	\$	1,000,000
CAP-926	Columbus Museum of Art	\$	1,000,000
CAP-927	Mason ATP Tennis Center	\$	1,300,000
CAP-928	Stan Hywet Hall and Gardens	\$	1,175,000
CAP-929	Akron Art Museum	\$	1,000,000
CAP-930	Sauder Village	\$	830,000
CAP-931	Horvitz Center for the Arts	\$	750,000
CAP-932	Ensemble Theatre	\$	750,000
CAP-933	Voice of America Museum	\$	750,000
CAP-934	Cleveland Steamship Mather	\$	600,000
CAP-935	Cuyahoga County Soldiers' and Sailors Monument	\$	500,000
CAP-936	King-Lincoln Arts & Entertainment District	\$	500,000
CAP-937	Art Academy of Cincinnati	\$	500,000
CAP-938	Great Lakes Historical Society	\$	500,000
CAP-939	McKinley Museum	\$	425,000
CAP-940	Charles A. Eulett Education Center and Appalachian Museum	\$	300,000
CAP-942	Davis Shai Historical Facility	\$	300,000
CAP-943	Massillon Museum	\$	275,000
CAP-944	The Mandel Center	\$	250,000
CAP-945	Worthington Arts Center	\$	250,000
CAP-946	CCAD	\$	250,000
CAP-947	BalletMet	\$	250,000
CAP-948	Stambaugh Hall Improvements	\$	250,000
CAP-949	Youngstown Symphony Orchestra	\$	250,000
CAP-950	Wood County Historical Center & Museum	\$	220,000
CAP-951	Harding Memorial	\$	210,000
CAP-952	Cincinnati Ballet	\$	200,000
CAP-953	City of Avon Stadium Complex	\$	200,000
CAP-954	Renaissance Performing Arts Center	\$	200,000
CAP-956	Oxford Arts Center Historic Renovation	\$	174,000
CAP-957	Wayne County Historical Society - Lincoln Highway	\$	170,000
CAP-958	Maumee Valley Historical Society	\$	150,000
CAP-959	Trumbull County Historical Society	\$	150,000
CAP-960	First Lunar Flight Project	\$	25,000
CAP-961	Holmes County Historical Society Improvements	\$	140,000
CAP-962	Canal Winchester Historical Society	\$	125,000
CAP-963	Ukrainian Museum	\$	100,000
CAP-964	Gordon Square Arts District	\$	100,000
CAP-965	Moreland Theatre Renovation	\$	100,000
CAP-966	Karamu House	\$	100,000
CAP-967	Symmes Township Historical Society - Ross House	\$	100,000
CAP-968	Springfield Veterans Park Amphitheatre	\$	100,000
CAP-969	Gallia County Historical Genealogical Society	\$	100,000
CAP-970	Gallia County French Art Colony	\$	100,000
CAP-971	The Octagon House	\$	100,000
CAP-972	Vinton County Stages - Pavilion Project	\$	100,000
CAP-973	County Line Historical Society (Wayne/Holmes)	\$	100,000
CAP-974	Paul Brown Museum	\$	75,000
CAP-975	The Works - Ohio Center for History, Art and Technology	\$	75,000
CAP-976	Van Wert Historical Society	\$	70,000
CAP-977	Indian Mill Renovations	\$	66,000
CAP-978	Hale Farm & Village	\$	50,000

CAP-979	Howe House Historic Site	\$	50,000
CAP-980	Beavercreek Community Theatre	\$	50,000
CAP-981	Jamestown Opera House	\$	50,000
CAP-982	Johnny Appleseed Museum	\$	50,000
CAP-983	Vinton County Historical Society - Alice's House Project	\$	50,000
CAP-984	Woodward Opera House	\$	50,000
CAP-985	Little Brown Jug Facility Improvements	\$	50,000
CAP-986	Applecreek Historical Society	\$	50,000
CAP-987	Wyandot Historic Building Renovation	\$	50,000
CAP-988	Galion Historic Big Four Depot Restoration	\$	30,000
CAP-989	Bucyrus Historic Depot Renovations	\$	30,000
CAP-990	Myers Historical Stagecoach Inn Renovation	\$	25,000
CAP-991	Arts West Performing Arts Center	\$	25,000
CAP-992	Chester Academy Historic Building	\$	25,000
CAP-993	Portland Civil War Museum and Historic Displays	\$	25,000
CAP-994	Morgan County Historic Opera House	\$	25,000
CAP-996	Crawford Antique Museum	\$	9,000
CAP-997	Monroe City Historical Society Building Repairs	\$	5,000
CAP-998	Wright-Dunbar Historical	\$	250,000
CAP-041	Cleveland Playhouse	\$	200,000
CAP-081	Hip Klotz Memorial Facility Improvements	\$	150,000
CAP-082	Music Hall Garage	\$	1,000,000
CAP-083	AB Graham Center	\$	40,000
CAP-084	Bradford Ohio Railroad Museum Restoration	\$	30,000
CAP-085	WACO Aircraft Museum	\$	30,000
CAP-086	Fort Recovery Renovations	\$	100,000
CAP-087	Columbus Children's Hospital Amphitheater	\$	1,000,000
	Total Cultural Facilities Commission	\$	55,296,000
	TOTAL Cultural and Sports Facilities Building Fund	\$	55,296,000

SECTION 227.30. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$50,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in section 154.01 of the Revised Code, including construction as defined in division (H) of section 3383.01 of the Revised Code, of the Ohio cultural facilities designated in Section 227.10 of this act.

SECTION 229.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Ohio Parks and Natural Resources Fund (Fund 031), that are not otherwise

appropriated.

		Appropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
STATEWIDE AND LOCAL PROJECTS		
CAP-012	Land Acquisition - Department	\$ 4,325,000
CAP-702	Underground Fuel Storage/Tank Removal/Replacement - Department	\$ 500,000
CAP-748	NatureWorks Local Park Grants	\$ 2,846,480
CAP-881	Dam Rehabilitation - Department	\$ 3,060,920
CAP-923	Sheldon Marsh Remediation Match	\$ 1,000,000
CAP-928	Handicapped Accessibility - Department	\$ 500,000
CAP-929	Hazardous Waste/Asbestos Abatement - Department	\$ 500,000
CAP-930	The WILDS	\$ 1,175,000
CAP-931	Wastewater/Water Systems Upgrades - Department	\$ 2,500,000
CAP-984	Belpre Swimming Pool	\$ 75,000
	Total Statewide and Local Projects	\$ 16,482,400
	Total Department of Natural Resources	\$ 16,482,400
	TOTAL Ohio Parks and Natural Resources Fund	\$ 16,482,400

SECTION 229.20. The Ohio Public Facilities Commission, upon the request of the Director of Natural Resources, is hereby authorized to issue and sell, in accordance with Section 21 of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.05 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$16,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Ohio Parks and Natural Resources Fund (Fund 031) to pay costs of capital facilities as defined in sections 151.01 and 151.05 of the Revised Code.

SECTION 231.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032), that are not otherwise appropriated.

		Appropriations
SFC SCHOOL FACILITIES COMMISSION		
CAP-770	School Building Program Assistance	\$ 540,000,000
	Total School Facilities Commission	\$ 540,000,000
	TOTAL School Building Program Assistance Fund	\$ 540,000,000

SCHOOL BUILDING PROGRAM ASSISTANCE

The foregoing appropriation item CAP-770, School Building Program

Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

SECTION 231.20. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.03 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$530,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay the costs to the state of constructing classroom facilities pursuant to sections 3318.01 to 3318.33 of the Revised Code.

SECTION 233.10.10. All items set forth in Sections 233.10.20 to 233.10.50 are hereby appropriated out of any moneys in the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 033), that are not otherwise appropriated.

		Appropriations
SECTION 233.10.20. ADA ALCOHOL AND DRUG ADDICTION SERVICES		
CAP-004	New Directions Residential Treatment	\$ 250,000
CAP-005	Maryhaven Facility Improvements	\$ 200,000
Total Alcohol and Drug Addiction Services		\$ 450,000

		Appropriations
SECTION 233.10.30. DMH DEPARTMENT OF MENTAL HEALTH		
CAP-092	Hazardous Material Abatement	\$ 500,000
CAP-479	Community Assistance Projects	\$ 5,550,000
CAP-885	Bellefaire Jewish Children's Bureau	\$ 750,000
CAP-946	Demolition	\$ 500,000
CAP-978	Infrastructure Improvements	\$ 11,980,000
CAP-986	Campus Consolidation	\$ 4,000,000
Total Department of Mental Health		\$ 23,280,000

COMMUNITY ASSISTANCE PROJECTS

Of the foregoing appropriation item CAP-479, Community Assistance Projects, \$500,000 shall be used for the Mayerson Center, \$350,000 shall be used for Chabad House, \$250,000 shall be used for Sylvania Family

Services, \$200,000 shall be used for Talbert House, and \$250,000 shall be used for the Berea Children's Home.

		Appropriations
SECTION 233.10.40.	DMR DEPARTMENT OF MENTAL	
	RETARDATION AND DEVELOPMENTAL DISABILITIES	
	STATEWIDE AND CENTRAL OFFICE PROJECTS	
CAP-480	Community Assistance Projects	\$ 12,000,000
CAP-887	North Olmsted Welcome House	\$ 100,000
CAP-889	Kamp Dovetail Project at Rocky Fork Lake State Park	\$ 100,000
CAP-912	Telecommunications	\$ 765,000
CAP-941	Emergency Generator Replacement	\$ 1,000,000
CAP-955	Statewide Development Centers	\$ 6,212,373
CAP-981	Emergency Improvements	\$ 500,000
	Total Statewide and Central Office Projects	\$ 20,677,373
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$ 20,677,373
	TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$ 44,407,373

COMMUNITY ASSISTANCE PROJECTS

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.

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 Developmental Disabilities, CAP-480, Community Assistance Projects, may be used on facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Mental Health and the Department of Mental Retardation and Developmental Disabilities, all subject to Controlling Board approval.

SECTION 233.10.60. (A) No capital improvement appropriations made in Sections 233.10.10 to 233.10.50 of this act shall be released for planning or for improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Mental Health or the Department of Mental Retardation and Developmental Disabilities, whichever is applicable, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated;

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including the provisions of this act.

SECTION 233.10.70. The Treasurer of State is hereby authorized to issue

and sell in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$49,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in section 154.01 of the Revised Code for mental hygiene and retardation.

SECTION 235.10.10. All items set forth in Sections 235.10.20 to 235.50.80 are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034), that are not otherwise appropriated.

			Appropriations
SECTION 235.10.20. ETC ETECH OHIO			
CAP-001	Educational TV and Radio Equipment	\$	1,000,000
CAP-003	ETC Ohio Government Telecomm	\$	310,000
Total eTech Ohio			\$ 1,310,000

			Appropriations
SECTION 235.10.30. BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION			
BOR BOARD OF REGENTS			
CAP-025	Instructional and Data Processing Equipment	\$	23,783,697
CAP-029	Ohio Library and Information Network	\$	5,410,000
CAP-030	Ohio Supercomputer Center Expansion	\$	7,480,000
CAP-031	Ohio Aerospace Institute	\$	200,000
CAP-032	Research Facility Action and Investment Funds	\$	5,500,000
CAP-060	Technology Initiatives	\$	2,000,000
CAP-062	Non-credit Job Training Facilities	\$	2,350,000
CAP-068	Third Frontier Wright Capital	\$	50,000,000
CAP-070	Dark Fiber/OARnet	\$	4,950,000
CAP-082	Supplemental Renovations - Library Depositories	\$	2,000,000
CAP-083	Central State Emergency Capital Needs	\$	1,000,000
CAP-084	University Hospitals Ireland Cancer Center	\$	5,000,000
CAP-085	315 Research and Technology Corridor	\$	1,700,000
CAP-087	Youngstown Technology Center	\$	2,750,000
CAP-088	Cleveland Clinic-Glickman Tower	\$	1,000,000
CAP-089	MetroHealth Senior Health and Wellness Center	\$	1,000,000
CAP-091	CWRU Mt. Sinai Skills and Simulation Center	\$	500,000
CAP-092	Shawnee State Motion Capture Studio Project	\$	281,300

CAP-093	Central Ohio Research Data Network-New Albany	\$	250,000
CAP-094	Clintonville Fiber Project	\$	100,000
Total Board of Regents		\$	117,254,997

SECTION 235.10.40. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS

The foregoing appropriation item CAP-032, Research Facility Action and Investment Funds, shall be used for a program of grants to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.

SECTION 235.10.50. THIRD FRONTIER WRIGHT CAPITAL

The foregoing appropriation item CAP-068, Third Frontier Wright Capital, shall be used to acquire, renovate, or construct facilities and purchase equipment for research programs, technology development, product development, and commercialization programs at or involving state-supported and state-assisted institutions of higher education. The funds shall be used to make grants awarded on a competitive basis, and shall be administered by the Third Frontier Commission. Expenditure of these funds shall comply with Section 2n of Article VIII, Ohio Constitution, and sections 151.01 and 151.04 of the Revised Code for the period beginning July 1, 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.

Appropriations made in Sections 235.10.10 to 235.50.80 of this act for purposes of costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which expenditures were reasonably expected at the time of the advance by the institution to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments, and shall be timely applied to the reimbursement of those temporarily available moneys. All reimbursements are subject to review and approval through the capital release process.

			Appropriations
SECTION 235.10.70. UAK UNIVERSITY OF AKRON			
CAP-008	Basic Renovations	\$	6,260,392
CAP-047	Polsky Building Rehabilitation	\$	949,082
CAP-049	Basic Renovations-Wayne	\$	215,241
CAP-054	Auburn West Tower Rehabilitation Phase III	\$	6,026,253
CAP-119	Wayne College Renovations/Expansion	\$	709,805
CAP-121	Administration Building Phase II	\$	1,344,536
CAP-122	Polymer Processing Center Phase I	\$	4,935,457
CAP-123	Medina County University Center (UAK)	\$	1,500,000
CAP-124	Hydrogen Fueling Station Project at University of Akron	\$	1,000,000
Total University of Akron			\$ 22,940,766

			Appropriations
SECTION 235.10.80. BGU BOWLING GREEN STATE UNIVERSITY			
CAP-009	Basic Renovations	\$	4,746,508
CAP-060	Basic Renovations-Firelands	\$	351,961
CAP-127	Instructional Laboratory Phase II	\$	836,265
CAP-131	Health Center Addition	\$	9,750,000

CAP-132	Student Services Building Replacement	\$	8,100,000
CAP-133	BGSU Aviation Improvements	\$	500,000
Total Bowling Green University		\$	24,284,734

Appropriations

SECTION 235.10.90. CSU CENTRAL STATE UNIVERSITY

CAP-022	Basic Renovations	\$	1,182,374
CAP-084	Center for Education & Natural Sciences Phase II Construction	\$	6,023,789
Total Central State University		\$	7,206,163

Appropriations

SECTION 235.20.10. UCN UNIVERSITY OF CINCINNATI

CAP-009	Basic Renovations	\$	11,936,927
CAP-018	Basic Renovations-Clermont	\$	315,249
CAP-054	Raymond Walters Renovations	\$	568,630
CAP-205	Medical Science Building Renovation and Expansion (CARE)	\$	17,285,021
CAP-224	Van Wormer Renovation	\$	3,600,000
CAP-263	Swift Renovation	\$	2,540,000
CAP-313	Expand Clermont	\$	785,062
CAP-353	Zimmer Plaza/Auditorium Renovation	\$	3,600,000
CAP-354	RWC Technology Center	\$	1,534,608
CAP-355	Barrett Cancer Center	\$	2,500,000
CAP-357	Sharonville Convention Center	\$	550,000
CAP-358	Hebrew Union College Archives Project	\$	350,000
CAP-359	Consolidated Communications Project of Clermont County	\$	300,000
CAP-360	People Working Cooperatively	\$	75,000
Total University of Cincinnati		\$	45,940,497

Appropriations

SECTION 235.20.20. CLS CLEVELAND STATE UNIVERSITY

CAP-023	Basic Renovations	\$	3,796,031
CAP-125	College of Education	\$	10,115,719
CAP-148	Cleveland Institute of Art	\$	1,000,000
CAP-163	Anthropology Department Renovations/Relocation	\$	400,000
CAP-164	Chester Building Annex Demolition	\$	921,583
CAP-165	Bakers Building Renovations	\$	1,328,583
CAP-166	Playhouse Square Center - Hanna Theatre	\$	750,000
CAP-167	Cleveland State University Windtower Generator Project	\$	400,000
CAP-168	Kenston Wind Turbine Project in Geauga (CSU Engineering Department)	\$	300,000
CAP-169	Cleveland Museum of Art	\$	3,000,000
Total Cleveland State University		\$	22,011,916

SECTION 235.20.30. KSU KENT STATE UNIVERSITY			Appropriations
CAP-022	Basic Renovations	\$	5,729,827
CAP-105	Basic Renovations-East Liverpool	\$	240,437
CAP-106	Basic Renovations-Geauga	\$	74,459
CAP-107	Basic Renovations-Salem	\$	167,621
CAP-108	Basic Renovations-Stark	\$	566,473
CAP-110	Basic Renovations-Ashtabula	\$	282,463
CAP-111	Basic Renovations-Trumbull	\$	552,348
CAP-112	Basic Renovations-Tuscarawas	\$	371,018
CAP-212	Health Science Building	\$	768,084
CAP-262	Gym Renovations, Construction Phase	\$	566,617
CAP-266	Fine & Performing Arts Center, Planning Phase	\$	911,738
CAP-277	Bowman Hall Chilled Water Plant	\$	2,250,000
CAP-278	Electrical Infrastructure Improvements	\$	808,800
CAP-279	Oscar Ritchie Hall Rehabilitation	\$	10,455,000
CAP-280	Taylor Hall Renovation, Phase I	\$	750,000
CAP-281	Music/Speech Center Renovation, Phase I	\$	1,262,807
CAP-282	Classroom Building Renovation, Phase I	\$	415,662
CAP-283	Classroom Addition/Renovation Planning	\$	279,901
CAP-284	Main Hall Science Lab/Nurse Addition	\$	1,165,436
CAP-285	Classroom Building Renovation	\$	640,399
CAP-286	Fire Alarm System Upgrade	\$	375,000
CAP-287	Blossom Music Center	\$	2,000,000
CAP-288	Columbiana County Port Authority Coal Liquefaction Project	\$	500,000
CAP-289	Kent State University - Hillel	\$	400,000
Total Kent State University		\$	31,534,090

SECTION 235.20.40. MUN MIAMI UNIVERSITY			Appropriations
CAP-018	Basic Renovations	\$	5,465,380
CAP-066	Basic Renovations - Hamilton	\$	595,995
CAP-069	Basic Renovations - Middletown	\$	546,243
CAP-160	Benton Hall Rehabilitation	\$	3,900,000
CAP-161	Kreger-Robertson Hall Renovation	\$	1,000,000
CAP-162	Richard T. Farmer School of Business	\$	3,000,000
CAP-163	Upham Hall North Wing Rehabilitation	\$	500,000
CAP-164	Warfield Hall Rehabilitation	\$	3,699,024
CAP-165	Pearson Hall Laboratories	\$	997,408
CAP-166	Academic/Administration & General Improvement Project	\$	1,153,217
CAP-167	Academic/Administration & Renovation Project	\$	1,526,909
Total Miami University		\$	22,384,176

SECTION 235.20.50. OSU OHIO STATE UNIVERSITY			Appropriations
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CAP-074	Basic Renovations	\$	26,062,119
CAP-149	Basic Renovations - Regional Campuses	\$	4,777,451
CAP-255	Supplemental Renovations - OARDC	\$	829,170
CAP-534	Main Library Rehabilitation/Expansion	\$	50,841,261
CAP-736	Brown Hall Renovation/Replacement	\$	3,500,000
CAP-737	Hughes Hall Renovation	\$	1,500,000
CAP-738	COMPH Academic Center	\$	5,000,000
CAP-739	Murray Hall Renovation	\$	1,000,000
CAP-740	New Student Life Building	\$	1,000,000
CAP-741	Founders/Hopewell Hall Renovation	\$	1,960,080
CAP-742	Agricultural and Biological Engineering Building Renovation	\$	4,000,000
CAP-743	Selby Hall Phytotron Facility Renovation	\$	2,000,000
CAP-744	Stone Laboratory Research Facility Improvements	\$	500,000
CAP-745	OSU Extension Safety Improvements in Madison County	\$	94,000
CAP-746	Camp Clifton Improvements	\$	90,000
CAP-747	Delaware Speech & Hearing with OSU Medical College	\$	75,000
Total Ohio State University		\$	103,229,081

FEED MILL REPLACEMENT PROJECT

Notwithstanding anything to the contrary in sections 9.33, 123.01, and 3345.50 and Chapter 153. of the Revised Code, the Ohio State University may negotiate, enter into, and locally administer a contract that combines the design and construction elements of the project into a single contract for the feed mill replacement project, funded with appropriations in the foregoing appropriation item CAP-255, Supplemental Renovations - OARDC, including any reappropriation amount made to appropriation item CAP-492, OARDC Feed Mill, in Am. Sub. H.B. 530 of the 126th General Assembly.

			Appropriations
SECTION 235.20.60. OHU OHIO UNIVERSITY			
CAP-020	Basic Renovations	\$	7,091,427
CAP-095	Basic Renovations - Eastern	\$	257,411
CAP-098	Basic Renovations - Lancaster	\$	360,387
CAP-099	Basic Renovations - Zanesville	\$	328,368
CAP-113	Basic Renovations - Chillicothe	\$	305,706
CAP-114	Basic Renovations - Ironton	\$	259,241
CAP-216	Southern - Land Acquisition	\$	200,000
CAP-222	Clippinger Lab Rehabilitation Phase I	\$	1,000,000
CAP-223	Alden Library Rehabilitation Phase I	\$	1,000,000
CAP-224	University Center	\$	5,210,000
CAP-225	Lausche Heating Plant Phase III	\$	2,175,000
CAP-233	Integrated Learning and Research Facility	\$	1,431,170
CAP-234	Porter Hall Addition	\$	3,681,170
CAP-235	Supplemental Basic Renovations	\$	1,000,000
CAP-236	College of Communication Baker RTVC Redevelopment	\$	2,400,000
CAP-237	Shannon Hall Interior Renovation	\$	384,090

CAP-238	Ohio University Eastern Campus Health and Education Center	\$	200,157
CAP-239	Stevenson Student Service Area	\$	704,720
CAP-240	Shoemaker A/C Completion	\$	259,096
CAP-241	Proctorville Parking - Site Improvement	\$	200,000
CAP-242	Southern - Student Activity Office Renovation	\$	193,491
CAP-243	Lancaster Community Conference 7 Events Center	\$	954,647
CAP-244	Elson Hall 2nd Floor Renovation	\$	924,481
CAP-245	Road Widening and Campus Gate	\$	120,000
CAP-246	Ohio University Integrated Learning and Research Facility	\$	1,000,000
CAP-247	Ohio University Southern Ohio Proctorville Center Improvements	\$	90,000
Total Ohio University		\$	31,730,562

Appropriations

SECTION 235.20.70. SSC SHAWNEE STATE UNIVERSITY

CAP-004	Basic Renovations	\$	1,226,165
CAP-053	University Center Renovation	\$	1,726,006
Total Shawnee State University		\$	2,952,171

Appropriations

SECTION 235.20.80. UTO UNIVERSITY OF TOLEDO

CAP-010	Basic Renovations	\$	6,131,561
CAP-129	Science/Laboratory Building	\$	4,042,523
CAP-136	CBLE - Stranahan Hall Addition	\$	6,000,000
CAP-137	Chilled Water Plant Equipment	\$	1,756,000
CAP-138	Steam & Chilled Water Line Extension	\$	1,450,304
CAP-139	North Engineering Renovation	\$	1,000,000
CAP-140	Northwest Ohio Science & Technology Corridor	\$	1,000,000
Total University of Toledo		\$	21,380,388

Appropriations

SECTION 235.20.90. WSU WRIGHT STATE UNIVERSITY

CAP-015	Basic Renovations	\$	4,384,404
CAP-064	Basic Renovations - Lake	\$	137,381
CAP-119	Science Lab Renovations	\$	9,886,492
CAP-134	Lake Campus Rehabilitation	\$	478,906
CAP-135	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000
CAP-136	Welcome Stadium Project	\$	1,600,000
CAP-137	Consolidated Communications Project of Greene County	\$	750,000
CAP-139	Glenn Helen Preserve Ecology Art Classroom	\$	15,000
Total Wright State University		\$	19,752,183

Appropriations

SECTION 235.30.10. YSU YOUNGSTOWN STATE UNIVERSITY

CAP-014	Basic Renovations	\$	3,841,621
CAP-125	Campus-wide Building Systems Upgrades	\$	1,950,000
CAP-133	Campus Development	\$	1,500,000
CAP-134	Instructional Space Upgrades	\$	900,000
CAP-135	College of Business	\$	6,224,834
Total Youngstown State University		\$	14,416,455

Appropriations

SECTION 235.30.20. MUO MEDICAL UNIVERSITY OF OHIO

CAP-010	Basic Renovations	\$	1,893,176
CAP-066	Core Research Facility Construction - Phase II	\$	1,800,720
CAP-078	Clinical/Academic Renovation	\$	900,350
CAP-081	Resource & Community Learning Center	\$	900,360
CAP-082	Campus Energy Plant - Phase I	\$	900,350
Total Medical University of Ohio		\$	6,394,956

Appropriations

SECTION 235.30.30. NEM NORTHEASTERN OHIO UNIVERSITIES

COLLEGE OF MEDICINE

CAP-018	Basic Renovations	\$	679,957
CAP-048	Rehabilitation of Multi-Disciplinary Laboratories	\$	1,473,952
Total Northeastern Ohio Universities College of Medicine		\$	2,153,909

Appropriations

SECTION 235.30.40. CTC CINCINNATI STATE COMMUNITY

COLLEGE

CAP-013	Basic Renovations	\$	1,449,887
CAP-039	Brick Repair and Weather Proofing	\$	225,359
CAP-040	Energy Management - Motor Replacement	\$	377,899
CAP-041	Roof Replacement	\$	661,573
CAP-042	Neighborhood Health Care	\$	175,000
CAP-043	Freestore Foodbank	\$	500,000
Total Cincinnati State Community College		\$	3,389,718

Appropriations

SECTION 235.30.50. CLT CLARK STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	628,411
CAP-041	Sarah T. Landess Technology and Learning Center	\$	146,313
CAP-045	Performing Arts Center Expansion	\$	970,607
CAP-046	Library Resource Center Addition	\$	300,000
CAP-047	Clark State Community College Facility Purchase	\$	150,000
CAP-048	Clark State Health and Education Center	\$	100,000
Total Clark State Community College		\$	2,295,331

SECTION 235.30.60. CTI COLUMBUS STATE COLLEGE			Appropriations
			COMMUNITY
CAP-006	Basic Renovations	\$	1,803,681
CAP-054	Renovations/Addition - Delaware Hall	\$	4,728,428
CAP-055	Planning Moneys for Building "F"	\$	1,310,554
Total Columbus State Community College			\$ 7,842,663

SECTION 235.30.70. CCC CUYAHOGA COMMUNITY COLLEGE			Appropriations
CAP-031	Basic Renovations	\$	3,866,782
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$	2,411,797
CAP-099	Hospitality Management Program	\$	4,000,000
CAP-100	Theater/Auditorium Renovations	\$	4,036,552
CAP-101	Nursing Clinical Simulation Center	\$	250,000
CAP-102	Rock and Roll Hall of Fame Archives	\$	200,000
Total Cuyahoga Community College			\$ 14,765,131

SECTION 235.30.80. ESC EDISON STATE COMMUNITY COLLEGE			Appropriations
CAP-006	Basic Renovations	\$	422,154
CAP-023	Regional Centers of Excellence	\$	3,375,000
CAP-024	Edison State Community College Regional Center for Excellence	\$	25,000
Total Edison State Community College			\$ 3,822,154

SECTION 235.30.90. JTC JEFFERSON COMMUNITY COLLEGE			Appropriations
CAP-022	Basic Renovations	\$	331,514
CAP-044	Second Floor Business & Industry Technical Center	\$	725,443
Total Jefferson Community College			\$ 1,056,957

SECTION 235.40.10. LCC LAKELAND COMMUNITY COLLEGE			Appropriations
CAP-006	Basic Renovations	\$	1,302,992
CAP-045	Instructional Use/University Partnership Building	\$	2,433,264
Total Lakeland Community College			\$ 3,736,256

SECTION 235.40.20. LOR LORAIN COMMUNITY COLLEGE			Appropriations
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CAP-005	Basic Renovations	\$	1,432,562
CAP-045	HPER Rehabilitation	\$	2,645,970
Total Lorain Community College		\$	4,078,532

Appropriations

SECTION 235.40.30. NTC NORTHWEST STATE COMMUNITY COLLEGE

CAP-003	Basic Renovations	\$	417,030
Total Northwest State Community College		\$	417,030

Appropriations

SECTION 235.40.40. OTC OWENS COMMUNITY COLLEGE

CAP-019	Basic Renovations	\$	2,123,075
CAP-042	Campus Expansion - Penta Acquisition	\$	12,000,000
CAP-043	Center for Emergency Preparedness, Phase IV	\$	493,940
CAP-044	The Max Albon Center	\$	550,000
CAP-045	Jerusalem Township Food Bank	\$	100,000
Total Owens Community College		\$	15,267,015

Appropriations

SECTION 235.40.50. RGC RIO GRANDE COMMUNITY COLLEGE

CAP-005	Basic Renovations	\$	548,241
Total Rio Grande Community College		\$	548,241

Appropriations

SECTION 235.40.60. SCC SINCLAIR COMMUNITY COLLEGE

CAP-007	Basic Renovations	\$	2,863,978
CAP-062	Consolidated Communications Project - Montgomery	\$	1,500,000
Total Sinclair Community College		\$	4,363,978

Appropriations

SECTION 235.40.70. SOC SOUTHERN STATE COMMUNITY COLLEGE

CAP-010	Basic Renovations	\$	428,025
CAP-027	Southern State Community College Laboratory and Classroom Building	\$	1,000,000
Total Southern State Community College		\$	1,428,025

Appropriations

SECTION 235.40.80. TTC TERRA STATE COMMUNITY COLLEGE

CAP-009	Basic Renovations	\$	442,291
Total Terra State Community College		\$	442,291

			Appropriations
SECTION 235.40.90. WTC WASHINGTON STATE COMMUNITY COLLEGE			
CAP-006	Basic Renovations	\$	385,546
CAP-021	Washington State Community College Health Sciences Center	\$	350,000
CAP-022	Washington State Community College Center for Higher Education	\$	25,000
Total Washington State Community College			\$ 760,546

			Appropriations
SECTION 235.50.10. BTC BELMONT TECHNICAL COLLEGE			
CAP-008	Basic Renovations	\$	309,432
Total Belmont Technical College			\$ 309,432

			Appropriations
SECTION 235.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			
CAP-003	Basic Renovations	\$	333,331
CAP-015	Founders/Hopewell Hall Renovation	\$	1,538,362
CAP-016	Roscoe Village Inn Renovation	\$	500,000
Total Central Ohio Technical College			\$ 2,371,693

			Appropriations
SECTION 235.50.30. HTC HOCKING TECHNICAL COLLEGE			
CAP-019	Basic Renovations	\$	693,603
CAP-042	McClenaghan Center for Hospitality Training	\$	1,838,986
Total Hocking Technical College			\$ 2,532,589

			Appropriations
SECTION 235.50.40. LTC JAMES RHODES STATE COLLEGE			
CAP-004	Basic Renovations	\$	431,960
CAP-018	Community Union	\$	1,045,625
Total James Rhodes State College			\$ 1,477,585

			Appropriations
SECTION 235.50.50. MTC MARION TECHNICAL COLLEGE			
CAP-004	Basic Renovations	\$	166,413
CAP-013	Classroom/Student Resource Center	\$	3,500,000
Total Marion Technical College			\$ 3,666,413

			Appropriations
SECTION 235.50.60. MAT ZANE STATE COLLEGE			
CAP-007	Basic Renovations	\$	402,714
CAP-023	Willet-Pratt Center Expansion	\$	750,000
Total Zane State College			\$ 1,152,714

			Appropriations
SECTION 235.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE			
CAP-003	Basic Renovations	\$	515,249
CAP-016	Health Sciences Center Rehabilitation	\$	1,035,150
CAP-017	Kehoe Center Rehabilitation	\$	419,655
Total North Central Technical College			\$ 1,970,054

			Appropriations
SECTION 235.50.80. STC STARK TECHNICAL COLLEGE			
CAP-004	Basic Renovations	\$	277,804
CAP-039	Health & Science Building	\$	5,097,338
Total Stark Technical College			\$ 5,375,142
Total Board of Regents and Institutions of Higher Education			\$ 578,636,534
TOTAL Higher Education Improvement Fund			\$ 579,946,534

SECTION 235.50.90. DEBT SERVICE FORMULA ALLOCATION

Based on the foregoing appropriations in Sections 235.10.70 to 235.50.80 of this act, from Fund 034, Higher Education Improvement Fund, the following higher education institutions shall be responsible for the specified amounts as part of the debt service component of the instructional subsidy beginning in fiscal year 2008:

INSTITUTION	AMOUNT
University of Akron	\$ 13,255,328
University of Akron - Wayne	\$ 709,805
Bowling Green State University	\$ 17,300,000
Bowling Green State University - Firelands	\$ 836,265
Central State University	\$ 2,023,789
University of Cincinnati	\$ 27,025,021
University of Cincinnati - Clermont	\$ 785,062
University of Cincinnati - Walters	\$ 1,534,608
Cleveland State University	\$ 11,437,302
Kent State University	\$ 15,526,607

Kent State University - Ashtabula	\$	768,084
Kent State University - East Liverpool	\$	415,662
Kent State University - Geauga	\$	279,901
Kent State University - Salem	\$	566,617
Kent State University - Stark	\$	1,165,436
Kent State University - Trumbull	\$	1,015,399
Kent State University - Tuscarawas	\$	911,738
Miami University	\$	13,096,432
Miami University - Hamilton	\$	1,153,217
Miami University - Middletown	\$	1,526,909
Ohio State University	\$	61,841,261
Ohio State University - Lima	\$	1,000,000
Ohio State University - Newark	\$	1,960,080
Ohio State University - OARDC	\$	6,829,170
Ohio University	\$	17,897,340
Ohio University - Eastern	\$	584,247
Ohio University - Chillicothe	\$	963,816
Ohio University - Southern	\$	593,491
Ohio University - Lancaster	\$	890,535
Ohio University - Zanesville	\$	1,044,481
Shawnee State University	\$	1,726,006
University of Toledo	\$	14,248,827
Wright State University	\$	9,886,492
Wright State University - Lake	\$	478,906
Youngstown State University	\$	10,574,834
Medical University of Ohio	\$	4,501,780
Northeastern Ohio Universities College of Medicine	\$	1,473,952
Cincinnati State Community College	\$	1,145,659
Clark State Community College	\$	1,416,920
Columbus State Community College	\$	6,038,982
Cuyahoga Community College	\$	10,448,349
Edison State Community College	\$	3,375,000
Jefferson Community College	\$	725,443
Lakeland Community College	\$	2,766,142
Lorain County Community College	\$	2,645,970
Owens Community College	\$	4,993,940
Central Ohio Technical College	\$	1,538,362
Hocking Technical College	\$	1,838,986
James Rhodes State Technical College	\$	1,045,625

Zane State College	\$	757,271
North Central Technical College	\$	1,354,805
Stark Technical College	\$	1,871,379

Institutions not listed above shall not have a debt service obligation as a result of these appropriations.

Within sixty days after the effective date of this section, any institution of higher education may notify the Board of Regents of its intention not to proceed with any project appropriated in this act. Upon receiving such notification, the Board of Regents may release the institution from its debt service obligation for the specific project.

SECTION 235.60.10. For all of the foregoing appropriation items from the Higher Education Improvement Fund (Fund 034) that require local funds to be contributed by any state-supported or state-assisted institution of higher education, the Ohio Board of Regents shall not recommend that any funds be released until the recipient institution demonstrates to the Board of Regents and the Office of Budget and Management that the local funds contribution requirement has been secured or satisfied. The local funds shall be in addition to the foregoing appropriations.

SECTION 235.60.20. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$576,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in sections 151.01 and 151.04 of the Revised Code for state-supported and state-assisted institutions of higher education.

SECTION 235.60.30. None of the foregoing capital improvements appropriations for state-supported or state-assisted institutions of higher education shall be expended until the particular appropriation has been recommended for release by the Ohio Board of Regents and released by the Director of Budget and Management or the Controlling Board. Either the institution concerned, or the Ohio Board of Regents with the concurrence of the institution concerned, may initiate the request to the Director of Budget

and Management or the Controlling Board for the release of the particular appropriations.

SECTION 235.60.40. (A) No capital improvement appropriations made in Sections 235.10.10 to 235.50.80 of this act shall be released for planning or for improvement, renovation, construction, or acquisition of capital facilities if the institution of higher education or the state does not own the real property on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The institution has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) The Ohio Board of Regents certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, funds may be released upon approval of the Controlling Board to pay for planning through the development of schematic drawings only.

(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and will be made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement with the institution of higher education that meets the requirements of division (C) of this section.

(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Ohio Board of Regents that the facilities proposed by the institutions are:

(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Ohio Board of Regents;

(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities 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 the value of such use or right to use to be, as is determined by the parties and approved by the Board of Regents, reasonably related to the amount of the appropriations;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including the provisions of this act; and

(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.

(D) Upon the recommendation of the Ohio Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.

(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Ohio Board of Regents, may transfer amounts appropriated to the Ohio Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.

SECTION 235.60.50. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, do not apply to projects of community college districts, which include Cuyahoga Community College, Jefferson Community College, Lakeland Community College, Lorain Community College, Rio Grande Community College, and Sinclair Community College; and technical college districts, which include Belmont Technical College, Central Ohio Technical College, Hocking Technical College, James Rhodes State College, Marion Technical College, Zane State College, North Central Technical College, and Stark Technical College.

SECTION 235.60.60. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may:

(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when the charges are in excess of 1.5 per cent of the total construction budget.

(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for the capital projects. Acceptable charges are limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost.

SECTION 235.60.70. (A) The North East Ohio Universities Collaboration and Innovation Study Commission shall develop a plan and may make legislative or other logistical recommendations for the following, with respect to the University of Akron, Cleveland State University, Kent State University, the Northeastern Ohio Universities College of Medicine, and Youngstown State University:

- (1) Strategic and purposeful collaboration among the institutions;
- (2) Partnering among the institutions of both undergraduate and graduate academic programs;
- (3) Sharing of at least some governance mechanisms, particularly as they relate to common basic functions, among the institutions;
- (4) Development of a coordinated approach to the academic and administrative roles of public higher education in North East Ohio, while maintaining the separate identities of the institutions.

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.

The Commission shall submit its plan and recommendations to the Governor and the General Assembly in writing not later than twelve months after the effective date of this section.

(B) The North East Ohio Universities Collaboration and Innovation

Study Commission is hereby created. The Commission shall consist of nineteen members as follows:

(1) The president of each of the following five institutions of higher education:

- (a) University of Akron;
- (b) Cleveland State University;
- (c) Kent State University;
- (d) Northeastern Ohio Universities College of Medicine;
- (e) Youngstown State University.

(2) One member appointed by the board of trustees of each of the five institutions of higher education listed in division (B)(1) of this section;

(3) Two members appointed by the Ohio Board of Regents;

(4) One member appointed by the Speaker of the House of Representatives;

(5) One member appointed by the President of the Senate;

(6) Five members appointed by the Governor, four of whom shall be representatives of regional economic development organizations located within North East Ohio.

The members shall be appointed not later than thirty days after the effective date of this section. A vacancy on the Commission shall be filled in the manner of the initial appointment.

The member who is not a representative of a regional economic development organization, appointed by the Governor under division (B)(6) of this section, shall be the chairman of the Commission.

The members of the Commission shall receive no compensation for their services.

The Commission may employ an executive director and such other staff as the Commission determines is necessary to carry out its duties.

(C) Upon submission of its plan and recommendations, as required in division (A) of this section, the Commission shall cease to exist.

SECTION 237.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035), that are not otherwise appropriated.

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			
CAP-012	Land Acquisition - Statewide	\$	500,000
CAP-169	Lake White State Park - Dam Rehabilitation	\$	5,500,000
CAP-390	State Park Maintenance Facility Development - Middle	\$	2,000,000
	Bass Island State Park Mitigation Costs		

CAP-701	Buckeye Lake State Park - Dam Rehabilitation	\$	4,000,000
CAP-702	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000
CAP-716	Muskingum River Parkway - Locks and Dam Rehabilitation	\$	1,000,000
CAP-748	Local Parks Projects	\$	16,201,700
CAP-753	Project Planning	\$	250,000
CAP-836	State Park Renovations/Upgrading - Dillon Environmental Restoration Project (Corps Grant Match)	\$	600,000
CAP-876	Statewide Trails Program	\$	6,140,000
CAP-881	Dam Rehabilitation - Parks	\$	1,017,600
CAP-929	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,500,000
	Total Department of Natural Resources	\$	40,109,300
	TOTAL Parks and Recreation Improvement Fund	\$	40,109,300

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035).

LOCAL PARKS PROJECTS

Of the foregoing appropriation item CAP-748, Local Parks Projects, \$2,000,000 shall be used for the Center City Park in Springfield; \$1,200,000 shall be used for the Cincinnati Zoo; \$1,000,000 shall be used for the East Bank/Flats Project; \$1,000,000 shall be used for the Scioto Mile; \$1,500,000 shall be used for the Franklin Park Conservatory; \$1,000,000 shall be used for Kroc Community Park Improvements; \$640,000 shall be used for the Cuyahoga River Corridor Glens Park; \$540,000 shall be used for Tar Hollow State Park Improvements; \$515,000 shall be used for the Cleveland Zoological Society; \$400,000 shall be used for the Hi-Y; \$300,000 shall be used for the Colerain Township Heritage Park; \$300,000 shall be used for the Columbus Zoo; \$300,000 shall be used for the Fremont Park and Athletic Facilities; \$250,000 shall be used for the Gahanna South Flood Plain Project; \$250,000 shall be used for the Sippo Lake Park/Canal Way; \$250,000 shall be used for Van Buren State Park Land Acquisitions; \$250,000 shall be used for the City of Wellston Veterans Park; \$250,000 shall be used for the City of Jackson Bike Path; \$250,000 shall be used for Cambridge Park Improvements; \$250,000 shall be used for the Brunswick Nature Preserve; \$200,000 shall be used for North Royalton Recreational Park Improvements; \$200,000 shall be used for Harrison Village Historical Society-Phoenix Park Museum; \$200,000 shall be used for Ault Park Improvements; \$200,000 shall be used for Indian Lake State Park Dredging Improvements; \$200,000 shall be used for the Belmont Carnes Center; \$191,000 shall be used for Deerfield Township Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall be used for the City of

Wilmington Park Upgrades/Tennis Courts; \$175,700 shall be used for the Georgetown Community Tennis Park; \$170,000 shall be used for Violet Township Park Land Acquisition; \$150,000 shall be used for Kelleys Island Park Improvements; \$150,000 shall be used for Ironton Port Authority Green Space Acquisition; \$150,000 shall be used for Perry Township Camp Improvements; \$122,000 shall be used for Sandusky Plains Environmental Nature Preserve; \$100,000 shall be used for Mountain Bike Park/Midtown Cleveland; \$100,000 shall be used for Delhi Park Veteran's Memorial Wall; \$100,000 shall be used for The Mentor Lagoons Nature Preserve; \$100,000 shall be used for the Chester Township Park; \$100,000 shall be used for Thompson Park Renovations in East Liverpool; \$100,000 shall be used for the Aullwood Audubon Center; \$75,000 shall be used for Perry Township Park; \$75,000 shall be used for Hocking River Park Complex of Athens County; \$69,000 shall be used for Miami Erie Canal Repairs in Spencerville; \$65,000 shall be used for Star Mill Skate Park Improvements; \$60,000 shall be used for Marseilles Reservoir Bulk Head Project; \$50,000 shall be used for Beaver creek/John Aekeney Soccer Field and Park; \$50,000 shall be used for the Beaver creek Community Athletic Association Facility and Park Upgrade; \$50,000 shall be used for the Delaware Skate Park; \$50,000 shall be used for the Columbus Zoo Education Center; \$50,000 shall be used for Dillon State Park Upgrades; \$50,000 shall be used for Indian Lake State Park Shoreline Improvements; \$40,000 shall be used for Athens Village of Glouster Park Improvements; \$30,000 shall be used for Harold Miller Memorial Park Improvements; \$25,000 shall be used for Grand Lake St. Marys Improvements; \$25,000 shall be used for Geauga Veterans Monument Park Improvements; \$25,000 shall be used for the Conesville Community Children's Park; \$25,000 shall be used for the Cambridge Skate Park; \$19,000 shall be used for East Fork State Park-Harsha Lake Dock Improvements; \$10,000 shall be used for the Marine Corps League Park/Monument; \$10,000 shall be used for Huntington Township Park Improvements; \$5,000 shall be used for Morrow County Bicentennial Park; and \$5,000 shall be used for the Galion Memorial Veterans Park.

STATEWIDE TRAILS PROGRAM

Of the foregoing appropriation item CAP-876, Statewide Trails, \$2,000,000 shall be used for the Ohio to Erie Trail by Franklin County Metro Parks; \$1,900,000 shall be used for the Cuyahoga Towpath Trail; \$500,000 shall be used for Henry County Park and Bike Trails; \$400,000 shall be used for the Prairie Grass Trail; \$330,000 shall be used for the Williamsburg/Batavia Hike and Bike Trail; \$200,000 shall be used for the

Xenia-Jamestown Connector Trail Project; \$100,000 shall be used for Tri-County Triangle Trail Funding; and \$210,000 shall be used for the Trumbull Bike Trail.

SECTION 237.20. For the appropriations in Section 237.10 of this act, the Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project Planning, within the Parks and Recreation Improvement Fund (Fund 035), to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for the projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 227), and shall be reimbursed from the Parks and Recreation Improvement Fund (Fund 035) using an intrastate voucher.

SECTION 237.30. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$40,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay the costs of capital facilities for parks and recreation as defined in section 154.01 of the Revised Code.

SECTION 237.40. (A) No capital improvement appropriations made in Section 237.10 of this act shall be released for planning or for improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) In the case of an appropriation for capital facilities for parks and recreation that, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Natural Resources, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated; and

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including the provisions of this act.

SECTION 239.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Fund (Fund 038), that are not otherwise appropriated.

Appropriations

PWC PUBLIC WORKS COMMISSION

CAP-150	Local Public Infrastructure	\$	120,000,000
Total	Public Works Commission	\$	120,000,000
TOTAL	State Capital Improvements Fund	\$	120,000,000

The foregoing appropriation item CAP-150, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12

of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item CAP-151, Revolving Loan.

SECTION 239.20. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Sections 2m and 2p of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$120,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

SECTION 301.10. Notwithstanding any provision of law to the contrary, the Director of Budget and Management, with the written concurrence of the Director of Public Safety, may transfer cash temporarily from the Highway Safety Fund (Fund 036) to the Highway Safety Building Fund (Fund 025), and the cash may be used to fund projects previously appropriated by acts of the general assembly. The transfers shall be made for the purpose of providing cash to support appropriations or encumbrances that exist upon the effective date of this section. At such time as obligations are issued for Highway Safety Building Fund projects, the Director of Budget and

Management shall transfer from the Highway Safety Building Fund to the Highway Safety Fund any amounts originally transferred to the Highway Safety Building Fund under this section.

SECTION 303.10. CERTIFICATION OF AVAILABILITY OF MONEYS

No moneys that require release may be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. The certification shall be based on estimates of revenue, receipts, and expenses. Nothing in this section shall be construed as a limitation on the authority of the Director of Budget and Management under section 126.07 of the Revised Code.

SECTION 303.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS

The appropriations made in this act, excluding those made to the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) for buildings or structures, including remodeling and renovations, are limited to:

- (A) Acquisition of real property or interests in real property;
- (B) Buildings and structures, which includes construction, demolition, complete heating, lighting and lighting fixtures, all necessary utilities, and ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;
- (C) Architectural, engineering, and professional services expenses directly related to the projects;
- (D) Machinery that is a part of structures at the time of initial acquisition or construction;
- (E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;
- (F) Equipment that meets all the following criteria:
 - (1) The equipment is essential in bringing the facility up to its intended use;
 - (2) The unit cost of the equipment, and not the individual parts of a unit,

is about \$100 or more;

(3) The equipment has a useful life of five years or more;

(4) The equipment is necessary for the functioning of the particular facility or project.

No equipment shall be paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated. This paragraph does not apply to appropriation items for equipment.

SECTION 303.30. CONTINGENCY RESERVE REQUIREMENT

Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, shall contain a contingency reserve, the amount of which shall be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project.

Any funds remaining upon completion of a project may, upon approval of the Controlling Board, be released for the use of the institution to which the appropriation was made for other capital facilities projects.

SECTION 303.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS

Notwithstanding sections 123.01 and 123.15 of the Revised Code, the Director of Administrative Services may authorize the Departments of Mental Health, Mental Retardation and Developmental Disabilities, Agriculture, Job and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, and the Ohio Veterans' Home to administer any capital facilities projects, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than \$1,500,000. Requests for authorization to administer capital facilities projects shall be made in writing to the Director of Administrative Services by the applicable state agency within sixty days after the effective

date of the section of law in which the General Assembly initially makes an appropriation for the 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 AND MANAGEMENT

Notwithstanding section 126.14 of the Revised Code, appropriations for appropriation item CAP-003, Community-Based Correctional Facilities, appropriated from the Adult Correctional Building Fund (Fund 027) to the Department of Rehabilitation and Correction shall be released upon the written approval of the Director of Budget and Management. The appropriations from the Public School Building Fund (Fund 021) and the

School Building Program Assistance Fund (Fund 032) to the School Facilities Commission, from the Clean Ohio Conservation Fund (Fund 056), the State Capital Improvement Fund (Fund 038), and the State Capital Improvements Revolving Loan Fund (Fund 040) to the Public Works Commission shall be released upon presentation of a request to release the funds, by the agency to which the appropriation has been made, to the Director of Budget and Management.

SECTION 309.10. PREVAILING WAGE REQUIREMENT

Except as provided in section 4115.04 of the Revised Code, no moneys appropriated or reappropriated by the 126th General Assembly shall be used for the construction of public improvements, as defined in section 4115.03 of the Revised Code, unless the mechanics, laborers, or workers engaged therein are paid the prevailing rate of wages as prescribed in section 4115.04 of the Revised Code. Nothing in this section shall affect the wages and salaries established for state employees under the provisions of Chapter 124. of the Revised Code, or collective bargaining agreements entered into by the state pursuant to Chapter 4117. of the Revised Code, while engaged on force account work, nor shall this section interfere with the use of inmate and patient labor by the state.

SECTION 311.10. CAPITAL FACILITIES LEASES

Capital facilities for which appropriations are made from the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), and the Juvenile Correctional Building Fund (Fund 028) may be leased by the Ohio Building Authority to the Department of Public Safety, the Department of Youth Services, the Department of Administrative Services, and the Department of Rehabilitation and Correction, and other agreements may be made by the Ohio Building Authority and the departments with respect to the use or purchase of the capital facilities, or subject to the approval of the director of the department or the commission, the Ohio Building Authority may lease the capital facilities to, and make other agreements with respect to the use or purchase of the capital facilities with, any governmental agency or nonprofit corporation having authority under law to own, lease, or operate the capital facilities. The director of the department or the commission may sublease the capital facilities to, and make other agreements with respect to the use or purchase of the capital facilities with, any such governmental agency or nonprofit corporation, which agreements may include provisions for

transmittal of receipts of the agency or nonprofit corporation of any charges for the use of the facilities, all upon such terms and conditions as the parties may agree upon and subject to any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by the parties.

SECTION 313.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND MANAGEMENT

The Director of Budget and Management shall authorize both of the following:

(A) The initial release of moneys for projects from the funds into which proceeds of direct obligations of the state are deposited;

(B) The expenditure or encumbrance of moneys from funds into which proceeds of direct obligations are deposited, but only after determining to the director's satisfaction that either of the following applies:

(1) The application of the moneys to the particular project will not negatively affect any exemption or exclusion from federal income tax of the interest or interest equivalent on obligations issued to provide moneys to the particular fund.

(2) Moneys for the project will come from the proceeds of obligations, the interest on which is not so excluded or exempt and which have been authorized as "taxable obligations" by the issuing authority.

The director shall report any nonrelease of moneys pursuant to this section to the Governor, the presiding officer of each house of the General Assembly, and the agency for the use of which the project is intended.

SECTION 315.10. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year after receiving Controlling Board approval in accordance with section 3318.05 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of these canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

SECTION 317.10. CERTIFICATE OF NEED REQUIREMENT

No appropriation for a health care facility authorized under this act may be released until the requirements of sections 3702.51 to 3702.68 of the Revised Code have been met.

SECTION 319.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS ABATEMENT LITIGATION

All proceeds received by the state as a result of litigation, judgments, settlements, or claims, filed by or on behalf of any state agency, as defined by section 1.60 of the Revised Code, or state-supported or state-assisted institution of higher education, for damages or costs resulting from the use, removal, or hazard abatement of asbestos materials shall be deposited in the Asbestos Abatement Distribution Fund (Fund 674). All funds deposited into the Asbestos Abatement Distribution Fund are hereby appropriated to the Attorney General. To the extent practicable, the proceeds placed in the Asbestos Abatement Distribution Fund shall be divided among the state agencies and state-supported or state-assisted institutions of higher education in accordance with the general provisions of the litigation regarding the percentage of recovery. Distribution of the proceeds to each state agency or state-supported or state-assisted institution of higher education shall be made in accordance with the Asbestos Abatement Distribution Plan to be developed by the Attorney General, the General Services Division within the Department of Administrative Services, and the Office of Budget and Management.

In those circumstances where asbestos litigation proceeds are for reimbursement of expenditures made with funds outside the state treasury or damages to buildings not constructed with state appropriations, direct payments shall be made to the affected institutions of higher education. Any proceeds received for reimbursement of expenditures made with funds within the state treasury or damages to buildings occupied by state agencies shall be distributed to the affected agencies with an intrastate transfer voucher to the funds identified in the Asbestos Abatement Distribution Plan.

These proceeds shall be used for additional asbestos abatement or encapsulation projects, or for other capital improvements, except that proceeds distributed to the General Revenue Fund and other funds that are not bond improvement funds may be used for any purpose. The Controlling Board may, for bond improvement funds, create appropriation items or increase appropriation authority in existing appropriation items equaling the amount of the proceeds. The amounts approved by the Controlling Board are hereby appropriated. The proceeds deposited in bond improvement funds shall not be expended until released by the Controlling Board, which

shall require certification by the Director of Budget and Management that the proceeds are sufficient and available to fund the additional anticipated expenditures.

SECTION 321.10. OBLIGATIONS ISSUED UNDER CHAPTER 151.
OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Third Frontier Research and Development Fund (Fund 011), the Job Ready Site Development Fund (Fund 012), the Ohio Parks and Natural Resources Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Higher Education Improvement Fund (Fund 034), the State Capital Improvements Fund (Fund 038), the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are determined to be capital improvements and capital facilities for research and development, preparation of sites, natural resources, a statewide system of common schools, state-supported and state-assisted institutions of higher education, local subdivision capital improvement projects, and conservation purposes (under the Clean Ohio Program) and are designated as capital facilities to which proceeds of obligations issued under Chapter 151. of the Revised Code are to be applied.

SECTION 321.20. OBLIGATIONS ISSUED UNDER CHAPTER 152.
OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), and the Transportation Building Fund (Fund 029) are determined to be capital improvements and capital facilities for housing state agencies and branches of state government and are designated as capital facilities to which proceeds of obligations issued under Chapter 152. of the Revised Code are to be applied.

SECTION 321.30. OBLIGATIONS ISSUED UNDER CHAPTER 154.
OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Cultural and Sports Facilities Building Fund (Fund 030), the

Mental Health Facilities Improvement Fund (Fund 033), and the Parks and Recreation Improvement Fund (Fund 035) are determined to be capital improvements and capital facilities for housing state agencies and branches of government, mental hygiene and retardation, and parks and recreation and are designated as capital facilities to which proceeds of obligations issued under Chapter 154. of the Revised Code are to be applied.

SECTION 323.10. TRANSFER OF OPEN ENCUMBRANCES

Upon the request of the agency to which a capital project appropriation item is appropriated, the Director of Budget and Management may transfer open encumbrance amounts between separate encumbrances for the project appropriation item to the extent that any reductions in encumbrances are agreed to by the contracting vendor and the agency.

SECTION 325.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE BUILDING FUND

Any proceeds received by the state as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or construction management of facilities operated by the Department of Administrative Services shall be deposited into the Administrative Building Fund (Fund 026).

SECTION 327.10. COAL RESEARCH AND DEVELOPMENT BONDS

The Ohio Public Facilities Commission, upon the request of the Director of the Ohio Coal Development Office with the advice of the Technical Advisory Committee created in section 1551.35 of the Revised Code and with the approval of the Director of the Air Quality Development Authority, is hereby authorized to issue and sell, in accordance with Section 15 of Article VIII, Ohio Constitution, and Chapter 151. of the Revised Code, and particularly sections 151.01 and 151.07 and other applicable sections of the Revised Code, bonds or other obligations of the state heretofore authorized by prior acts of the General Assembly. The obligations shall be issued, subject to applicable constitutional and statutory limitations, to provide sufficient moneys to the credit of the Coal Research and Development Fund created in section 1555.15 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of the Ohio Coal Development Office.

SECTION 329.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT

The Ohio Administrative Knowledge System (OAKS) shall be an enterprise resource planning system that replaces the state's central services infrastructure systems, including the Central Accounting System, the Human Resources/Payroll System, the Capital Improvements Projects Tracking System, the Fixed Assets Management System, and the Procurement System. The Department of Administrative Services, in conjunction with the Office of Budget and Management, may acquire the system, including, but not limited to, the enterprise resource planning software and installation and implementation thereof pursuant to Chapter 125. of the Revised Code. Any lease-purchase arrangement utilized under Chapter 125. of the Revised Code, including any fractionalized interest therein as defined in division (N) of section 133.01 of the Revised Code, shall provide at the end of the lease period that OAKS shall become the property of the state.

SECTION 331.10. Sections 201.10 to 239.20 of this act shall remain in full force and effect commencing on July 1, 2006, and terminating on June 30, 2008, for the purpose of drawing money from the state treasury in payment of liabilities lawfully incurred under those sections, and on June 30, 2008, and not before, the moneys hereby appropriated shall lapse into the funds from which they are severally appropriated. Because if, under Section 1c of Article II, Ohio Constitution, Sections 201.10 to 239.20 of this act do not take effect until after July 1, 2006, Sections 201.10 to 239.20 of this act shall be and remain in full force and effect commencing on that later effective date.

SECTION 401.03. That Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly be amended to read as follows:

Sec. 22.07. The Treasurer of State is hereby authorized to issue and sell in accordance with ~~Section~~ Sections 2i and 16 of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$20,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable

constitutional and statutory limitations, to pay costs of capital facilities as defined in section 154.01 of the Revised Code for mental hygiene and retardation.

SECTION 401.04. That existing Section 22.07 of Am. Sub. H.B. 16 of the 126th General Assembly is hereby repealed.

SECTION 401.10. That Sections 203.12.06, 203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 209.93 of Am. Sub. H.B. 66 of the 126th General Assembly be amended to read as follows:

Sec. 203.12.06. OHIO BUILDING AUTHORITY

The foregoing appropriation item 100-447, OBA - Building Rent Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2005, to June 30, 2007, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code, but limited to the aggregate amount of \$231,831,700. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code.

The foregoing appropriation item 100-448, OBA - Building Operating Payments, shall be used to meet all payments at the times that they are required to be made during the period from July 1, 2005, to June 30, 2007, by the Department of Administrative Services to the Ohio Building Authority pursuant to ~~leases and agreements under~~ Chapter 152. of the Revised Code, but limited to the aggregate amount of \$51,040,433.

The payments to the Ohio Building Authority are for the purpose of paying the expenses of the Ohio Building Authority and the agencies that occupy space in the various state facilities. The Department of Administrative Services may enter into leases and agreements with the Ohio Building Authority providing for the payment of these expenses. The Ohio Building Authority shall report to the Department of Administrative Services and the Office of Budget and Management not later than five months after the start of a fiscal year the actual expenses incurred by the Ohio Building Authority in operating the facilities and any balances remaining from payments and rentals received in the prior fiscal year. The Department of Administrative Services shall reduce subsequent payments by the amount of the balance reported to it by the Ohio Building Authority.

Sec. 203.24. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504
GRF 700-404	Ohio Proud	\$	185,395	\$	185,395
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000
GRF 700-406	Consumer Analytical Lab	\$	819,907	\$	819,907
GRF 700-407	Food Safety	\$	939,099	\$	939,099
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573
GRF 700-410	Plant Industry	\$	391,216	\$	50,000
GRF 700-411	International Trade and Market Development	\$	617,524	\$	517,524
GRF 700-412	Weights and Measures	\$	1,100,000	\$	1,300,000
GRF 700-413	Gypsy Moth Prevention	\$	200,000	\$	200,000
GRF 700-415	Poultry Inspection	\$	325,000	\$	325,000
GRF 700-418	Livestock Regulation Program	\$	1,428,496	\$	1,428,496
GRF 700-422	<u>Emergency Preparedness Supplies and Equipment</u>	\$	0	\$	<u>634,000</u>
GRF 700-424	Livestock Testing and Inspections	\$	115,946	\$	115,946
GRF 700-499	Meat Inspection Program - State Share	\$	4,696,889	\$	4,696,889
GRF 700-501	County Agricultural Societies	\$	358,226	\$	358,226
TOTAL GRF General Revenue Fund		\$	18,963,611	\$	18,722,395 <u>19,356,395</u>

Federal Special Revenue Fund Group

3J4 700-607	Indirect Cost	\$	1,500,027	\$	1,500,027
3R2 700-614	Federal Plant Industry	\$	4,800,000	\$	4,800,000
326 700-618	Meat Inspection Program - Federal Share	\$	5,201,291	\$	5,201,291
336 700-617	Ohio Farm Loan Revolving Fund	\$	43,793	\$	44,679
382 700-601	Cooperative Contracts	\$	4,300,000	\$	4,300,000
TOTAL FED Federal Special Revenue Fund Group		\$	15,845,111	\$	15,845,997

State Special Revenue Fund Group

4C9 700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$	1,922,857	\$	1,891,395
4D2 700-609	Auction Education	\$	23,885	\$	24,601
4E4 700-606	Utility Radiological Safety	\$	73,059	\$	73,059
4P7 700-610	Food Safety Inspection	\$	816,096	\$	858,096
4R0 700-636	Ohio Proud Marketing	\$	38,300	\$	38,300
4R2 700-637	Dairy Industry Inspection	\$	1,541,466	\$	1,621,460
4T6 700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294
4T7 700-613	International Trade and Market Development	\$	52,000	\$	54,000
494 700-612	Agricultural Commodity Marketing Program	\$	170,220	\$	170,220
496 700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054
497 700-627	Commodity Handlers Regulatory Program	\$	515,820	\$	529,978
5B8 700-629	Auctioneers	\$	365,390	\$	365,390
5H2 700-608	Metrology Lab and Scale Certification	\$	351,526	\$	362,526

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5L8	700-604	Livestock Management Program	\$	30,000	\$	30,000
578	700-620	Ride Inspection Fees	\$	1,105,436	\$	1,115,436
652	700-634	Animal Health and Food Safety	\$	1,876,624	\$	1,831,232
669	700-635	Pesticide Program	\$	2,993,232	\$	3,354,448
TOTAL SSR State Special Revenue Fund Group			\$	12,994,304	\$	13,438,489
Clean Ohio Fund Group						
057	700-632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000
TOTAL ALL BUDGET FUND GROUPS			\$	47,952,026	\$	48,155,881 48,789,881

OHIO - ISRAEL AGRICULTURAL INITIATIVE

Of the foregoing General Revenue Fund appropriation item 700-411, International Trade and Market Development, \$100,000 shall be used in fiscal year 2006 for the Ohio - Israel Agricultural Initiative.

EMERGENCY PREPAREDNESS SUPPLIES AND EQUIPMENT

The foregoing appropriation item 700-422, Emergency Preparedness Supplies and Equipment, may only be used for purchasing items contained within a plan that has been submitted to and approved by the Controlling Board.

FAMILY FARM LOAN PROGRAM

Notwithstanding Chapter 166. of the Revised Code, up to \$1,000,000 in each fiscal year shall be transferred from moneys in the Facilities Establishment Fund (Fund 037) to the Family Farm Loan Fund (Fund 5H1) in the Department of Development. These moneys shall be used for loan guarantees. The transfer is subject to Controlling Board approval.

Financial assistance from the Family Farm Loan Fund (Fund 5H1) shall be repaid to Fund 5H1. This fund is established in accordance with sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code.

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, all outstanding balances, all loan repayments, and any other outstanding obligations shall revert to the Facilities Establishment Fund (Fund 037).

CASH TRANSFER TO COOPERATIVE CONTRACTS FUND

On the effective date of this amendment, or as soon as possible thereafter, the Director of Budget and Management may transfer \$111,668.76 in cash from the General Revenue Fund to the Cooperative Contracts Fund (Fund 382) to correct wire transfers to the Department of Agriculture that were mistakenly deposited in the General Revenue Fund.

Sec. 203.57. OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund

GRF 042-321	Budget Development and	\$	2,143,886	\$	2,143,886
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	Implementation			
GRF 042-410	National Association Dues	\$	27,089	\$ 28,173
GRF 042-412	Audit of Auditor of State	\$	55,900	\$ 58,700
GRF 042-435	Gubernatorial Transition	\$	0	\$ 250,000
TOTAL GRF General Revenue Fund		\$	2,226,875	\$ 2,480,759
General Services Fund Group				
105 042-603	Accounting and Budgeting	\$	9,781,085	\$ 9,976,689
TOTAL GSF General Services Fund Group		\$	9,781,085	\$ 9,976,689
State Special Revenue Fund Group				
5N4 042-602	OAKS Project Implementation	\$	2,262,441	\$ 2,272,595
TOTAL SSR State Special Revenue Fund Group		\$	2,262,441	\$ 2,272,595
TOTAL ALL BUDGET FUND GROUPS		\$	14,270,401	\$ 14,730,043

AUDIT COSTS

Of the foregoing appropriation item 042-603, Accounting and Budgeting, not more than \$420,000 in fiscal year 2006 and \$425,000 in fiscal year 2007 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.

OAKS PROJECT IMPLEMENTATION

Notwithstanding section 126.25 of the Revised Code, in fiscal years 2006 and 2007, rebates or revenue shares received from any state payment card program established under division (B) of section 126.21 of the Revised Code may be deposited into the OAKS Project Implementation Fund (Fund 5N4).

MEDICAID AGENCY TRANSITION

Upon the transfer of appropriations to GRF appropriation item 042-416, Medicaid Agency Transition, the Director of Budget and Management may retain staff of the Medicaid Administrative Study Council, hire staff, enter into contracts, and take other steps necessary to complete the transition tasks identified in the Medicaid Administrative Study Council report or other tasks considered necessary to create a new Department of Medicaid. Any contracts entered into under this paragraph shall be exempt from the authority and supervision of the Department of Administrative Services and the Office of Information Technology.

Sec. 203.81. CEB CONTROLLING BOARD

General Revenue Fund				
GRF 911-401	Emergency	\$	5,000,000	\$ 5,000,000
	Purposes/Contingencies			<u>8,000,000</u>
GRF 911-404	Mandate Assistance	\$	650,000	\$ 650,000
GRF 911-441	Ballot Advertising Costs	\$	300,000	\$ 300,000
TOTAL GRF General Revenue Fund		\$	5,950,000	\$ 5,950,000
				<u>8,950,000</u>
TOTAL ALL BUDGET FUND GROUPS		\$	5,950,000	\$ 5,950,000

8,950,000

FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in ~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 66 of the 126th General Assembly. Such changes are hereby appropriated.

DISASTER ASSISTANCE

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from appropriation item 911-401, Emergency Purposes/Contingencies, to Department of Public Safety appropriation items to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E2) to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding for disaster aid requests that meet the Emergency Management Agency's criteria for assistance.

The Disaster Services Fund (5E2) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation item for the payment of state agency program expenses as follows:

- (A) The Southern Ohio flooding, referred to as FEMA-DR-1164-OH;
- (B) The flood and storm disaster referred to as FEMA-DR-1227-OH;
- (C) The Southern Ohio flooding, referred to as FEMA-DR-1321-OH;
- (D) The flooding referred to as FEMA-DR-1339-OH;
- (E) The tornado and storms referred to as FEMA-DR-1343-OH;
- (F) Other disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these other disasters.

The unencumbered balance of the Disaster Services Fund (5E2) at the

end of fiscal year 2006 is transferred to fiscal year 2007 for use for the same purposes as in fiscal year 2006.

SOUTHERN OHIO CORRECTIONAL FACILITY COST

The Division of Criminal Justice Services in the Department of Public Safety and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(2) The cost to school districts of in-service training for child abuse detection.

(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT
Prosecution Costs	Division of Criminal Justice Services	\$150,000
Child Abuse Detection Training Costs	Department of Education	\$500,000

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations

received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Division of Criminal Justice Services in the Department of Public Safety shall adopt, apply to the Division of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Division of Criminal Justice Services in the Department of Public Safety shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Division of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be

given to counties with cases involving aggravated murder and murder; second priority shall be given to counties with cases involving a felony of the first degree; and third priority shall be given to counties with cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) CHILD ABUSE DETECTION TRAINING COSTS

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided.

(G) Any moneys allocated within appropriation item 911-404, Mandate Assistance, not fully utilized may, upon application of the Ohio Public Defender Commission, and with the approval of the Controlling Board, be disbursed to boards of county commissioners to provide additional reimbursement for the costs incurred by counties in providing defense to indigent defendants pursuant to Chapter 120. of the Revised Code. Application for the unutilized funds shall be made by the Ohio Public Defender Commission at the first June meeting of the Controlling Board.

The amount to be disbursed to each county shall be allocated proportionately on the basis of the total amount of reimbursement paid to each county as a percentage of the amount of reimbursement paid to all of the counties during the most recent state fiscal year for which data is available and as calculated by the Ohio Public Defender Commission.

BALLOT ADVERTISING COSTS

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board appropriation item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Sec. 206.33. ETH OHIO ETHICS COMMISSION

General Revenue Fund

GRF 146-321	Operating Expenses	\$	1,536,213	\$	1,536,213
					<u>1,742,213</u>

TOTAL GRF General Revenue Fund	\$	1,536,213	\$	1,536,213 1,742,213
General Services Fund Group				
4M6 146-601 Operating Expenses	\$	502,543	\$	432,543
TOTAL GSF General Services Fund Group	\$	502,543	\$	432,543
TOTAL ALL BUDGET FUND GROUPS	\$	2,038,756	\$	1,968,756 2,174,756

OPERATING EXPENSES

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.

Sec. 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

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.

MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING

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."

MEDICAID AGENCY TRANSITION

The Director of Budget and Management may transfer in the Department of Job and Family Services up to \$1,000,000 in appropriations from GRF appropriation item 600-321, Support Services, to newly created GRF appropriation item 042-416, Medicaid Agency Transition, in the Office of Budget and Management. The amount transferred is hereby appropriated. The funds shall be administered by the Office of Budget and Management and shall be used as specified in Section 203.57 of Am. Sub. H.B. 66 of the 126th General Assembly as amended by this act.

Sec. 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group

5F6 870-622 Utility and Railroad Regulation	\$	31,272,222	\$	31,272,223
5F6 870-624 NARUC/NRRI Subsidy	\$	167,233	\$	167,233
5F6 870-625 Motor Transportation Regulation	\$	5,361,239	\$	5,361,238
TOTAL GSF General Services Fund Group	\$	36,800,694	\$	36,800,694
Federal Special Revenue Fund Group				

3V3	870-604	Commercial Vehicle Information Systems/Networks	\$	300,000	\$	300,000
333	870-601	Gas Pipeline Safety	\$	597,957	\$	597,957
350	870-608	Motor Carrier Safety	\$	7,027,712	\$	7,027,712
TOTAL FED Federal Special Revenue Fund Group			\$	7,925,669	\$	7,925,669
State Special Revenue Fund Group						
4A3	870-614	Grade Crossing Protection Devices-State	\$	1,349,757	\$	1,349,757
4L8	870-617	Pipeline Safety-State	\$	187,621	\$	187,621
4S6	870-618	Hazardous Material Registration	\$	464,325	\$	464,325
4S6	870-621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986
5BP	870-623	Wireless 9-1-1 9-1-1 Administration	\$	650,000	\$	375,000
559	870-605	Public Utilities Territorial Administration	\$	4,000	\$	4,000
560	870-607	Special Assessment	\$	100,000	\$	100,000
561	870-606	Power Siting Board	\$	337,210	\$	337,210
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000
661	870-612	Hazardous Materials Transportation	\$	900,000	\$	900,000
TOTAL SSR State Special Revenue Fund Group			\$	4,691,245	\$	4,416,245
Agency Fund Group						
4G4	870-616	Base State Registration Program	\$	5,600,000	\$	5,600,000
TOTAL AGY Agency Fund Group			\$	5,600,000	\$	5,600,000
TOTAL ALL BUDGET FUND GROUPS			\$	55,017,608	\$	54,742,608

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT

The Commercial Vehicle Information Systems and Networks Fund is hereby created in the state treasury. The fund shall receive funding from the United States Department of Transportation's Commercial Vehicle Intelligent Transportation System Infrastructure Deployment Program and shall be used to deploy the Ohio Commercial Vehicle Information Systems and Networks Project and to expedite and improve the safety of motor carrier operations through electronic exchange of data by means of on-highway electronic systems.

On the effective date of this amendment, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000 in cash from Fund 3V3, Commercial Vehicle Information Systems/Networks, to Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund 3V3, Commercial Vehicle Information Systems/Networks, to Fund 4S6, Hazardous Materials Registration. The purpose of the transfers is

to repay the temporary cash transfers that were made into Fund 3V3, Commercial Vehicle Information Systems/Networks, in fiscal year 2002.

ENHANCED AND WIRELESS ENHANCED 9-1-1

The foregoing appropriation item 870-623, Wireless ~~944~~ 9-1-1 Administration, shall be used pursuant to section 4931.63 of the Revised Code.

CASH TRANSFER TO THE PUBLIC UTILITIES FUND

If the cash available in the Public Utilities Fund (Fund 5F6) is insufficient to support the fiscal year 2007 appropriation to appropriation item 870-625, Motor Transportation Regulation, because of delayed implementation of the federal Unified Carrier Registration Program, the Chairman of the Public Utilities Commission shall notify the Director of Budget and Management. Upon receiving the notification, the Director may transfer up to \$2,100,000 in fiscal year 2007 from the General Revenue Fund to the Public Utilities Fund (Fund 5F6).

If, after receiving any transfers pursuant to the preceding paragraph, the Public Utilities Fund (Fund 5F6) receives revenue for the purpose of motor transportation regulation pursuant to a continuation of the Single-State Registration Program or the implementation of the Unified Carrier Registration Program, the Director of Budget and Management may transfer cash from the Public Utilities Fund (Fund 5F6) to the General Revenue Fund up to the amount originally transferred pursuant to the preceding paragraph.

Sec. 209.63.03. OPERATING EXPENSES

Of the foregoing appropriation item 235-321, Operating Expenses, up to \$150,000 in each fiscal year shall be used in conjunction with funding provided in the Department of Education budget under appropriation item 200-427, Academic Standards, to create Ohio's Partnership for Continued Learning, in consultation with the Governor's Office. The Partnership, which replaces and broadens the former Joint Council of the Department of Education and the Board of Regents, shall advise and make recommendations to promote collaboration among relevant state entities in an effort to help local communities develop coherent and successful "P-16" learning systems. The Director of Budget and Management may transfer any unencumbered fiscal year 2006 balance to fiscal year 2007 to support the activities of the Partnership.

Of the foregoing appropriation item 235-321, Operating Expenses, up to \$50,000 in fiscal year 2007 may be used by the Board of Regents to work jointly with the Department of Education to create a system of pre-college stackable certificates pursuant to division (B) of section 3333.34 of the

Revised Code.

Of the foregoing appropriation item 235-321, Operating Expenses, \$25,000 in fiscal year 2007 shall be used to support the activities of the North East Ohio Universities Collaboration and Innovation Study Commission.

Sec. 209.63.30. ACCESS CHALLENGE

In each fiscal year, the foregoing appropriation item 235-418, Access Challenge, shall be distributed to Ohio's state-assisted access colleges and universities. For the purposes of this allocation, "access campuses" includes state-assisted community colleges, state community colleges, technical colleges, Shawnee State University, Central State University, Cleveland State University, the regional campuses of state-assisted universities, and, where they are organizationally distinct and identifiable, the community-technical colleges located at the University of Cincinnati, Youngstown State University, and the University of Akron.

The purpose of Access Challenge is to reduce the student share of costs for resident undergraduates enrolled in lower division undergraduate courses at Ohio's access campuses. The long-term goal is to make the student share of costs for these students equivalent to the student share of costs for resident undergraduate students enrolled throughout Ohio's public colleges and universities. Access Challenge appropriations shall be used in both years of the biennium to sustain, as much as possible, the tuition restraint or tuition reduction that was achieved with Access Challenge allocations in prior years.

In fiscal year 2006, Access Challenge subsidies shall be distributed by the Board of Regents to eligible access campuses on the basis of the average of each campus's share of fiscal year 2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In fiscal year 2007, Access Challenge subsidies shall be distributed by the Board of Regents to eligible access campuses on the basis of the average of each campus's share of fiscal year 2004 and 2005 all-terms subsidy-eligible General Studies FTEs.

For purposes of this calculation, Cleveland State University's enrollments shall be adjusted by the ratio of the sum of subsidy-eligible lower-division FTE student enrollments eligible for access funding to the sum of subsidy-eligible General Studies FTE student enrollments at Central State University and Shawnee State University, and for the following universities and their regional campuses: the Ohio State University, Ohio University, Kent State University, Bowling Green State University, Miami University, the University of Cincinnati, the University of Akron, and Wright State University.

Of the foregoing appropriation item 235-418, Access Challenge, \$10,172,626 in fiscal year 2006 and ~~\$9,663,995~~ \$11,413,995 in fiscal year 2007 shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Sec. 209.93. SOS SECRETARY OF STATE

General Revenue Fund

GRF 050-321	Operating Expenses	\$	2,585,000	\$	2,585,000
GRF 050-403	Election Statistics	\$	103,936	\$	103,936
GRF 050-407	Pollworkers Training	\$	277,997	\$	277,997
GRF 050-409	Litigation Expenditures	\$	4,652	\$	4,652
TOTAL GRF General Revenue Fund		\$	2,971,585	\$	2,971,585

General Services Fund Group

4S8 050-610	Board of Voting Machine Examiners	\$	7,200	\$	7,200
412 050-609	Notary Commission	\$	685,250	\$	685,249
413 050-601	Information Systems	\$	169,955	\$	169,955
414 050-602	Citizen Education Fund	\$	75,700	\$	55,712
TOTAL General Services Fund Group		\$	938,105	\$	918,116

Federal Special Revenue Fund Group

3AS 050-616	2005 HAVA Voting Machines	\$	37,436,203	\$	0
3X4 050-612	Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000
TOTAL FED Federal Special Revenue Fund Group		\$	37,477,203	\$	41,000

State Special Revenue Fund Group

5N9 050-607	Technology Improvements	\$	129,565	\$	129,565
599 050-603	Business Services Operating Expenses	\$	13,741,745	\$	13,761,734
TOTAL SSR State Special Revenue Fund Group		\$	13,871,310	\$	13,891,299

Holding Account Redistribution Fund Group

R01 050-605	Uniform Commercial Code Refunds	\$	65,000	\$	65,000
R02 050-606	Corporate/Business Filing Refunds	\$	100,000	\$	100,000
TOTAL 090 Holding Account Redistribution Fund Group		\$	165,000	\$	165,000
TOTAL ALL BUDGET FUND GROUPS		\$	55,423,203	\$	17,987,000

BOARD OF VOTING MACHINE EXAMINERS

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

On July 1, 2005, or as soon as possible thereafter, the Secretary of State shall certify to the Director of Budget and Management the cash balance in Fund 3AR, appropriation item 050-615, 2004 HAVA Voting Machines. The Director of Budget and Management shall transfer the certified amount of cash to Fund 3AS, 050-616, 2005 HAVA Voting Machines, for use in fiscal year 2006. The transferred amount is hereby appropriated.

On July 1, 2006, or as soon as possible thereafter, the Director of Budget and Management shall transfer any remaining unexpended, unencumbered appropriations in Fund 3AS, appropriation item 050-616, 2005 HAVA Voting Machines, at the end of fiscal year 2006 to fiscal year 2007 for use under the same appropriation item.

On January 1, 2007, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$6,832,753 in cash from the General Revenue Fund (GRF) to the credit of the Federal Election Reform Fund (Fund 3AA), the Election Reform/Health and Human Services Fund (Fund 3AH), the 2004 HAVA Voting Machines Fund (Fund 3AR), the 2005 HAVA Voting Machines Fund (Fund 3AS), and the Voter/Poll Worker Education Fund (Fund 3AT).

All investment earnings and amounts equal to the interest earnings from the first and second quarter of fiscal year 2007 of the federal Election Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA Voting Machines Fund (Fund 3AS) shall be credited to the respective funds and distributed in accordance with the terms of the grant under which the money is received.

Interest earnings from the federal Election Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA Voting Machines Fund (Fund 3AS) shall be credited to the respective funds and distributed in accordance with the terms of the grant under which the money is received.

HOLDING ACCOUNT REDISTRIBUTION GROUP

The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are appropriated.

SECTION 401.11. That existing Sections 203.12.06, 203.24, 203.57, 203.81, 206.33, 206.66.06, 209.54, 209.63.03, 209.63.30, and 209.93 of

Am. Sub. H.B. 66 of the 126th General Assembly are hereby repealed.

SECTION 403.10. That 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, be amended to read as follows:

Sec. 203.99. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund

GRF 195-321	Operating Expenses	\$	2,738,908	\$	2,723,908
GRF 195-401	Thomas Edison Program	\$	17,554,838	\$	17,454,838
GRF 195-404	Small Business Development	\$	1,740,722	\$	1,740,722
GRF 195-405	Minority Business Development Division	\$	1,580,291	\$	1,580,291
GRF 195-407	Travel and Tourism	\$	6,812,845	\$	6,712,845
GRF 195-410	Defense Conversion Assistance	\$	300,000	\$	200,000
GRF 195-412	Business Development Grants	\$	11,750,000	\$	11,750,000
GRF 195-415	Economic Development	\$	5,794,975	\$	5,894,975
GRF 195-416	Division and Regional Offices Governor's Office of Appalachia	\$	4,122,372	\$	4,122,372
GRF 195-422	Third Frontier Action Fund	\$	16,790,000	\$	16,790,000
GRF 195-426	Clean Ohio Implementation	\$	300,000	\$	300,000
GRF 195-432	International Trade	\$	4,223,787	\$	4,223,787
GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,227,500
GRF 195-436	Labor/Management Cooperation	\$	811,869	\$	811,869
GRF 195-497	CDBG Operating Match	\$	1,040,956	\$	1,040,956
GRF 195-498	State Match Energy	\$	94,000	\$	94,000
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803
GRF 195-507	Travel and Tourism Grants	\$	1,287,500	\$	1,162,500
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0
GRF 195-905	Third Frontier Research & Development General Obligation Debt Service	\$	0	\$	13,910,000
GRF 195-912	Job Ready Site Development General Obligation Debt Service	\$	0	\$	4,124,400
TOTAL GRF General Revenue Fund		\$	99,797,446	\$	107,491,846
General Services Fund Group					
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686
5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000
5AD 195-677	Economic Development	\$	0	\$	10,000,000

		Contingency			
685	195-636	General Reimbursements	\$	1,000,000	\$ 1,000,000
TOTAL GSF General Services Fund					
		Group	\$	16,450,000	\$ 26,539,686
Federal Special Revenue Fund Group					
3AE	195-643	Workforce Development Initiatives	\$	5,800,000	\$ 5,800,000
3K8	195-613	Community Development Block Grant	\$	65,000,000	\$ 65,000,000
3K9	195-611	Home Energy Assistance Block Grant	\$	90,500,000	\$ 90,500,000
3K9	195-614	HEAP Weatherization	\$	16,219,478	\$ 16,219,478
3L0	195-612	Community Services Block Grant	\$	25,235,000	\$ 25,235,000
3V1	195-601	HOME Program	\$	40,000,000	\$ 40,000,000
308	195-602	Appalachian Regional Commission	\$	600,660	\$ 600,660
308	195-603	Housing and Urban Development	\$	5,000,000	\$ 5,000,000
308	195-605	Federal Projects	\$	15,300,249	\$ 15,300,249
308	195-609	Small Business Administration	\$	4,296,381	\$ 4,296,381
308	195-618	Energy Federal Grants	\$	3,397,659	\$ 3,397,659
335	195-610	Oil Overcharge	\$	3,000,000	\$ 3,000,000
TOTAL FED Federal Special Revenue Fund Group					
			\$	274,349,427	\$ 274,349,427
State Special Revenue Fund Group					
4F2	195-639	State Special Projects	\$	290,183	\$ 290,183
4F2	195-676	Promote Ohio	\$	5,228,210	\$ 5,228,210
4S0	195-630	Enterprise Zone Operating	\$	275,000	\$ 275,000
4S1	195-634	Job Creation Tax Credit	\$	375,800	\$ 375,800
4W1	195-646	Operating Minority Business Enterprise Loan	\$	2,580,597	\$ 2,580,597
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$ 523,775
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$ 53,967
451	195-625	Economic Development Financing Operating	\$	2,358,311	\$ 2,358,311
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$ 5,000,000
5CG	195-679	Alternative Fuel Transportation	\$	150,000	\$ 1,150,000
5CV	195-680	Defense Conversion Assistance	\$	1,000,000	\$ 0
5CY	195-682	Lung Cancer and Lung Disease Research	\$	10,000,000	\$ 0
5M4	195-659	Universal Service	\$	210,000,000	\$ 210,000,000
5M5	195-660	Energy Efficiency Loan and Grant	\$	12,000,000	\$ 12,000,000
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$ 25,000
611	195-631	Water and Sewer Administration	\$	15,713	\$ 15,713

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617	195-654	Volume Cap Administration	\$	200,000	\$	200,000
646	195-638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000
TOTAL SSR State Special Revenue Fund Group						
			\$	303,076,556	\$	293,076,556
Facilities Establishment Fund Group						
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000
037	195-615	Facilities Establishment	\$	63,931,149	\$	<u>63,931,149</u>
						<u>105,131,149</u>
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000
TOTAL 037 Facilities Establishment Fund Group						
			\$	179,406,149	\$	<u>179,406,149</u>
						<u>220,606,149</u>
Clean Ohio Revitalization Fund						
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000
TOTAL 003 Clean Ohio Revitalization Fund						
			\$	350,000	\$	350,000
Third Frontier Research & Development Fund Group						
011	195-686	Third Frontier Operating	\$	713,028	\$	1,932,056
011	195-687	Third Frontier Research & Development Projects	\$	100,000,000	\$	100,000,000
TOTAL 011 Third Frontier Research & Development Fund Group						
			\$	100,713,028	\$	101,932,056
Job Ready Site Development Fund Group						
012	195-688	Job Ready Site Operating	\$	622,200	\$	746,155
TOTAL 012 Job Ready Site Development Fund Group						
			\$	622,200	\$	746,155
TOTAL ALL BUDGET FUND GROUPS						
			\$	974,764,806	\$	<u>983,891,875</u>
						<u>1,025,091,875</u>

SECTION 403.11. That existing Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as most recently amended by Sub. H.B. 245 of the 126th General Assembly, is hereby repealed.

SECTION 405.10. That Section 203.27 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Sub. H.B. 440 of the 126th General Assembly, be amended to read as follows:

Sec. 203.27. AIR AIR QUALITY DEVELOPMENT AUTHORITY

General Revenue Fund

GRF 898-401	FutureGen Assistance	\$	0	\$	1,000,000
GRF 898-402	Coal Development Office	\$	568,814	\$	573,814
GRF 898-901	Coal R&D General Obligation Debt Service	\$	7,071,100	\$	8,980,800
TOTAL GRF General Revenue Fund					
		\$	7,639,914	\$	10,554,614

State Special Revenue Fund Group

5DR 898-606	FutureGen Initiative	\$	0	\$	250,000
TOTAL SSR State Special Revenue Fund Group		\$	0	\$	250,000

Agency Fund Group

4Z9 898-602	Small Business Ombudsman	\$	263,165	\$	264,196
5A0 898-603	Small Business Assistance	\$	71,087	\$	71,087
570 898-601	Operating Expenses	\$	256,875	\$	263,693
TOTAL AGY Agency Fund Group		\$	591,127	\$	598,976

Coal Research/Development Fund

046 898-604	Coal Research and Development Fund	\$	10,000,000	\$	10,000,000
TOTAL 046 Coal Research/Development Fund		\$	10,000,000	\$	10,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	18,231,041	\$	21,403,590

COAL DEVELOPMENT OFFICE

The foregoing appropriation item GRF 898-402, Coal Development Office, shall be used for the administrative costs of the Coal Development Office.

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE

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.

SCIENCE AND TECHNOLOGY COLLABORATION

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.

To the extent permitted by law, the Air Quality Development Authority shall assure that coal research and development programs, proposals, and projects consider or incorporate appropriate collaborations with Third Frontier Project programs and grantees and with Alignment Programs and grantees.

"Alignment Programs" means: appropriation items 195-401, Thomas Edison Program; 898-402, Coal Development Office; 195-422, Third

Frontier Action Fund; 898-604, Coal Research and Development Fund; 235-433, Economic Growth Challenge; 235-508, Air Force Institute of Technology; 235-510, Ohio Supercomputer Center; 235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 235-535, Ohio Agricultural Research and Development Center; 235-553, Dayton Area Graduate Studies Institute; 235-554, Priorities in Collaborative Graduate Education; 235-556, Ohio Academic Resources Network; and 195-435, Biomedical Research and Technology Transfer Trust.

Consistent with the recommendations of the Governor's Commission on Higher Education and the Economy, Alignment Programs shall be managed and administered (1) to build on existing competitive research strengths, (2) to encourage new and emerging discoveries and commercialization of ideas and products that will benefit the Ohio economy, and (3) to assure improved collaboration among Alignment Programs, with programs administered by the Third Frontier Commission, and with other state programs that are intended to improve economic growth and job creation.

As directed by the Third Frontier Commission, Alignment Program managers shall report to the Commission or to the Third Frontier Advisory Board on the contributions of their programs to achieving the objectives stated in the preceding paragraph.

Each alignment program shall be reviewed annually by the Third Frontier Commission with respect to its development of complementary relationships within a combined state science and technology investment portfolio and its overall contribution to the state's science and technology strategy, including the adoption of appropriately consistent criteria for: (1) the scientific merit of activities supported by the program; (2) the relevance of the program's activities to commercial opportunities in the private sector; (3) the private sector's involvement in a process that continually evaluates commercial opportunities to use the work supported by the program; and (4) the ability of the program and recipients of grant funding from the program to engage in activities that are collaborative, complementary, and efficient with respect to the expenditure of state funds. Each alignment program shall provide annual reports to the Third Frontier Commission discussing existing, planned, or possible collaborations between programs and recipients of grant funding related to technology, development, commercialization, and supporting Ohio's economic development. The annual review by the Third Frontier Commission shall be a comprehensive review of the entire state science and technology program portfolio rather than a review of individual programs.

Applicants for Third Frontier and Alignment Program funding shall

identify their requirements for high-performance computing facilities and services, including both hardware and software, in all proposals. If an applicant's requirements exceed approximately \$100,000 for a proposal, the Ohio Supercomputer Center shall convene a panel of experts. The panel shall review the proposal to determine whether the proposal's requirements can be met through Ohio Supercomputer Center facilities or through other means and report its conclusion to the Third Frontier Commission.

To ensure that the state receives the maximum benefit from its investment in the Third Frontier Project and the Third Frontier Network, organizations receiving Third Frontier awards and Alignment Program awards shall, as appropriate, be expected to have a connection to the Third Frontier Network that enables them and their collaborators to achieve award objectives through the Third Frontier Network.

FUTUREGEN ASSISTANCE

The foregoing appropriation item GRF 898-401, FutureGen Assistance, shall be used to make grants for the drilling of a test well to assist the state's efforts to secure or support the development and operation of the United States Department of Energy FutureGen Initiative pursuant to section 3706.01 of the Revised Code, as amended by this act.

FUTUREGEN INITIATIVE

The foregoing appropriation item 5DR 898-606, FutureGen Initiative, shall be used to make grants for the drilling of a test well to assist the state's efforts to secure or support the development and operation of the United States Department of Energy FutureGen Initiative pursuant to section 3706.01 of the Revised Code, as amended by this act.

SECTION 405.11. That existing 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, is hereby repealed.

SECTION 405.16. That Section 209.63 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Sub. H.B. 478 and Am. Sub. H.B. 530, both of the 126th General Assembly, be amended to read as follows:

Sec. 209.63. BOR BOARD OF REGENTS

General Revenue Fund

GRF 235-321	Operating Expenses	\$	2,897,659	\$	2,966,351
					<u>2,991,351</u>
GRF 235-401	Lease Rental Payments	\$	200,619,200	\$	200,795,300
GRF 235-402	Sea Grants	\$	231,925	\$	231,925
GRF 235-406	Articulation and Transfer	\$	2,900,000	\$	2,900,000
GRF 235-408	Midwest Higher Education	\$	90,000	\$	90,000

	Compact			
GRF 235-409	Information System	\$	1,146,510	\$ 1,175,172
GRF 235-414	State Grants and Scholarship Administration	\$	1,352,811	\$ 1,382,881
GRF 235-415	Jobs Challenge	\$	9,348,300	\$ 9,348,300
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$ 3,119,496
GRF 235-418	Access Challenge	\$	73,513,302	\$ 73,004,671 <u>74,754,671</u>
GRF 235-420	Success Challenge	\$	52,601,934	\$ 52,601,934
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$ 1,176,068
GRF 235-433	Economic Growth Challenge	\$	20,343,097	\$ 23,186,194
GRF 235-434	College Readiness and Access	\$	6,375,975	\$ 7,655,425
GRF 235-435	Teacher Improvement Initiatives	\$	2,697,506	\$ 2,697,506
GRF 235-451	Eminent Scholars	\$	0	\$ 1,370,988
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$ 1,373,941
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$ 1,571,756
GRF 235-501	State Share of Instruction	\$	1,559,096,031	\$ 1,589,096,031
GRF 235-502	Student Support Services	\$	795,790	\$ 795,790
GRF 235-503	Ohio Instructional Grants	\$	121,151,870	\$ 92,496,969
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$ 4,672,321
GRF 235-507	OhioLINK	\$	6,887,824	\$ 6,887,824
GRF 235-508	Air Force Institute of Technology	\$	1,925,345	\$ 1,925,345
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$ 4,271,195
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$ 25,644,863
GRF 235-513	Ohio University Voinovich Center	\$	336,082	\$ 336,082
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$ 3,011,271
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$ 125,000
GRF 235-519	Family Practice	\$	4,548,470	\$ 4,548,470
GRF 235-520	Shawnee State Supplement	\$	1,918,830	\$ 1,822,889 <u>2,056,986</u>
GRF 235-521	The Ohio State University Glenn Institute	\$	286,082	\$ 286,082
GRF 235-524	Police and Fire Protection	\$	171,959	\$ 171,959
GRF 235-525	Geriatric Medicine	\$	750,110	\$ 750,110
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$ 2,245,688
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$ 1,764,957
GRF 235-530	Academic Scholarships	\$	7,800,000	\$ 7,800,000
GRF 235-531	Student Choice Grants	\$	50,853,276	\$ 52,985,376
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$ 2,137,500
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$ 35,955,188
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$ 13,565,885
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$ 11,157,756
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$ 8,696,866

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GRF 235-539	Wright State University	\$	4,225,107	\$	4,225,107	
	Clinical Teaching					
GRF 235-540	Ohio University Clinical	\$	4,084,540	\$	4,084,540	
	Teaching					
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945	
	Universities College of					
	Medicine Clinical Teaching					
GRF 235-543	Ohio College of Podiatric	\$	250,000	\$	250,000	
	Medicine Clinic Subsidy					
GRF 235-547	School of International	\$	450,000	\$	450,000	
	Business					
GRF 235-549	Part-time Student Instructional	\$	14,457,721	\$	10,534,617	
	Grants					
GRF 235-552	Capital Component	\$	19,059,866	\$	19,059,866	
GRF 235-553	Dayton Area Graduate Studies	\$	2,806,599	\$	2,806,599	
	Institute					
GRF 235-554	Priorities in Collaborative	\$	2,355,548	\$	2,355,548	
	Graduate Education					
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	
GRF 235-556	Ohio Academic Resources	\$	3,727,223	\$	3,727,223	
	Network					
GRF 235-558	Long-term Care Research	\$	211,047	\$	211,047	
GRF 235-561	Bowling Green State	\$	100,015	\$	100,015	
	University Canadian Studies					
	Center					
GRF 235-563	Ohio College Opportunity	\$	0	\$	58,144,139	
	Grant					
GRF 235-572	The Ohio State University	\$	1,277,019	\$	1,277,019	
	Clinic Support					
GRF 235-583	Urban University Program	\$	4,992,937	\$	4,992,937	
GRF 235-587	Rural University Projects	\$	1,147,889	\$	1,147,889	
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435	
GRF 235-599	National Guard Scholarship	\$	15,128,472	\$	16,611,063	
	Program					
GRF 235-909	Higher Education General	\$	137,600,300	\$	152,114,100	
	Obligation Debt Service					
TOTAL GRF General Revenue Fund		\$	2,469,261,760	\$	<u>2,548,148,872</u>	
					<u>2,550,157,969</u>	
General Services Fund Group						
220	235-614	Program Approval and	\$	400,000	\$	400,000
		Reauthorization				
456	235-603	Sales and Services	\$	700,000	\$	900,000
TOTAL GSF General Services						
Fund Group						
			\$	1,100,000	\$	1,300,000
Federal Special Revenue Fund Group						
3H2	235-608	Human Services Project	\$	1,500,000	\$	1,500,000
3H2	235-622	Medical Collaboration	\$	3,346,143	\$	3,346,143
		Network				
3N6	235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680
3T0	235-610	National Health Service Corps	\$	150,001	\$	150,001
		- Ohio Loan Repayment				
312	235-609	Tech Prep	\$	183,850	\$	183,850
312	235-611	Gear-up Grant	\$	1,370,691	\$	1,370,691

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312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960
312	235-615	Professional Development	\$	523,129	\$	523,129
312	235-617	Improving Teacher Quality Grant	\$	2,900,000	\$	2,900,000
312	235-619	Ohio Supercomputer Center	\$	6,000,000	\$	6,000,000
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970
312	235-631	Federal Grants	\$	250,590	\$	250,590
TOTAL FED Federal Special Revenue Fund Group			\$	20,221,014	\$	20,221,014
State Special Revenue Fund Group						
4E8	235-602	Higher Educational Facility Commission Administration	\$	55,000	\$	55,000
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000
TOTAL SSR State Special Revenue Fund Group			\$	2,184,870	\$	2,184,870
TOTAL ALL BUDGET FUND GROUPS			\$	2,492,767,644	\$	<u>2,571,854,756</u> <u>2,573,863,853</u>

SECTION 405.17. That existing Section 209.63 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Sub. H.B. 478 and Am. Sub. H.B. 530, both of the 126th General Assembly, is hereby repealed.

SECTION 411.10. That Section 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 126th General Assembly, be amended to read as follows:

Sec. 212.30. DVM STATE VETERINARY MEDICAL BOARD

General Services Fund Group

4K9	888-609	Operating Expenses	\$	293,691	\$	307,000
5BU	888-602	Veterinary Student Loan Program	\$	60,000	\$	60,000
TOTAL GSF General Services Fund Group			\$	353,691	\$	367,000
TOTAL ALL BUDGET FUND GROUPS			\$	353,691	\$	367,000

CASH TRANSFER TO ~~VETERINARY STUDENT LOAN PROGRAM~~ VETERINARIAN LOAN REPAYMENT FUND (FUND 5BU)

On July 1, 2005, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$60,000 in cash from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the ~~Veterinary Student Loan Program~~ Veterinarian Loan Repayment Fund (Fund 5BU); ~~which is hereby~~ created in division (B) of section 4741.46 of the Revised

Code. The amount of the transfer is hereby appropriated.

VETERINARY STUDENT LOAN PROGRAM

The foregoing appropriation item 888-602, Veterinary Student Loan Program, shall be used by the Veterinary Medical Licensing Board to implement a student loan repayment program for veterinary students focusing on large animal populations, public health, or regulatory veterinary medicine.

SECTION 411.11. That existing Section 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Am. Sub. H.B. 530 of the 126th General Assembly, is hereby repealed.

SECTION 415.10. That Sections 243.10 and 287.20 of Am. Sub. H.B. 530 of the 126th General Assembly be amended to read as follows:

Sec. 243.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Cultural and Sports Facilities Building Fund (Fund 030) that are not otherwise appropriated:

		Reappropriations	
AFC CULTURAL FACILITIES COMMISSION			
CAP-003	Center of Science and Industry - Toledo	\$	7,542
CAP-033	Woodward Opera House Renovation	\$	1,150,000
CAP-038	Center Exhibit Replacement	\$	816,000
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	123,000
CAP-043	Statewide Site Repairs	\$	200,100
CAP-046	Cincinnati Museum Center Improvements	\$	250,000
CAP-053	Powers Auditorium Improvements	\$	250,000
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200
CAP-064	Bramley Historic House	\$	75,000
CAP-065	Beck Center for the Cultural Arts	\$	100,000
CAP-066	Delaware County Cultural Arts Center	\$	40,000
CAP-071	Cleveland Institute of Music	\$	1,500,000
CAP-072	West Side Arts Consortium	\$	138,000
CAP-073	Ice Arena Development	\$	5,500,000
CAP-074	Stan Hywet Hall & Gardens	\$	1,000,000
CAP-075	McKinley Museum Improvements	\$	125,000
CAP-076	Spring Hill Historic Home	\$	125,000
CAP-079	Lorain Palace Civic Theatre	\$	200,000
CAP-080	Great Lakes Historical Society	\$	150,000
CAP-745	Historic Sites and Museums	\$	604,453
CAP-753	Buffington Island State Memorial	\$	73,500
CAP-769	Rankin House State Memorial	\$	192,000
CAP-781	Historical Center Archives/Library	\$	624,000
CAP-784	Ohio Historical Center Rehabilitation	\$	1,523,737
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516

CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000
CAP-820	Historical Center Ohio Village Buildings	\$	502,000
CAP-821	Lorain County Historical Society	\$	300,000
CAP-822	Armory Youth Center	\$	40,000
CAP-823	Marion Palace Theatre	\$	1,575,000
CAP-824	McConnellsville Opera House	\$	75,000
CAP-825	Secrest Auditorium	\$	75,000
CAP-826	Renaissance Theatre	\$	700,000
CAP-827	Trumpet in the Land	\$	100,000
CAP-829	Mid-Ohio Valley Players	\$	80,000
CAP-830	The Anchorage	\$	50,000
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000
CAP-835	Jamestown Opera House	\$	125,000
CAP-837	Lake County Historical Society	\$	250,000
CAP-839	Hancock Historical Society	\$	75,000
CAP-840	Riversouth Development	\$	1,000,000
CAP-841	Ft. Piqua Hotel	\$	200,000
CAP-843	Marina District Amphitheatre and Related Development	\$	2,000,000
CAP-844	Chas. A. Eulett Education Center/Appalachian Museum	\$	1,850,000
CAP-845	Lima Historic Athletic Field	\$	100,000
CAP-846	Butler Palace Theatre	\$	200,000
CAP-847	Voice Of America Museum	\$	275,000
CAP-848	Oxford Arts Center ADA Project	\$	72,000
CAP-849	Clark County Community Arts Expansion Project	\$	500,000
CAP-850	Westcott House Historic Site	\$	75,000
CAP-851	Gen. Lytle Homestead-Harmony Hill	\$	50,000
CAP-852	Miami Township Community Amphitheatre	\$	50,000
CAP-853	Western Reserve Historical Society	\$	1,000,000
CAP-854	Cleveland Steamship Mather Museum	\$	100,000
CAP-855	Rock and Roll Hall of Fame	\$	250,000
CAP-858	Strongsville Historic Building	\$	100,000
CAP-859	Arts Castle	\$	100,000
CAP-860	Great Lakes Historical Society	\$	325,000
CAP-861	Ohio Glass Museum	\$	250,000
CAP-863	Ariel Theatre	\$	100,000
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000
CAP-867	Ensemble Theatre	\$	450,000
CAP-868	Taft Museum	\$	500,000
CAP-869	Art Academy of Cincinnati	\$	100,000
CAP-870	Riverbend Pavilion Improvements	\$	250,000
CAP-871	Cincinnati Art and Technical Academy - Longworth Hall	\$	100,000
CAP-872	Music Hall: Over-The-Rhine	\$	750,000
CAP-873	John Bloomfield Home Restoration	\$	115,000
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000
CAP-875	Hocking County Historic Society - Schempp House	\$	10,000
CAP-876	Art Deco Markay Theatre	\$	200,000
CAP-877	Harvey Wells House	\$	100,000
CAP-879	Broad Street Historical Renovation	\$	300,000
CAP-880	Amherst Historical Society	\$	35,000
CAP-881	COSI - Toledo	\$	1,580,000
CAP-882	Ohio Theatre - Toledo	\$	100,000
CAP-883	Chester Academy Historic Site Renovation	\$	25,000
CAP-884	Bradford Ohio Railroad Museum	\$	100,000

CAP-885	Montgomery County Historical Society Archives	\$	100,000
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000
CAP-887	Aurora Outdoor Sports Complex	\$	50,000
CAP-888	Preble County Historical Society	\$	100,000
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000
CAP-890	Pro Football Hall of Fame	\$	400,000
CAP-891	Maps Air Museum	\$	15,000
CAP-892	Foundation Community Theatre	\$	50,000
CAP-893	William McKinley Library Restoration	\$	250,000
CAP-896	Richard Howe House	\$	100,000
CAP-897	Ward-Thomas Museum	\$	30,000
CAP-898	Packard Music Hall Renovation Project	\$	1,075,000 675,000
CAP-899	Holland Theatre	\$	100,000
CAP-900	Van Wert Historical Society	\$	32,000
CAP-901	Warren County Historical Society	\$	225,000
CAP-902	Marietta Colony Theatre	\$	335,000
CAP-903	West Salem Village Opera House	\$	92,000
CAP-904	Beavercreek Community Theater	\$	100,000
CAP-905	Smith Orr Homestead	\$	100,000
	Total Cultural Facilities Commission	\$	<u>39,831,048</u>
	TOTAL Cultural and Sports Facilities Building Fund	\$	<u>39,431,048</u>
			<u>39,431,048</u>

ICE ARENA DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-073, Ice Arena Development, is the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-073, Ice Arena Development, which prior to July 1, 2006, was named "Marina District/Ice Arena Development," plus \$2,000,000.

Notwithstanding any provision of law to the contrary, on July 1, 2006, or as soon thereafter as possible, the Director of Budget and Management shall transfer \$2,000,000 from CAP-843, Marina District Amphitheatre and Related Development, which prior to July 1, 2006, was named "Marina District/Ice Arena Development," to CAP-073, Ice Arena Development.

The foregoing appropriation item CAP-073, Ice Arena Development, shall ~~by~~ be used by the ~~City of Toledo~~ County of Lucas for the development of an ice arena in the City of Toledo.

MARINA DISTRICT AMPHITHEATRE AND RELATED DEVELOPMENT

The amount reappropriated for the foregoing appropriation item CAP-843, Marina District Amphitheatre and Related Development, is the unencumbered and unallotted balance, as of June 30, 2006, in appropriation item CAP-843, Marina District Amphitheatre and Related Development, which prior to July 1, 2006, was named "Marina District/Ice Arena Development," minus \$2,000,000.

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 21 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.

(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.

(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.

SECTION 418.06. That existing Section 10 of Am. Sub. S.B. 250 of the 123rd General Assembly is hereby repealed.

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.

JLE JOINT LEGISLATIVE ETHICS COMMITTEE

State Special Revenue Fund Group

4G7 028-601	Joint Legislative Ethics	\$	0	\$	100,000
	Committee				

TOTAL SSR State Special Revenue Fund	\$	0	\$	100,000
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	100,000

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for the appropriation made in this section, and shall determine the form and manner in which the appropriation accounts shall be maintained. Expenditures from the appropriation contained in this section shall be accounted for as though made in H.B. 66 of the 126th General Assembly.

The appropriation made in this section is subject to all provisions of H.B. 66 of the 126th General Assembly that are generally applicable to such an appropriation.

SECTION 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).

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.

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.

SECTION 505.10. The amendment by this act to division (C) of section 2305.26 of the Revised Code applies to liens filed with the county recorder before, on, or after the effective date of the amendment.

SECTION 507.10. TRANSFERS OF FISCAL YEAR 2007 GENERAL REVENUE FUND ENDING BALANCES

Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of section 131.44 of the Revised Code, the Director of Budget and Management may transfer up to \$100,000,000 of the fiscal year 2007 General Revenue Fund surplus to the Public School Building Fund (Fund 021).

SECTION 507.20. TRANSFER FROM HALF-MILL EQUALIZATION FUND

Notwithstanding division (F) of section 3318.18 of the Revised Code, between June 1, 2007, and June 30, 2007, the Director of Budget and

Management may transfer up to \$60,000,000 in cash from the Half-Mill Equalization Fund (Fund 5BJ) to the Public School Building Fund (Fund 021).

SECTION 509.10. HEALTH EMERGENCY FUND

The Health Emergency Fund (Fund 5EC) is hereby created in the state treasury. The fund may be used by the Department of Health to purchase vaccines and antiviral drugs to stockpile for pandemic flu. The Director of Budget and Management, in consultation with the Director of Health, shall determine the amount of appropriation needed. The amount so determined is hereby appropriated. The Director of Budget and Management may transfer up to \$17,500,000 in cash from the General Revenue Fund to the Health Emergency Fund (Fund 5EC) as needed. The Director of Budget and Management shall submit a letter to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives detailing the cash transfers.

SECTION 511.10. TANF INITIATIVES

The Department of Job and Family Services, in accordance with sections 5101.80 and 5101.801 of the Revised Code, shall take the steps necessary, through interagency agreements, adoption of rules, or otherwise as determined by the Department, to implement and administer the Title IV-A programs identified in this section.

STRENGTHENING FAMILIES INITIATIVE

The Department of Job and Family Services shall use up to \$11 million in fiscal year 2007 to reimburse the Governor's Office of Faith-Based and Community Initiatives (GOFBCI) pursuant to section 5101.801 of the Revised Code for projects that are part of the Ohio Strengthening Families Initiative.

TANF EDUCATIONAL AWARDS PROGRAM

The Department of Job and Family Services shall use up to \$30 million in fiscal year 2007 to reimburse the Ohio Board of Regents pursuant to section 5101.801 of the Revised Code for initiatives addressing postsecondary tuition and educational expenses not covered by other grant programs that target low-income students.

ADOPTION PROMOTION

Up to \$5 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide additional support for initiatives aimed at increasing the number of

adoptions including recruiting, promoting, and supporting adoptive families.

CHILD CARE SUBSIDY

Up to \$15 million shall be used in fiscal year 2007 for the Title IV-A non-assistance child-care subsidy program pursuant to section 5101.801 of the Revised Code to help additional needy working families with the cost of child care.

EARLY LEARNING QUALITY AND AVAILABILITY

Up to \$5 million shall be used in fiscal year 2007 for TANF eligible activities pursuant to section 5101.801 of the Revised Code to provide additional support to improve the quality and availability of early learning opportunities, including but not limit to Step Up to Quality, for low-income working families with pre-school children.

INDEPENDENT LIVING INITIATIVES

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.

HOME ENERGY ASSISTANCE PROGRAM

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.

FOOD BOXES

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.

TWO-PARENT OHIO WORKS FIRST CASELOAD

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.

The Department of Job and Family Services shall make TANF funding available to assist with the programs identified in this section and provide Title IV-A funds as necessary to implement these programs. In administering these programs, the state, county, and private agencies receiving funds from the Department of Job and Family Services shall comply with the requirements of the respective interagency agreements,

grant agreements, sections 5101.80 and 5101.801 of the Revised Code, Title IV-A of the Social Security Act, rules adopted by the Department of Job and Family Services, and other directives from the Department of Job and Family Services as appropriate.

SECTION 513.10. FEDERAL JUSTICE PROGRAMS FUNDS

On the effective date of this section, or as soon as possible thereafter, the Director of Public Safety shall certify the following to the Director of Budget and Management:

(A) The federal justice program funds to be created in the accounting system pursuant to the amendment by this act of section 5502.62 of the Revised Code and appropriation items to be created within those funds.

(B) The amount of cash to be transferred from the Federal Justice Programs Fund (Fund 3AY) in the Department of Public Safety to the funds created pursuant to division (A) of this section.

(C) The amount of appropriation authority to be transferred from existing appropriation items to the Federal Justice Programs Fund in the Department of Public Safety to the appropriation items created pursuant to division (A) of this section.

The Director of Public Safety shall certify only those amounts required for transfer in order for the department to comply with the investment earnings retention and distribution requirements of federal grant awards.

The Director of Budget and Management may create funds in the accounting system pursuant to section 5502.62 of the Revised Code upon receiving certification under this section from the Director of Public Safety. The Director of Budget and Management may transfer cash and appropriation authority pursuant to the certification. Any amounts transferred pursuant to the certification are hereby appropriated.

SECTION 515.10. Within ninety days after the effective date of the amendment by this act of section 5709.87 of the Revised Code, the current owner of record of real property that is subject to an ongoing exemption previously granted under division (C)(1)(a) of that section may notify the Tax Commissioner in writing that the owner elects to discontinue the exemption for the remainder of its term. Upon receiving such a notification, the commissioner shall issue an order restoring the property to the tax list beginning with the year in which the notification was received.

SECTION 515.20. It is the intent of the General Assembly that the amendment to division (P) of section 5739.01 of the Revised Code is to clarify current law.

SECTION 520.10. The amendment by this act of sections 133.07, 133.08, 133.20, 307.695, and 5739.09 and the enactment by this act of section 5709.083 of the Revised Code apply to proceedings commenced after the effective date of those sections and to any proceedings commenced or in progress prior to those effective dates. The authority conferred by those amendments and that enactment is in addition to, and not in derogation of, any similar authority conferred by, derived from, or implied by any law, the Ohio Constitution, a charter, a resolution, or an ordinance. No inference shall be drawn from those amendments or that enactment to negate any authority conferred by those sources.

SECTION 525.10. (A) Pursuant to section 5911.10 of the Revised Code, the Governor is hereby authorized to execute a deed in the name of the state conveying to a buyer or buyers to be determined in the manner provided in division (C) of this section, and the buyer's or buyers' successors and assigns or heirs and assigns, all of the state's right, title, and interest in the following described parcels of real estate that the Adjutant General has determined are no longer required for armory or military purposes:

Ashtabula Township, Ashtabula County, State of Ohio

Situated in Ashtabula Township, Ashtabula County, State of Ohio:

Known as being part of the Holmes Tract, and more particularly described as follows:

Being a parcel of land lying on the left side of the centerline of survey for State Route 46, Section 27.06, Ashtabula County, Ohio, made by the Ohio State Department of Highways, and bounded and described as follows:

Beginning at a point on grantor's southerly property line 165 feet left of station 1426/04.53; thence northwesterly to a point 160 feet left of station 1429/00; thence continuing northwesterly parallel with the centerline of survey to a point 160 feet left of station 1434/00; Thence westerly to a point 175 feet left of station 1434/79.63; thence westerly to a point 184 feet left of station 1435/09, said point being in the centerline of County Highway No. 25 also known as State Road; thence south 0 degrees 16', west along the centerline of State Road a distance of 290 feet to the southwest corner of

land conveyed to grantor by Theodore E. Warren, Trustee, in deed dated January 2, 1952 and recorded in the deed records of Ashtabula County in deed record book 469, page 520; thence south 89 degrees 34' east along grantor's south property line a distance of 532 feet to an iron pin; thence south 0 degrees 16' west 140.24 feet to an iron pin; thence south 89 degrees 34' east a distance of 264 feet to the point of beginning; and containing 2.21 acres, more or less.

Parcel Number: 03-015-00-003-00

Prior Deed Reference: 46-5630

Howey Road Armory

Situate in the City of Columbus, Franklin County, State of Ohio, and being more fully described as follows:

Said parcel being a part of 80.202 acres acquired from the Columbus and Southern Ohio Electric Company, December 7, 1951, and being recorded in Franklin County, Volume 1704, Page 153. Beginning at an iron pin located at the intersection of the east right of way of Hiawatha Park Place and the north property line of the Ohio State Fairgrounds and the east right of way of the North Freeway, thence north 86 degrees 43'17" east 737.59 feet along the north property line of the Ohio State Fairgrounds to a point, thence south 3 degrees 12'14" west 50 feet to a point, thence south 86 degrees 43'17" east 50 feet to a point, thence north 3 degrees 12'14" east 50 feet to a point in the north property line of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 17.46 feet to the northeast corner of the Ohio State Fairgrounds, thence south 3 degrees 12'14" west 1145.00 feet along the east property line of the Ohio State Fairgrounds to a point at the intersection of the east right of way of the north freeway, thence south 25 degrees 55'03" east 695.94 feet along the east right of way of the North Freeway to a point. Thence south 37 degrees 46'42" east 712.00 feet to the point of beginning containing 9.42 acres, more of less.

Mount Vernon

Situated in the state of Ohio, county of Knox, City of Mount Vernon and more particularly described as being Lots number Three Hundred Ninety (390), Three Hundred Ninety One (391) and ten feet of the east side of Lot Number Four Hundred Seven (407), in Trimble's Addition to Mount Vernon, County of Knox and the State of Ohio, as the same are marked on the Plat of said Addition in the Recorder's Office of Knox County, Ohio in J Book, Volume J, page 123-124.

Springfield

Situated in the State of Ohio, County of Clark, Township of Springfield, and described as follows:

Being part of the northwest quarter of Section 3, Township 5, Range 9, and part of the northeast quarter of Section 9, Township 5, Range 9, between the Miami Rivers Survey. Beginning at a point in the center line of the Laybourne Road, north 85 degrees 27' west 370.0 feet from the intersection of said centerline with the center line of State Route 70 (Springfield and Washington C.H. Road); thence with the center line of the Laybourne Road, north 85 degrees 57' west, 650.0 feet; thence north 29 degrees 46' east, 248.63 feet to a pipe; thence south 80 degrees 33' east 423.24 feet to the place of beginning, containing 3.20 acres.

And, also to use the following described premises in conjunction with the grantors herein and under the following terms as are agreed to by the State of Ohio and the Clark County Fair Board.

Beginning at the intersection of the center lines of the Laybourne Road and State Route 70; thence with the center line of the Laybourne Road, north 85 degrees 57' west, 370.0 feet; thence north 35 degrees 33' west 432.24 feet to a pipe; thence north 80 degrees 33' west 134.22 feet to a pipe; thence north 54 degrees 27' east, 380.0 feet; thence with the center line of State Route 70, south 35 degrees 33' east 754.0 feet to the place of beginning, containing 4.27 acres.

Urbana

The following described property situated in the State of Ohio, County of Champagne:

Being part of the Southwest Quarter of Section 19, Town 5, Range 12, in Salem Township and bonded and described as follows: 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.

(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.

(C) The Adjutant General shall appraise the parcels described in division (A) of this section or have them appraised by one of more disinterested persons for a fee to be determined by the Adjutant General, and shall offer the parcels for sale as follows:

(1) The Adjutant General first shall offer a parcel for sale at its appraised value to the municipal corporation or township in which it is located.

(2) If, after sixty days, the municipal corporation or township has not accepted the offer to purchase the parcel at its appraised value or has accepted the offer but has failed to complete the purchase, the Adjutant General shall offer the parcel for sale at its appraised value to the county in which it is located.

(3) If, after sixty days, the county has not accepted the offer to purchase the parcel at its appraised value or has accepted the offer but has failed to complete the purchase, a public auction shall be held, and the parcel shall be sold to the highest bidder at a price acceptable to the Adjutant General. The Adjutant General may reject any and all bids for any reason whatsoever.

The Adjutant General shall advertise each public auction in a newspaper of general circulation within the county in which the parcel is located, once a week for two consecutive weeks before the date of the auction.

The terms of sale of a parcel at a public auction shall be payment of ten per cent of the purchase price, as bid by the highest bidder, in cash, bank draft, or certified check on the date of sale, with the balance payable within sixty days after the date of sale. A purchaser who does not timely complete the conditions of the sale as prescribed in this section shall forfeit to the state the ten per cent of the purchase price paid on the date of the sale as liquidated damages.

If the purchase is not completed and the sale is voided, the Adjutant General may sell the parcel to the second highest bidder at the public auction held pursuant to this section.

(D) Advertising costs, appraisal fees, and other costs of the sale of the parcels described in division (A) of this section shall be paid by the Adjutant General's Department.

(E) Upon the payment of ten per cent of the purchase price of 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 derived from that subsequent sale. The net profit shall be computed by first subtracting the price at which the political subdivision bought the parcel from the price at which the political subdivision sold the parcel, and then subtracting from that remainder the amount of any expenditures the political subdivision made for improvements to the parcel.

(H) This section expires five years after its effective date.

SECTION 525.20. (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, and the City of Columbus, and being a 0.342 acre tract out of the State of Ohio original 236.26 acre tract of record in Deed Book 1238, Page 468 of the Recorder's Records, Franklin County, Ohio, said 0.342 acre tract being more particularly described as follows:

Beginning for reference at the intersection of the centerlines of North High Street (66 feet wide) and Sunnyside Lane (50 feet wide);

Thence S 2° 35' 13" W, 214.69 feet, in the centerline of North High Street, to the Place Of Beginning of said 0.342 acre tract at the

southwesterly corner of the William H. Hadler 1.324 acre Parcel X of record in Instrument #200107130160025 and the northwesterly corner of said 236.26 acre tract;

Thence S 87° 05' 47" E, 48.00 feet, passing an iron pipe set at 33.00 feet, in the southerly line of said 1.324 acre tract and in a northerly line of said 236.26 acre tract, to an iron pipe set;

Thence S 2° 35' 13" W, 310.59 feet, to an iron pipe set in a southerly line of said 236.26 acre tract and the northerly line of the Marjorie H. Bradburn 0.1308 acre tract of record in Official Record 01835, A-07 of said Recorder's Records;

Thence N 87° 19' 07" W, 48.00 feet, passing an iron pipe set at 15.00 feet, in the southerly line of said 236.26 acre tract and in the northerly line of said 0.1308 acre tract, to the centerline of North High Street;

Thence N 2° 35' 13" E, 310.78 feet, in said centerline, to the Place of Beginning, containing 0.342 acres (or 14,913 square feet), more or less.

This description is based on the results of a field survey in March 2005, by Gary L. Elswick, Professional Surveyor #6395. Bearings are based on Ohio State Plane, South Zone, NAD83.

Gary L. Elswick, Professional Surveyor #6395, 6/28/05.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of ten dollars.

(C) Before the execution of the deed described in division (D) 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 City of Columbus.

(D) 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, and presented for recording in the Office of the Auditor of State. The City of Columbus shall present the deed for recording in the office of the Franklin County Recorder.

(E) The City of Columbus shall pay the costs of the conveyance described in division (A) of this section.

(F) This section expires one year after its effective date.

SECTION 525.30. (A) The Adjutant General has determined that the following described properties are no longer needed by the Ohio National Guard for armory or military purposes. The reversionary language contained

in the deeds for those properties requires that each property revert back to the grantor if the property ceases to be used for military purposes. The Adjutant General is hereby authorized to give proper effect to the reversionary language in the original deeds.

(B) Deeds to implement division (A) of this section shall be prepared by the Auditor of State with the assistance of the Attorney General, 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. Each deed shall be delivered to the original grantor of each property for recording in the office of the appropriate county recorder.

(C) The Governor is hereby authorized to execute deeds in the name of the state, granting all of the state's right, title, and interest in the following described parcels as indicated to implement division (A) of this section:

PARCEL 1.

Situated in the City of Mount Vernon, in the County of Knox, and State of Ohio, to-wit:

commencing at a point at the S. W. Corner of Lot #9 in the C. & G. Cooper Park Addition and thence west a distance of 130 feet on the north line of Greenwood Avenue extended; thence in a North Easterly direction a distance of 152 feet to a point on South line of 12.5 foot City alley extended, said point being 25 feet west of the N. W. Corner of Lot #9 of said addition; thence continuing in a North Easterly direction a distance of 139 feet to a point being 25 feet north of N. E. corner of Lot #10 of said addition on West line of Elm Street extended north; thence south along west line of Elm Street extended a distance of 25 feet to a point being the N. E. corner of Lot #10 of said addition; thence west along the South line of 12.5 foot City alley extended west, a distance of 115.2 feet to a point being the N. W. corner of Lot #9 in said addition; thence South along west line of Lot #9 in said addition, a distance of 124, feet to the point of beginning. Estimated to contain .26 acres.

PARCEL 2.

Situated in the City of Mount Vernon, in the County of Knox, and State of Ohio, to-wit:

being Lots #9 and #10 in the C. & G. Cooper Park Addition of the City of Mount Vernon, Ohio.

Reference is made to Deed Book 198 page 614, Knox County, Ohio Records.

PARCEL 3.

Situated in the City of Mount Vernon, County of Knox and State of Ohio,

to-wit:

the following real estate, situate City of Mount Vernon, County of Knox, State of Ohio and being described as follows:

Beginning at an iron stake on the West line of Elm Street extended, said iron stake bears North 5 deg. 30' East 25.0 feet from the North East corner of Lot 10 in the C. & G. Cooper Park Addition and said iron stake also marks the North East corner of 0.26 of an acre parcel conveyed to the State of Ohio in Deed Volume 199, page 376; Running thence from said beginning point South 85 deg.-23' West a distance of 142.41 feet to the North West corner of said 0.26 of an acre parcel; thence North 67 deg.-2.' East a distance of 159.0 feet to an iron stake on the West line of Elm Street extended; thence South 5 deg.-30' West a distance of 50.0 feet to the point of beginning, containing 0.08 of an acre, as surveyed May 21, 1970 by Floyd W. Barnes, Surveyor #3917, Ohio.

Prior Deed recorded Volume 198, page 614, Knox County, Ohio, Deed Records.

Parcels Nos. 1, 2 and 3 shall revert to the City of Mount Vernon.

PARCEL 4.

Situate in the City of Urbana, Champaign County, Ohio, and being part of the South-West quarter of Section 19, Town 5, Range 12, in Salem Township, and bonded and described as follows: Beginning at a point in the East line of the South-West quarter of Section 19, Town 5, Range 12; said point being 819.46 feet, North 7 degrees-5 minutes East, from the Southeast Corner of the Southwest quarter of Section 19, Town 5, Range 12. Thence North 84 degrees, 56 minutes West, 875.00 feet to a stake. Thence North 7 degrees-5 minutes East, 225.00 feet to a stake. Thence South 84 degrees-56 minutes East, 875.00 feet to a point in the East line of the said Southwest quarter of Section 19, Town 5, Range 12. Thence South 7 degrees -5 minutes West, along the East line 4 of the said Southwest quarter of Section 19, Town 5, Range 12, 225.00 feet to the place of beginning. Two hundred feet taken by parallel lines off the entire East end of the above described tract is reserved by the City of Urbana for highway purposes, making the area of the land conveyed equal 3.4844 acres.

Parcel No. 4 shall revert to the City of Urbana.

SECTION 525.40. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to a buyer or buyers to be determined in the manner provided in division (B) of this section, and the buyer's or buyers' successors and assigns or heirs and assigns, all of the state's right, title, and interest in the following described real estate:

Being a parcel of land situated in the Northwest Quarter of Section 19 Bath Township, Town 3 South, Range 7 East of Allen County, Ohio, and more particularly described as follows:

Commencing at a Monument Box at the northwest corner of Section 19; thence South 00 degrees 25 minutes 00 seconds West along the west line of said quarter section, same also being the centerline of S.R. 65, a distance of 917.46 feet to a point;

thence South 89 degrees 35 minutes 04 seconds East a distance of 90.00 feet to the northwest corner of said parcel and being the True Place of Beginning;

thence continuing South 89 degrees 35 minutes 04 seconds East a distance of 59.96 feet to a point;

thence South 42 degrees 41 minutes 05 seconds East a distance of 310.36 feet to a point;

thence South 00 degrees 27 minutes 40 seconds West a distance of 287.14 feet to a point;

thence North 89 degrees 35 minutes 24 seconds West a distance of 186.94 feet to a point;

thence South 00 degrees 24 minutes 16 seconds West a distance of 26.55 feet to a point;

thence North 89 degrees 33 minutes 37 seconds West a distance of 84.87 feet to a point;

thence North 00 degrees 25 minutes 00 seconds East a distance of 540.28 feet to the Place of Beginning, containing 2.708 acres, more or less. All Corners are marked with iron Pin /w cap.

Excepting therefrom the following parcel of land owned by the Ohio Power Company and on which the Department of Transportation has an ongoing easement. Said Ohio Power land is described as follows:

Commencing at a Monument Box at the northwest corner of Section 19;

thence South 00 degrees 25 minutes 00 seconds West along the west line of said quarter section, same also being the centerline of S.R. 65, a distance of 917.46 to a point;

thence South 89 degrees 35 minutes 04 seconds East a distance of 100.08 feet to a point on the northeasterly property line of the Ohio Power Company, said point being the True Place of Beginning;

thence South 38 degrees 04 minutes 60 seconds East along said northeasterly property line a distance of 420.66 feet to a point;

thence South 00 degrees 27 minutes 40 seconds West a distance of 160.48 feet to a point on the southwesterly line of the Ohio Power Company;

thence North 38 degrees 05 minutes 00 seconds West along said

southeasterly property line a distance of 436.65 feet to a point;
thence North 00 degrees 25 minutes 00 seconds East a distance of 147.97 feet to a point;

thence South 89 degrees 35 minutes 04 seconds East a distance of 10.08 feet to the Place of Beginning. Said exception contains 1.001 acres, more or less, leaving a net of 1.707 acres, more or less.

The above description was provided to the Ohio Department of Administrative Services by the Ohio Department of Transportation. Description is from a survey dated April 2, 1990 by Jeffrey L. Waggamer, Reg. Surveyor S-7125.

(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.

The terms of sale of the real estate at a public auction shall be payment of ten per cent of the purchase price in cash, bank draft, or certified check on the date of sale. A purchaser who does not timely complete the conditions of

the sale as prescribed in this section shall forfeit to the state the ten per cent of the purchase price paid on the date of the sale as liquidated damages.

If the purchase is not completed and the public auction sale is voided, the Director of Administrative Services shall hold a second public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction.

If, after a second public auction, the purchase is not completed and the sale is voided, the Director of Administrative Services may sell the real estate to the second highest bidder at the second public auction.

The Director of Administrative Services shall advertise each public auction in a newspaper of general circulation within Allen County, once a week for two consecutive weeks before the date of the auction. The Director of Administrative Services may reject any and all bids at any auction for any reason whatsoever.

(C) Advertising costs, appraisal fees, and other costs of the sale of the real estate described in division (A) of this section shall be paid by the Department of Rehabilitation and Correction.

(D) The real estate described in division (A) of this section shall be sold as an entire tract and not be subdivided.

(E) Upon the payment of ten per cent of the purchase price of the real estate described in division (A) of this section in accordance with division (B)(5) of this section, or upon notice from the Director of Administrative Services that the real estate described in division (A) of this section has been sold to a state entity, to the Board of County Commissioners of Allen County, or to the City of Lima in accordance with division (B) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in 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 Right of Way Line of West Union Street (66' wide), also being the Northeast corner of Outlot 91, and being the Northeast corner of a 20.169 acre parcel conveyed to Sheltering Arms Hospital Foundation, Inc., as recorded in Deed Volume 277, Page 648;

Thence, N 84°44'00" W 90.00 feet with the South Right of Way Line of West Union Street, to a 5/8" o.d. iron pin found marking the Northeast corner of said parcel conveyed to Ohio Department of Mental Health of which this description is a part, the same being the Northwest corner of said 20.169 acre parcel conveyed to Sheltering Arms Hospital Foundation, Inc.;

Thence, S 05°03'01" W 324.47 feet leaving West Union Street with the East line of said parcel conveyed to Ohio Department of Mental Health of which this description is a part, the same being the West line of said parcel conveyed to Sheltering Arms Hospital Foundation, Inc., to an iron pin set at the back of curb, and being the PRINCIPLE PLACE OF BEGINNING of the 1.669 Acre parcel herein to be described;

Thence, S 05°03'01" W 825.10 feet continuing with said common boundary line between Ohio Department of Mental Health and Sheltering Arms Hospital Foundation, Inc., to a 5/8" o.d. iron pin found;

Thence with a line across said parcel conveyed to Ohio Department of Mental Health of which this description is a part, with the following five (5) courses and distances:

- 1) N 64°00'00" W 96.03 feet to an iron pin set;
- 2) N 05°03'01" E 786.50 feet to an iron pin set at the back of curb;
- 3) N 80°04'57" E 37.84 feet to an angle point;
- 4) S 82°16'19" E 42.95 feet to an angle point;
- 5) S 66°00'59" E 10.80 feet to the PRINCIPLE PLACE OF BEGINNING.

Said parcel as surveyed contains 1.669 Acres, more or less, and subject to all legal easements, restrictions, and covenants of record. Bearings of the above description are based on the South Right of Way Line of West Union Street (66' Wide), as being N 84°44'00" W, and is an assumed Meridian

used to denote angles only. Scott A. England P.S. Ohio Registered Surveyor #7452

(B) Consideration for the conveyance of the real estate described in division (A) of this section is \$340,000.00, and shall be paid to the state according to the following schedule as derived by mutual agreement reached between the state and O'Bleness Memorial Hospital through an executed Offer to Purchase:

(1) O'Bleness Memorial Hospital shall tender a cashier's or bank check, made payable to the state, in the amount of \$100,000.00 at the time of closing.

(2) The value of the balance of the purchase price shall be credited to the state of Ohio, Department of Mental Health, to offset the cost of services provided by O'Bleness Memorial Hospital to the Department of Mental Health, as agreed to in a "Shared Services Agreement" executed by the parties.

(C) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.

(D) 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 O'Bleness Memorial Hospital.

(E) Upon payment of \$100,000.00, 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. 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;

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,

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;

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.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

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.

This description was prepared through the use of existing records and an actual field survey performed in May 2000 and October 2003.

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.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$910.00.

(C) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.

(D) 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 City of Columbus.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in the Office of the Auditor of State. The City of Columbus shall present the deed for recording in the Office of the Franklin County Recorder.

(F) The City of Columbus shall pay the costs of the conveyance described in division (A) of this section.

(G) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in the state treasury to the credit of the Department of Rehabilitation and Corrections Fund 148 Services and Agricultural Fund (Appropriation Line Item 501-602) and shall be used to offset the loss of the Department's agricultural croplands.

(H) This section expires one year after its effective date.

SECTION 525.70. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Warren County Historical Society, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Parcel A

Situate in the County of Warren, State of Ohio, and in the Village of Lebanon and being part of Section number five (5) Town four (4) Range three (3) bounded and further described as follows:

Beginning at an iron pin in the east line of a tract of land belonging to Albert French 3.46 chains from the southeast corner of said French's tract of land and northwest corner to a tract of land conveyed by Herschel I. Fisher to W. F. Eltzroth;

thence with said French's line N. 4° 30' E. 1.98 chains to a stone;

thence with another line of said French N. 6° 0'E. 7.17 chains to an iron pin in the Lebanon and Cincinnati pike (north side) and northeast corner to said French's tract;

thence S. 68° 41' E. 1.73 chains to a point in Turtlecreek which point is 5 feet 8 inches north of a concrete retaining wall;

thence S. 58° 0' E. 0.71 chains to a point 2 feet 6 inches south of a stone wall;

thence S. 83° 45' E. 2.27 chains to a point 6 inches north of the east end of said stone wall, and corner to a tract of land now owned by the Village of Lebanon;

thence with the line of said last mentioned tract and with the west line of Mary C. Martin's tract S. 6° 0' W. 6.31 chains to a post, being the southwest corner of said Mary C. Martin's tract and in north line of Milton Keever's lot;

thence with said Keever's line N. 83° 30' W. 0.70 chains to a stake at the end of a hedge, being the northwest corner of said Keever's lot;

thence with said hedge and with the west line of said Keever and W. F. Eltzroth S. 6° 0' W. 1.98 chains to an iron pin in the west line of W. F. Eltzroth and being the northeast corner to a tract of land conveyed by Herschel I. Fisher to the said W. F. Eltzroth;

thence N. 83° 30' W. 3.76 chains to the place of beginning containing 3.75 acres. And being the north part of the tract of 5.05 acres conveyed to Herschel I. Fisher by Samuel W. Probasco by deed dated August 30, 1905 recorded in Vol. 87 page 507, Warren County Deed Records.

Together with the rights granted and reserved to Ladora S. Owens, her heirs and assigns in a certain deed to W. F. Eltzroth, dated September 23, 1905 and recorded in Vol. 87 page 509 which is as follows:

The said Ladora S. Owens, her heirs and assigns, is to have the right to use as a means of ingress and egress to and from said premises hereby conveyed to her, from and to Orchard Avenue, a strip of ground 20 feet wide by about 228 feet in length on and along the east side of the property heretofore conveyed to W. F. Eltzroth, said strip being a part of the property formerly conveyed to W. F. Eltzroth as aforesaid, said use however, not to be exclusive but in conjunction with W. F. Eltzroth and his heirs and assigns.

This conveyance is made to the State of Ohio solely and exclusively for museum purposes and to be used for the collection and preservation of every variety of material illustrative of the history of this county and of this region, including letters, diaries, journals, memoranda, pioneer reminiscences, newspapers; account books, school and church registers, commemorative addresses, genealogies, biographies, photographs, pictures, paintings, aboriginal relics, material objects illustrating the life of pioneers, maps, histories, records, furniture, clothing, etc. Said museum shall be known as "The Warren County Museum".

Excepting from said Parcel A the following Parcel B:

Parcel B

Situate in the State of Ohio, Warren County and Village of Lebanon, being a part of Section 5, Township 4 East, Range 3 North, Between the Miami

Rivers Survey, being a parcel of land on the South side of a centerline survey made by the Ohio Department of Transportation as shown on right-of-way sheet No. 10/28 and labeled 08548 (0) 5 Ohio BRF-10(73)/Warren-42-10.43, also being a parcel out of those lands conveyed to the State of Ohio (Ohio Historical Society) by Deed of Record in Deed Book 162, Page 292, Recorder's Office, Warren County, Ohio, being a channel easement across those state owned lands known as the "Glendower Museum", said easement being more particularly described as follows:

Beginning at an iron pin found at grantor's northwest corner, said point also being located in an east line of a tract of land conveyed to Gerald Miller by deed recorded in Official Record 308, page 181 of the Deed Records of Warren County, Ohio, said point also being locate forty five and 42/100 (45.42) feet right of station 5 + 18.04 on the above described centerline of survey;

thence along grantor's north line and Miller's east line and its eastward extension, South sixty-eight degrees, forty-two minutes forty-six seconds (68°42'46") East for eighty-nine and 76/100 (89.76) feet to the TRUE POINT OF BEGINNING, said point being located eighty and 90/100 (80.90) feet right of station 6 + 00.48 on the above described centerline of survey;

thence continuing along grantor's north line, South sixty-eight degrees forty-two minutes forty-six seconds (68°42' 46") East for twenty-four and 43/100 (24.43) feet to the west corner of Lot 7 of Spencer's Subdivision of Lebanon, Ohio as recorded in Plat Book 2, page 177 of the Plat Records of Warren County, Ohio;

thence continuing along grantor's north line and the south line of said Lot 7, North fifty-seven degrees, one minute forty-six seconds (57°01' 46") East for twenty-seven and 00/100 (27.00) feet;

thence leaving grantor's north line and the south line of said Lot 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 and egress thereover, from the remainder of grantor's property (lying west of the above described real estate) to the drive or "20 foot lane" mentioned in the foregoing description, so that she, her heirs and assigns, may be able to travel from the remainder of her property to said drive or lane, and over said drive or lane, and that persons desiring to enter on the remainder of grantor's premises above mentioned may travel over said drive and the said 20 foot strip above mentioned.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is \$10.00.

(C) The conveyance of the real estate described in division (A) of this section is subject to the following conditions and restrictions:

(1) The Ohio Historical Society, acknowledging the need for specific capital improvements to the real estate before its conveyance, shall make full payment for the specific capital improvements to the Glendower State Memorial (the structure on the real estate) and its premises, as listed in the Offer to Purchase Real Estate executed by the Warren County Historical Society, the Director of Administrative Services, and the Ohio Historical Society in December 2005. These improvements include replacing the roof of the structure, painting of wood trim on the structure, and correcting site drainage problems, including replacing the gas and water lines.

(2) The Warren County Historical Society shall undertake all future rehabilitation work and maintain the historic structure located on the premises in accordance with the "Secretary of the Interior's Standards for Rehabilitation" as published by the Department of the Interior.

(3) The Warren County Historical Society shall agree that no 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.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration, restrictions, and conditions. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in the Office of the Auditor of State. The Warren County Historical Society shall present the deed for recording in the Office of the Warren County Recorder.

(F) The Warren County Historical Society 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 525.80. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Columbus, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

PARCEL 1-WD (4.662 Ac.)

LANE AVENUE

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being a part of lands owned by the State of Ohio (The Ohio State University), said lands also being described in the following 8 documents of record:

1. 69 acre tract described in Deed Book 616, Page 399
2. 5.04 acre tract (part of Lot 278 - PB 2 Pg. 203) described in Deed Book 641, Page 242
3. Tuttle Park Place (Doe Alley) vacated by Ordinance No. 919-75

4. Lots 211 through 252, inclusive, of R.P. Woodruff's Agricultural Addition, P.B. 2, Pg. 203

5. Neil Avenue vacated by Ordinance No. 919-75

6. Peasley Street Vacated by Ordinance No. 179-66

7. OSU North Urban Renewal, Plat 1, Plat Book 37, Page 56

8. OSU North Urban Renewal, Plat 2, Plat Book 38, Page 94

All records are on file in the Recorder's Office, Franklin County, Ohio, unless otherwise noted, 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-WD being more particularly described as follows:

Beginning at a point at the centerline intersection of Olentangy River Road and West Lane Avenue, being at Centerline Station 50+00.00 (Olentangy River Road Centerline Station 120+00.00);

Thence North $14^{\circ}30'28''$ East, along the centerline of Olentangy River Road, a distance of 87.57 feet to a point, being at Centerline Station 120+87.57;

Thence South $75^{\circ}29'32''$ East, a distance of 64.93 feet to a point on an easterly line of Olentangy River Road, being 64.93 feet right of Station 120+87.57 (75.05 feet left of West Lane Avenue Station 50+79.55);

Thence South $59^{\circ}28'15''$ East, within said 69 acre tract, a distance of 22.58 feet to a point, being 65.00 feet left of Station 51+00.00;

Thence North $51^{\circ}33'30''$ East, continuing within said 69 acre tract, a distance of 66.93 feet to a point, being 110.00 feet left of Station 51+50.00;

Thence South $86^{\circ}18'28''$ East, continuing within said 69 acre tract, a distance of 279.96 feet to a point in the centerline of the Olentangy River, in the westerly line of a 1.80 acre tract described in a deed to the City of Columbus of record in Deed Book 3382, Page 600, being 110.00 feet left of Station 54+29.96;

Thence South $40^{\circ}12'42''$ West, along the westerly line of said 1.80 acre tract, the centerline of the Olentangy River, with the meanders thereof, a distance of 108.57 feet to a point at the southwest corner of said 1.80 acre tract, in the centerline of existing right of way of West Lane Avenue, being 22.75 feet left of Station 53+65.35

Thence South $3^{\circ}42'42''$ West, along the centerline of the Olentangy River, with the meanders thereof, a distance of 30.00 feet to a point on the southerly line of West Lane Avenue, at the northwest corner of said 5.04 acre tract, being 7.25 feet right of Station 53+65.34;

Thence South $86^{\circ}17'18''$ East, along a southerly line of West Lane Avenue, a northerly line of said 5.04 acre tract, a distance of 1419.55 feet to a point at the northeast corner of said 5.04 acre tract, on the westerly line of Tuttle Park Place, being 18.57 feet right of Station 67+85.02;

Thence South $03^{\circ}42'42''$ West, along the easterly line of said 5.04 acre tract, the westerly line of Tuttle Park Place, a distance of 20.00 feet to a point, being 38.57 feet right of Station 67+85.00;

Thence South $86^{\circ}17'18''$ East, along the northerly line of Tuttle Park Place as vacated by said Ordinance No. 919-75, a distance of 60.00 feet to a point on the easterly line of Tuttle Park Place, the westerly line of Lot 211 of said R.P. Woodruff's Agricultural Addition, being 38.63 feet right of Station 68+45.00;

Thence North $03^{\circ}42'42''$ East, along the easterly line of Tuttle Park Place, the westerly line of said Lot 211, a distance of 20.00 feet to a point at the northwest corner of said Lot 211, on the southerly line of West Lane Avenue, being 18.63 feet right of Station 68+45.02;

Thence South $86^{\circ}17'18''$ East, along the southerly line of West Lane Avenue, the northerly lines of Lots 211 through 231, a distance of 629.89 feet to a point at the northeast corner of said Lot 231, on the westerly line of Neil Avenue, being 25.11 feet right of Station 74+75.00;

Thence South $03^{\circ}42'42''$ West, along the easterly line of said Lot 231, the westerly line of Neil Avenue a distance of 20.00 feet to a point, being 45.11 feet right of Station 74+75.00;

Thence South $86^{\circ}17'18''$ East, along the northerly line of Neil Avenue as vacated by said Ordinance No. 919-75, a distance of 80.00 feet to a point on the easterly line of Neil Avenue, the westerly line of Lot 233 of said R.P. Woodruff's Agricultural Addition, being 45.12 feet right of Station 75+55.00;

Thence North $03^{\circ}42'42''$ East, along the easterly line of Neil Avenue, the westerly line of said Lot 233, a distance of 20.00 feet to a point at the northwest corner of said Lot 233, on the southerly line of West Lane Avenue, being 25.12 feet right of Station 75+55.00;

Thence South $86^{\circ}17'18''$ East, along the southerly line of West Lane Avenue, the northerly lines of Lots 233 through 252, the northerly lines of said OSU North Urban Renewal, Plat 1 and Plat 2, a distance of 1350.62 feet to a point at the northeast corner of said OSU North Urban Renewal, Plat 2, on the westerly line of North High Street, being 45.40 feet right of Station 89+01.19;

Thence South $08^{\circ}16'08''$ East, along the easterly line of said OSU North Urban Renewal, Plat 2, the westerly line of North High Street, a distance of 27.95 feet to a point, being 45.04 feet left of Station 299+30.00;

Thence passing through said lands owned by The State of Ohio, the following 36 courses:

1. North $48^{\circ}38'40''$ West, 40.22 feet to a point, being 45.00 feet right of

Station 88+75.00;

2. South $86^{\circ}46'26''$ West, 79.95 feet to a point, being 45.00 feet right of Station 87+95.05;

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 $89^{\circ}45'37.9''$ West, a chord distance of 120.89 feet;

4. North $86^{\circ}17'42''$ West, 461.03 feet to a point, being 45.00 feet right of Station 82+18.50;

5. South $03^{\circ}42'18''$ West, 10.00 feet to a point, being 55.00 feet right of Station 82+18.50;

6. North $86^{\circ}17'42''$ West, 60.00 feet to a point, being 55.00 feet right of Station 81+58.50;

7. North $03^{\circ}42'18''$ East, 17.00 feet to a point, being 38.00 feet right of Station 81+58.50;

8. North $86^{\circ}17'42''$ West, 80.50 feet to a point, being 38.00 feet right of Station 80+78.00;

9. South $39^{\circ}14'34''$ West, 8.60 feet to a point, being 45.00 feet right of Station 80+73.00;

10. North $86^{\circ}17'42''$ West, 508.00 feet to a point, being 45.00 feet right of Station 75+65.00;

11. South $03^{\circ}42'18''$ West, 10.00 feet to a point, being 55.00 feet right of Station 75+65.00;

12. North $86^{\circ}17'42''$ West, 100.00 feet to a point, being 55.00 feet right of Station 74+65.00;

13. North $03^{\circ}42'18''$ East, 10.00 feet to a point, being 45.00 feet right of Station 74+65.00;

North $86^{\circ}17'42''$ West, 107.57 feet to a point, being 45.00 feet right of Station 73+57.43;

14. Along the arc of a curve to the left, having a radius of 5684.58 feet, an arc length of 188.26 feet to a point of reverse curvature, being 45.00 feet right of Station 71+67.68, said arc being subtended by a chord bearing North $87^{\circ}14'37.0''$ West, a chord distance of 188.25 feet;

15. Along the arc of a curve to the right, having a radius of 5774.58 feet, an arc length of 185.77 feet to a point, being 45.00 feet right of Station 69+83.36, said arc being subtended by a chord bearing North $87^{\circ}16'14.6''$ West, a chord distance of 185.76 feet;

16. North $86^{\circ}20'57''$ West, 108.36 feet to a point, being 45.00 feet right of Station 68+75.00;

17. South $48^{\circ}39'03''$ West, 28.28 feet to a point, being 65.00 feet right of

Station 68+65.00;

18. North $86^{\circ}20'57''$ West, 85.00 feet to a point, being 65.00 feet right of Station 67+70.00;

19. North $41^{\circ}20'57''$ West, 28.28 feet to a point, being 45.00 feet right of Station 67+50.00;

20. North $86^{\circ}20'57''$ West, 540.00 feet to a point, being 45.00 feet right of Station 62+10.00;

21. South $03^{\circ}39'03''$ West, 20.00 feet to a point, being 65.00 feet right of Station 62+10.00;

22. North $86^{\circ}21'38''$ West, 104.82 feet to a point, being 65.00 feet right of Station 61+05.00;

23. North $03^{\circ}29'43''$ East, 20.00 feet to a point, being 45.00 feet right of Station 61+05.00;

24. Along the arc of a curve to the left, having a radius of 5684.58 feet, an arc length of 222.11 feet to a point of reverse curvature, being 45.00 feet right of Station 58+81.13, said arc being subtended by a chord bearing North $87^{\circ}37'26.8''$ West, a chord distance of 222.10 feet;

25. Along the arc of a curve to the right, having a radius of 5774.58 feet, an arc length of 81.03 feet to a point, being 45.00 feet right of Station 58+00.74, said arc being subtended by a chord bearing North $88^{\circ}20'29.4''$ West, a chord distance of 81.02 feet;

26. North $89^{\circ}54'24''$ West, 164.76 feet to a point, being 53.00 feet right of Station 56+37.56;

27. South $48^{\circ}58'26''$ West, 81.01 feet to a point, being 110.00 feet right of Station 55+80.00;

28. North $86^{\circ}18'28''$ West, 506.53 feet to a point on an easterly line of Olentangy River Road, being 93.07 feet right of Station 119+04.31;

29. North $73^{\circ}46'29''$ West, 190.00 feet to a point on a westerly line of Olentangy River Road, being 96.85 feet left of Station 119+10.00;

30. Thence North $39^{\circ}34'55''$ West, 35.28 feet to a point, being 48.00 feet right of Station 48+65.00;

31. Thence North $84^{\circ}51'39''$ West, 177.71 feet to a point on a southerly line of West Lane Avenue, being 46.05 feet right of Station 46+85.00;

32. North $2^{\circ}21'58''$ East, 46.05 feet to a point in the centerline of West Lane Avenue, being at Centerline Station 46+85.00;

33. Along the centerline of West Lane Avenue, along the arc of a curve to the right, having a radius of 1762.95 feet, an arc length of 86.54 feet to a point of tangency, being at Centerline Station 47+71.54, said arc being subtended by a chord bearing South $86^{\circ}13'40.0''$ East, a chord distance of 86.53 feet;

34. South 84°49'18" East, along the centerline of West Lane Avenue, 201.33 feet to a point of curvature, being at Centerline Station 49+72.87;

35. 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 length of 27.13 feet, said arc being subtended by a chord bearing South 84°56'45.2" East, a chord distance of 27.13 feet, to the Place of Beginning, and containing 4.662 acres of land (1.066 acres of which is within an easement for the widening of West Lane Avenue of record in Deed Book 3464, Page 105, and 1.153 acres of which is within P.R.O., leaving a net take of 2.443 acres). A detail of the areas split from each Auditor's parcel is attached on the following page. The bearings for this description are based on a bearing of North 68°52'08" East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records

(B) The Governor is hereby authorized to execute a deed of easement in the name of the state conveying to the City of Columbus, and its successors and assigns, the following easements:

PARCEL 1-S-1 (0.098 Ac.)

LANE AVENUE

SEWER 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, and being 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;
5. North 5°47'25" East, 71.54 feet to a point, being 110.05 feet right of Station 51+09.74;
6. South 86°18'28" East, 30.02 feet to the True Place of Beginning, and containing 0.098 acres of land.

The bearings for this description are based on a bearing of North 68°52'08" East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records.

PARCEL 1-S-2 (0.181 Ac.)

LANE AVENUE

SEWER 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 5.04 acre tract described in a deed to The State of Ohio, of record in Deed Book 641, Page 242, 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-2 being more particularly described as follows:

Beginning for Reference at the 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 $86^{\circ}18'28''$ East, continuing along the centerline of West Lane Avenue, a distance of 502.55 feet to a point, being at Centerline Station 56+37.56;

Thence South $3^{\circ}41'32''$ West, a distance of 53.00 feet to a point within said 5.04 acre tract, being 53.00 feet right of Station 56+37.56, and being the True Place of Beginning;

Thence continuing within said 5.04 acre tract the following 8 courses:

1. South $89^{\circ}54'24''$ East, 35.61 feet to a point, being 50.87 feet right of Station 56+72.79;

2. South $50^{\circ}01'11''$ West, 56.05 feet to a point, being 89.47 feet right of Station 56+32.57;

3. South $01^{\circ}30'42''$ West, 80.00 feet to a point, being 169.41 feet right of Station 56+35.61;

4. South $50^{\circ}01'11''$ West, 170.43 feet to a point, being 287.10 feet right of Station 55+12.34;

5. North $5^{\circ}01'11''$ East, 42.43 feet to a point, being 244.68 feet right of Station 55+13.32;

6. North $50^{\circ}01'11''$ East, 126.91 feet to a point, being 157.05 feet right of Station 56+05.12;

7. North $01^{\circ}30'42''$ East, 69.35 feet to a point, being 87.74 feet right of Station 56+02.48;

8. North $48^{\circ}58'26''$ East, 49.38 feet to the True Place of Beginning, and containing 0.181 acres of land.

The bearings for this description are based on a bearing of North $68^{\circ}52'08''$ East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records.

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 $14^{\circ}30'28''$ 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 $12^{\circ}15'14''$ East, a chord distance of 300.46 feet, to a point of tangency, being at Centerline Station 125+21.43;

Thence North $9^{\circ}59'59''$ 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 $80^{\circ}00'01''$ 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, and being the True Place of Beginning;

Thence continuing within said 69 acre tract the following 4 courses:

1. South $10^{\circ}05'49''$ West, along the westerly right-of-way line of Olentangy River Road, 24.97 feet to a point, being 70.26 feet left of Station 126+77.96;
2. South $63^{\circ}18'30''$ West, 32.17 feet to a point, being 96.06 feet left of Station 126+58.74;
3. North $26^{\circ}41'30''$ West, 20.00 feet to a point, being 108.01 feet left of Station 126+74.77;
4. North $63^{\circ}18'30''$ East, 47.13 feet to the True Place of Beginning, and containing 0.018 acres of land.

The bearings for this description are based on a bearing of North $68^{\circ}52'08''$ East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records.

(C) Consideration for the conveyance of the real estate described in division (A) of this section and for the conveyance of the easements described in division (B) of this section is the purchase price of \$1,480,000.00, which shall be paid by the City of Columbus in certain roadway enhancements as described in a real estate purchase contract dated May 12, 2003.

(D) Upon completion of the roadway enhancements described in

division (C) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section and a deed to the easements described in division (B) of this section. The deeds shall state the consideration. The deeds shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Columbus. The City of Columbus shall present the deeds for recording in the Office of the Franklin County Recorder.

(E) The City of Columbus shall pay the costs of the conveyances described in divisions (A) and (B) of this section.

(F) This section expires one year after its effective date.

SECTION 525.90. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Columbus, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

PARCEL 7-WD (0.010 Ac.)

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being part of Lots 3, 4, 5, and 6 of the Jacob Weber Place subdivision, of record in Plat Book 17, Pages 28 and 29, said Lots 3, 4, 5, and 6 also being described in a deed to the State of Ohio, of record in Official Record 16902 B17, all records are on file in the Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by ms consultants, inc. for the City of Columbus, said Parcel 7-WD being more particularly described as follows:

Beginning for Reference at the centerline intersection of Tuttle Park Place and West Lane Avenue, being at Centerline Station 68+12.54;

Thence North 86°20'57" West, along the centerline of West Lane Avenue, a distance of 119.68 feet to a point, being at Centerline Station 66+92.86;

Thence North 3°39'03" East, a distance of 41.53 feet to a point at the southeast corner of said Lot 3, the southwest corner of Lot 2 of said Jacob Weber Place subdivision, on the northerly line of West Lane Avenue, being 41.53 feet left of Station 66+92.86 (witness an iron pin found 41.43' left of sta. 66+92.94), and being the True Place of Beginning;

Thence North 86°17'18" West, along the southerly lines of said Lots 3, 4, 5, and 6, the northerly line of Lane Avenue, a distance of 184.44 feet to a point at the southwest corner of said Lot 6, the southeast corner of Lot 7 of said Jacob Weber Place subdivision, being 41.73 feet left of Station 65+08.41;

Thence North 3°42'42" East, along the easterly line said Lot 7, the westerly line of said Lot 6, a distance of 2.27 feet to a point, being 44.00 feet left of Station 65+08.42;

Thence South 86°20'57" East, passing through said Lots 3, 4, 5, and 6, a distance of 184.44 feet to a point on the easterly line of said Lot 3, on the westerly line of said Lot 2, being 44.00 feet left of Station 66+92.86;

Thence South 3°42'42" West, along the easterly line of said Lot 3, the westerly line of said Lot 2, a distance of 2.47 feet to the True Place of Beginning, and containing 0.010 acres of land.

The bearings for this description are based on a bearing of North 68°52'08" East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plane Coordinate System, Ohio South Zone.

This description was prepared by ms consultants, inc. from an actual field survey (1995-1999) and existing records.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$10,575.00.

(C) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Columbus. The City of Columbus shall present the deed for recording in the Office of the Franklin County Recorder.

(D) The City of Columbus shall pay the costs of the conveyance described in division (A) of this section.

(E) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in the Ohio State University General Fund.

(F) This section expires one year after its effective date.

SECTION 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:

Real estate situated in the County of Union, State of Ohio, and in the Township of Paris, and bounded and described as follows:

Being part of Survey No. 3354, and bounded and described as follows:

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 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.

Containing 4.988 acres, more or less, but subject to the legal road right of way.

Being a part of Tract I described in Union County Deed Record Volume 139 page 309.

LAST DEED REFERENCE: VOLUME 206 PAGE 325, RECORDS OF UNION COUNTY, OHIO.

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of \$230,000.00.

(C) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser or purchasers. The purchaser or purchasers shall present the deed for recording in the Office of the Union County Recorder.

(D) The purchaser or purchasers shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(E) The net proceeds from the sale of the real estate described in division (A) of this section shall be deposited in the Ohio State University General Fund.

(F) This section expires one year after its effective date.

SECTION 527.20. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying jointly to the Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, all of the state's right, title, and interest in the following described real estate:

Parcel One

Situated in the Township of East Union, County of Wayne, State of Ohio and known as being a part of the Southeast and Southwest Quarters of

Section 16 and the Northeast and Northwest Quarters of Section 21, T-16N; R-12W, also known as being a part of lands conveyed to the State of Ohio in Volume 207, Page 223; Volume 207, Page 224; Volume 207, Page 228; Volume 207, Pages 226-227; and Volume 206, Page 454, of Wayne County Deed Records and further bounded and described as follows:

Beginning at a 1" pipe found at the northwest corner of the Northwest Quarter of Section 21:

- 1) Thence N 89° 19' 38" E along the section line and the southerly line of lands conveyed to Oris Earl and Dorothy Ellen Steiner in Volume 545; Page 386 of Wayne County Deed Records a distance of 1363.52 feet to a 1 1/2" pipe found at the southeast corner of Steiner;
- 2) Thence N 00° 20' 53" E along the easterly line of said Steiner a distance of 70.00 feet to a 1" pipe found;
- 3) Thence S 89° 49' 28" E, 809.75 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set on the westerly line of lands conveyed to Wayne County in Volume 720; Page 772 of Wayne County Deed Records;
- 4) Thence S 00° 40' 22" E along the westerly line of said Wayne County a distance of 58.00 feet to a rebar over a stone found on the section line;
- 5) Thence S 00° 40' 21" E along the westerly line of said Wayne County a distance of 240.00 feet to a 5/8" rebar found at the southwest corner thereof;
- 6) Thence N 89° 18' 59" E along the southerly line of said Wayne County a distance of 550.13 feet to a 5/8" rebar found at the southeast corner;
- 7) Thence N 00° 59' 39" E along the easterly line of said Wayne County a distance of 240.00 feet to a rebar over a stone found on the section line;
- 8) Thence N 00° 23' 47" W along the easterly line of said Wayne County a distance of 113.44 feet to a 1" pipe found;
- 9) Thence N 89° 18' 10" E along the southerly line of said Wayne County a distance of 521.12 feet to a 1" pipe found at the southeasterly corner thereof;
- 10) Thence N 00° 36' 26" E along the easterly line of said Wayne County a distance of 150.61 feet to a 1" pipe found;
- 11) Thence S 89° 00' 00" E along the southerly line of said Wayne County a distance of 291.03 feet to a 1" pipe found on the westerly line of lands conveyed to the Wayne County Fire Rescue Association in Volume 663; Page 123 of Wayne County Deed Records;
- 12) Thence S 17° 31' 23" W along the westerly line of said Wayne

County Fire Rescue Association and passing through a 5/8" rebar found at 268.87 feet on the section line a total distance of 662.32 feet to a 5/8" rebar found;

13) Thence S 62° 13' 08" E, 51.88 feet to a 5/8" rebar found;

14) Thence S 05° 53' 22" W along the westerly line of said Wayne County Fire Rescue Association a distance of 466.73 feet to a 5/8" rebar found at a southwesterly corner thereof;

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;

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;

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;

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;

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;

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;

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;

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;

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;

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;

25) Thence northwesterly 129.18 feet along the arc of a curve deflecting to the right, said curve having a radius of 219.70 feet, a central angle of 33° 41' 22" and a chord which bears N 45° 41' 38" W, 127.33 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of reverse curve;

26) Thence northwesterly 225.18 feet along the arc of a curve deflecting

to the left, said curve having a radius of 932.78 feet a central angle of $13^{\circ} 49' 53''$ and a chord which bears $N 35^{\circ} 45' 54'' W$, 224.63 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of compound curve;

27) Thence northwesterly 375.09 feet along the arc of a curve deflecting to the left, said curve having a radius of 267.00 feet, a central angle of $80^{\circ} 29' 25''$ and a chord which bears $N 82^{\circ} 55' 33'' W$, 345.00 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set at a point of reverse curve;

28) Thence southwesterly 306.27 feet long the arc of a curve deflecting to the right, said curve having a radius of 1179.00 feet, a central angle of $14^{\circ} 53' 02''$ and a chord which bears $S 64^{\circ} 16' 16'' W$, 305.41 feet to a 5/8" rebar with I.D. cap marked "S.J.L., INC." set;

29) Thence $S 71^{\circ} 42' 47'' W$, 525.58 feet to a monument spike set on the section line and centerline of Apple Creek Road (C.R. 44);

30) Thence $N 00^{\circ} 00' 03'' W$ along the section line and centerline of Apple Creek Road a distance of 1479.67 feet to the place of beginning and containing within said bounds 130.822 acres of land of which 1.191 acres are in the Southwest Quarter of Section 16, 2.861 acres are in the Southeast Quarter of Section 16, 35.159 acres are in the Northeast Quarter of Section 21 and 91.611 acres are in the Northwest Quarter of Section 21, more or less, and subject to all legal highways and easements of record.

This description was prepared by Virgil D. Landis, P.S. #6551 from a survey made in April of 2000 by Shaffer, Johnston, Lichtenwalter & Associates, Inc. Bearings are based on the Section line between Sections 16 and 21, bearing $N 89^{\circ} 19' 38'' E$ according to record survey "EE"-429.

See Survey "QQ" Page 528.

Excepting therefrom the following described parcel:

Situated in the Township of East Union, County of Wayne, State of Ohio and being known as being a part of the Northeast Quarter of Section 21, T-16N, R-12W and also a part of lands of the State of Ohio as recorded in Official Record 207, Page 224 and being further bounded and described as follows:

Commencing at an iron pin and stone found marking the northeast corner of the Northeast Quarter of Section 21;

Thence $S 86^{\circ} 05' 34'' W$, 855.22 feet with the north line of said Quarter Section to a 5/8" rebar found on the east line of lands of The Wayne County Fire Rescue Assoc. as recorded in Volume 663, Page 123;

Thence continuing $S 86^{\circ} 05' 34'' W$, 1147.11 feet to a 5/8" rebar found on the

easterly line of the Grantor;

Thence S 14°18'47"W, 388.24 feet with the west line of the Grantor to a 5/8" rebar found and being the principal place of beginning of the parcel herein described;

- 1) Thence S 65°08'56"E with a northerly line of the Grantor a distance of 50.85 feet to a 5/8" rebar found;
- 2) Thence S 02°40'46"W with an easterly line of the Grantor a distance of 471.99 feet to a 5/8" rebar found;
- 3) Thence N 88°30'30"E, 327.08 feet with a northerly line of the Grantor a 5/8" rebar found;
- 4) Thence S 01°32'02"E, 442.22 feet with an easterly line of the Grantor to a 5/8" rebar found;
- 5) Thence S 85°51'29"W, 205.84 feet to a 5/8" rebar and cap set;
- 6) Thence N 07°14'47"W, 112.61 feet to a 5/8" rebar and cap set;
- 7) Thence N 85°10'27"W, 150.74 feet to a 5/8" rebar and cap set;
- 8) Thence N 02°28'35"E, 773.07 feet to a 5/8" rebar and cap set;
- 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.

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.

Survey "SS"-779.

Meaning to convey 127.350 acres

Parcel No. 27-01866.000, 27-01867.000, 27-01876.000, 27-_____.

Parcel Two

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:

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;

- 1) Thence N 0°17'16" W, 70.85 feet to an iron pipe found;
- 2) Thence N 89°42'44" E 76.56 feet to an iron pipe found;
- 3) Thence N 01°17'16" W, 70.62 feet to an iron pipe found at the northeast corner of said cemetery;
- 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;

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;

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;

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.

Survey "JJ"-200.

Prior conveyance: Wayne County Deed Vol. 207, Pages 220, 228.

Parcel No. 27-01877.003, 27-01877.000

(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.

(C) Before the execution of the deed described in division (E) of this section, possession of the real estate described in division (A) of this section shall be governed by an existing interim lease between the Ohio Department of Administrative Services and the Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County.

(D) The deed described in division (E) of this section shall be subject to the following restrictions:

(1) Until June 1, 2018, the Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, shall limit their usage, conveyance, or lease of the real estate described in division (A) of this section to a public purpose recognized by the Internal Revenue Service.

(2) If the Village of Apple Creek or the Board of Township Trustees of East Union Township, Wayne County, breaches the restriction set forth in division (D)(1) of this section, they shall pay to the state a sum equal to the balance of the capital bond indebtedness of the Ohio Department of Mental Retardation and Developmental Disabilities for the Apple Creek Developmental Center that, at the time of the breach and as determined by the Office of Budget and Management, is attributable to the real estate described in division (A) of this section.

(E) Upon payment of the purchase price, the Auditor of State, with the

assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and the restrictions described in division (D) of this section. The deed shall be executed by the Governor in the name of the state, be countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in the Office of the Auditor of State. The Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, shall present the deed for recording in the Office of the Wayne County Recorder.

(F) The Village of Apple Creek and the Board of Township Trustees of East Union Township, Wayne County, shall pay the recordation and all other costs of the conveyance of the real estate described in division (A) of this section.

(G) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in the state treasury to the credit of Fund 33 Mental Health Improvement Fund.

(H) This section expires one year after its effective date.

SECTION 527.30. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Three Rivers Fire District, and its successors and assigns, all of the state's rights, title, and interest in the following described real estate:

Situated in the Township of Keene, County of Coshocton, State of Ohio, and being 3.440 acres, more or less, in Lot 19, Plat of Hamilton's Section, DR 6, page 62, in the Fourth Quarter, Township 6 North, Range 6 West, United States Military Lands, conveyed to the State of Ohio, DR 283-536 (part), Parcel No. 017-09400062-00 (part), and being more particularly described as follows:

Commencing at a point at Station 111+50, Cos-36-20.74 R/W Plan, Limited Access, Plat Book 3, page 43;

Thence, N. 13°03'14" E. a distance of 125.00' to a 5/8" rebar set on the North Line of said Limited Access, said rebar being the TRUE POINT OF BEGINNING:

Thence, through the property of State of Ohio, DR 283-536 and with the North Line of said Limited Access, N. 80° 24' 39" W. a distance of 24.20 to a 5/8" rebar set;

Thence, continuing through the property of State of Ohio, DR 283-536, the following 3 courses:

1. thence, N. 10° 55' 32" E. a distance of 76.65' to a 5/8" rebar set;
2. thence, N. 69° 10' 06" E. a distance of 746.20' to a 5/8" rebar set;

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;

Thence, continuing through the property of State of Ohio, Dr 283-536, and with the West right-of-way line of State Road 621, S 44° 44' 18" W. a distance of 461.28' to a 5/8" rebar set;

Thence, continuing through the property of State of Ohio, DR 283-536, and with the North line of said Limited Access, the following 2 courses:

1. thence, S. 74° 02' 13" W. a distance of 296.88' to a 5/8" rebar set;

2. thence, N. 72° 06' 38" W. a distance of 218.95' to the TRUE POINT OF BEGINNING, containing 3.440 acres, more or less, and is subject to all easement, rights-of-way, or restrictions, whether recorded or implied.

Bearings are based on Plat Book 3, page 43 and are for angular calculations only.

Prior Instrument Reference: Deed Book 283, page 536

Parcel Number: 017-09400062-00

(B) Consideration for the conveyance of the real estate described in division (A) of this section shall be a purchase price based upon an appraisal and be approved by the Board of Trustees of The Ohio State University. The Board of Trustees shall cause the real estate to be appraised by one or more disinterested persons at a fee determined by the Board of Trustees. Upon the Board of Trustees' approval of the appraised value, the Board of Trustees shall notify the Three Rivers Fire District in writing of the purchase price for the real estate.

(C) Upon the Three Rivers Fire District's payment of the purchase price as determined in accordance with division (B) of this section for the real estate described in division (A) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Three Rivers Fire District. The Three Rivers Fire District shall present the deed for recording in the Office of the Coshocton County Recorder.

(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 in the City of Columbus:

Together with all right, title and interest in and to the (Ten) 10 foot alley vacated by the City of Columbus Ordinance No. 70-54, passed February 8, 1954.

Contained within Parcel No. 21302

(B) 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 be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in the Office of the Auditor of State. The Board of Education of the Columbus City School District shall present the deed for recording in the Office of the Franklin County Recorder.

(C) This section expires one year after its effective date.

SECTION 527.50. (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' heirs and assigns or successors and assigns, all of the state's right, title, and interest in the following described real estate:

A parcel of land in the northwest quarter and northeast quarter of Section 16, Town 3, United States Reserve in the City of Toledo, Lucas County, Ohio, and being Lot 7 of the Lucas County Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, Page 23, Lucas County Recorder's Office.

Commencing at the north quarter corner of said Section 16;

thence North 90 degrees 00 minutes 00 seconds West a distance of 33.79 feet along the north line of said Section 16, same being the centerline

of Arlington Avenue, as it now exists, to the centerline of Detroit Avenue, as it now exists;

thence South 26 degrees 18 minutes 17 seconds West a distance of 1332.31 feet along the said centerline of Detroit Avenue, as it now exists, to the intersection of said centerline of Detroit Avenue, as it now exists, with the westerly extension of a southerly line of said Lucas County Senior Citizens Complex Plat 1;

thence South 89 degrees 31 minutes 02 seconds East a distance of 55.55 feet along the westerly extension of a southerly line of said Lucas County Senior Citizens Complex Plat 1, to the easterly existing right of way line of Detroit Avenue, as it now exists, said point being a southwesterly corner of said Lucas County Senior Citizens Complex Plat 1;

thence continuing South 89 degrees 31 minutes 02 seconds East a distance of 339.49 feet along a southerly line of said Lucas County Senior Citizens Complex Plat 1 to a point of deflection in said line;

thence South 29 degrees 34 minutes 55 seconds East a distance of 248.26 feet along a southwesterly line of said Lucas County Senior Citizens Complex Plat 1 to a point of deflection in said line;

thence North 60 degrees 25 minutes 05 seconds East a distance of 60.00 feet along a southeasterly line of said Lucas County Senior Citizens Complex Plat 1, to the southerly most corner of said Lot 7, said point being the TRUE POINT OF BEGINNING;

thence North 29 degrees 34 minutes 55 seconds West a distance of 94.65 feet along a southwesterly line of said Lot 7, same being the easterly existing right of way line of Garden Lake Parkway, as it now exists, to a point;

thence North 00 degrees 07 minutes 29 seconds East a distance of 102.88 feet along a westerly line of said Lot 7, same being an easterly line of a parcel of land owned by the State of Ohio as shown on said plat, to a corner of said Lot 7;

thence North 89 degrees 31 minutes 02 seconds West a distance of 57.44 feet along a southerly line of said Lot 7, same being a northerly line of said parcel owned by the State of Ohio, to a corner of said Lot 7;

thence northerly along a westerly line of said Lot 7, same being the easterly existing right of way line of Garden Lake Parkway, as it now exists, along a curve to the right having a radius of 120.82 feet, a central angle of 47 degrees 34 minutes 48 seconds, an arc distance of 100.33 feet to a point of tangency, said curve having a chord direction of North 02 degrees 30 minutes 52 seconds East and a chord length of 97.47 feet;

thence North 26 minutes 18 minutes 17 seconds East a distance of 41.80

feet along a northwesterly line of said Lot 7 and easterly existing right of way line of Garden Lake Parkway, as it now exists, to a northwesterly corner of said Lot 7;

thence South 63 degrees 41 minutes 43 seconds East a distance of 140.74 feet along a northerly line of said Lot 7, same being a southerly line of Lot 8 in said Lucas County Senior Citizens Complex Plat 1, to a corner of said Lot 7;

thence North 44 degrees 56 minutes 46 seconds East a distance of 191.26 feet along an easterly line of said Lot 7, same being a southerly line of said Lot 8, to a northerly corner of said Lot 7;

thence South 45 degrees 03 minutes 14 seconds East a distance of 262.84 feet along a northerly line of said lot 7, same being a southerly line of said Lot 8, to the northeasterly corner of said Lot 7;

thence South 60 degrees 25 minutes 05 seconds West a distance of 421.04 feet along a southeasterly line of said Lot 7, same being a southeasterly line of said Lucas County Senior Citizens Complex Plat 1, to the TRUE POINT OF BEGINNING.

The above described parcel contains 2.138 acres, more or less and is currently known as Lucas County Auditor's Number 09-85811 and is subject to any and all leases, easements or restrictions of record.

This description was prepared by Steven E. Anello and reviewed by Kenneth E. Ducat, Professional Surveyor Number 6783, DGL CONSULTING ENGINEERS, LLC, on September 21, 2006.

The above description is based on the plat of Lucas County Senior Citizens Complex Plat 1 as recorded in Plat Volume 110, Page 23, Lucas County Recorder's Office. Bearings in this description are based on those shown on said plat and are used only for the purpose of describing angular measurements.

(B) The Board of Trustees of the University of Toledo shall negotiate with any potential purchaser or purchasers of the real estate described in division (A) of this section and, in accordance with Chapter 3364. and any other applicable sections of the Revised Code and subject to division (C) of this section, contract for the sale and conveyance of that real estate to the grantee or grantees selected by the Board of Trustees.

(C) Consideration for the conveyance of the real estate described in division (A) of this section shall be a purchase price that is determined by the Board of Trustees of the University of Toledo, but that is at least equal in amount to the appraised value of the real estate as approved by the Board of Trustees. The Board of Trustees shall cause the real estate to be appraised by one or more disinterested persons at a fee determined by the Board of

Trustees. Upon the Board of Trustees' approval of the appraised value, the Board of Trustees shall notify the potential grantee or grantees of the real estate in writing of the purchase price for the real estate.

(D) Upon the grantee's or grantees' payment of the purchase price as determined in accordance with division (C) of this section for the real estate described in division (A) of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the grantee or grantees. The grantee or grantees shall present the deed for recording in the office of the Lucas County Recorder.

(E) The net proceeds of the sale of the real estate described in division (A) of this section shall be paid to the General Revenue Fund.

(F) Except as otherwise provided in this division, and unless 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 items of law that can be given effect without the invalid item of law or application.

SECTION 609.03. An item of law that composes the whole or part of a section of law contained in this act that makes, or that provides for funding of, an appropriation or reappropriation of money has no effect after June 30,

2008, unless its context clearly indicates otherwise.

SECTION 612.03. Except as otherwise specifically provided in this act, the amendment or enactment of the sections of law contained in this act, and the items of law of which the amendments or enactments are composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments or enactments, and the items of law of which the amendments or enactments are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such amendment or enactment, or against any item of law of which any such amendment or enactment is composed, the amendment or enactment, or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 615.03. The amendment or enactment by this act of the sections of law listed in this section, and the items of law of which the amendments or enactments are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments or enactments, and the items of law of which the amendments or enactments are composed, go into immediate effect when this act becomes law.

Sections 121.482, 3333.34, 3706.01, 5111.88, 5727.84, and 5919.31 of the Revised Code.

The version of section 5502.62 of the Revised Code resulting from Section 101.01 of this act.

Sections 203.12.06, 203.24, 203.27, 203.57, 203.81, 203.99, 206.33, 206.66.06, 209.54, 209.63, 209.63.03, 209.63.30, 209.93, and 212.30 of Am. Sub. H.B. 66 of the 126th General Assembly.

Sections 110.07, 110.08, 110.09, 235.60.70, 401.10, 401.11, 405.10, 405.11, 405.16, 405.17, 411.10, 411.11, 501.10, 501.20, 503.10, 507.10, 507.20, 509.10, 511.10, and 513.10 of this act.

Sections 615.03, 615.09, and 623.03 of this act.

SECTION 615.09. The amendment or enactment by this act of the sections of law listed in this section are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471

of the Revised Code, the amendments or enactments, and the items of law of which amendments or enactments are composed, go into effect as specified in this section.

Section 4919.76 of the Revised Code takes effect January 1, 2007.

The version of section 5502.62 of the Revised Code resulting from Sections 110.07 and 110.08 of this act takes effect April 1, 2007.

SECTION 618.03. The amendment or enactment by this act of the sections of law listed in this section provides for or is essential to implementation of a tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, the amendments and enactments, and the items of which the amendments and enactments are composed, are not subject to the referendum and go into immediate effect when this act becomes law.

Sections 133.07, 133.08, 133.20, 307.695, 5701.11, 5709.083, 5739.09, 5748.01, 5748.021, and 5748.081 of the Revised Code.

Section 618.03 of this act.

SECTION 619.03. The amendments by this act to section 340.03 of the Revised Code are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code:

(A) Except as specified in division (B) of this section, the amendments take effect on the ninety-first day after this act is filed with the Secretary of State.

(B) The amendments to division (A)(1)(c) of section 340.03 of the Revised Code beginning with the strike through of "Eligibility" and continuing through the third paragraph of that division created by the amendments and the amendments to division (A)(8)(a) of section 340.03 of the Revised Code take effect July 1, 2007.

If, however, a referendum petition is filed against any of the amendments, the amendment, unless rejected at the referendum, goes into effect at the earliest time permitted by law that is on or after the effective date specified by this section.

SECTION 619.06. The amendments of section 5119.611 of the Revised Code are subject to the referendum. Therefore under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendments take effect July 1, 2007. If however, a referendum petition is

filed against any of the amendments, the amendment, unless rejected at the referendum, goes into effect at the earliest time permitted by law that is on or after the effective date specified by this section.

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.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 699

461

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____