

**As Reported by the Senate Agriculture and Natural Resources
Committee**

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Sub. H. B. No. 397

Representatives Stewart, Kick

**Cosponsors: Representatives Bird, Click, Creech, Hall, John, Johnson, Lanese,
Miller, J., Plummer, Riedel, Swearingen, West, Young, T., Koehler, Jones, O'Brien,
Baldrige, Brent, Brown, Carfagna, Carruthers, Cross, Crossman, Fraizer,
Galonski, Ginter, Grendell, Gross, Hicks-Hudson, Hillyer, Jarrells, Leland,
Lightbody, McClain, Miller, K., Oelslager, Roemer, Russo, Sheehy, Sobecki, Stein,
Upchurch, Speaker Cupp**

Senators Hackett, Huffman, S., Maharath, Schaffer

A BILL

To amend sections 164.02, 164.05, 164.06, 164.08, 1
164.20, 164.22, 164.26, 940.05, 1509.28, and 2
3781.1011 and to enact sections 126.62 and 3
5301.71 of the Revised Code to revise the law 4
regarding agricultural leases and soil and water 5
conservation districts; to modify the laws 6
governing the Ohio Public Works Commission, 7
district public works integrating committees, 8
and natural resources assistance councils; to 9
convey state-owned land in Fairfield County to 10
the board of commissioners of Fairfield County; 11
to create the Investing in Ohio Fund; to revise 12
the law governing the issuance of unit operation 13
orders under the Oil and Gas Law; and to make an 14
appropriation. 15

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

Section 1. That sections 164.02, 164.05, 164.06, 164.08, 16
164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 be 17
amended and sections 126.62 and 5301.71 of the Revised Code be 18
enacted to read as follows: 19

Sec. 126.62. The investing in Ohio fund is hereby created 20
in the state treasury. Moneys in the fund shall be used to 21
promote economic development throughout the state, including 22
infrastructure improvements. 23

Sec. 164.02. (A) There is hereby created the Ohio public 24
works commission consisting of seven members who shall be 25
appointed as follows: two persons shall be appointed by the 26
speaker of the house of representatives; one person shall be 27
appointed by the minority leader of the house of 28
representatives; two persons shall be appointed by the president 29
of the senate; one person shall be appointed by the minority 30
leader of the senate; and one person from the private sector, 31
who shall have ~~at least eight years~~ experience in matters of 32
public finance, shall be appointed alternately by the speaker of 33
the house of representatives and the president of the senate, 34
with the speaker of the house making the first appointment. The 35
director of transportation, the director of environmental 36
protection, the director of development, the director of natural 37
resources, and the chairperson of the Ohio water development 38
authority shall be nonvoting, ex officio members of the 39
commission. The initial appointments made to the commission by 40
the minority leaders of the senate and house of representatives 41
and one of the initial appointments made by the speaker of the 42
house of representatives and the president of the senate shall 43
be for terms ending December 31, 1989; one of the initial 44
appointments made by the speaker of the house of representatives 45
and the president of the senate shall be for terms ending 46

December 31, 1990; and the initial term of the appointment to 47
the commission that is alternately made by the speaker of the 48
house of representatives and the president of the senate shall 49
be for a term ending December 31, 1989. Thereafter, terms of 50
office shall be for three years, each term ending on the same 51
day of the same month of the year as did the term which it 52
succeeds. Each member shall hold office from the date of 53
appointment until the end of the term for which the member is 54
appointed. Members may be reappointed one time. Vacancies shall 55
be filled in the same manner provided for original appointments. 56
Any member appointed to fill a vacancy occurring prior to the 57
expiration date of the term for which the member's predecessor 58
was appointed shall hold office for the remainder of that term. 59
A member shall continue in office subsequent to the expiration 60
date of the member's term until the member's successor takes 61
office or until a period of sixty days has elapsed, whichever 62
occurs first. 63

The commission shall elect a chairperson, vice- 64
chairperson, and other officers as it considers advisable. Four 65
voting members constitute a quorum. Members of the commission 66
shall serve without compensation but shall be reimbursed for 67
their actual and necessary expenses incurred in the performance 68
of their duties. 69

(B) The Ohio public works commission shall: 70

(1) Review and evaluate persons who will be recommended to 71
the governor for appointment to the position of director of the 72
Ohio public works commission, and, when the commission considers 73
it appropriate, recommend the removal of a director; 74

(2) Provide the governor with a list of names of three 75
persons who are, in the judgment of the commission, qualified to 76

be appointed to the position of director. The commission shall 77
provide the list, which may include the name of the incumbent 78
director to the governor, not later than sixty days prior to the 79
expiration of the term of such incumbent director. A director 80
shall serve a two-year term upon initial appointment, and four- 81
year terms if subsequently reappointed by the governor; however, 82
the governor may remove a director at any time following the 83
commission's recommendation of such action. Upon the expiration 84
of a director's term, or in the case of the resignation, death, 85
or removal of a director, the commission shall provide such list 86
of the names of three persons to the governor within thirty days 87
of such expiration, resignation, death, or removal. Nothing in 88
this section shall prevent the governor, in the governor's 89
discretion, from rejecting all of the nominees of the commission 90
and requiring the commission to select three additional 91
nominees. However, when the governor has requested and received 92
a second list of three additional names, the governor shall make 93
the appointment from one of the names on the first list or the 94
second list. Appointment by the governor is subject to the 95
advice and consent of the senate. 96

In the case of the resignation, removal, or death of the 97
director during the director's term of office, a successor shall 98
be chosen for the remainder of the term in the same manner as is 99
provided for an original appointment. 100

(3) Provide oversight to the director and advise in the 101
development of policy guidelines for the implementation of this 102
chapter, and report and make recommendations to the general 103
assembly with respect to such implementation; 104

(4) Adopt bylaws to govern the conduct of the commission's 105
business; 106

(5) Appoint the members of the Ohio small government capital improvements commission in accordance with division (C) of this section.

(C)(1) There is hereby created the Ohio small government capital improvements commission. The commission shall consist of ten members, including the director of transportation, the director of environmental protection, and the chairperson of the Ohio water development authority as nonvoting, ex officio members and seven voting members appointed by the Ohio public works commission. Each such appointee shall be a member of a district public works integrating committee who was appointed to the integrating committee pursuant to the majority vote of the chief executive officers of the villages of the appointee's district or by a majority of the boards of township trustees of the appointee's district.

(2) Two of the initial appointments shall be for terms ending two years after March 29, 1988. The remaining initial appointments shall be for terms ending three years after March 29, 1988. Thereafter, terms of office shall be for two years, with each term ending on the same date of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member is appointed. Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office after the expiration of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members of the commission may be reappointed. No more than two members of the

commission may be members of the same district public works 138
integrating committee. 139

(3) The Ohio small government capital improvements 140
commission shall elect one of its appointed members as 141
chairperson and another as vice-chairperson. Four voting members 142
of the commission constitute a quorum, and the affirmative vote 143
of four appointed members is required for any action taken by 144
vote of the commission. No vacancy in the membership of the 145
commission shall impair the right of a quorum by an affirmative 146
vote of four appointed members to exercise all rights and 147
perform all duties of the commission. Members of the commission 148
shall serve without compensation, but shall be reimbursed for 149
their actual and necessary expenses incurred in the performance 150
of their duties. 151

(D) The Ohio small government capital improvements 152
commission shall: 153

(1) Advise the general assembly on the development of 154
policy guidelines for the implementation of this chapter, 155
especially as it relates to the interests of small governments 156
and the use of the portion of bond proceeds set aside for the 157
exclusive use of townships and villages; 158

(2) Advise the township and village subcommittees of the 159
various district public works integrating committees concerning 160
the selection of projects for which the use of such proceeds 161
will be authorized; 162

(3) Affirm or overrule the recommendations of its 163
administrator made in accordance with section 164.051 of the 164
Revised Code concerning requests from townships and villages for 165
financial assistance for capital improvement projects. 166

(E) Membership on the Ohio public works commission or the Ohio small government capital improvements commission does not constitute the holding of a public office. No appointed member shall be required, by reason of section 101.26 of the Revised Code, to resign from or forfeit membership in the general assembly.

Notwithstanding any provision of law to the contrary, a county, municipal, or township public official may serve as a member of the Ohio public works commission or the Ohio small government capital improvements commission.

Members of the commissions established by this section do not have an unlawful interest in a public contract under section 2921.42 of the Revised Code solely by virtue of the receipt of financial assistance under this chapter by the local subdivision of which they are also a public official or appointee.

~~(F) The director of the Ohio public works commission shall administer the small counties capital improvement program, which is hereby created. The program shall provide financial assistance to county governments of counties that have a population of less than eighty five thousand according to the most recent decennial census. Under the program, the director shall review and may approve projects submitted by subcommittees of district public works integrating committees under division (E) of section 164.06 of the Revised Code. In approving projects, the director shall be guided by the provisions of division (B) of that section, while taking into consideration the special capital improvement needs of small counties.~~

Sec. 164.05. (A) The director of the Ohio public works commission shall do all of the following:

(1) Approve requests for financial assistance from	196
district public works integrating committees and enter into	197
agreements with one or more local subdivisions to provide loans,	198
grants, and local debt support and credit enhancements for a	199
capital improvement project if the director determines that:	200
(a) The project is an eligible project pursuant to this	201
chapter;	202
(b) The financial assistance for the project has been	203
properly approved and requested by the district committee of the	204
district which includes the recipient of the loan or grant;	205
(c) The amount of the financial assistance, when added to	206
all other financial assistance provided during the fiscal year	207
for projects within the district, does not exceed that	208
district's allocation of money from the state capital	209
improvements fund for that fiscal year;	210
(d) The district committee has provided such documentation	211
and other evidence as the director may require that the district	212
committee has satisfied the requirements of section 164.06 or	213
164.14 of the Revised Code;	214
(e) The portion of a district's annual allocation which	215
the director approves in the form of loans and local debt	216
support and credit enhancements for eligible projects is	217
consistent with divisions (E) and (F) of this section.	218
(2) Authorize payments to local subdivisions or their	219
contractors for costs incurred for capital improvement projects	220
which have been approved pursuant to this chapter. All requests	221
for payments shall be submitted to the director on forms and in	222
accordance with procedures specified in rules adopted by the	223
director pursuant to division (A) (4) of this section.	224

(3) Retain the services of or employ financial	225
consultants, engineers, accountants, attorneys, and such other	226
employees as the director determines are necessary to carry out	227
the director's duties under this chapter and fix the	228
compensation for their services. From among these employees, the	229
director shall appoint a deputy with the necessary	230
qualifications to act as the director when the director is	231
absent or temporarily unable to carry out the duties of office.	232
(4) Adopt rules establishing the procedures for making	233
applications, reviewing, approving, and rejecting projects for	234
which assistance is authorized under this chapter, and any other	235
rules needed to implement the provisions of this chapter. Such	236
rules shall be adopted under Chapter 119. of the Revised Code.	237
(5) Provide information and other assistance to local	238
subdivisions and district public works integrating committees in	239
developing their requests for financial assistance for capital	240
improvements under this chapter and encourage cooperation and	241
coordination of requests and the development of multisubdivision	242
and multidistrict projects in order to maximize the benefits	243
that may be derived by districts from each year's allocation;	244
(6) Require local subdivisions, to the extent practicable,	245
to use Ohio products, materials, services, and labor in	246
connection with any capital improvement project financed in	247
whole or in part under this chapter;	248
(7) Notify the director of budget and management of all	249
approved projects, and supply all information necessary to track	250
approved projects through the state accounting system;	251
(8) Appoint the administrator of the Ohio small government	252
capital improvements commission;	253

(9) Do all other acts, enter into contracts, and execute	254
all instruments necessary or appropriate to carry out this	255
chapter;	256
(10) Develop a standardized methodology for evaluating	257
local subdivision capital improvement needs that permits a	258
district public works integrating committee to consider, when	259
addressing a subdivision's project application, the	260
subdivision's existing capital improvements, the condition of	261
those improvements, and the subdivision's projected capital	262
improvement needs in that five-year period following the	263
application date;	264
(11) Establish a program to provide local subdivisions	265
with technical assistance in preparing project applications. The	266
program shall be designed to assist local subdivisions that lack	267
the financial or technical resources to prepare project	268
applications on their own.	269
(B) When the director of the Ohio public works commission	270
decides to conditionally approve or disapprove projects, the	271
director's decisions and the reasons for which they are made	272
shall be made in writing. These written decisions shall be	273
conclusive for the purposes of the validity and enforceability	274
of such determinations.	275
(C) Fees, charges, rates of interest, times of payment of	276
interest and principal, and other terms, conditions, and	277
provisions of and security for financial assistance provided	278
pursuant to the provisions of this chapter shall be such as the	279
director determines to be appropriate. If any payments required	280
by a loan agreement entered into pursuant to this chapter are	281
not paid, the funds which would otherwise be apportioned to the	282
local subdivision from the county undivided local government	283

fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer shall, at the direction of the director, pay the amount of such reductions to the state capital improvements revolving loan fund. The director may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local government fund could be reduced pursuant to this division, but such a renegotiation may occur only one time with respect to any particular loan agreement.

(D) Grants approved for the repair and replacement of existing infrastructure pursuant to this chapter shall not exceed ninety per cent of the estimated total cost of the capital improvement project. Grants approved for new or expanded infrastructure shall not exceed fifty per cent of the estimated cost of the new or expansion elements of the capital improvement project. A local subdivision share of the estimated cost of a capital improvement may consist of any of the following:

(1) The reasonable value, as determined by the director or the administrator, of labor, materials, and equipment that will be contributed by the local subdivision in performing the capital improvement project;

(2) Moneys received by the local subdivision in any form from an authority, commission, or agency of the United States for use in performing the capital improvement project;

(3) Loans made to the local subdivision under this chapter;

(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project.

A local subdivision share of the cost of a capital improvement shall not include any amounts awarded to it from the local transportation improvement program fund created in section 164.14 of the Revised Code.

(E) The following portion of a district public works integrating committee's annual allocation share pursuant to section 164.08 of the Revised Code may be awarded to subdivisions only in the form of interest-free, low-interest, market rate of interest, or blended-rate loans:

A	1	2
	YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS
B	Year 1	0%
C	Year 2	0%
D	Year 3	10%
E	Year 4	12%
F	Year 5	15%
G	Year 6	20%
H	Year 7, 8, 9, and 10	22%

(F) The following portion of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code shall be awarded to subdivisions in

the form of local debt support and credit enhancements: 326

327

	1	2
A	YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS
B	Year 1	0%
C	Year 2	0%
D	Year 3	3%
E	Year 4	5%
F	Year 5	5%
G	Year 6	7%
H	Year 7	7%
I	Year 8	8%
J	Year 9	8%
K	Year 10	8%

(G) For the period commencing on March 29, 1988, and 328
 ending on June 30, 1993, for the period commencing July 1, 1993, 329
 and ending June 30, 1999, and for each five-year period 330
 thereafter, the total amount of financial assistance awarded 331
 under sections 164.01 to 164.08 of the Revised Code for capital 332
 improvement projects located wholly or partially within a county 333

shall be equal to at least thirty per cent of the amount of what 334
the county would have been allocated from the obligations 335
authorized to be sold under this chapter during each period, if 336
such amounts had been allocable to each county on a per capita 337
basis. 338

(H) The amount of the annual allocations made pursuant to 339
divisions (B) (1) and ~~(5)~~ (4) of section 164.08 of the Revised 340
Code which can be used for new or expanded infrastructure is 341
limited as follows: 342

343

	1	2
A	YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION WHICH MAY BE USED FOR NEW OR EXPANSION INFRASTRUCTURE
B	Year 1	5%
C	Year 2	5%
D	Year 3	10%
E	Year 4	10%
F	Year 5	10%
G	Year 6	15%
H	Year 7	15%
I	Year 8	20%
J	Year 9	20%

the Ohio public works commission. In order to provide for the 363
efficient use of the district's state capital improvements fund 364
allocation each year, a district committee shall assist its 365
subdivisions in the preparation and coordination of project 366
plans. 367

(B) In selecting the requests for assistance for capital 368
improvement projects which will be submitted to the director, 369
and in determining the nature, amount, and terms of the 370
assistance that will be requested, a district public works 371
integrating committee shall give priority to capital improvement 372
projects for the repair or replacement of existing 373
infrastructure and which would be unlikely to be undertaken 374
without assistance under this chapter, and shall specifically 375
consider all of the following factors: 376

(1) The infrastructure repair and replacement needs of the 377
district; 378

(2) The age and condition of the system to be repaired or 379
replaced; 380

(3) Whether the project would generate revenue in the form 381
of user fees or assessments; 382

(4) The importance of the project to the health and safety 383
of the citizens of the district; 384

(5) The cost of the project and whether it is consistent 385
with division (G) of section 164.05 of the Revised Code and the 386
district's allocation for grants, loans, and local debt support 387
and credit enhancements for that year; 388

(6) The effort and ability of the benefited local 389
subdivisions to assist in financing the project; 390

(7) The availability of federal or other funds for the project;	391 392
(8) The overall economic health of the particular local subdivision;	393 394
(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;	395 396 397
(10) Any other factors relevant to a particular project.	398
(C) When applying the methodology under division (A) (10) of section 164.05 of the Revised Code, a district public works integrating committee may require a subdivision to submit information on its capital infrastructure as part of an application for assistance in financing a capital improvement project under this section.	399 400 401 402 403 404
(D) In addition to reviewing and selecting the projects for which approval will be sought from the director of the Ohio public works commission for financial assistance from the state capital improvements fund, each district public works integrating committee shall appoint a subcommittee of its members that will represent the interests of villages and townships and that will review and select the capital improvement projects which will be submitted by the subcommittee to the administrator of the Ohio small government capital improvements commission for consideration of assistance from the portion of the net proceeds of obligations issued and sold by the treasurer of state which is allocated pursuant to division (B) (1) of section 164.08 of the Revised Code. In reviewing and approving the projects selected by its subcommittee, the administrator, and the Ohio small government capital	405 406 407 408 409 410 411 412 413 414 415 416 417 418 419

improvements commission shall be guided by the provisions of 420
division (B) of this section, and shall also take into account 421
the fact that villages and townships may have different public 422
infrastructure needs than larger subdivisions. 423

~~(E) The district public works integrating committee for 424
each district that includes at least one county with a 425
population of less than eighty five thousand according to the 426
most recent decennial census shall appoint a subcommittee of its 427
members for the purposes of the small counties capital 428
improvement program created under division (F) of section 164.02 429
of the Revised Code. The subcommittee shall select and submit to 430
the director the projects that will be considered for assistance 431
from the money allocated to the program under division (B) (3) of 432
section 164.08 of the Revised Code. 433~~

Sec. 164.08. (A) Except as provided in sections 151.01 and 434
151.08 or section 164.09 of the Revised Code, the net proceeds 435
of obligations issued and sold by the treasurer of state 436
pursuant to section 164.09 of the Revised Code before September 437
30, 2000, or pursuant to sections 151.01 and 151.08 of the 438
Revised Code, for the purpose of financing or assisting in the 439
financing of the cost of public infrastructure capital 440
improvement projects of local subdivisions, as provided for in 441
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 442
and this chapter, shall be paid into the state capital 443
improvements fund, which is hereby created in the state 444
treasury. Investment earnings on moneys in the fund shall be 445
credited to the fund. 446

(B) Beginning July 1, 2016, each program year the amount 447
of obligations authorized by the general assembly in accordance 448
with sections 151.01 and 151.08 or section 164.09 of the Revised 449

Code, excluding the proceeds of refunding or renewal 450
obligations, shall be allocated by the director of the Ohio 451
public works commission as follows: 452

(1) First, ten per cent of the amount of obligations 453
authorized shall be allocated to provide financial assistance to 454
villages and to townships with populations in the unincorporated 455
areas of the township of less than five thousand persons, for 456
capital improvements in accordance with section 164.051 and 457
division (D) of section 164.06 of the Revised Code. As used in 458
division (B) (1) of this section, "capital improvements" includes 459
resurfacing and improving roads. 460

(2) Following the allocation required by division (B) (1) 461
of this section, the director may allocate two per cent of the 462
authorized obligations to provide financial assistance to local 463
subdivisions for capital improvement projects which in the 464
judgment of the director of the Ohio public works commission are 465
necessary for the immediate preservation of the health, safety, 466
and welfare of the citizens of the local subdivision requesting 467
assistance. Starting July 1, 2021, the director may allocate up 468
to six per cent of authorized obligations as provided in this 469
division. 470

~~(3) For program years twelve and fourteen that obligations~~ 471
~~are authorized and available for allocation under this chapter,~~ 472
~~two million dollars each program year shall be allocated to the~~ 473
~~small county capital improvement program for use in providing~~ 474
~~financial assistance under division (F) of section 164.02 of the~~ 475
~~Revised Code.~~ 476

~~(4)~~The director shall determine the amount of the 477
remaining obligations authorized to be issued and sold that each 478
county would receive if such amounts were allocated on a per 479

capita basis each year. If a county's per capita share for the 480
year would be less than three hundred thousand dollars, the 481
director shall allocate to the district in which that county is 482
located an amount equal to the difference between three hundred 483
thousand dollars and the county's per capita share. 484

~~(5)~~(4) After making the allocation required by division 485
~~(B) (4)~~(B) (3) of this section, the director shall allocate the 486
remaining amount to each district on a per capita basis. 487

(C) (1) There is hereby created in the state treasury the 488
state capital improvements revolving loan fund, into which shall 489
be deposited all repayments of loans made to local subdivisions 490
for capital improvements pursuant to this chapter. Investment 491
earnings on moneys in the fund shall be credited to the fund. 492

(2) There may also be deposited in the state capital 493
improvements revolving loan fund moneys obtained from federal or 494
private grants, or from other sources, which are to be used for 495
any of the purposes authorized by this chapter. Such moneys 496
shall be allocated each year in accordance with division ~~(B) (5)~~ 497
(B) (4) of this section. 498

(3) Moneys deposited into the state capital improvements 499
revolving loan fund shall be used to make loans for the purpose 500
of financing or assisting in the financing of the cost of 501
capital improvement projects of local subdivisions. 502

(4) Investment earnings credited to the state capital 503
improvements revolving loan fund that exceed the amounts 504
required to meet estimated federal arbitrage rebate requirements 505
shall be used to pay costs incurred by the public works 506
commission in administering this section. Investment earnings 507
credited to the state capital improvements revolving loan fund 508

that exceed the amounts required to pay for the administrative 509
costs and estimated rebate requirements shall be allocated to 510
each district on a per capita basis. 511

(5) Each program year, loan repayments received and on 512
deposit in the state capital improvements revolving loan fund 513
shall be allocated as follows: 514

(a) Each district public works integrating committee shall 515
be allocated an amount equal to the sum of all loan repayments 516
made to the state capital improvements revolving loan fund by 517
local subdivisions that are part of the district. Moneys not 518
used in a program year may be used in the next program year in 519
the same manner and for the same purpose as originally 520
allocated. 521

(b) Loan repayments made pursuant to projects approved 522
under division (B) (1) of this section shall be used to make 523
loans in accordance with section 164.051 and division (D) of 524
section 164.06 of the Revised Code. Allocations for this purpose 525
made pursuant to division (C) (5) of this section shall be in 526
addition to the allocation provided in division (B) (1) of this 527
section. 528

(c) Loan repayments made pursuant to projects approved 529
under division (B) (2) of this section shall be used to make 530
loans in accordance with division (B) (2) of this section. 531
Allocations for this purpose made pursuant to division (C) (5) of 532
this section shall be in addition to the allocation provided in 533
division (B) (2) of this section. 534

(d) Loans made from the state capital improvements 535
revolving loan fund shall not be limited in their usage by 536
divisions (E), (F), (G), (H), and (I) of section 164.05 of the 537

Revised Code. 538

(D) Investment earnings credited to the state capital 539
improvements fund that exceed the amounts required to meet 540
estimated federal arbitrage rebate requirements shall be used to 541
pay costs incurred by the public works commission in 542
administering sections 164.01 to 164.12 of the Revised Code. 543

(E) The director of the Ohio public works commission shall 544
notify the director of budget and management of the amounts 545
allocated pursuant to this section and such information shall be 546
entered into the state accounting system. The director of budget 547
and management shall establish appropriation line items as 548
needed to track these allocations. 549

(F) If the amount of a district's allocation in a program 550
year exceeds the amount of financial assistance approved for the 551
district by the commission for that year, the remaining portion 552
of the district's allocation shall be added to the district's 553
allocation pursuant to division (B) of this section for the next 554
succeeding year for use in the same manner and for the same 555
purposes as it was originally allocated, except that any portion 556
of a district's allocation which was available for use on new or 557
expanded infrastructure pursuant to division (H) of section 558
164.05 of the Revised Code shall be available in succeeding 559
years only for the repair and replacement of existing 560
infrastructure. 561

(G) When an allocation based on population is made by the 562
director pursuant to division (B) of this section, the director 563
shall use the most recent decennial census statistics, and shall 564
not make any reallocations based upon a change in a district's 565
population. 566

Sec. 164.20. (A) Notwithstanding section 164.01 of the Revised Code, as used in sections 164.20 to 164.27 of the Revised Code, "local political subdivision" means a county, municipal corporation, township, conservancy district, soil and water conservation district, lake facilities authority, joint recreation district, park district, or other similar park authority.

(B) As used in sections 164.20 to 164.27 of the Revised Code, "nonprofit organization" means an environmental and conservation organization that is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and described in 26 U.S.C. 501(c) and ~~that has as one of its designated activities, as indicated on United States internal revenue service form 1023-~~ "recognition of exemption," an activity that is directly related to the purposes for which grants may be issued under sections 164.20 to 164.27 of the Revised Code as described in divisions (A) and (B) of section 164.22 of the Revised Code formed to protect the natural environment.

(C) For the purposes of sections 164.20 to 164.27 of the Revised Code, the definition of "project" in section 164.01 of the Revised Code does not apply.

Sec. 164.22. Natural resources assistance councils shall review and approve or disapprove applications in accordance with sections 164.20 to 164.27 of the Revised Code for grants for projects that propose to do any of the following:

(A) Provide for open space acquisition, including the acquisition of easements, or the related ~~development~~ improvement of open spaces acquired with a grant awarded under sections 164.20 to 164.27 of the Revised Code. Open space acquisition projects include acquisition of land or rights in land for

parks, forests, wetlands, natural areas that protect an 597
endangered plant or animal population, other natural areas, and 598
connecting corridors for natural areas. Related ~~development~~ 599
improvement projects include projects for the construction or 600
enhancement of facilities that are necessary to make an open 601
space area accessible and useable by the general public. 602
Projects proposed pursuant to division (A) of this section shall 603
emphasize the following: 604

(1) The support of comprehensive open space planning and 605
incorporation of aesthetically pleasing and ecologically 606
informed design; 607

(2) The enhancement of economic ~~development~~improvement 608
that relies on recreation and ecotourism in areas with 609
relatively high unemployment and lower incomes; 610

(3) The protection of habitat for rare, threatened, and 611
endangered species or the preservation of high quality, viable 612
habitat for plant and animal species; 613

(4) The preservation of existing high quality wetlands or 614
other scarce natural resources within the geographical 615
jurisdiction of the council; 616

(5) The enhancement of educational opportunities and 617
provision of physical links to schools and after-school centers; 618

(6) The preservation or restoration of water quality, 619
natural stream channels, functioning floodplains, wetlands, 620
streamside forests, and other natural features that contribute 621
to the quality of life in this state and to the state's natural 622
heritage. Projects ~~shall not include hydromodification projects~~ 623
~~such as dams, dredging, sedimentation, and bank clearing and~~ 624
shall not accelerate untreated water runoff or encourage 625

invasive nonnative species.	626
(7) The reduction or elimination of nonnative, invasive species of plants or animals;	627 628
(8) The proper management of areas where safe fishing, hunting, and trapping may take place in a manner that will preserve a balanced natural ecosystem.	629 630 631
(B) Protect and enhance riparian corridors or watersheds, including the protection and enhancement of streams, rivers, lakes, and other waters of the state. Such projects may include, without limitation, the reforestation of land or the planting of vegetation for filtration purposes; the fee simple acquisition of lands for the purpose of providing access to riparian corridors or watersheds or for other purposes necessary for the protection and enhancement of riparian corridors or watersheds; and the acquisition of easements for the purpose of protecting and enhancing riparian corridors or watersheds. Projects proposed pursuant to division (B) of this section shall emphasize the following:	632 633 634 635 636 637 638 639 640 641 642 643
(1) The increase of habitat protection;	644
(2) Inclusion as part of a stream corridor-wide or watershed-wide plan;	645 646
(3) The provision of multiple recreational, economic, and aesthetic preservation benefits;	647 648
(4) The preservation or restoration of floodplain and streamside forest functions;	649 650
(5) The preservation of headwater streams;	651
(6) The restoration and preservation of aquatic biological communities.	652 653

~~Projects shall not initiate or perpetuate~~ 654
~~hydromodification projects such as dams, ditch development, or~~ 655
~~channelization.~~ 656

Grant moneys may be used for preliminary costs related to 657
projects that are eligible for funding under this section, 658
including planning costs, design costs, engineering costs, costs 659
of appraisals, environmental assessments, and archaeological 660
surveys. 661

Sec. 164.26. (A) The director of the Ohio public works 662
commission shall establish policies related to the need for 663
long-term ownership, or long-term control through a lease or the 664
purchase of an easement, of real property that is the subject of 665
an application for a grant under sections 164.20 to 164.27 of 666
the Revised Code and establish requirements for documentation to 667
be submitted by grant applicants that is necessary for the 668
proper administration of this division. The policies shall 669
provide for proper liquidated damages and grant repayment for 670
entities that fail to comply with the long-term ownership or 671
control requirements established under this division. 672

The director also shall adopt policies delineating what 673
constitutes administrative costs for purposes of division (F) of 674
section 164.27 of the Revised Code. 675

(B) The Ohio public works commission shall administer 676
sections 164.20 to 164.27 of the Revised Code and shall exercise 677
any authority and use any procedures granted or established 678
under sections 164.02 and 164.05 of the Revised Code that are 679
necessary for that purpose. 680

(C) Technical assistance provided by the Ohio public works 681
commission does not constitute approval or denial of an 682

application submitted under section 164.23 of the Revised Code. 683

Sec. 940.05. (A) The board of supervisors of a soil and 684
water conservation district shall consist of five supervisors, 685
as provided for in section 940.04 of the Revised Code. 686

(B) The board shall organize annually by selecting a 687
chairperson, a secretary, and a treasurer. It shall designate 688
one of its members as fiscal agent. A majority of the board 689
shall constitute a quorum. The concurrence of a majority of the 690
board in any matter shall be required for its determination. A 691
supervisor shall receive no compensation for the supervisor's 692
services, except when both of the following occur: 693

~~(A)~~ (1) A district board of supervisors designates one or 694
more of its supervisors to represent the district on a joint 695
district board or if an agency or instrumentality of the United 696
States, of this state, or of a political subdivision of this 697
state requires or requests district board representation; 698

~~(B)~~ (2) Such compensation is provided for by public moneys 699
other than moneys in the special fund of the local district 700
created pursuant to section 940.12 of the Revised Code. 701

(C) A supervisor is entitled to be reimbursed for the 702
necessary expenses incurred in the discharge of official duties. 703

(D) The board of supervisors shall furnish to the Ohio 704
soil and water conservation commission, upon its request, copies 705
of rules, orders, contracts, forms, and other documents it 706
adopts or employs and other information concerning its 707
activities as it requires in the performance of its duties under 708
this chapter. 709

(E) At least once each year, a district shall submit to 710
the commission a report of progress and operations, including a 711

summary of receipts and disbursements during the period covered 712
by the report. A district shall submit additional financial 713
reports as requested by the commission. 714

~~The board shall provide for the execution of surety bonds~~ 715
~~for~~ (F) For all employees and officers who are entrusted with 716
funds and, the board shall either: 717

(1) Provide for the execution of surety bonds; 718

(2) By resolution, adopt a policy to allow for use of an 719
employee dishonesty and faithful performance of duty insurance 720
policy to cover financial or property loss caused by the 721
fraudulent or dishonest actions of, and the failure to perform a 722
duty prescribed by law for, an officer, employee, or appointee 723
that is otherwise required by law to give an individual surety 724
bond before entering upon the discharge of official duties. 725

(G) The board shall provide for the keeping of a full and 726
accurate record of all proceedings and of all resolutions and 727
orders issued or adopted. 728

(H) Any supervisor may be removed by the commission upon 729
notice and hearing for neglect of duty or malfeasance in office. 730

Sec. 1509.28. ~~(A) The~~ (A) (1) A person who has obtained the 731
consent of the owners of at least sixty-five per cent of the 732
land area overlying a pool or a part of a pool may submit an 733
application for the operation as a unit of the entire pool or 734
part of the pool to the chief of the division of oil and gas 735
resources management, upon the chief's own motion or upon 736
application by the owners of sixty five per cent of the land 737
area overlying the pool, shall hold a hearing to consider the 738
need for the operation as a unit of an entire pool or part 739
thereof. In calculating the sixty-five per cent, an owner's 740

entire interest in each tract in the proposed unit area, 741
including any divided, undivided, partial, fee, or other 742
interest in the tract, shall be included to the fullest extent 743
of that interest. ~~An application by owners~~ 744

(2) The chief may make a motion, without application, for 745
the operation as a unit of an entire pool or part of the pool. 746

(B) An applicant shall be accompanied by a 747
include with the application for unit operation both of the following: 748

(1) A nonrefundable fee of ten thousand dollars 749
and by such; 750

(2) Any additional information as requested by the chief 751
may request. 752

(C) (1) The chief shall hold a hearing regarding an 753
application submitted under division (A) (1) of this section or 754
regarding the chief's motion made under division (A) (2) of this 755
section. Except as otherwise provided in division (C) (2) of this 756
section, the chief shall hold the hearing not more than sixty 757
days after the date the chief receives the application or makes 758
the motion, as applicable. 759

(2) If the chief determines that an application is 760
materially incomplete before the required hearing date, the 761
chief shall notify the applicant. The applicant shall respond to 762
the chief not later than three business days from receipt of the 763
notice to correct the application. If the applicant does not 764
timely correct the application, the chief may reschedule the 765
hearing date. 766

(3) At the hearing, the chief shall consider the need for 767
the operation as a unit of an entire pool or part thereof. 768

(D) The chief shall make an order providing for the unit 769
operation of a pool or part thereof if the chief finds that such 770
operation is reasonably necessary to increase substantially the 771
ultimate recovery of oil and gas, and the value of the estimated 772
additional recovery of oil or gas exceeds the estimated 773
additional cost incident to conducting the operation. ~~The order~~ 774
chief shall issue the order not later than sixty days after the 775
date of the hearing, unless the chief denies the application or 776
motion by order within that sixty-day period. 777

(E) The order shall be upon terms and conditions that are 778
just and reasonable and shall prescribe a plan for unit 779
operations that shall include: 780

(1) A description of the unitized area, termed the unit 781
area; 782

(2) A statement of the nature of the operations 783
contemplated; 784

(3) An allocation to the separately owned tracts in the 785
unit area of all the oil and gas that is produced from the unit 786
area and is saved, being the production that is not used in the 787
conduct of operations on the unit area or not unavoidably lost. 788
The allocation shall be in accord with the agreement, if any, of 789
the interested parties. If there is no such agreement, the chief 790
shall determine the value, from the evidence introduced at the 791
hearing, of each separately owned tract in the unit area, 792
exclusive of physical equipment, for development of oil and gas 793
by unit operations, and the production allocated to each tract 794
shall be the proportion that the value of each tract so 795
determined bears to the value of all tracts in the unit area. 796

(4) A provision for the credits and charges to be made in 797

the adjustment among the owners in the unit area for their 798
respective investments in wells, tanks, pumps, machinery, 799
materials, and equipment contributed to the unit operations; 800

(5) A provision providing how the expenses of unit 801
operations, including capital investment, shall be determined 802
and charged to the separately owned tracts and how the expenses 803
shall be paid; 804

(6) A provision, if necessary, for carrying or otherwise 805
financing any person who is unable to meet the person's 806
financial obligations in connection with the unit, allowing a 807
reasonable interest charge for such service; 808

(7) A provision for the supervision and conduct of the 809
unit operations, in respect to which each person shall have a 810
vote with a value corresponding to the percentage of the 811
expenses of unit operations chargeable against the interest of 812
that person; 813

(8) The time when the unit operations shall commence, and 814
the manner in which, and the circumstances under which, the unit 815
operations shall terminate; 816

(9) Such additional provisions as are found to be 817
appropriate for carrying on the unit operations, and for the 818
protection or adjustment of correlative rights. 819

~~(B)~~ (F) No order of the chief providing for unit 820
operations shall become effective unless and until the plan for 821
unit operations prescribed by the chief has been approved in 822
writing by those owners who, under the chief's order, will be 823
required to pay at least sixty-five per cent of the costs of the 824
unit operation, and also by the royalty or, with respect to 825
unleased acreage, fee owners of sixty-five per cent of the 826

acreage to be included in the unit. If the plan for unit 827
operations has not been so approved by owners and royalty owners 828
at the time the order providing for unit operations is made, the 829
chief shall upon application and notice hold such supplemental 830
hearings as may be required to determine if and when the plan 831
for unit operations has been so approved. If the owners and 832
royalty owners, or either, owning the required percentage of 833
interest in the unit area do not approve the plan for unit 834
operations within a period of six months from the date on which 835
the order providing for unit operations is made, the order shall 836
cease to be of force and shall be revoked by the chief. 837

(G) An order providing for unit operations may be amended 838
by an order made by the chief, in the same manner and subject to 839
the same conditions as an original order providing for unit 840
operations, provided that: 841

(1) If such an amendment affects only the rights and 842
interests of the owners, the approval of the amendment by the 843
royalty owners shall not be required. 844

(2) No such order of amendment shall change the percentage 845
for allocation of oil and gas as established for any separately 846
owned tract by the original order, except with the consent of 847
all persons owning interest in the tract. 848

(H) The chief, by an order, may provide for the unit 849
operation of a pool or a part thereof that embraces a unit area 850
established by a previous order of the chief. Such an order, in 851
providing for the allocation of unit production, shall first 852
treat the unit area previously established as a single tract, 853
and the portion of the unit production so allocated thereto 854
shall then be allocated among the separately owned tracts 855
included in the previously established unit area in the same 856

proportions as those specified in the previous order. 857

(I) Oil and gas allocated to a separately owned tract 858
shall be deemed, for all purposes, to have been actually 859
produced from the tract, and all operations, including, but not 860
limited to, the commencement, drilling, operation of, or 861
production from a well upon any portion of the unit area shall 862
be deemed for all purposes the conduct of such operations and 863
production from any lease or contract for lands any portion of 864
which is included in the unit area. The operations conducted 865
pursuant to the order of the chief shall constitute a 866
fulfillment of all the express or implied obligations of each 867
lease or contract covering lands in the unit area to the extent 868
that compliance with such obligations cannot be had because of 869
the order of the chief. 870

(J) Oil and gas allocated to any tract, and the proceeds 871
from the sale thereof, shall be the property and income of the 872
several persons to whom, or to whose credit, the same are 873
allocated or payable under the order providing for unit 874
operations. 875

(K) No order of the chief or other contract relating to 876
the sale or purchase of production from a separately owned tract 877
shall be terminated by the order providing for unit operations, 878
but shall remain in force and apply to oil and gas allocated to 879
the tract until terminated in accordance with the provisions 880
thereof. 881

(L) Notwithstanding divisions (A) to (G) of section 155.33 882
of the Revised Code and rules adopted under it, the chief shall 883
issue an order for the unit operation of a pool or a part of a 884
pool that encompasses a unit area for which all or a portion of 885
the mineral rights are owned by the department of 886

transportation. 887

(M) Except to the extent that the parties affected so 888
agree, no order providing for unit operations shall be construed 889
to result in a transfer of all or any part of the title of any 890
person to the oil and gas rights in any tract in the unit area. 891
All property, whether real or personal, that may be acquired for 892
the account of the owners within the unit area shall be the 893
property of such owners in the proportion that the expenses of 894
unit operations are charged. 895

Sec. 3781.1011. (A) As used in this section: 896

(1) "Alarm system" means a device or system that transmits 897
a signal intended to summon law enforcement to a county, 898
township, or municipal corporation in response to an alleged 899
violation of an offense under Chapter 2911. of the Revised Code 900
occurring in a nonresidential zone of the applicable county, 901
township, or municipal corporation. The term includes an alarm 902
that emits an audible signal on the exterior of a structure. The 903
term does not include an alarm installed on a vehicle or an 904
alarm designed to alert only the inhabitants within the 905
premises. The term includes an alarm system for which a permit 906
may be issued under any applicable section of the Revised Code 907
or Ohio Constitution. 908

(2) "Battery-charged fence" means a fence connected to a 909
battery-operated energizer that is intended periodically to 910
deliver voltage impulses to the fence, a battery charging device 911
used exclusively to charge the battery, and any other ancillary 912
components or equipment attached to such a system. 913

(3) "Permit" means a certificate, license, permit, or 914
other form of permission that authorizes a person to engage in 915

an action.	916
(B) A battery-charged fence installed on private,	917
nonresidential property within a county, township, or municipal	918
corporation shall satisfy all of the following:	919
(1) Interface with a monitored alarm system;	920
(2) Have a battery-operated energizer that is powered by a	921
commercial storage battery that is not more than twelve volts of	922
direct current, and that meets the standards set forth by the	923
international electrotechnical commission 60335-02-76 current	924
edition;	925
(3) Be completely surrounded by a nonelectric perimeter	926
fence or wall that is not less than five feet in height;	927
(4) Be not more than the higher of ten feet in height, or	928
two feet higher than the height of the nonelectric perimeter	929
fence or wall; and	930
(5) Be marked with conspicuous warning signs that are	931
located on the battery-charged fence at not more than forty-foot	932
intervals and that read: "WARNING--ELECTRIC FENCE."	933
(C) Division (B) of this section does not apply to any of	934
the following:	935
(1) Fences that are required to be constructed by persons	936
or corporations owning, controlling, or managing a railroad	937
pursuant to Chapter 4959. of the Revised Code;	938
(2) Preferred partition <u>Partition fences under constructed</u>	939
<u>in accordance with</u> Chapter 971. of the Revised Code;	940
(3) Fences constructed or installed by the state or a	941
political subdivision, or by the federal government;	942

(4) Fences installed at a facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;

(5) Fences installed at a wildlife sanctuary;

(6) Fences constructed and used for agricultural purposes, as agriculture is defined in either section 303.01 or 519.01 of the Revised Code.

(D) Notwithstanding any other section of the Revised Code, a county, township, or municipal corporation may adopt and enforce an ordinance, order, resolution, or regulation that does any of the following:

(1) Imposes installation or operational requirements for battery-charged fences in nonresidential properties that are not in conflict with the requirements and standards set forth in division (B) of this section;

(2) Requires a permit or fee for the installation or use of a battery-charged fence to which this section applies in accordance with a permit or fee for an alarm system issued or charged by the county, township, or municipal corporation;

(3) Prohibits the installation or use of a battery-charged fence in a nonresidential zone that does not meet the requirements and standards set forth in division (B) of this section.

Sec. 5301.71. (A) As used in this section:

(1) "Agricultural lease agreement" means an agreement or lease, written or oral, that establishes or modifies the terms,

conditions, rules, or any other provisions between a landlord 971
and tenant concerning the use and occupancy of real property by 972
one of the parties for agricultural purposes. 973

(2) "Agricultural purposes" means the use and occupancy of 974
real property for the planting, growing, and harvesting of crops 975
and all practices necessary for that planting, growing, and 976
harvesting. It does not mean the use and occupancy of real 977
property for pasture, timber, farm buildings, horticultural 978
buildings, or leases solely for equipment. 979

(3) "Landlord" means the owner or lessor of real property 980
used for agricultural purposes that is authorized to receive 981
remuneration from a tenant under an agricultural lease 982
agreement, and has entered into, or has actual or constructive 983
knowledge of, an agricultural lease agreement. 984

(4) "Tenant" means the person entitled under an 985
agricultural lease agreement to use real property for 986
agricultural purposes to the exclusion of all others. 987

(B) (1) Notwithstanding anything in Chapter 1335. of the 988
Revised Code, if an agricultural lease agreement does not 989
provide for a termination date or method for notice of 990
termination of the agricultural lease agreement, the landlord 991
shall provide the tenant with written notice of termination. The 992
written notice shall be delivered on or before the first day of 993
September, in the year the termination is to be effective, by 994
personal delivery, facsimile, or electronic mail. 995

(2) If notice of termination of an agricultural lease 996
agreement is given pursuant to division (B) (1) of this section, 997
the termination date for the agricultural lease agreement shall 998
be the earlier of the following, unless otherwise agreed to, in 999

<u>writing, by the landlord and tenant:</u>	1000
<u>(a) The date harvesting or removal of crops is complete;</u>	1001
<u>(b) The thirty-first day of December in the year in which the notice was given.</u>	1002 1003
<u>(c) This section does not affect the requirements of section 5301.01 of the Revised Code.</u>	1004 1005
Section 2. That existing sections 164.02, 164.05, 164.06, 164.08, 164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 of the Revised Code are hereby repealed.	1006 1007 1008
Section 3. (A) The Governor may execute a Governor's Deed in the name of the State conveying to The Board of Fairfield County Commissioners ("Grantee"), and its successors and assigns, or to an alternative Grantee, and to the alternate Grantee's heirs and assigns or successors and assigns all of the State's right, title, and interest in the following described real estate:	1009 1010 1011 1012 1013 1014 1015
<u>Tract 1</u>	1016
Situating in the State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 16, Range 20, Refugee lands, being reserve "B" of Hunter's Run Section 1, Plat Cabinet 1, Slot 4 as recorded in the Fairfield County Recorder's Office, and subject to all rights-of-way, easements and restrictions of record.	1017 1018 1019 1020 1021 1022
Less and excepting the following described property:	1023
Situating in the Township of Violet, County of Fairfield and State of Ohio, and known as being a part of Section 29, Town 16, Range 20 of Refugee Lands, and more fully bounded and described as follows:	1024 1025 1026 1027

Parcel No. 4-WV (Highway)	1028
All right, title, and interest in fee simple, excluding	1029
limitation of access, in the following described property,	1030
including the sign thereon, in the name, and for the use of the	1031
City of Pickerington, Ohio:	1032
Beginning, for reference, at the intersection of the	1033
centerline of State Route 256 and the centerline of Stonecreek	1034
Drive North, said point being at Station 64 plus 37.62 on the	1035
centerline of survey & construction of State Route 256 as	1036
documented in the Ohio Department of Transportation Plans FA1-	1037
256-1.06 (said plans being the basis for all bearings);	1038
Thence, on the centerline of State Route 256, South 23°	1039
29' 42" East, 162.38 feet to a point (Station 66 plus 00.00);	1040
Thence, North 66° 30' 18" East, 50.00 feet to the TRUE	1041
POINT OF BEGINNING (50.00 feet left of Station 66 plus 00.00);	1042
Thence, along the proposed right-of-way line, South 32°	1043
55' 34" East, 153.60 feet to a point (72.00 feet left of Station	1044
67 plus 55.01);	1045
Thence, along the proposed right-of-way line, South 77°	1046
45' 32" East, 90.14 feet to a point (142.00 feet left of Station	1047
68 plus 14.01);	1048
Thence, along the proposed right-of-way line, South 20°	1049
57' 54" East, 126.04 feet to a point (125.09 feet left of	1050
Station 69 plus 44.02);	1051
Thence, along the proposed right-of-way line, South 33°	1052
32' 42" East, 114.26 feet to a point (133.00 feet left of	1053
Station 70 plus 58.01);	1054
Thence, along the proposed right-of-way line, South 59°	1055

46' 41" East, 65.69 feet to a point (166.05 feet left of Station 1056
71 plus 14.78) 1057

Thence, along the proposed right-of-way line, South 28° 1058
07' 41" East, 22.80 feet to a point (165.48 feet left of Station 1059
71 plus 37.58); 1060

Thence, along Owner's property line and the existing 1061
right-of-way line, North 29° 34' 22" West, 185.97 feet to a 1062
point (50.00 feet left of Station 69 plus 22.41); 1063

Thence, continuing on the proposed right-of-way line, 1064
along the arc of a curve to the right with a radius of 2814.79 1065
feet, and arc length of 298.60 feet whose chord bears North 26° 1066
32' 02" West, 298.46 feet to a point (50.00 feet left of Station 1067
66 plus 18.51); 1068

Thence, North 23° 29' 42" West, 18.51 feet to the True 1069
Point of Beginning, containing.719 acres, more or less. 1070

Owners retain rights of ingress and egress to and from any 1071
residual area. 1072

A gross take of 0.719 acres is to be taken from the 1073
Auditors Parcel No. 036-02606-00 which contains 17.649 acres. 1074

Parcel Number: 0360260600 1075

Prior Instrument Reference: OR 1183 PAGE 2287 1076

Tract 2 1077

Situated in the State of Ohio, County of Fairfield, 1078
Township of Violet, Section 29, Township 16, Range 20, Refugee 1079
Lands, being a part of Lot 3 of Hunter's Run Section 1, Plat 1080
Cabinet 1, Slot 4, also being 4.716 acres of that tract conveyed 1081
to Troon Management, Deed Book 649, Page 189, (all references 1082

refer to records in the Recorder's Office, Fairfield County, 1083
Ohio) and more fully described as follows: 1084

Beginning at an iron pin set at the northeast corner of 1085
Brunnel Hill Development Company, Deed Book 664, Page 916, also 1086
the north corner of the Replat of Part of Hunter's Run Section 1 1087
Lot 3, P.C. 1, Slot 188, on the south right of way line of 1088
Stonecreek Drive; 1089

Thence South 88° 35' 49" East, a distance of 560.61 feet, 1090
along the right of way line of said Stonecreek Drive to an iron 1091
pin found at the northwest property corner of Ronald R. & Joyce 1092
E. Skeen, Deed Book 590, Page 441; 1093

Thence South 01° 21' 41" West, a distance of 313.03 feet, 1094
along the westerly property line of said Skeen to an iron pin 1095
found; 1096

Thence South 85° 45' 15" West, a distance of 599.21 feet, 1097
along the northerly line of Reserve "B", Hunter's Run Section 1, 1098
P.C. 1, Slot 4, to an iron pin set at the southeast corner of 1099
said replat of part of Hunter's Run Section 1 Lot 3; 1100

Thence North 10° 30' 00" West, a distance of 175.49 feet 1101
along the easterly property line of said replat of part of 1102
Hunter's Run Section 1 Lot 3, to an iron pin set; 1103

Thence North 27° 31' 50" East, a distance of 162.72 feet, 1104
along the easterly property line of said replat of part of 1105
Hunter's Run Section 1 Lot 3, to an iron pin set; 1106

Thence North 01° 24' 11" East, a distance of 54.20 feet, 1107
along the easterly property line of said replat of Hunter's Run 1108
Section 1 Lot 3 to the point of beginning, containing 4.716 1109
acres more or less according to an actual field survey made by 1110
Hockaden and Associates in November of 1998 and subject to all 1111

rights-of-way, easements and restrictions of record. 1112

Bearings are based upon the recorded plat of Hunter's Run, 1113
Section 1 of record in Plat Cabinet 1, Slot 4, Recorder's 1114
Office, Fairfield County, Ohio. 1115

Parcel Number: 0360260800 1116

Prior Instrument Reference: OR 1183 PAGE 2287 1117

The foregoing legal description may be corrected or 1118
modified by the Department of Administrative Services to a final 1119
form if such corrections or modifications are needed to 1120
facilitate recordation of the deed. 1121

(B) (1) The conveyance includes improvements and chattels 1122
situated on the real estate, and is subject to all easements, 1123
covenants, conditions, leases, and restrictions of record: all 1124
legal highways and public rights-of-way; zoning, building, and 1125
other laws, ordinances, restrictions, and regulations; and real 1126
estate taxes and assessments not yet due and payable. The real 1127
estate shall be conveyed in an "as-is, where-is, with all 1128
faults" condition. 1129

(2) The deed for the conveyance of the real estate may 1130
contain restrictions, exceptions, reservations, reversionary 1131
interests, and other terms and conditions the Director of 1132
Administrative Services determines to be in the best interest of 1133
the State. 1134

(3) Subsequent to the conveyance, any restrictions, 1135
exceptions, reservations, reversionary interests, or other terms 1136
and conditions contained in the deed may be released by the 1137
State or the Board of Trustees of Ohio University without the 1138
necessity of further legislation. 1139

(C) Consideration for the conveyance of the real estate 1140
described in division (A) of this section shall be at a price 1141
acceptable to the Director of Administrative Services and the 1142
Board of Trustees of Ohio University. 1143

The Director of Administrative Services shall offer the 1144
real estate to the Board of Fairfield County Commissioners 1145
through a real estate purchase agreement. If the Board of 1146
Fairfield County Commissioners does not accept the offer to 1147
purchase or complete the purchase of the real estate within the 1148
time period provided in the real estate purchase agreement, the 1149
Director of Administrative Services may use any reasonable 1150
method of sale considered acceptable by the Board of Trustees of 1151
Ohio University to determine an alternate grantee willing to 1152
complete the purchase within three years after the effective 1153
date of this section. Ohio University shall pay all advertising 1154
costs, additional fees, and other costs incident to the sale of 1155
the real estate to an alternate grantee. 1156

(D) The real estate described in division (A) of this 1157
section shall be sold as an entire tract and not in parcels. 1158

(E) Except as otherwise specified above, the Grantee shall 1159
pay all costs associated with the purchase, closing and 1160
conveyance, including surveys, title evidence, title insurance, 1161
transfer costs and fees, recording costs and fees, taxes, and 1162
any other fees, assessments, and costs that may be imposed. 1163

The proceeds of the sale shall be deposited into 1164
university accounts determined by the Board of Trustees of Ohio 1165
University. 1166

(F) Upon receipt of a fully executed purchase agreement as 1167
described in division (C) of this section, the Director of the 1168

Department of Administrative Services, with the assistance of 1169
the Attorney General, shall prepare a Governor's Deed to the 1170
real estate described in division (A) of this section. The 1171
Governor's Deed shall state the consideration and shall be 1172
executed by the Governor in the name of the State, countersigned 1173
by the Secretary of State, sealed with the Great Seal of the 1174
State, presented in the Department of Administrative Services 1175
for recording, and delivered to the Grantee. The Grantee shall 1176
present the Governor's deed for recording in the Office of the 1177
Fairfield County Recorder. 1178

(G) This section shall expire three (3) years after its 1179
effective date. 1180

Section 201.10. All items in this act are hereby 1181
appropriated as designated out of any moneys in the state 1182
treasury to the credit of the designated fund. For all operating 1183
appropriations made in this act, those in the first column are 1184
for fiscal year 2022 and those in the second column are for 1185
fiscal year 2023. The operating appropriations made in this act 1186
are in addition to any other operating appropriations made for 1187
the FY 2022-FY 2023 biennium. 1188

Section 209.10. 1189

1190

	1	2	3	4	5
A	DEV DEPARTMENT OF DEVELOPMENT				
B	Dedicated Purpose Fund Group				
C	5XM0	195576	Economic Development	\$85,000,000	\$0

D	TOTAL DPF Dedicated Purpose Fund Group	\$85,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS	\$85,000,000	\$0

ECONOMIC DEVELOPMENT 1191

On the effective date of this section, or as soon as 1192
possible thereafter, the Director of Budget and Management may 1193
transfer up to \$85,000,000 cash from the General Revenue Fund to 1194
the Investing in Ohio Fund (Fund 5XM0). 1195

Section 228.10. REAPPROPRIATIONS 1196

Amounts equal to the unexpended, unencumbered balances of 1197
the foregoing appropriations contained in the sections of this 1198
act prefixed with numbers in the 200s at the end of fiscal year 1199
2022 are hereby reappropriated to the respective appropriation 1200
items in fiscal year 2023 for the same purposes. 1201

Section 229.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 1202
APPROPRIATIONS 1203

Within the limits set forth in this act, the Director of 1204
Budget and Management shall establish accounts indicating the 1205
source and amount of funds for each appropriation made in this 1206
act, and shall determine the form and manner in which 1207
appropriation accounts shall be maintained. Expenditures from 1208
operating appropriations contained in this act shall be 1209
accounted for as though made in H.B. 110 of the 134th General 1210
Assembly. The operating appropriations made in this act are 1211
subject to all provisions of H.B. 110 of the 134th General 1212
Assembly that are generally applicable to such appropriations. 1213

Section 806.10. SEVERABILITY 1214

The items of law contained in this act, and their 1215

applications, are severable. If any item of law contained in 1216
this act, or if any application of any item of law contained in 1217
this act, is held invalid, the invalidity does not affect other 1218
items of law contained in this act and their applications that 1219
can be given effect without the invalid item or application. 1220

Section 812.10. LAWS AND REFERENDUM 1221

Except as otherwise provided in this act, the amendment, 1222
enactment, or repeal by this act of a section of law is subject 1223
to the referendum under Ohio Constitution, Article II, Section 1224
1c and therefore takes effect on the ninety-first day after this 1225
act is filed with the Secretary of State or, if a later 1226
effective date is specified below, on that date. 1227

Section 812.20. Sections of this act prefixed with numbers 1228
in the 200s are exempt from the referendum under Ohio 1229
Constitution, Article II, Section 1d and therefore take effect 1230
immediately when this act becomes law. 1231