

As Passed by the Senate

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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, Blessing, Brenner, Cirino, Craig, Gavarone, Hoagland, Johnson, Peterson, Reineke, Rulli, Schuring, Thomas, Yuko

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; to make 14
changes to the law regarding battery-charged 15
fences; and to make an appropriation. 16

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

Section 1. That sections 164.02, 164.05, 164.06, 164.08, 17
164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 be 18
amended and sections 126.62 and 5301.71 of the Revised Code be 19
enacted to read as follows: 20

Sec. 126.62. The investing in Ohio fund is hereby created 21
in the state treasury. Moneys in the fund shall be used to 22
promote economic development throughout the state, including 23
infrastructure improvements. 24

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

be for terms ending December 31, 1989; one of the initial 45
appointments made by the speaker of the house of representatives 46
and the president of the senate shall be for terms ending 47
December 31, 1990; and the initial term of the appointment to 48
the commission that is alternately made by the speaker of the 49
house of representatives and the president of the senate shall 50
be for a term ending December 31, 1989. Thereafter, terms of 51
office shall be for three years, each term ending on the same 52
day of the same month of the year as did the term which it 53
succeeds. Each member shall hold office from the date of 54
appointment until the end of the term for which the member is 55
appointed. Members may be reappointed one time. Vacancies shall 56
be filled in the same manner provided for original appointments. 57
Any member appointed to fill a vacancy occurring prior to the 58
expiration date of the term for which the member's predecessor 59
was appointed shall hold office for the remainder of that term. 60
A member shall continue in office subsequent to the expiration 61
date of the member's term until the member's successor takes 62
office or until a period of sixty days has elapsed, whichever 63
occurs first. 64

The commission shall elect a chairperson, vice- 65
chairperson, and other officers as it considers advisable. Four 66
voting members constitute a quorum. Members of the commission 67
shall serve without compensation but shall be reimbursed for 68
their actual and necessary expenses incurred in the performance 69
of their duties. 70

(B) The Ohio public works commission shall: 71

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

it appropriate, recommend the removal of a director; 75

(2) Provide the governor with a list of names of three 76
persons who are, in the judgment of the commission, qualified to 77
be appointed to the position of director. The commission shall 78
provide the list, which may include the name of the incumbent 79
director to the governor, not later than sixty days prior to the 80
expiration of the term of such incumbent director. A director 81
shall serve a two-year term upon initial appointment, and four- 82
year terms if subsequently reappointed by the governor; however, 83
the governor may remove a director at any time following the 84
commission's recommendation of such action. Upon the expiration 85
of a director's term, or in the case of the resignation, death, 86
or removal of a director, the commission shall provide such list 87
of the names of three persons to the governor within thirty days 88
of such expiration, resignation, death, or removal. Nothing in 89
this section shall prevent the governor, in the governor's 90
discretion, from rejecting all of the nominees of the commission 91
and requiring the commission to select three additional 92
nominees. However, when the governor has requested and received 93
a second list of three additional names, the governor shall make 94
the appointment from one of the names on the first list or the 95
second list. Appointment by the governor is subject to the 96
advice and consent of the senate. 97

In the case of the resignation, removal, or death of the 98
director during the director's term of office, a successor shall 99
be chosen for the remainder of the term in the same manner as is 100
provided for an original appointment. 101

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

assembly with respect to such implementation; 105

(4) Adopt bylaws to govern the conduct of the commission's 106
business; 107

(5) Appoint the members of the Ohio small government 108
capital improvements commission in accordance with division (C) 109
of this section. 110

(C) (1) There is hereby created the Ohio small government 111
capital improvements commission. The commission shall consist of 112
ten members, including the director of transportation, the 113
director of environmental protection, and the chairperson of the 114
Ohio water development authority as nonvoting, ex officio 115
members and seven voting members appointed by the Ohio public 116
works commission. Each such appointee shall be a member of a 117
district public works integrating committee who was appointed to 118
the integrating committee pursuant to the majority vote of the 119
chief executive officers of the villages of the appointee's 120
district or by a majority of the boards of township trustees of 121
the appointee's district. 122

(2) Two of the initial appointments shall be for terms 123
ending two years after March 29, 1988. The remaining initial 124
appointments shall be for terms ending three years after March 125
29, 1988. Thereafter, terms of office shall be for two years, 126
with each term ending on the same date of the same month as did 127
the term that it succeeds. Each member shall hold office from 128
the date of appointment until the end of the term for which the 129
member is appointed. Vacancies shall be filled in the same 130
manner as original appointments. Any member appointed to fill a 131
vacancy occurring before the expiration date of the term for 132
which the member's predecessor was appointed shall hold office 133
as a member for the remainder of that term. A member shall 134

continue in office after the expiration of the member's term 135
until the member's successor takes office or until a period of 136
sixty days has elapsed, whichever occurs first. Members of the 137
commission may be reappointed. No more than two members of the 138
commission may be members of the same district public works 139
integrating committee. 140

(3) The Ohio small government capital improvements 141
commission shall elect one of its appointed members as 142
chairperson and another as vice-chairperson. Four voting members 143
of the commission constitute a quorum, and the affirmative vote 144
of four appointed members is required for any action taken by 145
vote of the commission. No vacancy in the membership of the 146
commission shall impair the right of a quorum by an affirmative 147
vote of four appointed members to exercise all rights and 148
perform all duties of the commission. Members of the commission 149
shall serve without compensation, but shall be reimbursed for 150
their actual and necessary expenses incurred in the performance 151
of their duties. 152

(D) The Ohio small government capital improvements 153
commission shall: 154

(1) Advise the general assembly on the development of 155
policy guidelines for the implementation of this chapter, 156
especially as it relates to the interests of small governments 157
and the use of the portion of bond proceeds set aside for the 158
exclusive use of townships and villages; 159

(2) Advise the township and village subcommittees of the 160
various district public works integrating committees concerning 161
the selection of projects for which the use of such proceeds 162
will be authorized; 163

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

(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.	194
Sec. 164.05. (A) The director of the Ohio public works	195
commission shall do all of the following:	196
(1) Approve requests for financial assistance from	197
district public works integrating committees and enter into	198
agreements with one or more local subdivisions to provide loans,	199
grants, and local debt support and credit enhancements for a	200
capital improvement project if the director determines that:	201
(a) The project is an eligible project pursuant to this	202
chapter;	203
(b) The financial assistance for the project has been	204
properly approved and requested by the district committee of the	205
district which includes the recipient of the loan or grant;	206
(c) The amount of the financial assistance, when added to	207
all other financial assistance provided during the fiscal year	208
for projects within the district, does not exceed that	209
district's allocation of money from the state capital	210
improvements fund for that fiscal year;	211
(d) The district committee has provided such documentation	212
and other evidence as the director may require that the district	213
committee has satisfied the requirements of section 164.06 or	214
164.14 of the Revised Code;	215
(e) The portion of a district's annual allocation which	216
the director approves in the form of loans and local debt	217
support and credit enhancements for eligible projects is	218
consistent with divisions (E) and (F) of this section.	219
(2) Authorize payments to local subdivisions or their	220
contractors for costs incurred for capital improvement projects	221

which have been approved pursuant to this chapter. All requests 222
for payments shall be submitted to the director on forms and in 223
accordance with procedures specified in rules adopted by the 224
director pursuant to division (A) (4) of this section. 225

(3) Retain the services of or employ financial 226
consultants, engineers, accountants, attorneys, and such other 227
employees as the director determines are necessary to carry out 228
the director's duties under this chapter and fix the 229
compensation for their services. From among these employees, the 230
director shall appoint a deputy with the necessary 231
qualifications to act as the director when the director is 232
absent or temporarily unable to carry out the duties of office. 233

(4) Adopt rules establishing the procedures for making 234
applications, reviewing, approving, and rejecting projects for 235
which assistance is authorized under this chapter, and any other 236
rules needed to implement the provisions of this chapter. Such 237
rules shall be adopted under Chapter 119. of the Revised Code. 238

(5) Provide information and other assistance to local 239
subdivisions and district public works integrating committees in 240
developing their requests for financial assistance for capital 241
improvements under this chapter and encourage cooperation and 242
coordination of requests and the development of multisubdivision 243
and multidistrict projects in order to maximize the benefits 244
that may be derived by districts from each year's allocation; 245

(6) Require local subdivisions, to the extent practicable, 246
to use Ohio products, materials, services, and labor in 247
connection with any capital improvement project financed in 248
whole or in part under this chapter; 249

(7) Notify the director of budget and management of all 250

approved projects, and supply all information necessary to track	251
approved projects through the state accounting system;	252
(8) Appoint the administrator of the Ohio small government	253
capital improvements commission;	254
(9) Do all other acts, enter into contracts, and execute	255
all instruments necessary or appropriate to carry out this	256
chapter;	257
(10) Develop a standardized methodology for evaluating	258
local subdivision capital improvement needs that permits a	259
district public works integrating committee to consider, when	260
addressing a subdivision's project application, the	261
subdivision's existing capital improvements, the condition of	262
those improvements, and the subdivision's projected capital	263
improvement needs in that five-year period following the	264
application date;	265
(11) Establish a program to provide local subdivisions	266
with technical assistance in preparing project applications. The	267
program shall be designed to assist local subdivisions that lack	268
the financial or technical resources to prepare project	269
applications on their own.	270
(B) When the director of the Ohio public works commission	271
decides to conditionally approve or disapprove projects, the	272
director's decisions and the reasons for which they are made	273
shall be made in writing. These written decisions shall be	274
conclusive for the purposes of the validity and enforceability	275
of such determinations.	276
(C) Fees, charges, rates of interest, times of payment of	277
interest and principal, and other terms, conditions, and	278
provisions of and security for financial assistance provided	279

pursuant to the provisions of this chapter shall be such as the 280
director determines to be appropriate. If any payments required 281
by a loan agreement entered into pursuant to this chapter are 282
not paid, the funds which would otherwise be apportioned to the 283
local subdivision from the county undivided local government 284
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 285
Code, may, at the direction of the director of the Ohio public 286
works commission, be reduced by the amount payable. The county 287
treasurer shall, at the direction of the director, pay the 288
amount of such reductions to the state capital improvements 289
revolving loan fund. The director may renegotiate a loan 290
repayment schedule with a local subdivision whose payments from 291
the county undivided local government fund could be reduced 292
pursuant to this division, but such a renegotiation may occur 293
only one time with respect to any particular loan agreement. 294

(D) Grants approved for the repair and replacement of 295
existing infrastructure pursuant to this chapter shall not 296
exceed ninety per cent of the estimated total cost of the 297
capital improvement project. Grants approved for new or expanded 298
infrastructure shall not exceed fifty per cent of the estimated 299
cost of the new or expansion elements of the capital improvement 300
project. A local subdivision share of the estimated cost of a 301
capital improvement may consist of any of the following: 302

(1) The reasonable value, as determined by the director or 303
the administrator, of labor, materials, and equipment that will 304
be contributed by the local subdivision in performing the 305
capital improvement project; 306

(2) Moneys received by the local subdivision in any form 307
from an authority, commission, or agency of the United States 308
for use in performing the capital improvement project; 309

(3) Loans made to the local subdivision under this chapter; 310
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(4) Engineering costs incurred by the local subdivision in performing engineering activities related to the project. 312
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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. 314
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(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: 318
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A	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%

ending on June 30, 1993, for the period commencing July 1, 1993, 330
 and ending June 30, 1999, and for each five-year period 331
 thereafter, the total amount of financial assistance awarded 332
 under sections 164.01 to 164.08 of the Revised Code for capital 333
 improvement projects located wholly or partially within a county 334
 shall be equal to at least thirty per cent of the amount of what 335
 the county would have been allocated from the obligations 336
 authorized to be sold under this chapter during each period, if 337
 such amounts had been allocable to each county on a per capita 338
 basis. 339

(H) The amount of the annual allocations made pursuant to 340
 divisions (B) (1) and ~~(5)~~ (4) of section 164.08 of the Revised 341
 Code which can be used for new or expanded infrastructure is 342
 limited as follows: 343

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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%
K	Year 10 and each year thereafter	20%

(I) The following portion of a district public works
integrating committee's annual allocation share pursuant to
section 164.08 of the Revised Code shall be awarded to
subdivisions in the form of interest-free, low-interest, market
rate of interest, or blended-rate loans, or local debt support
and credit enhancements:

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A	YEAR IN WHICH MONEYS ARE ALLOCATED	PORTIONS USED FOR LOANS OR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS
B	Year 32 and each year thereafter	At least 10%

(J) No project shall be approved under this section unless
the project is designed to have a useful life of at least seven
years. In addition, the average useful life of all projects for
which grants or loans are awarded in each district during a
program year shall not be less than twenty years.

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Sec. 164.06. (A) Each district public works integrating
committee shall evaluate materials submitted to it by the local

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subdivisions located in the district concerning capital 359
improvements for which assistance is sought from the state 360
capital improvements fund and shall, pursuant to division (B) of 361
this section, select the requests for financial assistance that 362
will be formally submitted by the district to the director of 363
the Ohio public works commission. In order to provide for the 364
efficient use of the district's state capital improvements fund 365
allocation each year, a district committee shall assist its 366
subdivisions in the preparation and coordination of project 367
plans. 368

(B) In selecting the requests for assistance for capital 369
improvement projects which will be submitted to the director, 370
and in determining the nature, amount, and terms of the 371
assistance that will be requested, a district public works 372
integrating committee shall give priority to capital improvement 373
projects for the repair or replacement of existing 374
infrastructure and which would be unlikely to be undertaken 375
without assistance under this chapter, and shall specifically 376
consider all of the following factors: 377

(1) The infrastructure repair and replacement needs of the 378
district; 379

(2) The age and condition of the system to be repaired or 380
replaced; 381

(3) Whether the project would generate revenue in the form 382
of user fees or assessments; 383

(4) The importance of the project to the health and safety 384
of the citizens of the district; 385

(5) The cost of the project and whether it is consistent 386
with division (G) of section 164.05 of the Revised Code and the 387

district's allocation for grants, loans, and local debt support	388
and credit enhancements for that year;	389
(6) The effort and ability of the benefited local	390
subdivisions to assist in financing the project;	391
(7) The availability of federal or other funds for the	392
project;	393
(8) The overall economic health of the particular local	394
subdivision;	395
(9) The adequacy of the planning for the project and the	396
readiness of the applicant to proceed should the project be	397
approved;	398
(10) Any other factors relevant to a particular project.	399
(C) When applying the methodology under division (A) (10)	400
of section 164.05 of the Revised Code, a district public works	401
integrating committee may require a subdivision to submit	402
information on its capital infrastructure as part of an	403
application for assistance in financing a capital improvement	404
project under this section.	405
(D) In addition to reviewing and selecting the projects	406
for which approval will be sought from the director of the Ohio	407
public works commission for financial assistance from the state	408
capital improvements fund, each district public works	409
integrating committee shall appoint a subcommittee of its	410
members that will represent the interests of villages and	411
townships and that will review and select the capital	412
improvement projects which will be submitted by the subcommittee	413
to the administrator of the Ohio small government capital	414
improvements commission for consideration of assistance from the	415
portion of the net proceeds of obligations issued and sold by	416

the treasurer of state which is allocated pursuant to division 417
(B) (1) of section 164.08 of the Revised Code. In reviewing and 418
approving the projects selected by its subcommittee, the 419
administrator, and the Ohio small government capital 420
improvements commission shall be guided by the provisions of 421
division (B) of this section, and shall also take into account 422
the fact that villages and townships may have different public 423
infrastructure needs than larger subdivisions. 424

~~(E) The district public works integrating committee for 425
each district that includes at least one county with a 426
population of less than eighty five thousand according to the 427
most recent decennial census shall appoint a subcommittee of its 428
members for the purposes of the small counties capital 429
improvement program created under division (F) of section 164.02- 430
of the Revised Code. The subcommittee shall select and submit to 431
the director the projects that will be considered for assistance 432
from the money allocated to the program under division (B) (3) of 433
section 164.08 of the Revised Code. 434~~

Sec. 164.08. (A) Except as provided in sections 151.01 and 435
151.08 or section 164.09 of the Revised Code, the net proceeds 436
of obligations issued and sold by the treasurer of state 437
pursuant to section 164.09 of the Revised Code before September 438
30, 2000, or pursuant to sections 151.01 and 151.08 of the 439
Revised Code, for the purpose of financing or assisting in the 440
financing of the cost of public infrastructure capital 441
improvement projects of local subdivisions, as provided for in 442
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 443
and this chapter, shall be paid into the state capital 444
improvements fund, which is hereby created in the state 445
treasury. Investment earnings on moneys in the fund shall be 446
credited to the fund. 447

(B) Beginning July 1, 2016, each program year the amount 448
of obligations authorized by the general assembly in accordance 449
with sections 151.01 and 151.08 or section 164.09 of the Revised 450
Code, excluding the proceeds of refunding or renewal 451
obligations, shall be allocated by the director of the Ohio 452
public works commission as follows: 453

(1) First, ten per cent of the amount of obligations 454
authorized shall be allocated to provide financial assistance to 455
villages and to townships with populations in the unincorporated 456
areas of the township of less than five thousand persons, for 457
capital improvements in accordance with section 164.051 and 458
division (D) of section 164.06 of the Revised Code. As used in 459
division (B)(1) of this section, "capital improvements" includes 460
resurfacing and improving roads. 461

(2) Following the allocation required by division (B)(1) 462
of this section, the director may allocate two per cent of the 463
authorized obligations to provide financial assistance to local 464
subdivisions for capital improvement projects which in the 465
judgment of the director of the Ohio public works commission are 466
necessary for the immediate preservation of the health, safety, 467
and welfare of the citizens of the local subdivision requesting 468
assistance. Starting July 1, 2021, the director may allocate up 469
to six per cent of authorized obligations as provided in this 470
division. 471

~~(3) For program years twelve and fourteen that obligations 472
are authorized and available for allocation under this chapter, 473
two million dollars each program year shall be allocated to the 474
small county capital improvement program for use in providing 475
financial assistance under division (F) of section 164.02 of the 476
Revised Code. 477~~

~~(4)~~—The director shall determine the amount of the 478
remaining obligations authorized to be issued and sold that each 479
county would receive if such amounts were allocated on a per 480
capita basis each year. If a county's per capita share for the 481
year would be less than three hundred thousand dollars, the 482
director shall allocate to the district in which that county is 483
located an amount equal to the difference between three hundred 484
thousand dollars and the county's per capita share. 485

~~(5)~~—~~(4)~~ After making the allocation required by division 486
~~(B) (4)~~—(B) (3) of this section, the director shall allocate the 487
remaining amount to each district on a per capita basis. 488

(C) (1) There is hereby created in the state treasury the 489
state capital improvements revolving loan fund, into which shall 490
be deposited all repayments of loans made to local subdivisions 491
for capital improvements pursuant to this chapter. Investment 492
earnings on moneys in the fund shall be credited to the fund. 493

(2) There may also be deposited in the state capital 494
improvements revolving loan fund moneys obtained from federal or 495
private grants, or from other sources, which are to be used for 496
any of the purposes authorized by this chapter. Such moneys 497
shall be allocated each year in accordance with division ~~(B) (5)~~— 498
(B) (4) of this section. 499

(3) Moneys deposited into the state capital improvements 500
revolving loan fund shall be used to make loans for the purpose 501
of financing or assisting in the financing of the cost of 502
capital improvement projects of local subdivisions. 503

(4) Investment earnings credited to the state capital 504
improvements revolving loan fund that exceed the amounts 505
required to meet estimated federal arbitrage rebate requirements 506

shall be used to pay costs incurred by the public works 507
commission in administering this section. Investment earnings 508
credited to the state capital improvements revolving loan fund 509
that exceed the amounts required to pay for the administrative 510
costs and estimated rebate requirements shall be allocated to 511
each district on a per capita basis. 512

(5) Each program year, loan repayments received and on 513
deposit in the state capital improvements revolving loan fund 514
shall be allocated as follows: 515

(a) Each district public works integrating committee shall 516
be allocated an amount equal to the sum of all loan repayments 517
made to the state capital improvements revolving loan fund by 518
local subdivisions that are part of the district. Moneys not 519
used in a program year may be used in the next program year in 520
the same manner and for the same purpose as originally 521
allocated. 522

(b) Loan repayments made pursuant to projects approved 523
under division (B) (1) of this section shall be used to make 524
loans in accordance with section 164.051 and division (D) of 525
section 164.06 of the Revised Code. Allocations for this purpose 526
made pursuant to division (C) (5) of this section shall be in 527
addition to the allocation provided in division (B) (1) of this 528
section. 529

(c) Loan repayments made pursuant to projects approved 530
under division (B) (2) of this section shall be used to make 531
loans in accordance with division (B) (2) of this section. 532
Allocations for this purpose made pursuant to division (C) (5) of 533
this section shall be in addition to the allocation provided in 534
division (B) (2) of this section. 535

(d) Loans made from the state capital improvements 536
revolving loan fund shall not be limited in their usage by 537
divisions (E), (F), (G), (H), and (I) of section 164.05 of the 538
Revised Code. 539

(D) Investment earnings credited to the state capital 540
improvements fund that exceed the amounts required to meet 541
estimated federal arbitrage rebate requirements shall be used to 542
pay costs incurred by the public works commission in 543
administering sections 164.01 to 164.12 of the Revised Code. 544

(E) The director of the Ohio public works commission shall 545
notify the director of budget and management of the amounts 546
allocated pursuant to this section and such information shall be 547
entered into the state accounting system. The director of budget 548
and management shall establish appropriation line items as 549
needed to track these allocations. 550

(F) If the amount of a district's allocation in a program 551
year exceeds the amount of financial assistance approved for the 552
district by the commission for that year, the remaining portion 553
of the district's allocation shall be added to the district's 554
allocation pursuant to division (B) of this section for the next 555
succeeding year for use in the same manner and for the same 556
purposes as it was originally allocated, except that any portion 557
of a district's allocation which was available for use on new or 558
expanded infrastructure pursuant to division (H) of section 559
164.05 of the Revised Code shall be available in succeeding 560
years only for the repair and replacement of existing 561
infrastructure. 562

(G) When an allocation based on population is made by the 563
director pursuant to division (B) of this section, the director 564
shall use the most recent decennial census statistics, and shall 565

not make any reallocations based upon a change in a district's population. 566
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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. 568
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(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. 575
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(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. 586
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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: 589
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(A) Provide for open space acquisition, including the acquisition of easements, or the related ~~development~~ improvement 593
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of open spaces acquired with a grant awarded under sections 595
164.20 to 164.27 of the Revised Code. Open space acquisition 596
projects include acquisition of land or rights in land for 597
parks, forests, wetlands, natural areas that protect an 598
endangered plant or animal population, other natural areas, and 599
connecting corridors for natural areas. Related ~~development~~ 600
improvement projects include projects for the construction or 601
enhancement of facilities that are necessary to make an open 602
space area accessible and useable by the general public. 603
Projects proposed pursuant to division (A) of this section shall 604
emphasize the following: 605

(1) The support of comprehensive open space planning and 606
incorporation of aesthetically pleasing and ecologically 607
informed design; 608

(2) The enhancement of economic ~~development~~improvement 609
that relies on recreation and ecotourism in areas with 610
relatively high unemployment and lower incomes; 611

(3) The protection of habitat for rare, threatened, and 612
endangered species or the preservation of high quality, viable 613
habitat for plant and animal species; 614

(4) The preservation of existing high quality wetlands or 615
other scarce natural resources within the geographical 616
jurisdiction of the council; 617

(5) The enhancement of educational opportunities and 618
provision of physical links to schools and after-school centers; 619

(6) The preservation or restoration of water quality, 620
natural stream channels, functioning floodplains, wetlands, 621
streamside forests, and other natural features that contribute 622
to the quality of life in this state and to the state's natural 623

heritage. Projects ~~shall not include hydromodification projects—~~ 624
~~such as dams, dredging, sedimentation, and bank clearing and~~ 625
shall not accelerate untreated water runoff or encourage 626
invasive nonnative species. 627

(7) The reduction or elimination of nonnative, invasive 628
species of plants or animals; 629

(8) The proper management of areas where safe fishing, 630
hunting, and trapping may take place in a manner that will 631
preserve a balanced natural ecosystem. 632

(B) Protect and enhance riparian corridors or watersheds, 633
including the protection and enhancement of streams, rivers, 634
lakes, and other waters of the state. Such projects may include, 635
without limitation, the reforestation of land or the planting of 636
vegetation for filtration purposes; the fee simple acquisition 637
of lands for the purpose of providing access to riparian 638
corridors or watersheds or for other purposes necessary for the 639
protection and enhancement of riparian corridors or watersheds; 640
and the acquisition of easements for the purpose of protecting 641
and enhancing riparian corridors or watersheds. Projects 642
proposed pursuant to division (B) of this section shall 643
emphasize the following: 644

(1) The increase of habitat protection; 645

(2) Inclusion as part of a stream corridor-wide or 646
watershed-wide plan; 647

(3) The provision of multiple recreational, economic, and 648
aesthetic preservation benefits; 649

(4) The preservation or restoration of floodplain and 650
streamside forest functions; 651

(5) The preservation of headwater streams; 652

(6) The restoration and preservation of aquatic biological 653
communities. 654

~~Projects shall not initiate or perpetuate 655
hydromodification projects such as dams, ditch development, or 656
channelization. 657~~

Grant moneys may be used for preliminary costs related to 658
projects that are eligible for funding under this section, 659
including planning costs, design costs, engineering costs, costs 660
of appraisals, environmental assessments, and archaeological 661
surveys. 662

Sec. 164.26. (A) The director of the Ohio public works 663
commission shall establish policies related to the need for 664
long-term ownership, or long-term control through a lease or the 665
purchase of an easement, of real property that is the subject of 666
an application for a grant under sections 164.20 to 164.27 of 667
the Revised Code and establish requirements for documentation to 668
be submitted by grant applicants that is necessary for the 669
proper administration of this division. The policies shall 670
provide for proper liquidated damages and grant repayment for 671
entities that fail to comply with the long-term ownership or 672
control requirements established under this division. 673

The director also shall adopt policies delineating what 674
constitutes administrative costs for purposes of division (F) of 675
section 164.27 of the Revised Code. 676

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

necessary for that purpose. 681

(C) Technical assistance provided by the Ohio public works 682
commission does not constitute approval or denial of an 683
application submitted under section 164.23 of the Revised Code. 684

Sec. 940.05. (A) The board of supervisors of a soil and 685
water conservation district shall consist of five supervisors, 686
as provided for in section 940.04 of the Revised Code. 687

(B) The board shall organize annually by selecting a 688
chairperson, a secretary, and a treasurer. It shall designate 689
one of its members as fiscal agent. A majority of the board 690
shall constitute a quorum. The concurrence of a majority of the 691
board in any matter shall be required for its determination. A 692
supervisor shall receive no compensation for the supervisor's 693
services, except when both of the following occur: 694

~~(A)~~ (1) A district board of supervisors designates one or 695
more of its supervisors to represent the district on a joint 696
district board or if an agency or instrumentality of the United 697
States, of this state, or of a political subdivision of this 698
state requires or requests district board representation; 699

~~(B)~~ (2) Such compensation is provided for by public moneys 700
other than moneys in the special fund of the local district 701
created pursuant to section 940.12 of the Revised Code. 702

(C) A supervisor is entitled to be reimbursed for the 703
necessary expenses incurred in the discharge of official duties. 704

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

this chapter. 710

(E) At least once each year, a district shall submit to 711
the commission a report of progress and operations, including a 712
summary of receipts and disbursements during the period covered 713
by the report. A district shall submit additional financial 714
reports as requested by the commission. 715

~~The board shall provide for the execution of surety bonds~~ 716
~~for~~ (F) For all employees and officers who are entrusted with 717
~~funds and~~, the board shall either: 718

(1) Provide for the execution of surety bonds; 719

(2) By resolution, adopt a policy to allow for use of an 720
employee dishonesty and faithful performance of duty insurance 721
policy to cover financial or property loss caused by the 722
fraudulent or dishonest actions of, and the failure to perform a 723
duty prescribed by law for, an officer, employee, or appointee 724
that is otherwise required by law to give an individual surety 725
bond before entering upon the discharge of official duties. 726

(G) The board shall provide for the keeping of a full and 727
accurate record of all proceedings and of all resolutions and 728
orders issued or adopted. 729

(H) Any supervisor may be removed by the commission upon 730
notice and hearing for neglect of duty or malfeasance in office. 731

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

~~area overlying the pool, shall hold a hearing to consider the~~ 739
~~need for the operation as a unit of an entire pool or part~~ 740
~~thereof.~~ In calculating the sixty-five per cent, an owner's 741
entire interest in each tract in the proposed unit area, 742
including any divided, undivided, partial, fee, or other 743
interest in the tract, shall be included to the fullest extent 744
of that interest. ~~An application by owners~~ 745

(2) The chief may make a motion, without application, for 746
the operation as a unit of an entire pool or part of the pool. 747

(B) An applicant shall be accompanied by a include with 748
the application for unit operation both of the following: 749

(1) A nonrefundable fee of ten thousand dollars and by 750
such; 751

(2) Any additional information as requested by the chief 752
may request. 753

(C) (1) The chief shall hold a hearing regarding an 754
application submitted under division (A) (1) of this section or 755
regarding the chief's motion made under division (A) (2) of this 756
section. Except as otherwise provided in division (C) (2) of this 757
section, the chief shall hold the hearing not more than sixty 758
days after the date the chief receives the application or makes 759
the motion, as applicable. 760

(2) If the chief determines that an application is 761
materially incomplete before the required hearing date, the 762
chief shall notify the applicant. The applicant shall respond to 763
the chief not later than three business days from receipt of the 764
notice to correct the application. If the applicant does not 765
timely correct the application, the chief may reschedule the 766
hearing date. 767

(3) At the hearing, the chief shall consider the need for the operation as a unit of an entire pool or part thereof. 768
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(D) The chief shall make an order providing for the unit operation of a pool or part thereof if the chief finds that such operation is reasonably necessary to increase substantially the ultimate recovery of oil and gas, and the value of the estimated additional recovery of oil or gas exceeds the estimated additional cost incident to conducting the operation. The ~~order~~ chief shall issue the order not later than sixty days after the date of the hearing, unless the chief denies the application or motion by order within that sixty-day period. 770
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(E) The order shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include: 779
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(1) A description of the unitized area, termed the unit area; 782
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(2) A statement of the nature of the operations contemplated; 784
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(3) An allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is no such agreement, the chief shall determine the value, from the evidence introduced at the hearing, of each separately owned tract in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the value of each tract so 786
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determined bears to the value of all tracts in the unit area. 797

(4) A provision for the credits and charges to be made in 798
the adjustment among the owners in the unit area for their 799
respective investments in wells, tanks, pumps, machinery, 800
materials, and equipment contributed to the unit operations; 801

(5) A provision providing how the expenses of unit 802
operations, including capital investment, shall be determined 803
and charged to the separately owned tracts and how the expenses 804
shall be paid; 805

(6) A provision, if necessary, for carrying or otherwise 806
financing any person who is unable to meet the person's 807
financial obligations in connection with the unit, allowing a 808
reasonable interest charge for such service; 809

(7) A provision for the supervision and conduct of the 810
unit operations, in respect to which each person shall have a 811
vote with a value corresponding to the percentage of the 812
expenses of unit operations chargeable against the interest of 813
that person; 814

(8) The time when the unit operations shall commence, and 815
the manner in which, and the circumstances under which, the unit 816
operations shall terminate; 817

(9) Such additional provisions as are found to be 818
appropriate for carrying on the unit operations, and for the 819
protection or adjustment of correlative rights. 820

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

unit operation, and also by the royalty or, with respect to 826
unleased acreage, fee owners of sixty-five per cent of the 827
acreage to be included in the unit. If the plan for unit 828
operations has not been so approved by owners and royalty owners 829
at the time the order providing for unit operations is made, the 830
chief shall upon application and notice hold such supplemental 831
hearings as may be required to determine if and when the plan 832
for unit operations has been so approved. If the owners and 833
royalty owners, or either, owning the required percentage of 834
interest in the unit area do not approve the plan for unit 835
operations within a period of six months from the date on which 836
the order providing for unit operations is made, the order shall 837
cease to be of force and shall be revoked by the chief. 838

(G) An order providing for unit operations may be amended 839
by an order made by the chief, in the same manner and subject to 840
the same conditions as an original order providing for unit 841
operations, provided that: 842

(1) If such an amendment affects only the rights and 843
interests of the owners, the approval of the amendment by the 844
royalty owners shall not be required. 845

(2) No such order of amendment shall change the percentage 846
for allocation of oil and gas as established for any separately 847
owned tract by the original order, except with the consent of 848
all persons owning interest in the tract. 849

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

shall then be allocated among the separately owned tracts 856
included in the previously established unit area in the same 857
proportions as those specified in the previous order. 858

(I) Oil and gas allocated to a separately owned tract 859
shall be deemed, for all purposes, to have been actually 860
produced from the tract, and all operations, including, but not 861
limited to, the commencement, drilling, operation of, or 862
production from a well upon any portion of the unit area shall 863
be deemed for all purposes the conduct of such operations and 864
production from any lease or contract for lands any portion of 865
which is included in the unit area. The operations conducted 866
pursuant to the order of the chief shall constitute a 867
fulfillment of all the express or implied obligations of each 868
lease or contract covering lands in the unit area to the extent 869
that compliance with such obligations cannot be had because of 870
the order of the chief. 871

(J) Oil and gas allocated to any tract, and the proceeds 872
from the sale thereof, shall be the property and income of the 873
several persons to whom, or to whose credit, the same are 874
allocated or payable under the order providing for unit 875
operations. 876

(K) No order of the chief or other contract relating to 877
the sale or purchase of production from a separately owned tract 878
shall be terminated by the order providing for unit operations, 879
but shall remain in force and apply to oil and gas allocated to 880
the tract until terminated in accordance with the provisions 881
thereof. 882

(L) Notwithstanding divisions (A) to (G) of section 155.33 883
of the Revised Code and rules adopted under it, the chief shall 884
issue an order for the unit operation of a pool or a part of a 885

pool that encompasses a unit area for which all or a portion of 886
the mineral rights are owned by the department of 887
transportation. 888

(M) Except to the extent that the parties affected so 889
agree, no order providing for unit operations shall be construed 890
to result in a transfer of all or any part of the title of any 891
person to the oil and gas rights in any tract in the unit area. 892
All property, whether real or personal, that may be acquired for 893
the account of the owners within the unit area shall be the 894
property of such owners in the proportion that the expenses of 895
unit operations are charged. 896

Sec. 3781.1011. (A) As used in this section: 897

(1) "Alarm system" means a device or system that transmits 898
a signal intended to summon law enforcement to a county, 899
township, or municipal corporation in response to an alleged 900
violation of an offense under Chapter 2911. of the Revised Code 901
occurring in a nonresidential zone of the applicable county, 902
township, or municipal corporation. The term includes an alarm 903
that emits an audible signal on the exterior of a structure. The 904
term does not include an alarm installed on a vehicle or an 905
alarm designed to alert only the inhabitants within the 906
premises. The term includes an alarm system for which a permit 907
may be issued under any applicable section of the Revised Code 908
or Ohio Constitution. 909

(2) "Battery-charged fence" means a fence connected to a 910
battery-operated energizer that is intended periodically to 911
deliver voltage impulses to the fence, a battery charging device 912
used exclusively to charge the battery, and any other ancillary 913
components or equipment attached to such a system. 914

(3) "Permit" means a certificate, license, permit, or 915
other form of permission that authorizes a person to engage in 916
an action. 917

(B) A battery-charged fence installed on private, 918
nonresidential property within a county, township, or municipal 919
corporation shall satisfy all of the following: 920

(1) Interface with a monitored alarm system; 921

(2) Have a battery-operated energizer that is powered by a 922
commercial storage battery that is not more than twelve volts of 923
direct current, and that meets the standards set forth by the 924
international electrotechnical commission 60335-02-76 current 925
edition; 926

(3) Be completely surrounded by a nonelectric perimeter 927
fence or wall that is not less than five feet in height; 928

(4) Be not more than the higher of ten feet in height, or 929
two feet higher than the height of the nonelectric perimeter 930
fence or wall; and 931

(5) Be marked with conspicuous warning signs that are 932
located on the battery-charged fence at not more than forty-foot 933
intervals and that read: "WARNING--ELECTRIC FENCE." 934

(C) Division (B) of this section does not apply to any of 935
the following: 936

(1) Fences that are required to be constructed by persons 937
or corporations owning, controlling, or managing a railroad 938
pursuant to Chapter 4959. of the Revised Code; 939

(2) ~~Preferred partition~~ Partition fences under constructed 940
in accordance with Chapter 971. of the Revised Code; 941

(3) Fences constructed or installed by the state or a political subdivision, or by the federal government;	942 943
(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;	944 945 946 947 948
(5) Fences installed at a wildlife sanctuary;	949
<u>(6) Fences constructed and used for agricultural purposes, as agriculture is defined in either section 303.01 or 519.01 of the Revised Code.</u>	950 951 952
(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:	953 954 955 956
(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;	957 958 959 960
(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;	961 962 963 964
(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.	965 966 967 968
<u>Sec. 5301.71. (A) As used in this section:</u>	969

(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 and tenant concerning the use and occupancy of real property by one of the parties for agricultural purposes. 970
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(2) "Agricultural purposes" means the use and occupancy of real property for the planting, growing, and harvesting of crops and all practices necessary for that planting, growing, and harvesting. It does not mean the use and occupancy of real property for pasture, timber, farm buildings, horticultural buildings, or leases solely for equipment. 975
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(3) "Landlord" means the owner or lessor of real property used for agricultural purposes that is authorized to receive remuneration from a tenant under an agricultural lease agreement, and has entered into, or has actual or constructive knowledge of, an agricultural lease agreement. 981
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(4) "Tenant" means the person entitled under an agricultural lease agreement to use real property for agricultural purposes to the exclusion of all others. 986
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(B) (1) Notwithstanding anything in Chapter 1335. of the Revised Code, if an agricultural lease agreement does not provide for a termination date or method for notice of termination of the agricultural lease agreement, the landlord shall provide the tenant with written notice of termination. The written notice shall be delivered on or before the first day of September, in the year the termination is to be effective, by personal delivery, facsimile, or electronic mail. 989
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(2) If notice of termination of an agricultural lease agreement is given pursuant to division (B) (1) of this section, 997
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the termination date for the agricultural lease agreement shall 999
be the earlier of the following, unless otherwise agreed to, in 1000
writing, by the landlord and tenant: 1001

(a) The date harvesting or removal of crops is complete; 1002

(b) The thirty-first day of December in the year in which 1003
the notice was given. 1004

(C) This section does not affect the requirements of 1005
section 5301.01 of the Revised Code. 1006

Section 2. That existing sections 164.02, 164.05, 164.06, 1007
164.08, 164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 1008
of the Revised Code are hereby repealed. 1009

Section 3. (A) The Governor may execute a Governor's Deed 1010
in the name of the State conveying to The Board of Fairfield 1011
County Commissioners ("Grantee"), and its successors and 1012
assigns, or to an alternative Grantee, and to the alternate 1013
Grantee's heirs and assigns or successors and assigns all of the 1014
State's right, title, and interest in the following described 1015
real estate: 1016

Tract 1 1017

Situated in the State of Ohio, County of Fairfield, 1018
Township of Violet, Section 29, Township 16, Range 20, Refugee 1019
lands, being reserve "B" of Hunter's Run Section 1, Plat Cabinet 1020
1, Slot 4 as recorded in the Fairfield County Recorder's Office, 1021
and subject to all rights-of-way, easements and restrictions of 1022
record. 1023

Less and excepting the following described property: 1024

Situated in the Township of Violet, County of Fairfield 1025
and State of Ohio, and known as being a part of Section 29, Town 1026

16, Range 20 of Refugee Lands, and more fully bounded and 1027
described as follows: 1028

Parcel No. 4-WV (Highway) 1029

All right, title, and interest in fee simple, excluding 1030
limitation of access, in the following described property, 1031
including the sign thereon, in the name, and for the use of the 1032
City of Pickerington, Ohio: 1033

Beginning, for reference, at the intersection of the 1034
centerline of State Route 256 and the centerline of Stonecreek 1035
Drive North, said point being at Station 64 plus 37.62 on the 1036
centerline of survey & construction of State Route 256 as 1037
documented in the Ohio Department of Transportation Plans FA1- 1038
256-1.06 (said plans being the basis for all bearings); 1039

Thence, on the centerline of State Route 256, South 23° 1040
29' 42" East, 162.38 feet to a point (Station 66 plus 00.00); 1041

Thence, North 66° 30' 18" East, 50.00 feet to the TRUE 1042
POINT OF BEGINNING (50.00 feet left of Station 66 plus 00.00); 1043

Thence, along the proposed right-of-way line, South 32° 1044
55' 34" East, 153.60 feet to a point (72.00 feet left of Station 1045
67 plus 55.01); 1046

Thence, along the proposed right-of-way line, South 77° 1047
45' 32" East, 90.14 feet to a point (142.00 feet left of Station 1048
68 plus 14.01); 1049

Thence, along the proposed right-of-way line, South 20° 1050
57' 54" East, 126.04 feet to a point (125.09 feet left of 1051
Station 69 plus 44.02); 1052

Thence, along the proposed right-of-way line, South 33° 1053
32' 42" East, 114.26 feet to a point (133.00 feet left of 1054

Station 70 plus 58.01); 1055

Thence, along the proposed right-of-way line, South 59° 1056
46' 41" East, 65.69 feet to a point (166.05 feet left of Station 1057
71 plus 14.78) 1058

Thence, along the proposed right-of-way line, South 28° 1059
07' 41" East, 22.80 feet to a point (165.48 feet left of Station 1060
71 plus 37.58); 1061

Thence, along Owner's property line and the existing 1062
right-of-way line, North 29° 34' 22" West, 185.97 feet to a 1063
point (50.00 feet left of Station 69 plus 22.41); 1064

Thence, continuing on the proposed right-of-way line, 1065
along the arc of a curve to the right with a radius of 2814.79 1066
feet, and arc length of 298.60 feet whose chord bears North 26° 1067
32' 02" West, 298.46 feet to a point (50.00 feet left of Station 1068
66 plus 18.51); 1069

Thence, North 23° 29' 42" West, 18.51 feet to the True 1070
Point of Beginning, containing .719 acres, more or less. 1071

Owners retain rights of ingress and egress to and from any 1072
residual area. 1073

A gross take of 0.719 acres is to be taken from the 1074
Auditors Parcel No. 036-02606-00 which contains 17.649 acres. 1075

Parcel Number: 0360260600 1076

Prior Instrument Reference: OR 1183 PAGE 2287 1077

Tract 2 1078

Situated in the State of Ohio, County of Fairfield, 1079
Township of Violet, Section 29, Township 16, Range 20, Refugee 1080
Lands, being a part of Lot 3 of Hunter's Run Section 1, Plat 1081

Cabinet 1, Slot 4, also being 4.716 acres of that tract conveyed 1082
to Troon Management, Deed Book 649, Page 189, (all references 1083
refer to records in the Recorder's Office, Fairfield County, 1084
Ohio) and more fully described as follows: 1085

Beginning at an iron pin set at the northeast corner of 1086
Brunnel Hill Development Company, Deed Book 664, Page 916, also 1087
the north corner of the Replat of Part of Hunter's Run Section 1 1088
Lot 3, P.C. 1, Slot 188, on the south right of way line of 1089
Stonecreek Drive; 1090

Thence South 88° 35' 49" East, a distance of 560.61 feet, 1091
along the right of way line of said Stonecreek Drive to an iron 1092
pin found at the northwest property corner of Ronald R. & Joyce 1093
E. Skeen, Deed Book 590, Page 441; 1094

Thence South 01° 21' 41" West, a distance of 313.03 feet, 1095
along the westerly property line of said Skeen to an iron pin 1096
found; 1097

Thence South 85° 45' 15" West, a distance of 599.21 feet, 1098
along the northerly line of Reserve "B", Hunter's Run Section 1, 1099
P.C. 1, Slot 4, to an iron pin set at the southeast corner of 1100
said replat of part of Hunter's Run Section 1 Lot 3; 1101

Thence North 10° 30' 00" West, a distance of 175.49 feet 1102
along the easterly property line of said replat of part of 1103
Hunter's Run Section 1 Lot 3, to an iron pin set; 1104

Thence North 27° 31' 50" East, a distance of 162.72 feet, 1105
along the easterly property line of said replat of part of 1106
Hunter's Run Section 1 Lot 3, to an iron pin set; 1107

Thence North 01° 24' 11" East, a distance of 54.20 feet, 1108
along the easterly property line of said replat of Hunter's Run 1109
Section 1 Lot 3 to the point of beginning, containing 4.716 1110

acres more or less according to an actual field survey made by 1111
Hockaden and Associates in November of 1998 and subject to all 1112
rights-of-way, easements and restrictions of record. 1113

Bearings are based upon the recorded plat of Hunter's Run, 1114
Section 1 of record in Plat Cabinet 1, Slot 4, Recorder's 1115
Office, Fairfield County, Ohio. 1116

Parcel Number: 0360260800 1117

Prior Instrument Reference: OR 1183 PAGE 2287 1118

The foregoing legal description may be corrected or 1119
modified by the Department of Administrative Services to a final 1120
form if such corrections or modifications are needed to 1121
facilitate recordation of the deed. 1122

(B) (1) The conveyance includes improvements and chattels 1123
situated on the real estate, and is subject to all easements, 1124
covenants, conditions, leases, and restrictions of record: all 1125
legal highways and public rights-of-way; zoning, building, and 1126
other laws, ordinances, restrictions, and regulations; and real 1127
estate taxes and assessments not yet due and payable. The real 1128
estate shall be conveyed in an "as-is, where-is, with all 1129
faults" condition. 1130

(2) The deed for the conveyance of the real estate may 1131
contain restrictions, exceptions, reservations, reversionary 1132
interests, and other terms and conditions the Director of 1133
Administrative Services determines to be in the best interest of 1134
the State. 1135

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

necessity of further legislation. 1140

(C) Consideration for the conveyance of the real estate 1141
described in division (A) of this section shall be at a price 1142
acceptable to the Director of Administrative Services and the 1143
Board of Trustees of Ohio University. 1144

The Director of Administrative Services shall offer the 1145
real estate to the Board of Fairfield County Commissioners 1146
through a real estate purchase agreement. If the Board of 1147
Fairfield County Commissioners does not accept the offer to 1148
purchase or complete the purchase of the real estate within the 1149
time period provided in the real estate purchase agreement, the 1150
Director of Administrative Services may use any reasonable 1151
method of sale considered acceptable by the Board of Trustees of 1152
Ohio University to determine an alternate grantee willing to 1153
complete the purchase within three years after the effective 1154
date of this section. Ohio University shall pay all advertising 1155
costs, additional fees, and other costs incident to the sale of 1156
the real estate to an alternate grantee. 1157

(D) The real estate described in division (A) of this 1158
section shall be sold as an entire tract and not in parcels. 1159

(E) Except as otherwise specified above, the Grantee shall 1160
pay all costs associated with the purchase, closing and 1161
conveyance, including surveys, title evidence, title insurance, 1162
transfer costs and fees, recording costs and fees, taxes, and 1163
any other fees, assessments, and costs that may be imposed. 1164

The proceeds of the sale shall be deposited into 1165
university accounts determined by the Board of Trustees of Ohio 1166
University. 1167

(F) Upon receipt of a fully executed purchase agreement as 1168

described in division (C) of this section, the Director of the 1169
Department of Administrative Services, with the assistance of 1170
the Attorney General, shall prepare a Governor's Deed to the 1171
real estate described in division (A) of this section. The 1172
Governor's Deed shall state the consideration and shall be 1173
executed by the Governor in the name of the State, countersigned 1174
by the Secretary of State, sealed with the Great Seal of the 1175
State, presented in the Department of Administrative Services 1176
for recording, and delivered to the Grantee. The Grantee shall 1177
present the Governor's deed for recording in the Office of the 1178
Fairfield County Recorder. 1179

(G) This section shall expire three (3) years after its 1180
effective date. 1181

Section 201.10. All items in this act are hereby 1182
appropriated as designated out of any moneys in the state 1183
treasury to the credit of the designated fund. For all operating 1184
appropriations made in this act, those in the first column are 1185
for fiscal year 2022 and those in the second column are for 1186
fiscal year 2023. The operating appropriations made in this act 1187
are in addition to any other operating appropriations made for 1188
the FY 2022-FY 2023 biennium. 1189

Section 209.10. 1190

1191

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 1192

On the effective date of this section, or as soon as 1193
possible thereafter, the Director of Budget and Management may 1194
transfer up to \$85,000,000 cash from the General Revenue Fund to 1195
the Investing in Ohio Fund (Fund 5XM0). 1196

Section 228.10. REAPPROPRIATIONS 1197

Amounts equal to the unexpended, unencumbered balances of 1198
the foregoing appropriations contained in the sections of this 1199
act prefixed with numbers in the 200s at the end of fiscal year 1200
2022 are hereby reappropriated to the respective appropriation 1201
items in fiscal year 2023 for the same purposes. 1202

Section 229.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 1203
APPROPRIATIONS 1204

Within the limits set forth in this act, the Director of 1205
Budget and Management shall establish accounts indicating the 1206
source and amount of funds for each appropriation made in this 1207
act, and shall determine the form and manner in which 1208
appropriation accounts shall be maintained. Expenditures from 1209
operating appropriations contained in this act shall be 1210
accounted for as though made in H.B. 110 of the 134th General 1211
Assembly. The operating appropriations made in this act are 1212
subject to all provisions of H.B. 110 of the 134th General 1213
Assembly that are generally applicable to such appropriations. 1214

Section 806.10. SEVERABILITY 1215

The items of law contained in this act, and their 1216
applications, are severable. If any item of law contained in 1217
this act, or if any application of any item of law contained in 1218
this act, is held invalid, the invalidity does not affect other 1219
items of law contained in this act and their applications that 1220
can be given effect without the invalid item or application. 1221

Section 812.10. LAWS AND REFERENDUM 1222

Except as otherwise provided in this act, the amendment, 1223
enactment, or repeal by this act of a section of law is subject 1224
to the referendum under Ohio Constitution, Article II, Section 1225
1c and therefore takes effect on the ninety-first day after this 1226
act is filed with the Secretary of State or, if a later 1227
effective date is specified below, on that date. 1228

Section 812.20. Sections of this act prefixed with numbers 1229
in the 200s are exempt from the referendum under Ohio 1230
Constitution, Article II, Section 1d and therefore take effect 1231
immediately when this act becomes law. 1232