

(122nd General Assembly)  
(Amended Substitute House Bill Number 850)

# AN ACT

To amend sections 111.15, 119.01, 123.15, 125.023, 125.101, 125.22, 125.81, 126.03, 127.14, 127.16, 133.04, 133.06, 153.01, 153.04, 153.05, 153.06, 153.07, 153.08, 153.09, 153.10, 153.11, 153.12, 153.17, 153.32, 153.33, 153.34, 153.50, 153.571, 153.62, 351.01, 351.03, 351.141, 3301.0716, 3304.16, 3315.01, 3316.03, 3317.0212, 3317.03, 3318.03, 3318.04, 3318.12, 3318.15, 3318.25, 3345.50, 3379.10, 4141.13, 5119.16, and 5739.024; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 125.101 (153.16); to enact sections 113.40, 121.372, 126.15, 3318.11, and 5120.135; and to repeal section 3345.51 of the Revised Code and to amend Sections 20, 29, 40, and 112 of Am. Sub. H.B. 215 of the 122nd General Assembly; to amend Section 50.06 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 182, Am. Sub. H.B. 650, and Am. Sub. H.B. 770 of the 122nd General Assembly; to amend Section 50.08 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 650 of the 122nd General Assembly; to amend Section 190 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly; to amend Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly; to amend Section 19 of Am. Sub. H.B. 650 of the 122nd General Assembly; to amend Sections 7, 10, 11, 21.12, 25, and 30.21 of Am. Sub. S.B. 230 of the

122nd General Assembly; and to repeal Section 140 of Am. Sub. H.B. 215 of the 122nd General Assembly to make capital appropriations for the biennium ending June 30, 2000; and to provide authorization and conditions for the operation of state programs.

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

SECTION 1. That sections 111.15, 119.01, 123.15, 125.023, 125.101, 125.22, 125.81, 126.03, 127.14, 127.16, 133.04, 133.06, 153.01, 153.04, 153.05, 153.06, 153.07, 153.08, 153.09, 153.10, 153.11, 153.12, 153.17, 153.32, 153.33, 153.34, 153.50, 153.571, 153.62, 351.01, 351.03, 351.141, 3301.0716, 3304.16, 3315.01, 3316.03, 3317.0212, 3317.03, 3318.03, 3318.04, 3318.12, 3318.15, 3318.25, 3345.50, 3379.10, 4141.13, 5119.16, and 5739.024 be amended; section 125.101 (153.16) be amended for the purpose of adopting a new section number as indicated in parentheses; and sections 113.40, 121.372, 126.15, 3318.11, and 5120.135 of the Revised Code be enacted to read as follows:

Sec. 111.15. (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119., section 4141.14, division (C)(1) or (2) of section 5117.02, or section 5703.14 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(4) "Substantive revision" has the same meaning as in division (J) of section 119.01 of the Revised Code.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) Two certified copies of the rule shall be filed with both the secretary of state and the director of the legislative service commission;

(b) Two certified copies of the rule shall be filed with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 119.032 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If all copies are not filed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is made. If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or (8) of this section.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. Copies of the emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed as follows: two certified copies of the emergency rule shall be filed with both the secretary of state and the director of the legislative service commission, and one certified copy of the emergency rule shall be filed with the joint committee on agency rule review. The emergency rule is effective immediately upon the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule

if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

An emergency rule becomes invalid at the end of the ninetieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another ninety-day period.

(3) An agency shall file a rule under division (B)(1) or (2) of this section in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency written notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the legislative service commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be lent to any law publishing company that wishes to reproduce it.

(D) At least sixty days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file two copies of the full text of the proposed rule with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under division (I) of section 119.03 of the Revised Code. If a state board, commission, department, division, or bureau makes a substantive revision in a proposed rule after it is

filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file two copies of the full text of the proposed rule in its revised form with the joint committee. The latest version of a proposed rule as filed with the joint committee supersedes each earlier version of the text of the same proposed rule. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall attach one copy of the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, to each copy of a proposed rule, and to each copy of a proposed rule in revised form, that is filed under this division.

As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.

This division does not apply to any of the following:

- (1) A proposed rule of an emergency nature;
  - (2) A rule proposed under section 1121.05, 1121.06, 1155.18, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;
  - (3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;
  - (4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;
  - (5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:
    - (a) A statement that it is proposed for the purpose of complying with a federal law or rule;
    - (b) A citation to the federal law or rule that requires verbatim compliance.
  - (6) An initial rule proposed by the director of health to impose safety standards, quality-of-care standards, and quality-of-care data reporting requirements with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a facility listed in division (A)(4) of section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;
  - (7) A rule of the state lottery commission pertaining to instant game rules.
- (E) Whenever a state board, commission, department, division, or

bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file one copy of the full text of the same proposed rule or proposed rule in revised form with the secretary of state and two copies thereof with the director of the legislative service commission. Except as provided in division (F) of this section, a state board, commission, department, division, or bureau shall attach a copy of the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, to each copy of a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

(F) Except as otherwise provided in this division, the auditor of state or the auditor of state's designee is not required to attach a rule summary and fiscal analysis to any copy of a proposed rule, or proposed rule in revised form, that the auditor of state proposes under section 117.12, 117.19, 117.38, or 117.43 of the Revised Code and files under division (D) or (E) of this section. If, however, the auditor of state or the designee prepares a rule summary and fiscal analysis of the original version of such a proposed rule for purposes of complying with section 121.24 of the Revised Code, the auditor of state or designee shall attach a copy of the rule summary and fiscal analysis to each copy of the original version of the proposed rule filed under division (D) or (E) of this section.

Sec. 113.40. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card.

(2) "State expenses" includes fees, costs, taxes, assessments, fines, penalties, payments, or any other expense a person owes to a state office under the authority of a state elected official or to a state entity.

(3) "State elected official" means the GOVERNOR, lieutenant governor, attorney general, secretary of state, treasurer of state, and auditor of state.

(4) "State entity" includes any state department, agency, board, or commission that deposits funds into the state treasury.

(B) Notwithstanding any other section of the Revised Code and subject to division (D) of this section, the board of deposit may adopt a resolution authorizing the acceptance of payments by financial transaction device to pay for state expenses. The resolution shall include all of the following:

(1) A designation of those state elected officials and state ENTITIES authorized to accept payments by financial transaction device;

(2) A list of state expenses that may be paid by the use of a financial transaction device;

(3) Specific identification of financial transaction devices that a state

elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B)(3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B)(4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.

(5) A specific REQUIREMENT, as provided in division (G) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.

The board of deposit's resolution also shall designate the treasurer of state as the administrative agent to solicit proposals, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices; to make recommendations about those proposals to the state elected officials; and to assist state offices in implementing the state's financial transaction device program.

(C) The administrative agent shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of this section. The administrative agent shall request proposals from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution adopted under division (B) of this section. Prior to sending any financial institution, issuer, or processor a copy of any such request, the administrative agent shall advertise its intent to request proposals in a newspaper of general circulation in the state once a week for two consecutive weeks. The notice shall state that the administrative agent intends to request proposals; specify the purpose of the request; indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to financial institutions, issuers, or processors; and require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals submit WRITTEN notice of this interest to the administrative agent not later than noon of the day on which the request for proposals will be mailed.

hem and make a recommendation to the BOARD of deposit regarding which proposals to accept. The board of deposit shall consider the agent's recommendation and review all proposals submitted, and then may choose to contract with any or all of the entities submitting proposals, as appropriate. The board of deposit shall provide any financial institution, issuer, or processor that submitted a proposal, but with which the board does not enter into a contract, notice that its proposal is rejected.

(D) The board of deposit shall send a copy of the resolution adopted under division (B) of this section to each state elected official and state entity authorized to accept payments for state expenses by financial transaction device. After receiving the resolution and before accepting such payments by financial transaction device, such a state elected official or state entity shall provide written notification to the administrative agent of the official's or entity's intent to implement the resolution within the official's or entity's office. Each state office or entity subject to the board's resolution adopted under division (B) of this section shall use only the financial institutions, issuers of financial TRANSACTION devices, and processors of financial transaction devices with which the board of deposit contracts, and each such office or entity is subject to the terms of those contracts.

If a state entity under the authority of a state elected official is directly responsible for collecting one or more state expenses and the state elected official determines not to accept payments by financial transaction device for one or more of those expenses, the office is not required to accept payments by financial transaction device for those expenses, notwithstanding the adoption of a resolution by the board of deposit under division (B) of this section.

Any state entity that prior to the effective date of this section accepted financial transaction devices may continue to accept such devices until June 30, 2000, without being subject to any resolution adopted by the board of deposit under division (B) of this section, or any other oversight by the board of the entity's financial transaction device program. any such entity may use surcharges or convenience fees in any manner the state elected official or other official in charge of the entity determines to be appropriate, and, if the administrative agent consents, may appoint the administrative agent to be the entity's administrative agent for purposes of accepting financial transaction devices. In order to be exempt from the resolution of the board of deposit under division (B) of this section, a state entity shall notify the board in writing within thirty days after the effective date of this section that it accepted financial transaction devices prior to the effective

date of this section. Each such notification shall explain how processing costs associated with financial transaction devices are being paid and shall indicate whether surcharge or convenience fees are being passed on to consumers.

(E) The board of deposit may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed under a contract, between the financial institution, issuer, or processor and the administrative agent, governing the use and acceptance of the financial transaction device.

If a surcharge or convenience fee is imposed, every state entity accepting payment by a financial transaction device, regardless of whether that entity is subject to a resolution adopted by the board of deposit, shall clearly post a notice in the entity's office, and shall notify each person making a payment by such a device, about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium. Each notice shall include all of the following:

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device;

(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;

(3) A clear statement that the surcharge or convenience fee is nonrefundable.

(F) If a person elects to make a payment by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or convenience fee is not refundable.

(G) If a person makes payment by a financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the state for the state expense and any REIMBURSABLE costs for collection, including banking charges, legal fees, or other expenses incurred by the state in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

(H) No person making any payment by a financial transaction device to a state office shall be relieved from liability for the underlying obligation, except to the extent that the state realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the

financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the state shall retain all remedies for enforcement that would have applied if the transaction had not occurred.

(I) A state entity or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments as specified in section 9.87 of the Revised Code.

(J) The administrative agent, in cooperation with the office of budget and management, may adopt, amend, and rescind rules in accordance with section 111.15 of the Revised Code to implement this section.

Sec. 119.01. As used in sections 119.01 to 119.13 of the Revised Code:

(A) "Agency" means, except as limited by this division, any official, board, or commission having authority to promulgate rules or make adjudications in the bureau of employment services, the civil service commission, the department or, on and after July 1, 1997, the division of liquor control, the department of taxation, the industrial commission, the bureau of workers' compensation, the functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state specifically made subject to sections 119.01 to 119.13 of the Revised Code, and the licensing functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state having the authority or responsibility of issuing, suspending, revoking, or canceling licenses.

Except as otherwise provided in division (I) of this section, sections 119.01 to 119.13 of the Revised Code do not apply to the public utilities commission. Sections 119.01 to 119.13 of the Revised Code do not apply to the utility radiological safety board; to the controlling board; to actions of the superintendent of financial institutions and the superintendent of insurance in the taking possession of, and rehabilitation or liquidation of, the business and property of banks, savings and loan associations, savings banks, credit unions, insurance companies, associations, reciprocal fraternal benefit societies, and bond investment companies; or to any action that may be taken by the superintendent of financial institutions under section 1113.03, 1121.05, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 1155.18, 1157.01, 1157.02, 1157.10, 1163.22, 1165.01, 1165.02, 1165.10, 1733.35, 1733.361, 1733.37, 1733.412, or 1761.03 of the Revised Code.

Sections 119.01 to 119.13 of the Revised Code do not apply to actions of the industrial commission or the bureau of workers' compensation under sections 4123.01 to 4123.94 of the Revised Code with respect to all matters

of adjudication, and to the actions of the industrial commission and bureau of workers' compensation under division (D) of section 4121.32 and sections 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, 4123.442, and divisions (B), (C), and (E) of section 4131.14 of the Revised Code.

Sections 119.01 to 119.13 of the Revised Code do not apply to actions of the bureau of employment services, except those relating to all of the following:

- (1) The adoption, amendment, or rescission of rules;
- (2) The issuance, suspension, revocation, or cancellation of licenses;
- (3) Any hearing held pursuant to sections 4115.03 to 4115.16 of the Revised Code or Chapter 4109. or 4111. of the Revised Code.

(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person, institution, or entity furnishes medicaid services under a provider agreement with the department of human services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.

(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.

(F) "Person" means a person, firm, corporation, association, or partnership.

(G) "Party" means the person whose interests are the subject of an adjudication by an agency.

(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court.

(I) "Rule-making agency" means any board, commission, department, division, or bureau of the government of the state that is required to file proposed rules, amendments, or rescissions under division (D) of section 111.15 of the Revised Code and any agency that is required to file proposed rules, amendments, or rescissions under divisions (B) and (H) of section 119.03 of the Revised Code. "Rule-making agency" includes the public utilities commission. "Rule-making agency" does not include any state-supported college or university.

(J) "Substantive revision" means any addition to, elimination from, or other change in a rule, an amendment of a rule, or a rescission of a rule, whether of a substantive or procedural nature, that changes any of the following:

- (1) That which the rule, amendment, or rescission permits, authorizes, regulates, requires, prohibits, penalizes, rewards, or otherwise affects;
- (2) The scope or application of the rule, amendment, or rescission.

(K) "Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and operations within an agency.

Sec. 121.372. (A) As used in this section, "Substitute care provider" means any of the following:

- (1) An alcohol and drug addiction program subject to certification under section 3793.06 of the Revised Code;
- (2) An institution or association subject to certification under section 5103.03 of the Revised Code;
- (3) A residential facility subject to licensure under section 5119.22 of the Revised Code;
- (4) A residential facility subject to licensure under section 5123.19 of the Revised Code.

(B) Not later than ninety days after the effective date of this section, the members of the Ohio family and children first cabinet council, other than the director of budget and management, shall enter into an agreement to establish an office to perform the duties prescribed by division (C) of this section. The agreement shall specify one of the departments represented on the council as the department responsible for housing and supervising the office. The agreement shall include the recommendation of the council for funding the office.

(C) The office established pursuant to the agreement entered into under this section shall review rules governing the certification and licensure of substitute care providers and determine which of the rules can be made substantively identical or more similar in order to minimize the number of differing certification and licensure standards and simplify the certification

or licensure process for substitute care providers seeking certification or licensure from two or more of the departments represented on the council. The office shall provide county family and children first councils, substitute care providers, and persons interested in substitute care providers the opportunity to help the office with the review and determination. The office shall report its findings to the council. Each of the departments represented on the council that has adopted rules governing the certification or licensure of substitute care providers shall review the report and amend the rules as that department considers appropriate, except that no rule shall be amended so as to make it inconsistent with substitute care provider certification or licensure procedures and standards established by federal or state law. A department shall give priority to amendments that will not increase the department's administrative costs. In amending a rule, a department shall comply with Chapter 119. or section 111.15 of the Revised Code, as required by the Revised Code section governing the adoption of the particular rule.

(D) In accordance with section 124.27 of the Revised Code, the council shall select a coordinator to oversee the office established pursuant to the agreement entered into under this section. The coordinator shall be in the classified service. In addition to overseeing the office, the coordinator shall perform any other duties the council assigns to the coordinator. The duties the council assigns to the coordinator shall be related to the duties of the office under division (C) of this section.

Sec. 123.15. The director of administrative services may enter into contracts with proper persons for the performance of labor, the furnishing of materials, or the construction of any structures and buildings necessary to the maintenance, control, and management of the public works of the state, or any part thereof.

The director shall require bonds of not less than one half of the contract price from said contractors, payable to the state and conditioned on the faithful performance of said contract.

Except in cases of extreme public exigency or emergency, and when the cost of any proposed improvement or repair exceeds five hundred dollars, the director shall give notice in a newspaper of general circulation in or contiguous to the county where the contract is to be let and where the work is to be done, and he the director may also advertise in such trade journals as will afford full information to the public of the terms of the contract and the nature of the work to be performed and the character of materials required, together with the time of the letting and place and manner of receiving proposals bids.

Such contracts shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code, shall be in writing, and shall contain specific prices for each kind of work to be performed and for materials to be furnished by the parties.

Sec. 125.023. During the period of an emergency as defined in section 5502.21 of the Revised Code, the department of administrative services may suspend, with regard to the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in recovery activities as defined in section 5502.21 Of the Revised Code, the purchasing and contracting requirements contained in sections 125.02 to 125.111 of the Revised Code and any of the requirements of Chapter 153. Of the Revised Code that otherwise would apply to the agency. The director of public safety or the deputy director of the emergency management agency shall make the request for the suspension of the purchasing and contracting these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation ~~he~~ the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.

Sec. 125.22. (A) The department of administrative services shall establish the central service agency to perform routine support for the following boards and commissions:

- (1) State board of examiners of architects;
- (2) Barber board;
- (3) Chiropractic examining board;
- (4) State board of cosmetology;
- (5) Accountancy board;
- (6) State dental board;
- (7) ~~Board of nursing;~~
- (8) State board of optometry;
- (9)(8) Ohio occupational therapy, physical therapy, and athletic trainers board;
- (10)(9) State board of registration for professional engineers and surveyors;
- (11)(10) State board of sanitarian registration;
- (12)(11) Board of embalmers and funeral directors;
- (13)(12) State board of psychology;
- (14)(13) Ohio optical dispensers board;
- (15)(14) Board of speech pathology and audiology;

- (~~16~~)15 Counselor and social worker board;
- (~~17~~)16 State veterinary medical licensing board;
- (~~18~~)17 Ohio board of dietetics;
- (~~19~~)18 Commission on Hispanic-Latino affairs;
- (~~20~~)19 Ohio respiratory care board.

(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:

- (a) Preparing and processing payroll and other personnel documents;
- (b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;
- (c) Maintaining ledgers of accounts and balances;
- (d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;
- (e) Maintaining information required by section 3729.40 of the Revised Code;
- (f) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.

(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts.

(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts.

(C) The director of administrative services shall be the appointing authority for the agency.

(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.

(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the

credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund.

(F) Nothing in this section shall be construed as a grant of authority for the central service agency to initiate or deny personnel or fiscal actions for the boards and commissions.

Sec. 125.81. The department of administrative services shall:

(A) Analyze and inspect continuously the utilization of all structures and real estate owned by the state or used by its agencies; and analyze and inspect continuously the condition of all such properties and their adequacy for the operations for which they are used.

(B) Promulgate standards relating to the type of architecture, plan of, and utilization of buildings and other structures and public improvements. ~~Such standards shall be adhered to by the office of budget and management in examination of budget requests.~~ Such standards shall be made known to all departments, institutions, universities, offices and other agencies and bodies of the state, for their guidance in preparation of requests and recommendations relative to new buildings, new structures, or other public improvements. Before promulgating such standards, the department of administrative services shall hold public hearings on all proposed standards. Reasonable public notice shall be given at least thirty days prior to the date set for a hearing.

Nothing in this section shall interfere with the director of transportation's power to prepare plans for, acquire rights-of-way for, construct, or maintain transportation facilities, or to let contracts for those purposes.

Sec. 126.03. (A) The director of budget and management shall:

(A)(1) Prepare biennially a capital plan ~~that contains and, with the concurrence of the governor, submit it to the general assembly. The capital plan shall contain~~ recommendations as to the acquisition of real estate and the construction of all public improvements. The capital plan shall extend through a period of at least six years in the future and shall identify the projects which should be undertaken in each ~~fiscal year~~ biennium of the period through which the plan extends, together with estimated costs of all such recommended projects.

(B)(2) Require biennially, from the chief administrative authorities of affected state agencies, their recommendations as to the acquisition of real estate and construction of public improvements which will be needed through a period of at least six years in the future, together with a description of each proposed public improvement and the estimated capacity

of the improvement in terms of its proposed use, a demonstration of the need for the real estate or public improvement, the benefits in governmental operations expected to result from the acquisition or construction, the state agencies which will occupy or control the real estate or improvement, and the location of the real estate or public improvement. The director shall evaluate such recommended projects as to their validity and as to the comparative degree of need among them; notify the chief administrative authorities of the recommending agencies of the action taken on each such recommendation; and consult with and seek the recommendations of the chief administrative authorities of the affected agencies on all projects being considered for inclusion in the capital plan, whether originally proposed by the director of budget and management or by a state agency.

(C) Prepare (3) At the request and with the concurrence of the governor, prepare and recommend, ~~subject to the concurrence of the governor, to the general assembly, on or before the first day of April in each even numbered year of the regular session of the general assembly, a new biennial capital plan, which shall be a revised version of the capital plan which was in operation through the period since the last preceding regular legislative session. The new capital plan shall include a detailed progress report on the execution of capital improvements, budget that includes~~ the recommendations of the director of budget and management as to projects to be undertaken ~~or revised~~ during the forthcoming fiscal biennium and succeeding fiscal years, and such other revisions as to projects or their proper sequence as the director recommends following the latest biennium for which a capital appropriations act was enacted. The capital ~~plan budget~~ shall include all projects which the director considers to be necessary and feasible, whether originally proposed by ~~him~~ the director or by a state agency.

(D) ~~Examine all plans, estimates of cost, and other data which may be required, pertaining to each public improvement or purchase of real estate, and determine whether the plans, estimates of cost, and other data conform to the capital plan, as required in section 153.04 of the Revised Code, and to the standards promulgated under the authority of division (B) of section 125.81 of the Revised Code.~~

~~Nothing in this section or section 125.81 of the Revised Code shall interfere with the power of the director of transportation in acquiring rights of way for the state highway system or in letting contracts for the construction or reconstruction of a highway.~~

(B) In the capital plan and capital budget prepared under this section, the director of budget and management shall not provide for the acquisition

of rights-of-way for, construction of, or reconstruction of transportation facilities by the director of transportation, other than transportation facilities financed by the Ohio building authority. Division (A)(2) of this section does not require the director of transportation to provide to the director of budget and management recommendations for the acquisition of rights-of-way for, construction of, or reconstruction of transportation facilities, other than transportation facilities financed by the Ohio building authority.

Sec. 126.15. If the director of budget and management determines that adjustments to the capital or operating budgets are required because of the reorganization of administrative agencies, the transfer of programs, the creation of new funds, the modification of capital projects, or the consolidation of funds, as authorized by an act of the general assembly, the director may both require the head of the administering agency to certify the estimated amount of the cash balance to be transferred to the receiving fund and transfer the estimated amount to the receiving fund when needed to make payment. Not more than thirty days after certifying the estimated amount, the head of the administering agency shall certify to the director the final amount to be transferred. The director shall adjust the amount transferred to reflect any difference between the estimated amount transferred and the final amount.

The director of budget and management may cancel encumbrances and reestablish encumbrances or parts of encumbrances as needed in the appropriate funds and appropriation items for the same purposes and same vendors. The director may transfer appropriation authority necessary to reestablish such encumbrances in a different fund or appropriation item within an agency or between agencies as the director determines necessary. The director shall reduce each of the appropriation balances of each fiscal year by the amount of the encumbrances canceled in the respective funds or appropriation items.

The director also may transfer any unencumbered or unallotted balances to the appropriate line item to be used for the same purposes.

Sec. 127.14. The controlling board may, at the request of any state agency or the director of budget and management, authorize, with respect to the provisions of any appropriation act:

(A) Transfers of all or part of an appropriation within but not between state agencies, except such transfers as the director of budget and management is authorized by law to make, provided that no transfer shall be made by the director for the purpose of effecting new or changed levels of program service not authorized by the general assembly;

(B) Transfers of all or part of an appropriation from one fiscal year to

another;

(C) Transfers of all or part of an appropriation within or between state agencies made necessary by administrative reorganization or by the abolition of an agency or part of an agency;

(D) Transfers of all or part of cash balances in excess of needs from any fund of the state to the general revenue fund or to such other fund of the state to which the money would have been credited in the absence of the fund from which the transfers are authorized to be made, except that the controlling board may not authorize such transfers from the accrued leave liability fund, auto registration distribution fund, budget stabilization fund, development bond retirement fund, facilities establishment fund, gasoline excise tax fund, general revenue fund, higher education improvement fund, highway improvement bond retirement fund, highway obligations bond retirement fund, highways obligations construction fund, highway operating fund, horse racing tax fund, improvements bond retirement fund, library and local government support fund, liquor control fund, local government fund, local transportation improvement program fund, mental health facilities improvement fund, Ohio fairs fund, parks and recreation improvement fund, public improvements bond retirement fund, ~~public school building fund~~, school district income tax fund, state agency facilities improvement fund, state and local government highway distribution fund, state highway safety fund, state lottery fund, undivided liquor permit fund, Vietnam conflict compensation bond retirement fund, volunteer fire fighters' dependents fund, waterways safety fund, wildlife fund, workers' compensation fund, or any fund not specified in this division that the director of budget and management determines to be a bond fund or bond retirement fund;

(E) Transfers of all or part of those appropriations included in the emergency purposes account of the controlling board;

(F) Temporary transfers of all or part of an appropriation or other moneys into and between existing funds, or new funds, as may be established by law when needed for capital outlays for which notes or bonds will be issued;

(G) Transfer or release of all or part of an appropriation to a state agency requiring controlling board approval of such transfer or release as provided by law;

(H) Temporary transfer of funds included in the emergency purposes appropriation of the controlling board. Such temporary transfers may be made subject to conditions specified by the controlling board at the time temporary transfers are authorized. No transfers shall be made under this division for the purpose of effecting new or changed levels of program

service not authorized by the general assembly.

As used in this section, "request" means an application by a state agency or the director of budget and management seeking some action by the controlling board.

When authorizing the transfer of all or part of an appropriation under this section, the controlling board may authorize the transfer to an existing appropriation item and the creation of and transfer to a new appropriation item.

Whenever there is a transfer of all or part of funds included in the emergency purposes appropriation by the controlling board, pursuant to division (E) of this section, the state agency or the director of budget and management receiving such transfer shall keep a detailed record of the use of the transferred funds. At the earliest scheduled meeting of the controlling board following the accomplishment of the purposes specified in the request originally seeking the transfer, or following the total expenditure of the transferred funds for the specified purposes, the state agency or the director of budget and management shall submit a report on the expenditure of such funds to the board. The portion of any appropriation so transferred which is not required to accomplish the purposes designated in the original request to the controlling board shall be returned to the proper appropriation of the controlling board at this time.

Notwithstanding any provisions of law providing for the deposit of revenues received by a state agency to the credit of a particular fund in the state treasury, whenever there is a temporary transfer of funds included in the emergency purposes appropriation of the controlling board pursuant to division (H) of this section, revenues received by any state agency receiving such a temporary transfer of funds shall, as directed by the controlling board, be transferred back to the emergency purposes appropriation.

The board may delegate to the director of budget and management authority to approve transfers among items of appropriation under division (A) of this section.

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:

(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all

disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under disability assistance medical assistance established under Chapter 5115. of the Revised Code;

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the legislative clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mines and reclamation to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in

a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of human services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;

(10) Applying to any agency of the legislative branch of the state government;

(11) Applying to agreements entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;

(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;

(13) Applying to dues or fees paid for membership in an organization or association;

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;

(16) Applying to purchases of tickets for passenger air transportation;

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

(18) Applying to the judicial branch of state government;

(19) Applying to purchases of liquor for resale by the department or, on and after July 1, 1997, the division of liquor control;

(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;

(26) Applying to payments by the department of human services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;

(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;

(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.

(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education.

(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.

(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.

(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of

the Revised Code.

Sec. 133.04. (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of outstanding securities of another subdivision apportioned to the subdivision as a result of acquisition of territory, and excludes the principal amount of outstanding securities of the subdivision apportioned to another subdivision as a result of loss of territory and the payment or reimbursement obligations of the subdivision under credit enhancement facilities relating to outstanding securities.

(B) In calculating the net indebtedness of a subdivision, none of the following securities, including anticipatory securities issued in anticipation of their issuance, shall be considered:

- (1) Securities issued in anticipation of the levy or collection of special assessments, either in original or refunded form;
- (2) Securities issued in anticipation of the collection of current revenues for the fiscal year or other period not to exceed twelve consecutive months, or securities issued in anticipation of the collection of the proceeds from a specifically identified voter-approved tax levy;
- (3) Securities issued for purposes described in section 133.12 of the Revised Code;
- (4) Securities issued under Chapter 122., 140., 165., 725., or 761., or section 131.23 of the Revised Code;
- (5) Securities issued to pay final judgments or court approved settlements under authorizing laws and securities issued under section 2744.081 of the Revised Code;
- (6) Securities issued to pay costs of permanent improvements to the extent they are issued in anticipation of the receipt of, and are payable as to principal from, federal or state grants or distributions for, or legally available for, that principal or for the costs of those permanent improvements;
- (7) Securities issued to evidence loans from the state capital improvements fund pursuant to Chapter 164. of the Revised Code or from the state infrastructure bank pursuant to section 5531.09 Of the Revised Code;
- (8) Other securities, including self-supporting securities, excepted by law from the calculation of net indebtedness or from the application of this

chapter;

(9) Any other securities outstanding on ~~the effective date of this amendment~~ OCTOBER 30, 1989, and then excepted from the calculation of net indebtedness or from the application of this chapter, and securities issued at any time to fund or refund those securities.

Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (C) of section 3313.372 of the Revised Code.

(B) Except as provided in divisions (E) and (F) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least thirty days prior to the election at which the question is to be submitted, except that the superintendent of public instruction and the tax commissioner may waive this thirty-day deadline or grant their consents after the election if the school district shows good cause for such waiver or consent after the election.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) A history of and a projection of the growth of the student population;

(b) The history of and a projection of the growth of the tax valuation;

(c) The projected needs;

(d) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined

by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least seventy-five days prior to the election;

(c) The county auditor shall advise and, not later than sixty-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than sixty days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set

at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the Ohio school facilities commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

If the commission determines that the board's findings are reasonable, it shall approve the board's request. Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose of making such installations, or modifications, or remodeling, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code shall not exceed one per cent of the district's tax valuation.

So long as any securities issued under division (G) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to division (G) of this section and shall maintain and annually update a report documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The report shall be certified by an architect or engineer independent of any person that provided goods or services to the board in connection with the energy conservation measures that are the subject of the report. The resultant operational and maintenance

cost savings shall be certified by the school district treasurer. The report shall be made available to the commission upon request.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from ~~compensation derived from or payments made~~ under agreements entered into pursuant to division (F) of section 5709.081 or section 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

Sec. 153.01. Whenever any building or structure for the use of the state or any institution supported in whole or in part by the state or in or upon the public works of the state that is administered by the director of administrative services or by any other state officer or state agency authorized by law to administer a project, including an educational institution listed in section 3345.50 Of the Revised Code, is to be erected or constructed, ~~or~~ whenever additions, alterations, or structural or other improvements are to be made, or whenever heating, cooling, or ventilating plants or other equipment is to be installed or material supplied therefor, the aggregate cost of which amounts to ten thousand dollars or more, each officer, board, or other authority upon which devolves the duty of constructing, erecting, altering, or installing the same, referred to in sections

153.01 to 153.60 of the Revised Code as the owner, shall cause to be made, by an architect or engineer whose contract of employment shall be prepared and approved by the attorney general ~~and filed with the director~~, the following:

- (A) Full and accurate plans, suitable for the use of mechanics and other builders in such construction, improvement, addition, alteration, or installation;
- (B) Details to scale and full sized, so drawn and represented as to be easily understood;
- (C) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;
- (D) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;
- (E) A full and accurate estimate of each item of expense and the aggregate cost thereof;
- (F) A life-cycle cost analysis;
- (G) Such further data as may be required by the department of administrative services.

Sec. 153.04. The plans, details, bills of material, specifications of work, estimates of cost in detail and in the aggregate, life-cycle cost analysis, form of ~~bidding proposal bid~~, bid guaranty, and other data that may be required shall be prepared on such material and in such manner and form as are prescribed by the department of administrative services, ~~and shall be submitted to such department for its approval~~. The life-cycle costs shall be a primary consideration in the selection of a design. ~~If so approved the~~ The same shall be deposited and safely kept in the office of the ~~director of administrative services or such other state agency defined as the owner as defined~~ in section 153.01 of the Revised Code as the property of the state.

Sec. 153.05. The bond required by ~~sections 153.04 and section~~ 153.08 of the Revised Code may be enforced against the person executing such bond, by any claimant for labor or material, and suit may be brought on such bond in the name of the state on relation of the claimant within one year from the date of delivering or furnishing such labor or material, in the court of common pleas of the county wherein such labor or material was furnished or delivered. Such bond shall not be released by the execution of any additional security, notes, retentions from estimates, or other instrument on account of such claim, or for any reason, except the full payment of such claim for labor or material.

Sec. 153.06. After the proceedings required by sections 153.01 and

153.04 of the Revised Code have been complied with, the owner referred to in section 153.01 of the Revised Code shall give public notice of the time and place when and where ~~proposals bids~~ will be received for performing the labor and furnishing the materials of such construction, improvement, alteration, addition, or installation, and a contract awarded, except for materials manufactured by the state or labor supplied by the department of human services that may enter into the same. The form of ~~proposal bid~~ approved by the department of administrative services shall be used, and a ~~proposal bid~~ shall be invalid and not considered unless such form is used without change, alteration, or addition. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, or upon any thereof, or alternately upon all or any thereof.

Sec. 153.07. The notice provided for in section 153.06 of the Revised Code shall be published once each week for three consecutive weeks in a newspaper of general circulation in the county where the activity for which ~~proposals bids~~ are submitted is to occur and in such other newspapers as ordered by the department of administrative services, the last publication to be at least eight days preceding the day for opening the bids, and in such form and with such phraseology as the department orders. Copies of the plans, details, bills of material, estimates of cost, and specifications shall be open to public inspection at all business hours between the day of the first publication and the day for opening the bids, at the office of the department where the bids are received, and such other place as may be designated in such notice.

Sec. 153.08. On the day and at the place named in the notice provided for in section 153.06 of the Revised Code, the owner referred to in section 153.01 of the Revised Code shall open the ~~proposals bids~~ and shall publicly, with the assistance of the architect or engineer, immediately proceed to tabulate the bids upon duplicate sheets. A ~~proposal bid~~ shall be invalid and not considered unless a bid guaranty meeting the requirements of section 153.54 of the Revised Code and in the form approved by the department of administrative services is filed with such ~~proposal bid~~ and unless such ~~proposal bid~~ and bid guaranty are filed in one sealed envelope. After investigation, which shall be completed within thirty days, the contract shall be awarded by such owner to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code.

No contract shall be entered into until the industrial commission has certified that the person so awarded the contract has complied with sections 4123.01 to 4123.94 of the Revised Code, until, if the bidder so awarded the contract is a foreign corporation, the secretary of state has certified that such

corporation is authorized to do business in this state, until, if the bidder so awarded the contract is a person nonresident of this state, such person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under section 153.05 of the Revised Code or under sections 4123.01 to 4123.94 of the Revised Code, and until the contract and bond, if any, are submitted to the attorney general and his the attorney general's approval certified thereon.

No contract shall be entered into unless the bidder possesses a valid certificate of compliance with affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days prior to the date fixed for the opening of bids for a particular project.

Sec. 153.09. If in the opinion of the owner referred to in section 153.01 of the Revised Code, the award of a contract to the lowest responsive and responsible bidder is not in the best interests of the state, ~~with the written consent of the department of administrative services, it~~ the owner may accept another proposal bid so opened or reject all proposals bids, and advertise for other bids. Such advertisement shall be for such time, in such form, and in such newspaper as the department directs. All contracts shall provide that such owner may make any change in work or materials on the conditions and in the manner provided in sections 153.10 and 153.11 of the Revised Code.

Sec. 153.10. After the plans, bills of material, specifications of work, estimates of cost in detail and in the aggregate, life-cycle cost analysis, form of ~~bidding proposal bid~~, bid guaranty, and other data that may be required are approved and filed with the ~~secretary of state~~ owner as provided defined in section ~~153.04~~ 153.01 of the Revised Code, no change of plans, details, bills of material, or specifications shall be made or allowed unless the same are approved by the ~~department of administrative services~~ owner as defined in section 153.01 Of the Revised Code. When so approved, the plans of the proposed change, with detail to scale and full size, specifications of work, and bills of material shall be filed with the original papers. If such change affects the price, the amount thereof shall likewise receive such approval.

Sec. 153.11. Whenever the change referred to in section 153.10 of the Revised Code is approved by the ~~department of administrative services~~ owner as defined in section 153.01 Of the Revised Code, accepted in writing by the contractor, and filed, the same shall be considered as being a part of the original contract, and the bond theretofore executed shall be held to include and cover the same.

Sec. 153.12. (A) With respect to award of any contract for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement made by the state, or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, the award, and execution of the contract, shall be made within sixty days after the date on which the bids are opened. The failure to award and execute the contract within sixty days invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent of the owner or its representatives and the bidder whose bid the owner accepts and with respect to whom the owner subsequently awards and executes a contract. The public owners referred to in this section shall include, in the plans and specifications for the project for which bids are solicited, the estimate of cost. The bid for which the award is to be made shall be opened at the time and place named in the advertisement for bids, unless extended by the owner or its representative or unless, within seventy-two hours prior to the published time for the opening of bids, excluding Saturdays, Sundays, and legal holidays, any modification of the plans or specifications and estimates of cost for the project for which bids are solicited is issued and mailed or otherwise furnished to persons who have obtained plans or specifications for the project, for which the time for opening of bids shall be extended one week, with no further advertising of bids required. The contractor, upon request, is entitled to a notice to proceed with the work by the owner or its representative upon execution of the contract. No contract to which this section applies shall be entered into if the price of the contract, or, if the project involves multiple contracts where the total price of all contracts for the project, is in excess of ten per cent above the entire estimate thereof, nor shall the entire cost of the construction, reconstruction, repair, painting, decorating, improvement, alteration, addition, or installation, including changes and estimates of expenses for architects or engineers, exceed in the aggregate the amount authorized by law.

The unit or lump sum price stated in the contract shall be used in determining the amount to be paid and shall constitute full and final compensation for all the work.

Partial payment to the contractor for work performed under the lump sum price shall be based on a schedule prepared by the contractor and approved by the architect or engineer who shall apportion the lump sum price to the major components entering into or forming a part of the work

under the lump sum price.

Partial payments to the contractor for labor performed under either a unit or lump sum price contract shall be made at the rate of ninety-two per cent of the estimates prepared by the contractor and approved by the architect or engineer. All labor performed after the job is fifty per cent completed shall be paid for at the rate of one hundred per cent of the estimates submitted by the contractor and approved by the architect or engineer.

The amounts and time of payments of any public improvements contract made by the state or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, except as provided in section 5525.19 of the Revised Code, shall be governed by this section and sections 153.13 and 153.14 of the Revised Code. If the time for awarding the contract is extended by mutual consent, or if the owner or its representative fails to issue a timely notice to proceed as required by this section, the owner or its representative shall issue a change order authorizing delay costs to the contractor, which does not invalidate the contract. The amount of such a change order to the owner shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, the cost to the owner shall be the contractor's actual costs including wages, labor costs other than wages, wage taxes, materials, equipment costs and rentals, insurance, and subcontracts attributable to the delay, plus a reasonable sum for overhead. In the event of a dispute between the owner and the contractor concerning such change order, procedures shall be commenced under the applicable terms of the contract, or, if the contract contains no provision for resolving the dispute, it shall be resolved pursuant to the procedures for arbitration in Chapter 2711. of the Revised Code, except as provided in division (E)(B) of this section. Nothing in this division shall be construed as a limitation upon the authority of the director of transportation granted in Chapter 5525. of the Revised Code.

(B) ~~In the event of~~ If a dispute arises between the state and a contractor concerning the terms of a public improvement contract let by the state or concerning a breach of the contract, and after administrative remedies provided for in such contract ~~between the state and the contractor any alternative dispute resolution procedures provided in accordance with guidelines established by the director of administrative services~~ are exhausted, the contractor may bring an action to the court of claims in

accordance with Chapter 2743. of the Revised Code. The state or the contractor may request the chief justice of the supreme court to appoint a referee or panel of referees in accordance with division (C)(3) of section 2743.03 of the Revised Code. As used in this division, "dispute" means a disagreement between the state and the contractor concerning a public improvement contract let by the state ~~in which the amount in controversy exceeds five thousand dollars. If the court finds that the actual amount in controversy does not exceed five thousand dollars, it shall dismiss the application and may order that the filing party pay the reasonable attorney fees of the opposing party.~~

Sec. 125.101 153.16. (A) The director of administrative services shall establish policy and procedure guidelines for contract documents in conjunction with the administration of public works contracts that the state or any institution supported in whole or in part by the state enters into for any project subject to sections 153.01 to 153.11 of the Revised Code.

(B) Notwithstanding any contract provision to the contrary, any claim submitted under a public works contract that the state or any institution supported in whole or in part by the state enters into for any project subject to sections 153.01 to 153.11 of the Revised Code shall be resolved within one hundred twenty days. After the end of this one hundred twenty-day period, the contractor shall be deemed to have exhausted all administrative remedies for purposes of division (B) of section 153.12 of the Revised Code.

Sec. 153.17. (A) When in the opinion of the owner referred to in section 153.01 of the Revised Code, the work under any contract made under any law of the state is neglected by the contractor or such work is not prosecuted with the diligence and force specified or intended in the contract, such owner may make requisition upon the contractor for such additional specific force or materials to be brought into the work under such contract or to remove improper materials from the grounds as in their judgment the contract and its faithful fulfillment requires.

Not less than five days' notice in writing of such action shall be served upon the contractor or his the contractor's agent in charge of the work. If the contractor fails to comply with such requisition within fifteen days, such owner, with the written consent of the department of administrative services, may employ upon the work the additional force, or supply the special materials or such part of either as is considered proper, and may remove improper materials from the grounds.

(B) When the original contractor has defaulted on a contract and the surety has declined to take over the project, the owner may contract with

one or more takeover contractors to complete work that was not finished because of the default of the original contractor. The owner may enter into a contract with a takeover contractor without competitive bidding or controlling board approval. Upon execution of a takeover contract, the owner shall notify the director of budget and management.

When the owner has taken over a project after a default has occurred, any moneys that the owner receives from the surety as a settlement for completion of the project shall be deposited in the original fund from which the capital appropriation for the project was made. The director, without controlling board approval, may authorize specified additional uses for the moneys related to completion of the project and may increase the appropriation authority in the appropriation line item used to fund the project by an amount equal to the moneys received from the surety.

Sec. 153.32. When it becomes necessary to erect a bridge, the board of county commissioners shall determine the length and width of the superstructure, and whether it shall be single or double track, and it shall advertise for proposals bids for performing the labor and furnishing the materials necessary to the erection thereof in accordance with sections 307.86 to 307.92, ~~inclusive~~, of the Revised Code.

Sec. 153.33. The board of county commissioners may also invite, receive, and consider proposals bids on any other plan at the option of bidders, and shall require that any such plan together with specifications shall be filed in the office of the county auditor for a period of fifteen days prior to the date for receiving bids. Such plans and specifications shall show the number of spans, the length of each, the nature, quality, and size of the materials to be used, the length of the structure when completed, and whether there is any patent on the proposal bid plan, or any part thereof, and if so, on what part thereof.

Sec. 153.34. In ~~their~~ its advertisement, the board of county commissioners shall invite bidders to make proposals bids for furnishing all the materials and performing all the work, or for such parts thereof as bidders deem proper, and include such other matter as is required in section 307.87 of the Revised Code.

Sec. 153.50. (A) An officer, board, or other authority of the state, a county, township, municipal corporation, or school district, or of any public institution belonging thereto, authorized to contract for the erection, repair, alteration, or rebuilding of a public building, institution, bridge, culvert, or improvement and required by law to advertise and receive proposals bids for furnishing of materials and doing the work necessary for the erection thereof, shall require separate and distinct proposals bids to be made for

furnishing such materials or doing such work, or both, in their discretion, for each of the following branches or classes of work to be performed, and all work kindred thereto, entering into the improvement:

- (1) Plumbing and gas fitting;
- (2) Steam and hot-water heating, ventilating apparatus, and steam-power plant;
- (3) Electrical equipment.

(B) A public authority is not required to solicit separate proposals bids for a branch or class of work specified in division (A) of this section for an improvement if the estimated cost for that branch or class of work is less than five thousand dollars.

Sec. 153.571. The bond provided for in division (B) of section 153.54 of the Revised Code shall be in substantially the following form, and recovery of any claimant thereunder shall be subject to sections 153.01 to 153.60 of the Revised Code, to the same extent as if the provisions of such sections were fully incorporated in said the bond form:

"KNOW ALL MEN PERSONS BY THESE PRESENTS, that we, the undersigned ..... as principal and ..... as sureties, are hereby held and firmly bound unto ..... as obligee in the penal sum of the dollar amount of the bid submitted by the principal to the obligee on ..... to undertake the project known as ..... The penal sum referred to herein shall be the dollar amount of the principal's bid to the obligee, incorporating any additive or deductive alternate proposals bids made by the principal on the date referred to above to the obligee, which are accepted by the obligee. In no case shall the penal sum exceed the amount of ..... dollars. (If the foregoing blank is not filled in, the penal sum will be the full amount of the principal's bid, including alternates. Alternatively, if the blank is filled in, the amount stated must not be less than the full amount of the bid including alternates, in dollars and cents. A percentage is not acceptable.) For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

Signed this ..... day of ....., 19 .... THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named principal has submitted a bid for .....

Now, therefore, if the obligee accepts the bid of the principal and the principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the principal pays to the obligee the difference not to exceed ten per cent of the penalty hereof between the amount specified in the bid and such larger

amount for which the obligee may in good faith contract with the next lowest bidder to perform the work covered by the bid; or in the event the obligee does not award the contract to the next lowest bidder and resubmits the project for bidding, the principal pays to the obligee the difference not to exceed ten per cent of the penalty hereof between the amount specified in the bid, or the costs, in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be null and void, otherwise to remain in full force and effect; if the obligee accepts the bid of the principal and the principal within ten days after the awarding of the contract enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein;

Now also, if the said ..... shall well and faithfully do and perform the things agreed by ..... to be done and performed according to the terms of said contract; and shall pay all lawful claims of subcontractors, ~~materialmen~~ materials suppliers, and laborers, for labor performed and materials furnished in the carrying forward, performing, or completing of said contract; we agreeing and assenting that this undertaking shall be for the benefit of any ~~materialman~~ materials supplier or laborer having a just claim, as well as for the obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

The said surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of the said contract or in or to the plans or specifications therefor shall in any wise affect the obligations of said surety on its bond."

Sec. 153.62. All contracts for the erection, construction, repair, or alteration of any building, highway, or other work or improvement of any nature by an officer, board, or other authority of the state, a county, township, municipal corporation, school district, or any political subdivision, or any public institution belonging thereto, are subject to all applicable federal, state, and local statutes, ordinances, and regulations, including, but not limited to, those dealing with the prevention of environmental pollution that affect or are affected by such contracts. If the bidder to whom the work is awarded must undertake additional work due to the enactment or amendment of statutes; or rules, or regulations occurring after the submission of the successful bid proposal, the awarding body shall

issue a change order setting forth the additional work that must be undertaken and authorizing additional cost to the contractor, which shall not invalidate the contract. The cost of such a change order to the awarding agency shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, then the cost to the awarding agency shall be the contractor's actual costs including wages, labor costs other than wages, wage taxes, materials, equipment costs and rentals, insurance, and subcontracts attributable to the additional activity, plus a reasonable sum for overhead. ~~Provided, however, that such~~ Such additional costs to undertake work not specified in the invitation for ~~proposal~~ bids shall not be approved unless written authorization is given the successful bidder prior to ~~his~~ the successful bidder's undertaking such additional activity. ~~In the event of If~~ a dispute arises between the awarding agency and the successful bidder, procedures shall be commenced under the applicable terms of the construction contract, or, if the contract contains no provision for resolving the dispute, it shall be resolved pursuant to the procedures for arbitration in Chapter 2711. of the Revised Code.

Sec. 351.01. As used in this chapter:

(A) "Convention facilities authority" means a body corporate and politic created pursuant to section 351.02 of the Revised Code.

(B) "Governmental agency" means a department, division, or other unit of the state government or of a municipal corporation, county, township, or other political subdivision of the state; any state university or college, as defined in section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; any other public corporation or agency having the power to acquire, construct, or operate facilities; the United States or any agency thereof; and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(C) "Person" means any individual, firm, partnership, association, or corporation, or any combination of them.

(D) "Facility" or "facilities" means any convention, entertainment, or sports facility, or combination of them, located within the territory of the convention facilities authority, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements and interests that may be appropriate for, or used in connection with, the operation of the facility.

(E) "Cost" means the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such

acquisition; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of acquiring or constructing and equipping a principal office of the convention facilities authority; the cost of diverting highways, interchange of highways, access roads to private property, including the cost of land or easements for such access roads; the cost of public utility and common carrier relocation or duplication; the cost of all machinery, furnishings, and equipment; financing charges; interest prior to and during construction and for no more than eighteen months after completion of construction; expenses of research and development with respect to facilities; legal expenses; expenses of obtaining plans, specifications, engineering surveys, studies, and estimates of cost and revenues; working capital; expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing such facility; administrative expense; and such other expenses as may be necessary or incident to the acquisition or construction of the facility, the financing of such acquisition or construction, including the amount authorized in the resolution of the convention facilities authority providing for the issuance of convention facilities authority revenue bonds to be paid into any special funds from the proceeds of such bonds, the cost of issuing the bonds, and the financing of the placing of such facility in operation. Any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a facility may be regarded as part of the cost of such facility and may be reimbursed out of the proceeds of convention facilities authority revenue bonds as authorized by this chapter.

(F) "Owner" includes a person having any title or interest in any property, rights, easements, or interests authorized to be acquired by Chapter 351. of the Revised Code.

(G) "Revenues" means all rentals and other charges received by the convention facilities authority for the use or services of any facility, the sale of any merchandise, or the operation of any concessions; any gift or grant received with respect to any facility, any moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of a facility or part thereof; moneys received in repayment of and for interest on any loans made by the authority to a person or governmental agency, whether from the United States or any department, administration, or agency thereof, or otherwise; proceeds of convention facilities authority revenue bonds to the extent the use thereof for payment

of principal or of premium, if any, or interest on the bonds is authorized by the authority; proceeds from any insurance, appropriation, or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of the facility; income and profit from the investment of the proceeds of convention facilities authority revenue bonds or of any revenues; contributions of the proceeds of a tax levied pursuant to division (A)(3) of section 5739.024 of the Revised Code; and moneys transmitted to the authority pursuant to division (B) of section 5739.211 and division (B) of section 5741.031 of the Revised Code.

(H) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(I) "Construction," unless the context indicates a different meaning or intent, includes, but is not limited to, reconstruction, enlargement, improvement, or providing fixtures, furnishings, and equipment.

(J) "Convention facilities authority revenue bonds" or "revenue bonds," unless the context indicates a different meaning or intent, includes convention facilities authority revenue notes, convention facilities authority revenue renewal notes, and convention facilities authority revenue refunding bonds.

(K) "Convention facilities authority tax anticipation bonds" or "tax anticipation bonds," unless the context indicates a different meaning, includes convention facilities authority tax anticipation bonds, tax anticipation notes, tax anticipation renewal notes, and tax anticipation refunding bonds.

(L) "Bonds and notes" means convention facilities authority revenue bonds and convention facilities authority tax anticipation bonds.

(M) "Territory of the authority" means all of the area of the county creating the convention facilities authority.

(N) "Excise taxes" means either or both of the taxes levied pursuant to division (B) of section 351.021 of the Revised Code. "Excise taxes" does not include taxes levied pursuant to section 4301.424, 5743.026, or 5743.324 of the Revised Code.

(O) "Transaction" means the charge by a hotel for each occupancy by transient guests of a room or suite of rooms used in a hotel as a single unit for any period of twenty-four hours or less.

(P) "Hotel" and "transient guests" have the same meaning meanings as in section 5739.01 of the Revised Code.

(Q) "Sports facility" means a facility intended to house major league professional athletic teams.

(R) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment.

Sec. 351.03. (A) Except as provided in division (A)(3) of section 5739.024 or in section 5739.026 of the Revised Code, no county creating a convention facilities authority may appropriate and expend public funds to finance or subsidize the operation of the authority.

(B) Subject to making due provisions for payment and performance of its obligations, a convention facilities authority may be dissolved by the county creating it. In such event the properties of the authority shall be transferred to the county creating it, and the county may thereupon appropriate and expend public funds to finance or subsidize the operation of such facilities.

Sec. 351.141. A convention facilities authority that levies one or both of the excise taxes authorized by division (B) of section 351.021 of the Revised Code or that receives contributions pursuant to division (A)(3) of section 5739.024 of the Revised Code, by resolution may anticipate the proceeds of the levy and issue convention facilities authority tax anticipation bonds, and notes anticipating the proceeds or the bonds, in the principal amount that, in the opinion of the authority, are necessary for the purpose of paying the cost of one or more facilities or parts of one or more facilities, and as able, with the interest on them, be paid over the term of the issue, or in the case of notes anticipating bonds over the term of the bonds, by the estimated amount of the excise taxes or contributions anticipated thereby. The excise taxes or contributions are determined by the general assembly to satisfy any applicable requirement of Section 11 of Article XII, Ohio Constitution. An authority, at any time, may issue renewal tax anticipation notes, issue tax anticipation bonds to pay such notes, and, whenever it considers refunding expedient, refund any tax anticipation bonds by the issuance of tax anticipation refunding bonds whether the bonds to be refunded have or have not matured, and issue tax anticipation bonds partly to refund bonds then outstanding and partly for any other authorized purpose. The refunding bonds shall be sold and the proceeds needed for such purpose applied in the manner provided in the bond proceedings to the purchase, redemption, or payment of the bonds to be refunded.

Every issue of outstanding tax anticipation bonds shall be payable out of the proceeds of the excise taxes or contributions anticipated and other revenues of the authority that are pledged for such payment. The pledge shall be valid and binding from the time the pledge is made, and the anticipated excise taxes, contributions, and revenues so pledged and thereafter received by the authority immediately shall be subject to the lien

of that pledge without any physical delivery of those excise taxes, contributions, and revenues or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the authority's records.

Whether or not the bonds or notes are of such form and character as to be negotiable instruments under Title XIII of the Revised Code, the bonds or notes shall have all the qualities and incidents of negotiable instruments, subject only to their provisions for registration, if any.

The tax anticipation bonds shall bear such date or dates, and shall mature at such time or times, in the case of any such notes or any renewals of such notes not exceeding twenty years from the date of issue of such original notes and in the case of any such bonds or any refunding bonds not exceeding forty years from the date of the original issue of notes or bonds for the purpose, and shall be executed in the manner that the resolution authorizing the bonds may provide. The tax anticipation bonds shall bear interest at such rates, or at variable rate or rates changing from time to time, in accordance with provisions provided in the authorizing resolution, be in such denominations and form, either coupon or registered, carry such registration privileges, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption, as the authority may authorize or provide. The tax anticipation bonds may be sold at public or private sale, and at, or at not less than the price or prices as the authority determines. If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before delivery of the bonds, the signature or facsimile shall nevertheless be sufficient for all purposes as if ~~he~~ the officer had remained in office until delivery of the bonds, and in case the seal of the authority has been changed after a facsimile has been imprinted on the bonds, the facsimile seal will continue to be sufficient for all purposes.

Any resolution or resolutions authorizing any tax anticipation bonds or any issue of tax anticipation bonds may contain provisions, subject to any agreements with bondholders as may then exist, which provisions shall be a part of the contract with the holders of the bonds, as to the pledging of any or all of the authority's anticipated excise taxes, contributions, and revenues to secure the payment of the bonds or of any issue of the bonds; the use and disposition of revenues of the authority; the crediting of the proceeds of the sale of bonds to and among the funds referred to or provided for in the resolution; limitations on the purpose to which the proceeds of sale of the

bonds may be applied and the pledging of portions of such proceeds to secure the payment of the bonds or of any issue of the bonds; as to notes issued in anticipation of the issuance of bonds, the agreement of the authority to do all things necessary for the authorization, issuance, and sale of such bonds in such amounts as may be necessary for the timely retirement of such notes; limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding bonds; the procedure, if any, by which the terms of any contract with bondholders may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; securing any bonds by a trust agreement in accordance with section 351.16 of the Revised Code; any other matters, of like or different character, that in any way affect the security or protection of the bonds. The excise taxes anticipated by the bonds, including bonds anticipated by notes, shall not be subject to diminution by initiative or referendum or by law while the bonds or notes remain outstanding in accordance with their terms, unless provision is made by law or by the authority for an adequate substitute therefor reasonably satisfactory to the trustee, if a trust agreement secures the bonds.

Neither the members of the board of directors of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Sec. 3301.0716. As used in this section, "the elements of the competency-based education program" of a school district means the performance objectives, curricula, assessment methods, and intervention services required by divisions (A) to (D) of section 3301.0715 of the Revised Code.

(A) To help school districts develop the elements of a competency-based education program, the state board of education shall establish model competency-based education programs. In developing competency-based education programs pursuant to divisions (A) to (D) of section 3301.0715 of the Revised Code, school districts shall seriously consider the model programs established by the state board, together with other relevant resources, standards, and models. The models shall include specification of all of the following for grades pre-kindergarten through twelve:

(1) Performance objectives recommended by the state board at each grade level in composition, mathematics, science, citizenship, and reading and in any additional area of study for any grade level identified by the state

board;

(2) A model curriculum for instruction at each grade level in composition, mathematics, science, citizenship, and reading and in any additional area of study for any grade level identified by the state board;

(3) Recommended assessment methods suitable for measuring progress in meeting the recommended performance objectives at each grade level in composition, mathematics, science, citizenship, and reading and in any additional area of study for any grade level. However, nothing in this section requires a district to utilize any of the recommended assessment methods.

(4) A recommended program of intervention services by grade level for pupils who do not make satisfactory progress toward achieving recommended performance objectives in composition, mathematics, science, citizenship, and reading and in any additional area of study for any grade level identified by the state board.

(B) The state board may establish additional model competency-based education programs for any grade levels in areas of study other than composition, mathematics, science, citizenship, and reading. Such model programs shall contain performance objectives, a model curriculum, recommended assessment methods, and a suggested intervention program as in the case of the model programs required by division (A) of this section.

The state board shall not adopt a model competency-based education program in health or physical education until the general assembly has approved the model program through the adoption of a concurrent resolution. After adopting a model competency-based program in health or physical education, the state board shall not revise it until after the general assembly has approved the revisions through the adoption of a concurrent resolution. Before the house of representatives or the senate votes on a concurrent resolution approving a model program or revisions, its standing committee having principal jurisdiction over primary and secondary education legislation shall conduct at least one public hearing on the model program or revisions. Sec. 3304.16. In carrying out the purposes of sections 3304.11 to 3304.27 of the Revised Code, the rehabilitation services commission:

(A) Shall develop all necessary rules;

(B) Shall prepare and submit to the governor annual reports of activities and expenditures and, prior to each first regular session of the general assembly, an estimate of sums required to carry out the commission's responsibilities;

(C) Shall certify any disbursement of funds available to the commission for vocational rehabilitation activities;

- (D) Shall serve as the sole state agency designated to administer the plan under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;
- (E) Shall take appropriate action to guarantee rights of and services to handicapped persons;
- (F) Shall consult with and advise other state agencies to assist them in meeting the needs of handicapped persons more effectively and to achieve maximum coordination among programs for the handicapped;
- (G) Shall establish an administrative division of consumer affairs and advocacy within the commission to promote and help guarantee the rights of handicapped persons;
- (H) Shall maintain an inventory of state services that are available to handicapped persons;
- (I) Shall utilize, support, assist, and cooperate with the governor's committee on employment of the handicapped;
- (J) May delegate to any officer or employee of the commission any necessary powers and duties;
- (K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include:
  - (1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;
  - (2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or establishment and operation of vocational rehabilitation programs and facilities;
  - (3) Cooperative arrangements with the federal government for carrying out sections 3304.11 to 3304.27 of the Revised Code, the "Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 31, as amended, or other federal statutes pertaining to vocational rehabilitation, and to this end, may adopt plans and methods of administration found necessary by the federal government for the efficient operation of any joint arrangements or the efficient application of any federal statutes;
  - (4) Upon the designation of the governor, performing functions and services for the federal government relating to individuals under a physical or mental disability;
  - (5) Compliance with any requirements necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.
- (L) May conduct research and demonstration projects, including inquiries concerning the causes of blindness and its prevention, provide training and instruction, including the establishment and maintenance of research fellowships and traineeships along with all necessary stipends and

allowances, disseminate information, and provide technical assistance relating to vocational rehabilitation;

(M) May plan, establish, and operate programs, facilities, and services relating to vocational rehabilitation;

(N) May accept and hold, invest, reinvest, or otherwise use gifts made for the purpose of furthering vocational rehabilitation;

(O) May ameliorate the condition of the aged blind or other severely disabled individuals by establishing a program of home visitation by commission employees for the purpose of instruction;

(P) May establish and manage small business enterprises that are operated by persons with a substantial handicap to employment, including blind persons;

(Q) May purchase from insurance companies licensed to do business in this state any insurance deemed necessary by the commission for the efficient operation of a suitable vending facility as defined in division (A) of section 3304.28 of the Revised Code;

(R) May accept directly from any state agency, and any state agency may transfer directly to the commission, surplus computers and computer equipment to be used for any purposes the commission considers appropriate, notwithstanding sections 125.12 to 125.14 Of the Revised Code.

Sec. 3315.01. (A) Except as provided in division (B) of this section and notwithstanding sections 3315.12 and 3315.14 of the Revised Code, the board of education of any school district may adopt a resolution requiring the treasurer of the district to credit the earnings made on the investment of the principal of the moneys specified in the resolution to the fund from which the earnings arose or any other fund of the district as the board specifies in its resolution.

(B) This section does not apply to the earnings made on the investment of the bond retirement fund, the sinking fund, a project construction fund established pursuant to sections 3318.01 to 3318.20 Of the Revised Code, or the payments received by school districts pursuant to division (L) of section 3317.024 of the Revised Code.

Sec. 3316.03. (A) The existence of a fiscal watch shall be determined by the auditor of state. The auditor of state may make the determination on the auditor of state's initiative, or upon receipt of a written request for such a determination, which may be filed by the governor, the superintendent of public instruction, or a majority of the members of the board of education of the school district. The auditor of state shall declare a school district to be in a state of fiscal watch if the auditor of state determines that division (A)(1),

(2), or (3) of this section applies to the school district:

(1) All of the following conditions are satisfied with respect to the school district:

(a) An operating deficit has been certified for the current fiscal year by the auditor of state ~~under section 3313.483 of the Revised Code~~, and the certified operating deficit exceeds eight per cent of the school district's general fund revenue for the preceding fiscal year;

(b) The unencumbered cash balance in the school district's general fund at the close of the preceding fiscal year, less any advances of property taxes, was less than eight per cent of the expenditures made from the general fund for the preceding fiscal year;

(c) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that divisions (A)(1)(a) and (b) of this section will not apply to the district in such next succeeding fiscal year.

(2) The school district has outstanding securities issued under division (A)(4) of section 3316.06 of the Revised Code, and its financial planning and supervision commission has been terminated under section 3316.16 of the Revised Code.

(3) The school district has received an advancement under section 3316.20 of the Revised Code.

(B) The auditor of state, after consulting with the superintendent of public instruction, shall issue an order declaring a school district to be in a state of fiscal emergency if the auditor of state determines that division (B)(1), (2), (3), or (4) of this section applies to the school district:

(1) All of the following conditions are satisfied with respect to the school district:

(a) The board of education of the school district is not able to demonstrate, to the auditor of state's satisfaction, the district's ability to repay outstanding loans received pursuant to section 3313.483 of the Revised Code or to repay securities issued pursuant to section 133.301 of the Revised Code in accordance with applicable repayment schedules unless the board requests additional loans under section 133.301 of the Revised Code in an aggregate principal amount exceeding fifty per cent of the sum of the following:

(i) The aggregate original principal amount of loans received in the preceding fiscal year under section 3313.483 of the Revised Code;

(ii) The aggregate amount borrowed by the district under section 133.301 of the Revised Code, excluding any additional amount borrowed as

authorized under division (C) of that section.

(b) An operating deficit has been certified for the current fiscal year by the auditor of state ~~under section 3313.483 of the Revised Code~~, and the certified operating deficit exceeds fifteen per cent of the school district's general fund revenue for the preceding fiscal year. In determining the amount of an operating deficit under division (B)(1)(b) of this section, the auditor of state shall credit toward the amount of that deficit only the amount that may be borrowed from the spending reserve balance as determined under section 133.301 and division (F) of section 5705.29 of the Revised Code.

(c) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that divisions (A)(1)(a) and (b) of this section will not apply to the district in such next succeeding fiscal year.

(d) The school district is one that, at the time of the auditor of state's determination under this section, had a total student count of more than ten thousand students as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code.

(2) The school district board fails, pursuant to section 3316.04 of the Revised Code, to submit a plan acceptable to the state superintendent of public instruction within one hundred twenty days of the auditor of state's declaration under division (A) of this section;

(3) A declaration of fiscal emergency is required by division (D) of section 3316.04 of the Revised Code;

(4) The school district has received more than one advancement under section 3316.20 of the Revised Code within a two-year period, or has received only one such advancement but also has an operating deficit as described in division (B)(1)(b) of this section.

(C) In making the determinations under this section, the auditor of state may use financial reports required under section 117.43 of the Revised Code; tax budgets, certificates of estimated resources and amendments thereof, annual appropriating measures and spending plans, and any other documents or information prepared pursuant to Chapter 5705. of the Revised Code; and any other documents, records, or information available to the auditor of state that indicate the conditions described in divisions (A) and (B) of this section.

(D) The auditor of state shall certify the action taken under division (A) or (B) of this section to the board of education of the school district, the director of budget and management, the mayor or county auditor who could

be required to act pursuant to division (B)(1) of section 3316.05 of the Revised Code, and to the superintendent of public instruction.

(E) A determination by the auditor of state under this section that a fiscal emergency condition does not exist is final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the board of education of the school district affected by such a determination may appeal the determination of the existence of a fiscal emergency condition to the court of appeals having territorial jurisdiction over the school district. The appeal shall be heard expeditiously by the court of appeals and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the auditor of state and such court within thirty days after certification by the auditor of state to the board of education of the school district provided for in division (D) of this section. In such appeal, determinations of the auditor of state shall be presumed to be valid and the board of education shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the auditor of state as to the existence of a fiscal emergency condition under this section was in error. If the board of education fails, upon presentation of its case, to prove by clear and convincing evidence that each such determination by the auditor of state was in error, the court shall dismiss the appeal. The board of education and the auditor of state may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions. The pendency of any such appeal shall not affect or impede the operations of this chapter; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this chapter shall be imposed by the court or any court pending determination of such appeal; and all things may be done under this chapter that may be done regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this chapter during the pendency of such appeal is valid and enforceable among all parties, notwithstanding the decision in such appeal. If the court of appeals reverses the determination of the existence of a fiscal emergency condition by the auditor of state, the determination no longer has any effect, and any procedures undertaken as a result of the determination shall be terminated.

Sec. 3317.0212. Divisions (B) and (C) of this section do not apply to a school district with a formula ADM of one hundred fifty or less.

(A) As used in this section:

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 state aid" for a district means the total amount of state money received by the

district ~~in~~ for the applicable fiscal year as reported on the department of education's form "SF-12," adjusted as follows:

- (a) Minus the amount for transportation;
  - (b) Minus any amounts for approved preschool handicapped units;
  - (c) Minus any additional amount attributable to the reappraisal guarantee of division (C) of section 3317.04 of the Revised Code;
  - (d) Plus the amount deducted for payments to an educational service center;
  - (e) Plus an estimated portion of the state money distributed in the applicable fiscal year to other school districts or educational service centers for approved units, other than preschool handicapped or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in the district;
  - (f) Minus an estimated portion of the state money distributed to the school district in the applicable fiscal year for approved units, other than preschool handicapped units or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in another school district;
  - (g) Plus any additional amount paid in the applicable fiscal year pursuant to the vocational education recomputation required by Section 45.12 of Amended Substitute House Bill No. 117 of the 121st general assembly or former Section 50.22 of Amended Substitute House Bill No. 215 of the 122nd general assembly;
  - (h) Plus any additional amount paid in the applicable fiscal year pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code;
  - (i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;
  - (j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;
  - (k) Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section 3317.022 Of the Revised Code.
- (2) "Enhanced FY 1998 state aid" for a district means its fundamental FY 1998 state aid plus any amounts for which the district was eligible pursuant to division (K) of section 3317.024 of the Revised Code, as that division existed in fiscal year 1998.
- (3) "State basic aid" for a district ~~in~~ for any fiscal year after fiscal year 1998 means the sum of the following:
- (a) The amount computed for the district for basic formula aid and

special education funding under divisions (A), (B), and (C)(1) of section 3317.022 and sections 3317.025 to 3317.028 and 3317.027 of the Revised Code and DPIA aid under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by division (B), (D), (E), (F), (G), (H), (I), (J), or (K) of section 3317.023 or division (J) of section 3317.029 of the Revised Code;

(b) Any amounts for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G) and (P) of section 3317.024, and division (B) of section 3317.162 of the Revised Code;

(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.

(B) Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in divisions (A)(1)(e) and (f) of this section. The department shall compute the state basic aid guarantee for each school district for the fiscal year as follows:

(1) Subtract the amount of state basic aid from the amount of fundamental FY 1998 state aid. If a negative number, this computation shall be deemed to be zero.

(2) Compute the following amounts:

(a) Formula ADM X (state basic aid/formula ADM);

(b) The greater of formula ADM or three-year average formula ADM X (fundamental FY 1998 state aid/FY 1998 ADM).

(3) If the amount computed under division (B)(2)(b) of this section is greater than the amount computed under division (B)(2)(a) of this section, determine the amount by which it is greater. If the amount computed under division (B)(2)(b) of this section is not greater than the amount computed under division (B)(2)(a) of this section, this computation shall be deemed to be zero.

(4) Except as provided in division (C) of this section, the department shall determine for each district the lesser of the amounts computed in divisions (B)(1) and (3) of this section and, if greater than zero, pay the district that amount.

(C) In fiscal year 1999, the department shall calculate for each district the sum of the district's state basic aid for fiscal year 1999 plus the transportation portion of state aid computed under division (D) of section 3317.022 of the Revised Code for the district for fiscal year 1999. If a district's enhanced FY 1998 state aid is greater than that sum, then the department shall pay the district in fiscal year 1999 one hundred per cent of the difference or the amount required by division (B)(4) of this section,

whichever is greater.

(D)(1) The state basic aid guarantee in any fiscal year for a school district with a formula ADM of one hundred fifty or less shall be the greatest of the following amounts:

- (a) The district's state basic aid for the fiscal year;
- (b) The district's fundamental FY 1998 state aid;
- (c) The district's fundamental FY 1997 state aid;

(2) If in any fiscal year the state basic aid for a school district with a formula ADM of one hundred fifty or less is less than the guarantee amount determined for the district under division (D)(1) of this section, the department of education shall pay the district the amount of the difference.

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

- (a) Students enrolled in adult education classes;
- (b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code or Section 50.52 of Amended Substitute House Bill No. 215 of the 122nd general assembly;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract.

(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact;

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts:

(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision;

(2) The average daily membership of all handicapped preschool children included in a unit approved for the district under section 3317.05 of the Revised Code, in accordance with rules adopted under that section;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under Chapter 3314. of the Revised Code or Section 50.52 of Amended Substitute House Bill No. 215 of the 122nd general assembly, or are participating in a program operated by a county MR/DD board or a state institution;

(4) The number of pupils enrolled in joint vocational schools;

(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code;

(8) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in vocational education programs or classes operated by the school district or by another district other than a joint vocational school district or by an educational service center;

(9) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(10)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category three special education services, described in division (F)(3) of section 3317.02 of the Revised Code.

(C) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (8) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A) and (B) of this section. No child shall be counted as more than a total of one child in the sum of the average daily

memberships of a school district under division (A) or under divisions (B)(1) to (8) of this section. Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D) The superintendent of each joint vocational and cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the joint vocational or cooperative education school district, also indicating the city, local, or exempted village school district of residence for each pupil.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for the following:

(a) Persons suffering from tuberculosis and receiving treatment in any approved state, county, district, or municipal tuberculosis hospital who have not graduated from the twelfth grade of a public high school;

(b) Veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.

If, however, any veteran described by division (E)(4)(b) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.

Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

The average daily membership figure of any local, city, or exempted village school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the first full school week in October by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any joint vocational or cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city or exempted village school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February.

(2) If during the first full school week in February the total number of units for handicapped preschool children that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of such units that have been approved for the year under such division, the superintendent of schools of any city, exempted village, or cooperative

education school district or educational service center shall make the certifications required by this section for such week. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the board shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in section 3317.161 or 3317.19 and section 3317.162 of the Revised Code.

(3) If during the first full school week in February the total number of special education units that are eligible for approval under division (D)(1) of section 3317.05 of the Revised Code for a joint vocational school district exceeds the number of those units that have been approved for the year under that division, the superintendent of the district shall make the certifications required by this section for that week. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the state board shall approve additional units for the fiscal year on the basis of the average daily membership certified. For each unit approved, the department of education shall pay an amount computed in the manner prescribed by section 3317.16 of the Revised Code.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or programs approved annually by the state board of education, in the manner prescribed by the superintendent of public instruction.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes or units approved by the state board of education pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes and units approved under division (D)(1) of section 3317.05 of the Revised Code for each school district that

has placed children in the classes or units;

(b) Certify to the state board, in the manner prescribed by the board, the average daily membership in preschool handicapped units approved under division (B) of section 3317.05 of the Revised Code.

(3) If during the first full school week in February the average daily membership of the classes or units maintained by the county MR/DD board that are eligible for approval under division (D)(1) of section 3317.05 of the Revised Code is greater than the average daily membership for the preceding October, the superintendent of the board shall make the certifications required by this section for such week and, if during the first full school week in February the average daily membership of the units maintained by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the average daily membership for the preceding October, the superintendent shall certify the average daily membership for the first full school week in February for such units to the state board of education. If the state board determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such classes and units, the board shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in sections 3317.161 and 3317.162 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project

lationship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 through 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in division (A)(9) of section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

Sec. 3318.03. Upon conducting the on-site evaluation under section 3318.02 of the Revised Code, the Ohio school facilities commission shall make a determination of ~~the practicability of meeting the district's classroom facility needs as indicated in division (B)(2) of section 3318.02 of the Revised Code; the all of the following:~~

(A) The needs of the school district for additional classroom facilities; ~~the~~

(B) The number of classroom facilities to be included in a project and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility; ~~the~~

(C) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project, and by the issuance of bonds under section 3318.05 of the Revised Code; ~~and the~~

(D) The remaining amount of such cost that shall be supplied by the state;

(E) If the state's portion of the basic project cost exceeds forty million dollars, the amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal bienniums from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code. The

The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, ~~sparcity~~ sparsity of population, and other factors make larger schools impracticable.

Sections 125.81 and 153.04 of the Revised Code shall not apply to

classroom facilities constructed under sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3318.04. If the Ohio school facilities commission makes a determination under section 3318.03 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, and the amount of the state's portion of the basic project cost, and, if the state's portion exceeds forty million dollars, the amount of the state's portion to be encumbered in the current fiscal biennium. In the event of approval thereof by the controlling board, the commission shall certify such conditional approval to the school district board and shall encumber from the total funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code the amount of the state's portion of the basic project cost or, if the state's portion exceeds forty million dollars, the amount approved under this section to be encumbered in the current fiscal biennium.

The basic project cost for a project approved under this section shall not exceed the cost that would otherwise have to be incurred if the classroom facilities to be constructed, acquired, or reconstructed, or the additions to be made to classroom facilities, under such project meet, but do not exceed, the specifications for plans and materials for classroom facilities adopted by the commission.

No school district shall have a project conditionally approved pursuant to this section if the project includes the reconstruction of, or the making of additions to, any classroom facilities that were constructed, acquired, reconstructed, or added to as part of a project funded under any version of sections 3318.01 to 3318.20 of the Revised Code, and the prior project was one for which the electors of such district approved a levy within the last ten years pursuant to any version of section 3318.06 of the Revised Code for purposes of qualifying for the funding of that project.

Sec. 3318.11. For any project for which the state's portion of the basic project cost exceeds forty million dollars, the amount of state appropriations to be encumbered for the project in each fiscal biennium shall be determined by the Ohio school facilities commission based on the project's estimated construction schedule for that biennium. In each fiscal biennium subsequent to the first biennium in which state appropriations are encumbered for the project, the project has priority for state funds over projects for which initial state funding is sought.

Sec. 3318.12. The Ohio school facilities commission shall cause to be transferred to the school district's project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for such purpose, from time to time as may be necessary to pay obligations chargeable to such fund when due. The All investment earnings of a school district's project construction fund shall be credited to the fund.

The treasurer of the school district board shall disburse funds from the school district's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's designated representative. The commission or the commission's designated representative shall issue vouchers against such fund, in such amounts, and at such times as required by the contracts for construction of the project.

After the project has been completed:

(A) Any investment earnings remaining in the project construction fund that are attributable to the school district's contribution to the fund shall be transferred to the district's maintenance fund required by division (B) of section 3318.05 of the Revised Code, and the money shall be used solely for maintaining the classroom facilities included in the project.

(B) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code.

(C) Any other surplus remaining in the school district's project construction fund after the project has been completed shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code; provided, that if the final cost of the project is less than the amount of moneys paid into the school district's project construction fund by the school district board, the amount by which the school district's contribution exceeds the actual cost shall be returned to the school district board.

Sec. 3318.15. There is hereby created the public school building fund within the state treasury consisting of all moneys received from the sale of classroom facilities pursuant to sections 3318.01 to 3318.20 of the Revised Code, any moneys transferred or appropriated to the fund by the general assembly, and any grants, gifts, or contributions received by the Ohio school facilities commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.

Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used to acquire classroom facilities for sale to school districts pursuant to sections 3318.01 to 3318.20 of the Revised Code. The moneys in the fund received from the sale of classroom facilities shall be held in a separate account in the fund. Such moneys may be used partially to acquire additional classroom facilities for sale to school districts pursuant to sections 3318.01 to 3318.20 and partially to pay bond service charges as defined in division (C) of section 3318.21 of the Revised Code on obligations, the proceeds of which are deposited into the school districts facilities fund created in section 3318.23 of the Revised Code.

Sec. 3318.25. There is hereby created in the state treasury the school building program assistance fund. The fund shall consist of the proceeds of obligations issued for the purposes of such fund pursuant to section 3318.26 of the Revised Code that are payable from moneys in the lottery profits education fund created in section 3770.06 of the Revised Code. All investment earnings of the fund shall be credited to the fund. Moneys in the fund shall be used as directed by the Ohio school facilities commission for the cost to the state of acquiring classroom facilities for sale to school districts pursuant to sections 3318.01 to 3318.20 of the Revised Code.

Sec. 3345.50. Notwithstanding anything to the contrary in sections 123.01, and 123.15, and 153.01 to 153.20 of the Revised Code, a state university, the medical college of Ohio at Toledo, a state community college, or the northeastern Ohio universities college of medicine may ~~locally~~ administer a any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which the total amount of funds expected to be appropriated by the general assembly does not exceed four million dollars without the supervision, control, or approval of the department of administrative services as specified in those sections, if both of the following occur:

(A) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the Ohio board of regents in writing of its intent to administer the capital facilities project ~~locally~~;

(B) The board of trustees complies with the guidelines established pursuant to ~~division (A) of section 125.101~~ 153.16 of the Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project.

The board of regents shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a capital facilities project for which the total amount of funds expected to be appropriated by the general assembly exceeds four million dollars. The criteria, to be developed with the department of administrative services and higher education representatives selected by the board of regents, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The board of regents and the department of administrative services shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and in the requirements of division (B) of this section.

Sec. 3379.10. (A) Recognizing this state's responsibility to foster culture and the arts and to encourage the development of artists and ~~craftsmen~~ craftspersons, the general assembly declares it a policy of this state that a portion of the money to be spent by state agencies on the construction or renovation of public buildings be spent on the acquisition of works of art to be placed in or on such buildings. In pursuit of this policy, there is hereby established the per cent for arts program, under which quality works of art are to be sold to such agencies by the Ohio arts council and, in the process, qualified professional artists are to be recognized.

(B) As used in this section:

(1) "Appropriation" does not include a reappropriation.  
(2) "Proceeds" does not include the proceeds of bonds, notes, or other obligations issued in anticipation of the issuance of, or to refund, other bonds, notes, or other obligations.

(3) "Public building" means any building, facility, structure, or park built or renovated using state money, including any publicly owned lands or space surrounding or integral to the building, facility, structure, or park but not including:

- (a) Parking lots, sidewalks, maintenance sheds, bridges, tunnels, sewers, trails, fishponds and fishways, or warehouses, unless such structures are adjuncts of the principal element of the project;
- (b) Buildings of a temporary nature;
- (c) Projects to correct any deficiencies or violations of a building or housing code enacted by law;
- (d) Highway construction.

(4) "Renovation" does not include a project of which the principal purpose is the rehabilitation of plumbing, heating, ventilating, air conditioning, or electrical systems.

(5) "State agency" has the same meaning as in section 1.60 of the Revised Code and includes a state university or college, a community college established under Chapter 3354. of the Revised Code, or a technical college established under Chapter 3357. of the Revised Code.

(6) "Work of art" includes all forms of original creations of visual art, including, but not limited to:

(a) Paintings, including all media and both portable and permanently affixed works of art such as murals;

(b) Sculpture, including bas-relief, high relief, mobile, fountain, kinetic, environmental, electronic, and in-the-round sculpture;

(c) Prints, calligraphy, clay, drawings, stained glass, mosaics, photographs, fiber and textiles, wood, metal, plastics, and other materials or combination of materials;

(d) Mixed media, including any combination of forms of media.

(C) Except as otherwise provided in division (D) of this section, whenever more than four million dollars of state money, whether obtained from the sale of bonds or otherwise, is to be spent by a state agency on the construction or renovation of a public building, the agency that contracts for the construction or renovation, consistent with division (G) of this section, shall contract with the council to use one per cent of the state money appropriated for the project or, if applicable, one per cent of the nonappropriated state proceeds of bonds, notes, or other obligations authorized to be sold for the project, to purchase works of art from the council for display in or on the public building and to make related outlays under division (E) of this section. The council, subject to the approval of the director of budget and management, shall fix the prices at which it sells works of art for the project to the state agency contracting for construction or renovation. The calculation of whether more than four million dollars is to be spent shall not be cumulative but shall be based on the amount of each appropriation or each designation of nonappropriated state proceeds of bonds, notes, or other obligations authorized to be sold for a project.

(D)(1) Notwithstanding division (C) of this section, the director of budget and management, after consulting with the council about the matter, may determine that no state money, or a percentage less than one per cent of the amount specified in that division, shall be spent to purchase works of art from the council and to make related outlays under division (E) of this section if the director of budget and management feels that works of art

would be out of place in or on the public building, that there will be little opportunity for public appreciation of works of art in or on the public building, that the value of some features or characteristics inherent in the architectural design of the public building should apply toward the one per cent requirement, or that the public building is or will be amply supplied with works of art even without works of art purchased from the council under division (C) of this section. ~~The director of budget and management, in accordance with Chapter 119. of the Revised Code, may adopt, and may amend or rescind, rules establishing a procedure whereby state agencies may obtain from the director reconsideration of his determination under this division.~~ The director shall make all final decisions with regard to whether and to what extent a construction or renovation project is subject to division (C) or (D) of this section.

(2) Not later than forty-five days after the effective date of a section of an act providing that more than four million dollars of state money is to be spent by a state agency on the construction or renovation of a public building, the director of budget and management shall prepare a preliminary report listing each appropriation and each designation of nonappropriated state proceeds of more than four million dollars for the construction or renovation of a public building, and indicating the amount of the appropriation or designation that shall be spent for the per cent for arts program. The amount specified to be spent for the per cent for arts program amount shall take into account any determination made by the director under division (D)(1) of this section. The director shall send a copy of the preliminary report to the council and to each state agency that received an appropriation or nonappropriated state proceeds of more than four million dollars for the construction or renovation of a public building under the act.

(3) Not later than thirty days after the director sends the preliminary report required under division (D)(2) of this section, a state agency may deliver to the director of budget and management a request for the director to make a determination under division (D)(1) of this section or to reconsider a determination made under that division. If the director approves the request, the director shall revise the preliminary report consistent with the approved request. Not later than forty-five days after sending a preliminary report, the director shall send a final report to the council and to each state agency referred to in division (D)(2) of this section.

(E)(1) Where appropriated state money will be used to purchase works of art from the council under division (C) or (D) of this section, the state agency that has contracted to purchase the works of art shall make payment to the council for the works of art and related costs as follows:

(a) The state agency shall encumber sufficient money to pay for the purchase and installation of the works of art and shall authorize the council to make payments against those encumbrances for the purchase and installation of the works of art. The council shall use the encumbered money to acquire and install the works of art.

(b) If the council expects to make expenditures in connection with the selection of artists for a specific project, including expenditures for printing or for jurors, the council shall estimate the amount of such expenditures it expects to make and certify that amount to the state agency and to the director of budget and management. Upon determining that there is an unobligated balance in an appropriation for the state agency that may be used for the purpose, the director of budget and management shall transfer the amount certified from the appropriation to the per cent for art acquisitions fund, which is hereby created in the state treasury, on an intrastate transfer voucher. The fund shall be used by the council to pay costs it incurs in connection with the selection of artists for specific projects, including costs for printing and for jurors.

All amounts encumbered or transferred under division (E)(1)(a) or (b) of this section shall be applied toward the percentage requirement of division (C) or (D) of this section.

(2) Where nonappropriated state proceeds of bonds, notes, or other obligations will be used to purchase works of art from the council under division (C) or (D) of this section, the state agency that has contracted to purchase the works of art shall make payment to the council for the works of art and related costs as follows:

(a) The council shall submit to the state agency invoices requesting payment for the purchase and installation of the works of art.

(b) If the council expects to make expenditures in connection with the selection of artists for a specific project, including expenditures for printing or for jurors, the council shall estimate the amount of such expenditures it expects to make and submit to the state agency invoices requesting payment in that amount. The state agency shall promptly remit payment to the council in the amounts of all such invoices. Such remittances shall be deposited in the state treasury to the credit of the per cent for art acquisitions fund.

All amounts remitted under this division shall be applied toward the percentage requirement of division (C) or (D) of this section.

(F) The council shall consult with the chief executive officer, or his the officer's designee, of either the state agency spending state money on the construction or renovation or the state agency or agencies occupying or to

occupy a public building for which the council will supply a work of art, or both, before making decisions about the following:

(1) Which works of art will be purchased and on which sites they will be placed;

(2) Which artists, if any, will be commissioned to create a work of art;

(3) The sale, exchange, and disposition of works of art used in the program.

(G) The council shall make all final decisions in regard to the matters described in divisions (F)(1) to (3) of this section.

(H) Each state agency that has purchased works of art from the council under division (C) or (D) of this section shall maintain the works of art and pay the costs of maintenance. Money spent by the agency for maintenance of the works of art shall not be applied toward the percentage requirement of division (C) or (D) of this section.

Sec. 4141.13. In addition to all other duties imposed on the administrator of the bureau of employment services and powers granted by this chapter, the administrator may:

(A) Adopt and enforce reasonable rules relative to the exercise of the administrator's powers and authority, and proper rules to govern the administrator's proceedings and to regulate the mode and manner of all investigations and hearings;

(B) Prescribe the time, place, and manner of making claims for benefits under such sections, the kind and character of notices required thereunder, the procedure for investigating, hearing, and deciding claims, the nature and extent of the proofs and evidence and the method of furnishing and taking such proofs and evidence to establish the right to benefits, and the method and time within which adjudication and awards shall be made;

(C) Adopt rules with respect to the collection, maintenance, and disbursement of the unemployment and administrative funds;

(D) Amend and modify any of the administrator's rules from time to time in such respects as the administrator finds necessary or desirable;

(E) Employ, subject to Chapter 124. of the Revised Code, secretaries, deputies, accountants, managers of district offices, clerks, stenographers, and other assistants that are required for the administration of this chapter, sections 4101.25 to 4101.30 and 4115.03 to 4115.16, and Chapters 4109., 4111., and 4167. of the Revised Code, and determine their salaries and duties; provided that notwithstanding Chapter 124. of the Revised Code, no provisional appointments shall extend for a period of more than six months, except that for the duration of the war emergency such provisional appointments may be extended upon compliance with the personnel

standards of the proper agency of the United States relating thereto, and such six months limitation does not apply to the appointment of employees engaged in the physical maintenance of buildings occupied by the bureau of employment services;

(F) Appoint advisors or advisory employment committees, by local districts or by industries, who shall, without compensation but with reimbursements for necessary expenses, assist the administrator in the execution of the administrator's duties;

(G) Require all employers, including employers not otherwise subject to this chapter, to furnish to the administrator information concerning the amount of wages paid, the number of employees employed and the regularity of their employment, the number of employees hired, laid off, and discharged from time to time and the reasons therefor and the numbers that quit voluntarily, and other and further information respecting any other facts required for the proper administration of this chapter;

(H) Classify generally industries, businesses, occupations, and employments, and employers individually, as to the hazard of unemployment in each business, industry, occupation, or employment, and as to the particular hazard of each employer, having special reference to the conditions of regularity and irregularity of the employment provided by such employer and of the fluctuations in payrolls of such employer;

(I) Determine the contribution rates upon employers subject to this chapter, and provide for the levy and collection of the contributions from such employers;

(J) Receive, hear, and decide claims for unemployment benefits, and provide for the payment of such claims as are allowed;

(K) Promote the regularization of employment and the prevention of unemployment;

(L) Encourage and assist in the adoption of practical methods of vocational training, retraining, and vocational guidance;

(M) Investigate, recommend, and advise and assist in the establishment and operation by municipal corporations, counties, school districts, and the state of prosperity reserves of public work to be prosecuted in times of business depression and unemployment;

(N) Promote the re-employment of unemployed workers throughout the state in any other way that may be feasible, and take all appropriate steps within the administrator's means to reduce and prevent unemployment;

(O) Carry on and publish the results of any investigations and research that the administrator deems relevant;

(P) Make such reports to the proper agency of the United States created

by the "Social Security Act" as that agency requires, and comply with such provisions as the agency finds necessary to assure the correctness and verification of such reports;

(Q) Make available upon request to any agency of the United States charged with the administration of public works or assistance through public employment the name, address, ordinary occupation, and employment status of each recipient of unemployment benefits under this chapter, and a statement of such recipient's rights to further benefits under this chapter;

(R) Make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided by this section with respect to the administration of this chapter, as the administrator deems necessary or appropriate to facilitate the administration of the unemployment compensation law or public employment service laws of this state and of other states and the United States, and in like manner accept and utilize information, services, and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service laws;

(S) Enter into or cooperate in arrangements whereby facilities and services provided under the unemployment compensation law of ~~the Dominion of~~ Canada may be utilized for the taking of claims and the payment of benefits under the unemployment compensation law of this state or under a similar law of ~~the Dominion of~~ Canada;

(T) Transfer surplus computers and computer equipment directly to a chartered public school within the state, notwithstanding sections 125.12 to 125.14 Of the Revised Code. The computers and computer equipment may be repaired or refurbished prior to the transfer, and the public school may be charged a service fee not to exceed the direct cost of repair or refurbishing.

Sec. 5119.16. The department of mental health is hereby designated to provide certain goods and services for the department of mental health, the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health determines that it is in the public interest, and considers it advisable, to provide these goods and services. The department of mental health also may provide goods and services to agencies operated by the United States government and to public or private nonprofit agencies funded in whole or in part by the state if the public or private nonprofit agencies are designated for participation in this program by the director of mental health for community mental health

agencies, the director of mental retardation and developmental disabilities for community mental retardation and developmental disabilities agencies, the director of rehabilitation and correction for community rehabilitation and correction agencies, or the director of youth services for community youth services agencies. The director of aging may designate for participation community agencies holding a contract with an area agency on aging established under the "Older Americans Act," 79 Stat. 219, 42 U.S.C.A. 3001, as amended. Designated community agencies shall receive goods and services through the department of mental health only in those cases where the designating state agency certifies that providing such goods and services to the agency will conserve public resources to the benefit of the public and where the provision of such goods and services is considered feasible by the department of mental health.

Purchases of goods or services under this section are not subject to section 307.86 of the Revised Code.

(A) The goods and services to be provided by the department of mental health may include:

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 Of the Revised Code;

~~(3) Performance of medical laboratory analysis and professional laboratory and pathologist consultation;~~

~~(4) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;~~

~~(5) Operation or leasing of farms and woodland, and distribution or sale of products thereof;~~

~~(6) Operation of regional laundries and dry cleaning plants, and procurement, storage, and distribution of linens;~~

~~(7)~~(4) Other goods and services as may be agreed to.

(B) The department of mental health shall provide the goods and services designated in division (A) of this section to its institutions and to state-operated community-based mental health services.

(C) After consultation with and advice from the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health shall provide the goods and services designated in division (A) of this section to the department of mental retardation and developmental

disabilities, the department of rehabilitation and correction, and the department of youth services.

(D) The cost of administration of this section shall be determined by the department of mental health and paid by the agencies receiving the goods and services to the department for deposit in the state treasury to the credit of the mental health fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

(E) If the goods or services designated in division (A) of this section are not provided in a satisfactory manner by the department of mental health, the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, the director of youth services, or the managing officer of a department of mental health institution shall attempt to resolve unsatisfactory service with the director of mental health. If, after such attempt, the provision of goods or services continues to be unsatisfactory, the director or officer shall notify the director of mental health. If within thirty days of such notice the department of mental health does not provide the specified goods and services in a satisfactory manner, the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, the director of youth services, or the managing officer of the department of mental health institution shall notify the director of mental health of his the director's or managing officer's intent to cease purchasing goods and services from the department. Following a sixty-day cancellation period from the date of such notice, the department of mental retardation, department of rehabilitation and correction, department of youth services, or the department of mental health institution may obtain the goods and services from a source other than the department of mental health, if the department certifies to the department of administrative services that the requirements of this division have been met.

(F) Whenever a state agency fails to make a payment for goods and services provided under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from the state agency to the department of mental health. The amount transferred shall not exceed the amount of overdue payments. Prior to making a transfer under this division, the office of budget and management shall apply any credits the state agency has accumulated in payments for goods and services provided under this section.

Sec. 5120.135. (A) As used in this section, "laboratory services" includes the performance of medical laboratory analysis; professional laboratory and pathologist consultation; the procurement, storage, and distribution of laboratory supplies; and the performance of phlebotomy

services.

(B) The department of rehabilitation and correction shall provide laboratory services to the departments of mental health, mental retardation and developmental disabilities, youth services, and rehabilitation and correction. The department of rehabilitation and correction may also provide laboratory services to other state, county, or municipal agencies and to private persons that request laboratory services if the department of rehabilitation and correction determines that the provision of laboratory services is in the public interest and considers it advisable to provide such services. The department of rehabilitation and correction may also provide laboratory services to agencies operated by the United States government and to public and private entities funded in whole or in part by the state if the director of rehabilitation and correction designates them as eligible to receive such services.

The department of rehabilitation and correction shall provide laboratory services from a laboratory that complies with the standards for certification set by the United States department of health and human services under the "Clinical Laboratory Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. In addition, the laboratory shall maintain accreditation or certification with an appropriate accrediting or certifying organization as considered necessary by the recipients of its laboratory services and as authorized by the director of rehabilitation and correction.

(C) The cost of administering this section shall be determined by the department of rehabilitation and correction and shall be paid by entities that receive laboratory services to the department for deposit in the state treasury to the credit of the laboratory services fund, which is hereby created. The fund shall be used to pay the costs the department incurs in administering this section.

(D) If the department of rehabilitation and correction does not provide laboratory services under this section in a satisfactory manner to the department of mental retardation and developmental disabilities, youth services, or mental health, the director of mental retardation and developmental disabilities, youth services, or mental health shall attempt to resolve the matter of the unsatisfactory provision of services with the director of rehabilitation and correction. If, after this attempt, the provision of laboratory services continues to be unsatisfactory, the director of mental retardation and developmental disabilities, youth services, or mental health shall notify the director of rehabilitation and correction regarding the continued unsatisfactory provision of laboratory services. If, within thirty days after the director receives this notice, the department of rehabilitation

and correction does not provide the specified laboratory services in a satisfactory manner, the director of mental retardation and developmental disabilities, youth services, or mental health shall notify the director of rehabilitation and correction of the notifying director's intent to cease obtaining laboratory services from the department of rehabilitation and correction. Following the end of a cancellation period of sixty days that begins on the date of the notice, the department that sent the notice may obtain laboratory services from a provider other than the department of rehabilitation and correction, if the department that sent the notice certifies to the department of administrative services that the requirements of this division have been met.

(E) Whenever a state agency fails to make a payment for laboratory services provided to it by the department of rehabilitation and correction under this section within thirty-one days after the date the payment was due, the office of budget and management may transfer moneys from that state agency to the department of rehabilitation and correction for deposit to the credit of the laboratory services fund. the amount transferred shall not exceed the amount of the overdue payments. prior to making a transfer under this division, the office shall apply any credits the state agency has accumulated in payment for laboratory services provided under this section.

Sec. 5739.024. (A)(1) A board of county commissioners may by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. Except as otherwise provided in ~~division divisions~~ (A)(2) and (3) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on such transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each such transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of such remainder pursuant to an agreement authorized by section 307.695 of the Revised Code. Except as otherwise provided under division (A)(2) or (3) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has

in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue therefrom has been so pledged.

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on ~~the effective date of this amendment June 30, 1997,~~ at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code, may amend the resolution levying that tax to provide for an increase in the rate of the tax up to five per cent on each transaction; to provide that revenue from the increase in the rate shall be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section; and to provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

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

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

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

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

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

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

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

(B) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of this section may by ordinance or resolution levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or township shall deposit at least fifty per cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of such revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The levy of a tax under this division is in addition to any tax imposed on the same transaction by a municipal corporation or a township as authorized by division (C)(1) of section 5739.02 of the Revised Code.

(C) For the purpose of making the payments authorized by section 307.695 of the Revised Code to construct and equip a convention center in the county and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A)(1) of this section is in effect may, by resolution adopted within ninety days after

July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (C)(1) of section 5739.02 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. A tax imposed under this section shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue therefrom has been pledged pursuant to such section.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation thereof, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), and (C) of this section, to any excise tax levied pursuant to division (C) of section 5739.02 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this section may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement. Such tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to such section, but, to any extent provided for in the cooperative agreement,

for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation thereof, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for such additional purposes as are determined by the county in the resolution levying the tax or amendments thereto, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), (C), and (D) of this section, to any excise tax levied pursuant to division (C) of section 5739.02 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and division (E) of this section. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. Such tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county, but not to exceed fifteen years.

SECTION 2. That existing sections 111.15, 119.01, 123.15, 125.023, 125.101, 125.22, 125.81, 126.03, 127.14, 127.16, 133.04, 133.06, 153.01, 153.04, 153.05, 153.06, 153.07, 153.08, 153.09, 153.10, 153.11, 153.12, 153.17, 153.32, 153.33, 153.34, 153.50, 153.571, 153.62, 351.01, 351.03, 351.141, 3301.0716, 3304.16, 3315.01, 3316.03, 3317.0212, 3317.03, 3318.03, 3318.04, 3318.12, 3318.15, 3318.25, 3345.50, 3379.10, 4141.13, 5119.16, and 5739.024 and section 3345.51 of the Revised Code are hereby repealed.

SECTION 3. All items set forth in Sections 3.01 to 3.06 of this act are hereby appropriated out of any moneys in the General Revenue Fund (GRF)

that are not otherwise appropriated.

Appropriations

SECTION 3.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

CAP-785	Rural Areas Historical Projects	\$ 440,000
CAP-786	Rural Areas Community Improvements	\$ 5,315,000
CAP-817	Urban Areas Community Improvements	\$ 12,508,150
CAP-818	Community Theatre Renovations	\$ 400,000
Total Department of Administrative Services		\$ 18,663,150

Rural Areas Historical Projects

Of the foregoing appropriation item CAP-785, Rural Areas Historical Projects, \$100,000 shall be used for Hancock County Historical Society Facility Improvements; \$40,000 shall be used for Harveysburg Community Historic Society; \$50,000 shall be used for Wood County Historical Museum - Old Public Hospital Restoration; \$200,000 shall be used for James A. Garfield Historic Site Improvements; and \$50,000 shall be used for Elmore Historical Society.

Rural Areas Community Improvements

Of the foregoing appropriation item CAP-786, Rural Areas Community Improvements, \$100,000 shall be used for Hocking Valley Railroad Improvements; \$50,000 shall be used for Belmont County Park District - Convention Center; \$70,000 shall be used for Aberdeen Huntington Community Center; \$100,000 shall be used for Chrisholm Historic Farmstead Restoration; \$100,000 shall be used for Clinton County Senior Center; \$150,000 shall be used for Coshocton Infrastructure Improvements; \$200,000 shall be used for Coshocton Visitors' and Convention Bureau; \$20,000 shall be used for Warsaw Community Improvements; \$100,000 shall be used for Washington Court House Downtown Redevelopment; \$80,000 shall be used for Gallia County Industrial Park Improvements; \$150,000 shall be used for Desmond Hall Industrial Park; \$100,000 shall be used for Kenton Armory Improvements; \$162,000 shall be used for Sinking Springs Infrastructure Improvements; \$20,000 shall be used for Laurelville Community Improvements; \$16,000 shall be used for Gibsonville Community Recreation Center Improvements; \$150,000 shall be used for Holmes County Historic Building Improvements; \$500,000 shall be used for Davis-Shai House Historical Site; \$100,000 shall be used for Maritime Museum in Vermillion; \$100,000 shall be used for Meadowbrook Park Ballroom Restoration; \$90,000 shall be used for Big Island Nature Center Improvements; \$300,000 shall be used for Medina County Arts Center Improvements; \$142,000 shall be used for Graysville Community Center;

\$49,000 shall be used for Roseville Community Center Improvements; \$100,000 shall be used for South Zanesville Community Improvements; \$20,000 shall be used for Corning Community Center; \$50,000 shall be used for Waverly Community Improvements; \$20,000 shall be used for Garrettsville Veterans Memorial; \$6,000 shall be used for Palmyra Township Veterans Memorial; \$100,000 shall be used for Deerfield Township Hall Civic Improvements; \$35,000 shall be used for Preble County Coliseum Planning; \$300,000 shall be used for Richland Academy of Arts and Sciences Discovery Center; \$50,000 shall be used for Village of Pleasant Plain Community Improvements; \$48,000 shall be used for Village of South Lebanon Infrastructure Improvements; \$41,000 shall be used for Rehabilitate Senior Housing - Waynesville; \$40,000 shall be used for Ambrose Hall Museum - Belpre; \$100,000 shall be used for New Matamoras Senior Center; \$25,000 shall be used for West Salem Town Hall Improvements; \$40,000 shall be used for Pemberville Opera House Restoration; \$40,000 shall be used for Grand Rapids Village Hall Restoration; \$500,000 shall be used for Liberty Commons Infrastructure Project - Lima; \$50,000 shall be used for Village of Morrow Infrastructure Improvements; \$100,000 shall be used for Fairfield City Cultural Center; \$63,000 shall be used for Sunbury Town Hall; \$50,000 shall be used for Nelsonville Fountain; \$50,000 shall be used for Southern Ohio Port Authority; \$100,000 shall be used for Ft. Steuben Land Office; \$100,000 shall be used for Columbiana County Port Authority; \$25,000 shall be used for Noble County Senior Center; \$25,000 shall be used for Crawford County Council on Aging; \$14,000 shall be used for Bethel-Tate Fire Department Fire Safety Trailer; \$74,000 shall be used for the John P. Parker Historic Site Restoration; and \$300,000 shall be used for Zahn's Corner Industrial Park.

Urban Areas Community Improvements

Of the foregoing appropriation item CAP-817, Urban Areas Community Improvements, \$200,000 shall be used for Clermont County Communications Center; \$50,000 shall be used for The Civic Restoration; \$50,000 shall be used for Brown Senior Center Renovations; \$50,000 shall be used for Loveland Velodome Planning; \$25,000 shall be used for Friendly Center Renovations; \$5,000 shall be used for Toledo Golden Gloves - Equipment; \$50,000 shall be used for Sylvania Historical Society Building Improvements; \$50,000 shall be used for Toledo International Youth Hostel Renovations; \$100,000 shall be used for Fellows Gardens - Mill Creek Park Improvements; \$100,000 shall be used for Weathervane Playhouse Addition; \$100,000 shall be used for Akron/Summit Community

Action Agency Facility Improvements; \$136,000 shall be used for Akron Community Health Resources Inc. Facility Improvements; \$75,000 shall be used for Farmington Senior Center Improvements; \$85,000 shall be used for President McKinley Home Site improvements; \$187,150 shall be used for Shaker Historical Museum; \$400,000 shall be used for Solon Community Arts Center; \$25,000 shall be used for Orange Senior Center; \$75,000 shall be used for Cincinnati Jewish Community Center; \$1,000,000 shall be used for Lincoln Heights Health Center Improvements; \$500,000 shall be used for Cook's Castle Renovation; \$40,000 shall be used for Toledo Jewish Community Center; \$100,000 shall be used for Youngstown Jewish Community Center; \$1,500,000 shall be used for Youngstown Parking Facility; \$150,000 shall be used for Canton Jewish Community Center; \$2,000,000 shall be used for Wilderness Center Facility Improvements; \$100,000 shall be used for Project AHEAD Facility Improvements; \$50,000 shall be used for Sagamore Hills Historical Wall Renovation; \$1,000,000 shall be used for Stan Hywet Hall and Gardens; \$250,000 shall be used for NEC World Series of Golf Media Facility; \$50,000 shall be used for Richfield Historic District Improvements; \$100,000 shall be used for Ohio Erie Heritage Corridor Improvements; \$150,000 shall be used for Hale Farm Improvements; \$1,750,000 shall be used for Wood County Historic Building Renovation; \$500,000 shall be used for Miamisburg Mound Development; \$100,000 shall be used for Springfield Township Hall; \$50,000 shall be used for City of University Heights Community Senior Center; \$75,000 shall be used for the J. Frank-Troy Senior Citizens Center; \$50,000 shall be used for the Cleveland Health Museum; \$50,000 shall be used for the City of Euclid Land Purchase; \$25,000 shall be used for the Mahoning River Corridor of Opportunity Industrial Park; \$25,000 shall be used for University Heights Senior Citizen Center Public Library; \$50,000 shall be used for Columbus Fire Museum; \$50,000 shall be used for League Park Tourist Museum; \$100,000 shall be used for Mustill Store Exhibits in Cascade Valley Park; and \$30,000 shall be used for Warren Airport Runway Improvements.

Of the foregoing appropriation item CAP-817, Urban Areas Community Improvements, \$300,000 shall be used for Columbus Family and Child Guidance Centers; \$360,000 shall be used for Central Community House; \$180,000 shall be used for St. John Center; and \$60,000 shall be used for Wesley Community Development Corporation.

Community Theatre Renovations

Of the foregoing appropriation item CAP-818, Community Theatre Renovations, \$100,000 shall be used for Cleveland Public Theatre Improvements - Gordon Square; \$125,000 shall be used for Ariel Theatre

Renovation; \$125,000 shall be used for Markay Theatre Renovations; and \$50,000 shall be used for Lorain Palace Theatre Improvements.

### SECTION 3.02. AGR DEPARTMENT OF AGRICULTURE

CAP-040 County Fairgrounds Capital Improvements	\$ 5,000,000
Total Department of Agriculture	\$ 5,000,000

#### County Fairgrounds Capital Improvements

The foregoing appropriation item CAP-040, County Fairgrounds Capital Improvements, shall be used to provide matching grants to Agricultural Societies for fairgrounds capital improvements pursuant to rules promulgated by the Ohio Department of Agriculture. The rules shall include, but not be limited to, specifications of eligibility and award criteria, specifications for grant agreements, and procedures for administration of the program. Each society receiving a grant from this appropriation shall contribute an equal amount of non-state funds toward the capital improvements for which state funds are provided. No society shall receive more than \$100,000.

### SECTION 3.03. AFC ARTS AND SPORTS FACILITIES COMMISSION

CAP-047 Cincinnati Classical Music Hall of Fame	\$ 300,000
CAP-050 Columbus Art Museum Facility Planning	\$ 250,000
CAP-053 Powers Auditorium Improvements	\$ 250,000
CAP-054 Dayton Performing Arts Center - Planning and Phase I	\$ 250,000
CAP-059 Johnny Appleseed Museum Theatre	\$ 175,000
CAP-060 Southeastern Ohio Cultural Arts Center	\$ 500,000
CAP-062 Akron Art Museum - Planning	\$ 100,000
Total Arts And Sports Facilities Commission	\$ 1,825,000

### SECTION 3.04. OHS OHIO HISTORICAL SOCIETY

CAP-745 Emergency Renovations of Historic Sites and Museums	\$ 500,000
Total Ohio Historical Society	\$ 500,000

### SECTION 3.05. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-876 Statewide Trails Programs	\$ 390,000
CAP-942 Local Parks Projects	\$ 115,000
CAP-791 Pioneer Farm Renovation Planning	\$ 15,000
Total Department of Natural Resources	\$ 520,000

#### Statewide Trails Programs

Of the foregoing appropriation item CAP-876, Statewide Trails Programs, \$40,000 shall be used for New Richmond Bike Trail Study; \$100,000 shall be used for Bike Path Coshocton City; and \$250,000 shall be

used for Bike Trail - Ohio to Erie.

#### SECTION 3.06. DOT DEPARTMENT OF TRANSPORTATION

CAP-004	County Airport Improvements	\$ 400,000
CAP-006	Youngstown-Warren Regional Airport Intermodal Facility Development	\$ 2,200,000
CAP-008	Rickenbacker Airport Runway Improvements	\$ 3,000,000
Total Department of Transportation		\$ 5,600,000

##### County Airport Improvements

Of the foregoing appropriation item CAP-004, County Airport Improvements, \$300,000 shall be used for Ashtabula County Airport Improvements and \$100,000 shall be used for Clermont County Airport Improvements.

Total General Revenue Fund	\$ 32,108,150
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SECTION 4. No expenditures shall be made from any of the items appropriated from the General Revenue Fund in Sections 3.01 to 3.06 of this act until the appropriations are released by the Controlling Board. Each request for release of appropriations by the Controlling Board shall have attached the certification of the Director of Budget and Management that sufficient General Revenue Fund moneys will be available to fund the anticipated expenditures associated with the request.

SECTION 5. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Wildlife Fund (Fund 015), which are not otherwise appropriated.

##### Appropriations

#### DNR DEPARTMENT OF NATURAL RESOURCES

CAP-012	Land Acquisition	\$ 2,400,000
CAP-703	Cap Abandoned Water Wells	\$ 50,000
CAP-994	Wildlife Shooting Ranges Maintenance/Development	\$ 320,000
Total Department of Natural Resources		\$ 2,770,000
Total Wildlife Fund		\$ 2,770,000

SECTION 6. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 021), which are not otherwise appropriated.

##### Appropriations

#### SFC SCHOOL FACILITIES COMMISSION

CAP-622	Public School Buildings	\$ 145,000,000
CAP-777	Disability Access Projects	\$ 5,000,000

Total School Facilities Commission	\$ 150,000,000
Total Public School Building Fund	\$ 150,000,000

SECTION 7. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Highway Safety Fund (Fund 036), which are not otherwise appropriated.

**Appropriations**

**DHS DEPARTMENT OF PUBLIC SAFETY**

CAP-045	Platform Scales Improvements	\$ 290,000
CAP-059	Patrol Post ADA Compliance	\$ 250,000
CAP-061	Alum Creek Warehouse Roof Replacement	\$ 1,000,000
CAP-062	Construct Dayton/Easton Post Complex	\$ 2,000,000
CAP-063	HVAC Improvements at the Academy	\$ 500,000
CAP-064	Cambridge Radio Shop Renovations	\$ 500,000
CAP-065	Replace Windows at the Academy	\$ 400,000
CAP-066	District 1/Findlay Post Renovations	\$ 850,000
Total Department of Public Safety		\$ 5,790,000
Total Highway Safety Fund		\$ 5,790,000

SECTION 8. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Waterways Safety Fund (Fund 086), which are not otherwise appropriated.

**Appropriations**

**DNR DEPARTMENT OF NATURAL RESOURCES**

CAP-324	Cooperative Funding for Boating Facilities	\$ 2,000,000
CAP-934	Operations Facilities Development	\$ 250,000
Total Department of Natural Resources		\$ 2,250,000
Total Waterways Safety Fund		\$ 2,250,000

SECTION 9. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Underground Parking Garage Operating Fund (Fund 208), which are not otherwise appropriated.

**Appropriations**

**CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD**

CAP-007	Garage Elevator Upgrades	\$ 250,000
CAP-008	Install Garage Oil Interceptor System	\$ 60,000
Total Capitol Square Review and Advisory Board		\$ 310,000
Total Underground Parking Garage Operating Fund		\$ 310,000

SECTION 10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Special Administrative Fund (Fund 4A9), which are not otherwise appropriated.

**BES BUREAU OF EMPLOYMENT SERVICES**

CAP-026	Various Renovations - Central Office	\$ 495,335
CAP-027	Various Renovations - Local Offices	\$ 911,047
CAP-031	One Stop Employment Training Centers	\$ 400,000
Total Bureau of Employment Services		\$ 1,806,382
Total Special Administrative Fund		\$ 1,806,382

SECTION 11. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Veterans' Home Improvement Fund (Fund 604), which are not otherwise appropriated.

**Appropriations**

**OVH OHIO VETERANS' HOME**

CAP-737	Elevator Renovations	\$ 322,350
CAP-750	Griffin Bathroom Renovations	\$ 62,000
CAP-751	Replace Nursing Home Furniture	\$ 235,000
CAP-752	Secrest Window Coverings	\$ 150,000
CAP-753	Seal Roads and New Parking Lots	\$ 223,500
CAP-754	Replace Domiciliary Carpeting	\$ 70,000
CAP-755	Secrest Security System Improvements	\$ 65,000
CAP-756	Renovate Commandant's House	\$ 199,400
Total Ohio Veterans' Home		\$ 1,327,250
Total Veterans' Home Improvement Fund		\$ 1,327,250

SECTION 12. All items set forth in this section are hereby appropriated out of any money in the state treasury to the credit of the Sports Facilities Building Fund (Fund 024), which is hereby created. Revenues to the Sports Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

**Appropriations**

**AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION**

CAP-025	Sports Facilities Improvements - Cincinnati	\$ 22,000,000
CAP-026	Sports Facilities Improvements - Cleveland	\$ 21,790,605
Total Ohio Arts and Sports Facilities		
Commission		\$ 43,790,605
Total Sports Facilities Building Fund		\$ 43,790,605

SECTION 13. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$43,800,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly, to pay the costs of capital facilities, as defined in division (J) of section 3383.01 of the Revised Code as Ohio sports facilities, and designated in Section 12 of this

act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

**SECTION 14.** The foregoing capital improvements for which appropriations are made in Section 12 of this act are determined to be capital improvements for the housing of branches and agencies of state government and their functions, including, without limitation, serving purposes of public recreation and of economic development, including creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the state, and shall be designated as the capital facilities to which proceeds of obligations in the Sports Facilities Building Fund are to be applied.

**SECTION 15.** All items set forth in Sections 15.01 to 15.13 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 026). Revenues to the Administrative Building Fund shall consist of proceeds of obligations authorized to pay the costs of capital facilities, as defined in section 152.09 of the Revised Code, for the following capital improvements:

#### Appropriations

##### **SECTION 15.01. ADJ ADJUTANT GENERAL**

CAP-036	Roof Replacement - Various Facilities	\$	434,350
CAP-038	Electrical System - Various Facilities	\$	635,072
CAP-039	Camp Perry Facility Improvements	\$	3,000,000
CAP-044	Replace Windows/Doors - Various Facilities	\$	381,395
CAP-045	Plumbing Renovations - Various Facilities	\$	309,400
CAP-046	Paving Renovations - Various Facilities	\$	285,600
CAP-050	HVAC Systems - Various Facilities	\$	339,150
CAP-052	Cincinnati Shadybrook Armory	\$	1,748,705
CAP-055	Hillsboro Armory Renovations	\$	478,974
Total Adjutant General		\$	7,612,646

##### **SECTION 15.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES**

CAP-809	Hazardous Substance Abatement in State Facilities	\$	2,000,000
CAP-811	Health/EPA Laboratory Facilities	\$	5,700,000
CAP-826	Office Services Building Renovation	\$	500,000
CAP-827	Statewide Communications System	\$	37,000,000
CAP-835	Energy Conservation Projects	\$	2,000,000
CAP-850	Renovation of Old ODOT Building	\$	6,560,000

CAP-851	Purchase N. High/Chestnut Buildings	\$ 12,000,000
CAP-852	Renovate N. High/Chestnut Buildings	\$ 1,000,000
Total Department of Administrative Services		\$ 66,760,000

#### Hazardous Substance Abatement in State Facilities

The foregoing appropriation item CAP-809, Hazardous Substance Abatement in State Facilities, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities.

Prior to the release of appropriations for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these appropriations based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project and/or other toxic materials removal through existing capital and operating appropriations, the department may request the release of appropriations for such projects by the Controlling Board. State agencies intending to fund asbestos abatement and/or other toxic materials removal through existing capital and operating appropriations shall notify the Director of Administrative Services of the nature and scope prior to commencing the project.

Only agencies that have received appropriations for capital projects from the Administrative Building Fund (Fund 026) are eligible to receive funding from this item. Public school districts are not eligible for funding from this item.

#### Implementation of Americans with Disabilities Act

As a result of the transfer made in Section 15.05 of this act, an appropriation shall be created for appropriation item CAP-822, Implementation of Americans with Disabilities Act, in the Department of Administrative Services. Appropriations in CAP-822 shall be used to renovate state-owned facilities to provide access for physically disabled persons in accordance with Title II of the Americans with Disabilities Act.

Prior to the release of appropriations for such renovations, state agencies shall perform self-evaluations of state-owned facilities identifying barriers to access to service. State agencies shall prioritize access barriers and develop a transition plan for the removal of these barriers. The Department of Administrative Services shall review proposals from state agencies to use these appropriations for Americans with Disabilities Act renovations.

Only agencies that have received appropriations for capital projects from the Administrative Building Fund (Fund 026) are eligible to receive funding from this item. Public school districts are not eligible for funding from this item.

#### MARCS Steering Committee and Statewide Communications System

There is hereby continued a Multi-Agency Radio Communications System Steering Committee consisting of the designees of the Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management. The Director of Administrative Services or the director's designee shall chair the committee. The committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of the MARCS system as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the directors as to the progress of MARCS implementation and the development of policies related to the system.

The foregoing appropriation item CAP-827, Statewide Communications System, shall be used to purchase or construct the components of the Multi-Agency Radio Communications System (MARCS) that are not specific to any one agency. The equipment may include, but is not limited to: multi-agency equipment at the Emergency Operations Center/Joint Dispatch Facility, computer and telecommunication equipment used for the functioning and integration of the system, communications towers, tower sites, and tower equipment, and linkages among towers and between towers and the State of Ohio Network for Integrated Communication (SONIC) system. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds.

Spending from this appropriation item shall not be subject to the requirements of Chapters 123. and 153. of the Revised Code.

Energy Conservation Projects

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used for renovations related to energy conservation, including the United States Environmental Protection Agency's Greenlights Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation.

Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

Purchase N. High/Chestnut Buildings

The Bureau of Workers' Compensation and Department of Administrative Services may enter into an agreement for the transfer of the real estate and related facilities to be used for state office facilities located at

246 North High Street, Columbus, Ohio, and 35 Chestnut Street, Columbus, Ohio, from the State Insurance Fund to the State of Ohio. The foregoing appropriation item CAP-851, Purchase N. High/Chestnut Buildings, shall be used to make the final payment to the State Insurance Fund in accordance with the agreement.

#### SECTION 15.03. AGE DEPARTMENT OF AGING

CAP-001	Renovate Martin Janis Center	\$	125,000
	Total Department of Aging	\$	125,000

#### SECTION 15.04. AGR DEPARTMENT OF AGRICULTURE

CAP-029	Administration Building Renovation	\$	1,394,022
CAP-039	Renovate Weights and Measures Bldg.	\$	200,000
CAP-041	Drainage and Erosion Control Improvements	\$	252,344
CAP-042	Reynoldsburg Complex Security Improvements	\$	125,000
	Total Department of Agriculture	\$	1,971,366

#### SECTION 15.05. AGO ATTORNEY GENERAL

CAP-710	Automated Fingerprint ID System	\$	4,438,000
CAP-714	Construct/Renovate BCI & I	\$	9,891,647
	Total Attorney General	\$	14,329,647

#### Transfers of Appropriations to the Department of Administrative Services

Within fifteen days after the effective date of this section, the Director of Budget and Management shall transfer appropriations from the foregoing appropriation item CAP-714, Construct/Renovate BCI & I, to various appropriation items in Fund 026 in the Department of Administrative Services.

The Director of Budget and Management shall transfer \$3,398,658 to CAP-837, Major Computer Purchases; \$2,000,000 to CAP-822, Implementation of Americans with Disabilities Act; \$800,000 to CAP-824, State Real Estate Inventory System; and \$400,000 to CAP-834, Develop Computerized Record Drawing Storage. The Director of Budget and Management shall also transfer \$500,000 to CAP-835, Energy Conservation Projects; \$285,542 to CAP-850, Renovation of Old ODOT Building; and \$500,000 to CAP-809, Hazardous Substance Abatement in State Facilities and these amounts shall be in addition to the amounts appropriated for those items in Section 15.02 of this act. These transfers reimburse the Department of Administrative Services for providing appropriations to the Attorney General's office during the construction of the new Bureau of Criminal Identification and Investigation facility.

**SECTION 15.06. CSR CAPITOL SQUARE REVIEW AND  
ADVISORY BOARD**

CAP-001	Replace Statehouse Grounds Retaining Wall	\$	700,000
	Total Capitol Square Review and Advisory Board	\$	700,000

**SECTION 15.07. COM DEPARTMENT OF COMMERCE**

CAP-007	Construct and Renovate Fireground Training Areas	\$	198,000
CAP-008	Fire Academy Building Renovations	\$	626,000
CAP-011	Roadway/Training Area Resurfacing	\$	260,000
	Total Department of Commerce	\$	1,084,000

**SECTION 15.08. EXP EXPOSITIONS COMMISSION**

CAP-037	Electrical Upgrades	\$	2,449,400
CAP-052	Sewer Separation	\$	1,903,090
CAP-059	Replace Coliseum Compressor	\$	500,520
CAP-062	Door Replacement	\$	123,874
CAP-063	Facility Improvement and Modernization Planning	\$	81,933
CAP-064	Replacement of Water Lines	\$	80,098
CAP-065	Replace Coliseum Seating	\$	796,315
CAP-066	Stairtower Replacement	\$	220,092
	Total Expositions Commission	\$	6,155,322

**SECTION 15.09. DNR DEPARTMENT OF NATURAL RESOURCES**

CAP-742	Fountain Square Building and Telephone System Improvements	\$	4,000,000
CAP-747	DNR Fairgrounds Areas - General Upgrading	\$	75,000
	Total Department of Natural Resources	\$	4,075,000

**SECTION 15.10. DHS DEPARTMENT OF PUBLIC SAFETY**

CAP-067	VHF Radio System Improvements	\$	356,000
	Total Department of Public Safety	\$	356,000

**SECTION 15.11. SUP JUDICIARY/SUPREME COURT**

CAP-001	Ohio Courts Building Renovations	\$	32,600,000
	Total Judiciary/Supreme Court	\$	32,600,000

**Exempt from Per Cent for Arts Program**

The foregoing project CAP-001, Ohio Courts Building Renovations, shall be exempt from the provisions of section 3379.10 of the Revised Code, the Per Cent for Arts Program.

**SECTION 15.12. OSB SCHOOL FOR THE BLIND**

CAP-733	Dormitory Wardrobe Replacement	\$	91,450
CAP-757	Bathroom Renovation with Handicapped Accessibility	\$	185,800
CAP-778	Install Air Conditioning in Dining Rooms	\$	75,000
CAP-779	Upgrade Doorways for Handicapped Accessibility	\$	87,000
CAP-780	Residential Renovations	\$	344,900
CAP-783	Natatorium Improvements	\$	59,300
	Total School for the Blind	\$	843,450

**SECTION 15.13. OSD SCHOOL FOR THE DEAF**

CAP-730	Roof Rehabilitation	\$	900,000
CAP-744	Fire Alarm System Replacement	\$	208,740
CAP-749	Bathroom Renovation with Handicapped Accessibility	\$	331,050
CAP-781	Heating System Renovations and Boiler Replacement/Administration Building	\$	1,320,000
CAP-782	Electrical System Improvements	\$	782,000
CAP-784	Heating and Bedroom Renovations	\$	647,000
CAP-785	Site Improvements	\$	25,000
	Total School for the Deaf	\$	4,213,790
	Total Administrative Building Fund	\$	140,826,221

**SECTION 16.** The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$140,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs associated with previously authorized capital facilities and the capital facilities in Sections 15.01 to 15.13 of this act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

**SECTION 17.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Adult Correctional Building Fund (Fund 027). Revenues to the Adult Correctional Building Fund shall consist of proceeds of obligations authorized to pay costs of capital facilities as defined in section 152.09 of the Revised Code for the Department of Rehabilitation and Correction.

## Appropriations

**DRC DEPARTMENT OF REHABILITATION AND CORRECTION**  
**STATEWIDE AND CENTRAL OFFICE PROJECTS**

CAP-002	Local Jails	\$ 26,300,000
CAP-003	Community-Based Correctional Facilities	\$ 11,346,240
CAP-007	Asbestos and Lead Abatement - Statewide	\$ 1,900,000
CAP-008	Powerhouse/Utility Improvements	\$ 3,000,000
CAP-010	Industrial Equipment - Statewide	\$ 2,489,000
CAP-011	Roof and Window Renovations - Statewide	\$ 2,000,000
CAP-017	Security Improvements - Statewide	\$ 4,000,000
CAP-026	Waste Water Treatment Improvements - Statewide	\$ 1,500,000
CAP-041	Community Residential Program	\$ 4,780,000
CAP-129	Water Treatment Plant Improvements - Statewide	\$ 900,000
CAP-141	Multi-Agency Radio Communications System Equipment	\$ 2,000,000
CAP-186	Construct Close Custody Prison and Camp	\$ 82,000,000
CAP-187	Mandown Alert Communication Systems - Statewide	\$ 3,000,000
CAP-188	Manufacturing and Storage Building Additions - Statewide	\$ 159,300
CAP-189	Tuck Pointing Renovations - Statewide	\$ 750,000
Total Statewide and Central Office Projects		\$ 146,125,340

**CHILLICOTHE CORRECTIONAL INSTITUTION**

CAP-146	Renovate Food Service Area - CCI	\$ 4,425,000
CAP-190	Utility Improvements	\$ 200,000
CAP-191	Life and Fire Safety Improvements	\$ 3,500,000
CAP-192	Hot Water System Improvements - CCI	\$ 275,000
Total Chillicothe Correctional Institution		\$ 8,400,000

**CORRECTIONAL RECEPTION CENTER**

CAP-173	CRC E-Dorm Renovation	\$ 350,000
Total Correctional Reception Center		\$ 350,000

**CORRECTIONAL TRAINING ACADEMY**

CAP-193	AT Building Roof Replacement	\$ 450,000
CAP-194	Construct Conference Center	\$ 1,796,511
Total Correctional Training Academy		\$ 2,246,511

**DAYTON CORRECTIONAL INSTITUTION**

CAP-195	Hot Water System Improvements - DCI	\$ 400,000
Total Dayton Correctional Institution		\$ 400,000

**GRAFTON CORRECTIONAL INSTITUTION**

CAP-196	Camp Egress System Improvements - GCI	\$ 450,000
Total Grafton Correctional Institution		\$ 450,000

**HOCKING CORRECTIONAL INSTITUTION**

CAP-053	General Building Renovations	\$ 275,000
Total Hocking Correctional Institution		\$ 275,000

**LEBANON CORRECTIONAL INSTITUTION**

CAP-118	Water Tower Renovations	\$ 123,307
CAP-197	Cell Door Lock Replacement	\$ 5,259,900
CAP-198	Water Treatment Plant Improvements - Le CI	\$ 1,150,000
Total Lebanon Correctional Institution		\$ 6,533,207

**LIMA CORRECTIONAL INSTITUTION**

CAP-121	Shower and Lavatory Renovations	\$ 1,995,000
CAP-155	Heating System Renovations	\$ 2,065,400
CAP-156	Water and Sewer Line Renovations	\$ 1,000,000
CAP-199	Windows and Security Bar Improvements	\$ 1,000,000
CAP-200	Utility Renovations	\$ 350,000

Total Lima Correctional Institution	\$	6,410,400
<b>LONDON CORRECTIONAL INSTITUTION</b>		
CAP-122 Master Plan Building and Renovations	\$	4,000,000
CAP-201 Water Treatment Plant Addition	\$	3,000,000
Total London Correctional Institution	\$	7,000,000
<b>MANSFIELD CORRECTIONAL INSTITUTION</b>		
CAP-123 Smoke Removal/Sprinkler System Improvements	\$	232,734
CAP-202 Death Unit Renovations	\$	750,000
CAP-203 Hot Water System Improvements - Man CI	\$	750,000
Total Mansfield Correctional Institution	\$	1,732,734
<b>MARION CORRECTIONAL INSTITUTION</b>		
CAP-028 Power House Improvements	\$	191,893
CAP-067 Roof Replacement	\$	384,635
CAP-124 Fire Sprinkler System Improvements	\$	2,146,791
CAP-204 Freezer Replacement	\$	168,800
CAP-205 Cooler Replacement	\$	343,800
CAP-206 Central Food Service Renovations - MCI	\$	343,800
CAP-207 HVAC Improvements - Admin. Bldg.	\$	750,000
CAP-208 Hot Water Tank Replacement	\$	275,000
Total Marion Correctional Institution	\$	4,604,719
<b>NORTHEAST PRE-RELEASE CENTER</b>		
CAP-209 Security Improvements - NEPRC	\$	425,000
Total Northeast Pre-Release Center	\$	425,000
<b>OHIO REFORMATORY FOR WOMEN</b>		
CAP-210 Replacement Dormitory - ORW	\$	3,650,000
CAP-211 Renovate J.G. Cottage	\$	1,300,000
CAP-212 Powerhouse Renovation and Replumbing	\$	1,250,000
CAP-213 Sanitary Sewer Renovations - ORW	\$	250,000
CAP-214 Storm Sewer Renovations	\$	200,000
CAP-215 Central Food Service Renovations - ORW	\$	300,000
CAP-216 Elevator Renovation	\$	121,500
CAP-217 Perimeter Lighting Improvements	\$	800,000
CAP-218 Rewire Harmon Building	\$	376,289
CAP-219 Fire Alarm System Improvements	\$	128,971
Total Ohio Reformatory for Women	\$	8,376,760
<b>ORIENT CORRECTIONAL INSTITUTION</b>		
CAP-126 Fire Protection System Upgrading	\$	290,467
CAP-184 Orient Dorm Renovations	\$	450,000
CAP-220 Mechanical Renovations Limited Duty Dorm	\$	1,500,000
CAP-221 Replacement 2 Story Dorm for 6E Dorm	\$	3,958,000
Total Orient Correctional Institution	\$	6,198,467
<b>PICKAWAY CORRECTIONAL INSTITUTION</b>		
CAP-222 Sludge Removal System Improvements	\$	1,500,000
CAP-223 Replacement of Unit A Dorm	\$	4,339,900
CAP-224 Replacement Generator - Dairy Farm	\$	108,100
CAP-225 Water System Improvements	\$	1,808,470
CAP-226 Milk Processing Plant	\$	1,905,800
CAP-227 Roof Improvements	\$	430,495
CAP-228 Power House Improvements	\$	212,889
Total Pickaway Correctional Institution	\$	10,305,654
<b>ROSS CORRECTIONAL INSTITUTION</b>		

CAP-229	Waste Water Treatment Plant Improvement - RCI	\$ 2,500,000
Total Ross Correctional Institution		\$ 2,500,000

**SOUTHEASTERN CORRECTIONAL INSTITUTION**

CAP-233	Replacement 2 Story Dorm for J, K & L Dorms	\$ 3,900,000
CAP-234	High Voltage Electrical System Improvements	\$ 1,500,000
CAP-235	Warehouse and Utility Buildings Renovations	\$ 225,000
CAP-236	Construct Dining Hall	\$ 3,381,125
CAP-237	Power Plant Improvements	\$ 479,697
Total Southeastern Correctional Institution		\$ 9,485,822

**SOUTHERN OHIO CORRECTIONAL FACILITY**

CAP-230	Waste Water Treatment Plant	\$ 1,000,000
CAP-231	Gas Boiler Installation	\$ 978,005
CAP-232	Power House Chiller	\$ 457,800
Total Southern Ohio Correctional Facility		\$ 2,435,805
Total Department of Rehabilitation and Correction		\$ 224,255,419
Total Adult Correctional Building Fund		\$ 224,255,419

**SECTION 17.01.****Local Jails**

From the foregoing appropriation item CAP-002, Local Jails, the Department of Rehabilitation and Correction shall designate the projects involving the construction and renovation of county, multi-county, municipal-county, and multicounty-municipal jail facilities and workhouses, including correctional centers authorized under sections 153.61 and 307.93 of the Revised Code, for which the Ohio Building Authority is authorized to issue obligations. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Rehabilitation and Correction is authorized to coordinate, review, and monitor the drawdown and use of funds for the renovation or construction of projects for which designated funds are provided.

The funding authorized under this section shall not be applied to any such facilities that are not designated by the Department of Rehabilitation and Correction. The amount of funding authorized under this section that may be applied to a project designated for initial funding after July 1, 1998, involving the construction or renovation of a county, multi-county, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center authorized under sections 153.61 and 307.93 of the Revised Code, shall not exceed \$25,000 per bed of the total allowable cost of the project in the case of construction of county and municipal-county jail facilities, workhouses, and correctional centers; shall not exceed \$42,000 per bed of the total allowable cost of the project in the case of construction of multi-county or multicounty-municipal jail facilities,

workhouses, and correctional centers; and shall not exceed 30 per cent of the total allowable cost of the project in the case of renovation of county, multi-county, municipal-county, and multicounty-municipal jail facilities, workhouses, and correctional centers.

The cost-per-bed funding authorized under this section that may be applied to a construction project shall not exceed the actual cost-per-bed of the project. The 30 per cent funding authorized under this section that may be applied to a renovation project shall not exceed \$25,000 per bed of the total allowable cost of the project.

The amount of funding authorized under this section that may be applied to a project designated for initial funding prior to July 1, 1996, and designated for additional funding after July 1, 1996, involving the construction or renovation of a county, multi-county, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center authorized under sections 153.61 and 307.93 of the Revised Code, shall not exceed 30 per cent of the total allowable cost of the project in the case of county and municipal-county jail facilities, workhouses, and correctional centers; shall not exceed 50 per cent of the total allowable cost of the project in the case of multi-county or multicounty-municipal jail facilities, workhouses, and correctional centers; and up to 100 per cent of the total allowable cost of the project in the case of multicounty or multicounty-municipal correctional centers that meet the following qualifications:

- (A) Are authorized under sections 153.61 and 307.93 of the Revised Code;
- (B) Are constructed under the auspices of a corrections commission consisting of at least three counties; and
- (C) With a cost per bed not in excess of seventy-five thousand dollars.

The funding authorized under this section shall not be applied to any project involving the construction of a county, multi-county, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 153.61 and 307.93 of the Revised Code, unless the facility, workhouse, or correctional center will be built in compliance with "The Minimum Standards for Jails in Ohio" and the plans have been approved in accordance with section 5103.18 of the Revised Code. In addition, the funding authorized under this section shall not be applied to any project involving the renovation of a county, multi-county, municipal-county, or multicounty-municipal jail facility or workhouse, including a correctional center established under sections 153.61 and 307.93 of the Revised Code, unless the renovation is for the

purpose of bringing the facility, workhouse, or correctional center into compliance with "The Minimum Standards for Jail in Ohio" and the plans have been approved in accordance with section 5103.18 of the Revised Code.

From the foregoing appropriation item CAP-002, Local Jails, the Department of Rehabilitation and Correction may use up to \$250,000 to contract for services necessary to develop a site-adaptable, cost-effective, prototype jail design, including architectural drawings, to be made available by the department to local jurisdictions for use in jail design and construction.

**SECTION 17.02.**

**Community-Based Correctional Facilities**

The Department of Rehabilitation and Correction is hereby authorized to designate to the Ohio Building Authority the sites of, and, notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, to review the renovation or construction of, the single county and district community-based correctional facilities funded by the foregoing appropriation item CAP-003, Community-Based Correctional Facilities.

**Pickaway Sludge Removal**

The foregoing appropriation item CAP-026, Waste Water Treatment Improvements - Statewide, shall be used for sludge removal system improvements at Pickaway Correctional Institution.

**SECTION 17.03.**

**Community Residential Program Renovations**

The foregoing appropriation item CAP-041, Community Residential Program, may be used to award grants, or to reimburse government entities, or private nonprofit organizations, for the construction of halfway houses for prisoners who are released on parole by the Adult Parole Authority or for the renovation of existing buildings for use as halfway houses for those released prisoners, pursuant to section 5120.103 of the Revised Code.

**SECTION 18.** The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and section 307.021 of the Revised Code, original obligations in an aggregate principal amount not to exceed

\$224,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs associated with previously authorized capital facilities and the capital facilities in Sections 17 and 17.01 to 17.03 of this act for the Department of Rehabilitation and Correction, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

**SECTION 19.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Juvenile Correctional Building Fund (Fund 028). Revenues to the Juvenile Correctional Building Fund shall consist of proceeds of obligations authorized to pay costs of capital facilities as defined in section 152.09 of the Revised Code for the Department of Youth Services.

#### Appropriations

<b>DYS DEPARTMENT OF YOUTH SERVICES</b>		
CAP-801	Fire Suppression, Safety, and Security Renovations	\$ 2,000,000
CAP-803	General Institutional Renovations	\$ 3,466,386
CAP-812	Community Rehabilitation Centers	\$ 3,963,366
CAP-821	Construct Maximum Security Facility	\$ 4,000,000
CAP-825	Food Service, Storeroom, Laundry, and Fence Renovations - Mohican Youth Center	\$ 600,000
CAP-828	Multi-Agency Radio Communications System Equipment	\$ 400,000
CAP-829	Local Juvenile Detention Centers	\$ 2,397,123
CAP-833	Security Renovations - Indian River	\$ 4,793,125
CAP-834	Health and Safety Unit Renovations - Riverview	\$ 3,780,000
Total Department of Youth Services		\$ 25,400,000
Total Juvenile Correctional Building Fund		\$ 25,400,000

**SECTION 19.01.**

**Community Rehabilitation Centers**

From the foregoing appropriation item CAP-812, Community Rehabilitation Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of single county and multi-county community corrections facilities for which the Ohio Building Authority is authorized to issue obligations.

The Department of Youth Services is authorized to review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated and approved by the Department of Youth Services.

The Department of Youth Services shall adopt guidelines to accept and review applications and designate projects. Those guidelines shall require the county or counties to justify the need for the facility and to comply with timelines for the submission of documentation pertaining to the site, program, and construction.

For purposes of this section, "community corrections facilities" has the same meaning as in section 5139.36 of the Revised Code.

**SECTION 19.02.**

**Local Juvenile Detention Centers**

From the foregoing appropriation item CAP-829, Local Juvenile Detention Centers, the Department of Youth Services shall designate the projects involving the construction and renovation of county and multi-county juvenile detention centers for which the Ohio Building Authority is authorized to issue obligations.

The Department of Youth Services is authorized to review and approve the renovation and construction of projects for which funds are provided. The proceeds of any obligations authorized under this section shall not be applied to any such facilities that are not designated by the Department of Youth Services.

The Department of Youth Services shall comply with the guidelines set forth below, accept and review applications, designate projects, and determine the amount of state match funding to be applied to each project. The department shall, with the advice of the county or counties participating in a project, determine the funded design capacity of the detention centers that are designated to receive funding. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Youth Services is authorized to coordinate, review, and monitor the drawdown and use of funds for the renovation and construction of projects for which designated funds are provided.

(A) The Department of Youth Services shall develop a weighted numerical formula to determine the amount, if any, of state match that may be provided to a single or multi-county detention center project. The formula shall include the factors specified below in division (A)(1) of this section and may include the factors specified below in division (A)(2) of this section. The weight assigned to the factors specified in division (A)(1) of this section shall be no less than twice the weight assigned to factors specified in division (A)(2) of this section:

(1)(a) The number of detention center beds needed in the county or group of counties, as estimated by the Department of Youth Services, is

significantly more than the number of beds currently available;

(b) Any existing detention center in the county or group of counties does not meet health, safety, or security standards for detention centers as established by the Department of Youth Services;

(c) The Department of Youth Services projects that the county or group of counties have a need for a sufficient number of detention beds to make the project economically viable.

(2)(a) The percentage of children in the county or group of counties living below the poverty level is above the state average;

(b) The per capita income in the county or group of counties is below the state average.

(B) The formula developed by the Department of Youth Services shall yield a percentage of state match ranging from 0 per cent to 60 per cent based on the above factors. Notwithstanding the foregoing provisions, if a single county or multi-county system currently has no detention center beds, or if the projected need for detention center beds as estimated by the Department of Youth Services is greater than 120 per cent of current detention center bed capacity, then the percentage of state match shall be 60 per cent. To determine the dollar amount of the state match for new construction projects, the percentage of state match shall be multiplied by \$105,000 per bed for detention centers with a design capacity of 99 beds or less, and by \$130,000 per bed for detention centers with a design capacity of 100 beds or more. To determine the dollar amount of the state match for renovation projects the percentage match shall be multiplied by the actual cost of the renovation, provided that the cost of the renovation does not exceed \$80,000 per bed. The funding authorized under this section that may be applied to a construction or renovation project shall not exceed the actual cost of the project.

The funding authorized under this section shall not be applied to any project unless the detention center will be built in compliance with health, safety, and security standards for detention centers as established by the Department of Youth Services. In addition, the funding authorized under this section shall not be applied to the renovation of a detention center unless the renovation is for the purpose of increasing the number of beds in the center, or to meet health, safety, or security standards for detention centers as established by the Department of Youth Services.

SECTION 20. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the

Revised Code, original obligations in an aggregate principal amount not to exceed \$25,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued to pay the costs associated with previously authorized capital facilities and the capital facilities in Sections 19, 19.01, and 19.02 of this act for the Department of Youth Services, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

**SECTION 21.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

**Appropriations**

**AFC ARTS FACILITIES COMMISSION**

CAP-001	National Aviation Hall of Fame	\$ 1,100,000
CAP-004	Valentine Theatre	\$ 3,500,000
CAP-005	Center for Science and Industry - Columbus	\$ 5,500,000
CAP-010	Sandusky State Theatre Improvements	\$ 500,000
CAP-013	Stambaugh Hall Improvements	\$ 625,000
CAP-033	Woodward Opera House Renovation	\$ 250,000
CAP-037	Canton Palace Theatre Renovations	\$ 800,000
CAP-044	National Underground Railroad Freedom Center	\$ 500,000
CAP-045	Cincinnati Contemporary Arts Center	\$ 3,500,000
CAP-046	Cincinnati Museum Center Improvements	\$ 525,000
CAP-048	John and Annie Glenn Museum	\$ 600,000
CAP-049	Ohio Theatre Improvements	\$ 3,000,000
CAP-051	Akron Civic Theatre Improvements	\$ 600,000
CAP-052	Akron Art Museum	\$ 1,000,000
CAP-055	WACO Museum and Aviation Learning Center	\$ 500,000
CAP-056	Ohio Center of Agriculture and Industrial Technology Heritage Center	\$ 3,500,000
CAP-058	Cedar Bog Nature Preserve Education Center	\$ 1,000,000
CAP-061	Statewide Arts Facilities Planning	\$ 500,000
CAP-063	Robins Theatre Project	\$ 50,000
CAP-702	Campus Martius Museum Renovations	\$ 140,000
CAP-734	Hayes Presidential Center - Museum and Home Improvements	\$ 1,000,000
CAP-735	Paul Lawrence Dunbar House	\$ 100,000
CAP-741	Adena State Memorial Renovations	\$ 350,000
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$ 2,960,000
CAP-744	Zoar Village Visitor Center and Building Renovations	\$ 875,000
CAP-753	Buffington Island State Memorial Improvements	\$ 100,000
CAP-757	Schoenbrunn Village Restoration and Renovations	\$ 211,000
CAP-758	Ft. Laurens Building and Site Improvements	\$ 100,000

CAP-770	Serpent Mound State Memorial Improvements	\$ 295,000
CAP-780	Harding Home State Memorial Restorations	\$ 390,000
CAP-781	Historical Center - Archives and Library Automation	\$ 450,000
CAP-784	Ohio Historical Center Rehabilitation	\$ 800,000
CAP-788	Tallmadge Church Building Restoration	\$ 250,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$ 315,000
CAP-791	Harrison's Tomb and Site Renovations	\$ 16,000
CAP-795	Local and Wide-area Networks	\$ 300,000
CAP-796	Moundbuilders State Memorial Improvements	\$ 530,000
CAP-797	National Afro-American Museum Improvements	\$ 300,000
CAP-798	Multi-Site Fire and Security System Improvements	\$ 100,000
CAP-799	Capitol City Exhibit Feasibility	\$ 50,000
CAP-800	Indian Mill State Memorial Improvements	\$ 112,000
Total Arts Facilities Commission		\$ 37,294,000
Total Arts Facilities Building Fund		\$ 37,294,000

Center for Science and Industry-Columbus

Of the foregoing appropriation item CAP-005, Center for Science and Industry-Columbus, \$5,000,000 shall be used for the John Glenn Theatre and \$500,000 shall be used for AgScience Experience Exhibits.

COSI-Columbus -- Local Administration of Capital Project Contracts

Notwithstanding division (A) of section 3383.07 of the Revised Code, the Ohio Arts and Sports Facilities Commission, with respect to the foregoing appropriation item CAP-005, Center for Science and Industry-Columbus, is authorized to administer all or part of capital facilities project contracts involving exhibit fabrication and installation as determined by the Department of Administrative Services, the Center of Science and Industry-Columbus, and the Ohio Arts and Sports Facilities Commission in review of the project plans. The Ohio Arts and Sports Facilities Commission shall enter into a contract with the Center of Science and Industry-Columbus to administer the exhibit fabrication and installation contracts, which contracts are not subject to Chapter 123. or 153. of the Revised Code.

Schoenbrunn Village Restoration and Renovations

Of the foregoing appropriation item CAP-757, Schoenbrunn Village Restoration and Renovations, up to \$30,000 shall be used for safety improvements related to the New Philadelphia airport.

Ft. Laurens Building and Site Improvements

Of the foregoing appropriation item CAP-758, Ft. Laurens Building and Site Improvements, \$100,000 shall be used for the full reconstruction of the site as formulated by the Friends of Ft. Laurens Foundation.

SECTION 22. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII,

Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$37,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs of capital facilities as defined in division (A)(5) of section 152.09 of the Revised Code, including construction as defined in division (H) of section 3383.01 of the Revised Code, of the Ohio arts facilities designated in Section 21 of this act, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal of or interest thereon.

**SECTION 23.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Ohio Parks and Natural Resources Fund (Fund 031). Revenues to the Ohio Parks and Natural Resources Fund shall consist of proceeds of obligations authorized to pay costs of capital projects as defined in section 1557.01 of the Revised Code for the Department of Natural Resources.

#### Appropriations

#### DNR DEPARTMENT OF NATURAL RESOURCES STATEWIDE AND LOCAL PROJECTS

CAP-012	Land Acquisition	\$ 5,200,000
CAP-703	Cap Abandoned Water Wells	\$ 50,000
CAP-748	Local Parks Projects - Statewide	\$ 6,250,000
CAP-753	Project Planning	\$ 1,069,500
CAP-784	Inland Access	\$ 250,000
CAP-788	Community Recreation Projects	\$ 742,000
CAP-874	Lake Erie Access	\$ 1,000,000
CAP-875	Ohio River Access	\$ 500,000
CAP-881	Dam Rehabilitation	\$ 10,842,925
CAP-931	Wastewater/Water Systems Upgrades	\$ 5,750,000
CAP-934	Operations Facilities Development	\$ 500,000
CAP-999	Geographic Information Management System	\$ 2,100,000
Total Statewide and Local Projects		\$ 34,254,425

#### DIVISION OF CIVILIAN CONSERVATION

CAP-835	Civilian Conservation Facilities	\$ 400,000
Total Division of Civilian Conservation		\$ 400,000

#### DIVISION OF FORESTRY

CAP-841	Operations and Maintenance Facility Development and Renovation	\$ 900,000
Total Division of Forestry		\$ 900,000

#### DIVISION OF MINES AND RECLAMATION

CAP-867	Reclamation Facilities Renovation and Development	\$ 250,000
Total Division of Mines and Reclamation		\$ 250,000

#### DIVISION OF NATURAL AREAS

CAP-826	Natural Areas and Preserves Maintenance/Facility	\$ 450,000
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Development		
Total Division of Natural Areas	\$	450,000
<b>DIVISION OF PARKS AND RECREATION</b>		
CAP-234 State Parks Campgrounds, Lodges and Cabins	\$	1,885,000
CAP-331 Park Boating Facilities	\$	3,090,000
CAP-390 State Park Maintenance/Facility Development	\$	450,000
CAP-821 State Park Dredging and Shoreline Protection	\$	326,850
CAP-836 State Park Renovations/Upgrading	\$	3,050,000
Total Division of Parks and Recreation	\$	8,801,850
<b>DIVISION OF SOIL AND WATER CONSERVATION</b>		
CAP-706 Statewide Nonpoint Source Implementation Program	\$	777,485
Total Division of Soil and Water Conservation	\$	777,485
<b>DIVISION OF WATER</b>		
CAP-705 Rehabilitate Canals, Hydraulic Works and Support Facilities	\$	2,000,000
CAP-819 Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	250,000
CAP-820 Automated Stream, Lake and Ground Water Data Collection	\$	150,000
Total Division of Water	\$	2,400,000
Total Department of Natural Resources	\$	48,233,760
Total Ohio Parks and Natural Resources Fund	\$	48,233,760

### SECTION 23.01.

#### Local Parks Projects - Statewide

The foregoing appropriation item CAP-748, Local Parks Projects - Statewide, shall be used for grants for local parks projects. Of the total amount appropriated, \$250,000 represents amounts that were previously appropriated and allocated to counties pursuant to division (D) of section 1557.06 of the Revised Code, and encumbered for local project grants. The existing encumbrances for these local projects in the various counties shall be canceled by the Director of Budget and Management or the Director of Natural Resources. The Director of Natural Resources shall allocate the \$250,000 to the same counties the moneys were originally allocated to, in the amount of the canceled encumbrances.

#### Dam Rehabilitation

Of the foregoing appropriation item CAP-881, Dam Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the Muskingum River Locks and Dams and \$1,250,000 shall be used for improvements to Pleasant Run Creek Levy.

#### Community Recreation Projects

Of the foregoing appropriation item CAP-788, Community Recreation Projects, \$10,000 shall be used for Goodale Park Improvements; \$20,000 shall be used for Grove City Park Improvements; \$100,000 shall be used for

Chagrin Falls Park; \$10,000 shall be used for West Fork Park; \$10,000 shall be used for Holmes County Park District; \$18,000 shall be used for Mentor Beach Park Improvements; \$32,000 shall be used for Willowick Park Improvements; \$60,000 shall be used for Leighty Lake Restoration Project; \$300,000 shall be used for Firestone Park Improvements; \$50,000 shall be used for Dover City Parks; \$50,000 shall be used for New Philadelphia City Parks; and \$82,000 shall be used for Hamilton Township Park at Foster.

State Park Dredging and Shoreline Protection

Of the foregoing appropriation item CAP-821, State Park Dredging and Shoreline Protection, \$200,000 shall be used for Muskingum Conservancy District - Charles Mill Lake Dredging and \$126,850 shall be used for Beaver Creek Erosion Control Project.

SECTION 24. The Commissioners of the Sinking Fund, upon the request of the Director of Natural Resources, are hereby authorized to issue and sell, in accordance with Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. of the Revised Code, bonds or other obligations of the State of Ohio in an aggregate amount not to exceed \$48,000,000 of original issuance obligations in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Ohio Parks and Natural Resources Fund (Fund 031) created in section 1557.04 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Natural Resources, provided, however, that such obligations shall be issued and sold at such time or times so that not more than \$50,000,000 original principal amount of obligations may be issued in any fiscal year and not more than \$200,000,000 original principal amount of obligations issued pursuant to Section 21 of Article VIII, Ohio Constitution, and Chapter 1557. of the Revised Code are outstanding at any one time.

SECTION 25. For the projects appropriated in Sections 23 and 23.01 of this act, the Ohio Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project

Planning, to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for such projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from Fund 4S9, Capital Expenses, and be reimbursed by Fund 031 using an intrastate voucher.

SECTION 26. (A) All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032) created under section 3318.25 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized to pay the cost to the state of acquiring classroom facilities for sale to school districts pursuant to sections 3318.01 to 3318.20 of the Revised Code.

**Appropriations**

**SFC SCHOOL FACILITIES COMMISSION**

CAP-737	School Building Program Assistance	\$ 355,000,000
Total School Facilities Commission		\$ 355,000,000
Total School Building Program Assistance Fund		\$ 355,000,000

**School Building Program Assistance**

The foregoing appropriation item CAP-737, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

**Commitments by the School Facilities Commission**

The School Facilities Commission shall not commit at least \$300 million of the combined amounts of the foregoing appropriations items CAP-622, Public School Buildings (Fund 021), and CAP-737, Public School Building Assistance (Fund 032), until after June 30, 1999.

**(B)(1) As used in this division:**

(a) "Low wealth school district" means a school district in the lowest fifty per cent of adjusted valuation per pupil on the fiscal year 1999 ranking of school districts, established pursuant to section 3317.02 of the Revised Code.

(b) A "school district with an exceptional need for immediate facility assistance" means a school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students. School districts reasonably expected to be served by the Classroom Facilities Assistance Program prior to June 30, 2002, in order provided under divisions (C)(1) and (2) of section 3318.06 of the Revised Code are excluded from participating in this exceptional needs pilot program.

(2) Of the \$300,000,000 the School Facilities Commission shall not commit until after June 30, 1999, the School Facilities Commission may set aside up to ten per cent for the pilot program for low wealth school districts with exceptional needs for immediate classroom facility assistance.

(3)(a) After consulting with education and construction experts, the School Facilities Commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facility assistance.

(b) The guidelines shall include application forms and instructions for school districts that believe they have an exceptional need for immediate classroom facility assistance.

(4) The School Facilities Commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The School Facilities Commission, utilizing the guidelines adopted pursuant to division (B)(3) of this section, shall prioritize the school districts to be assessed.

In accordance with division (C)(3) of section 3318.02 of the Revised Code, the School Facilities Commission may conduct on-site evaluation of the school districts prioritized under this section and approve and award funds until such time as all funds set aside pursuant to division (B)(2) of this section have been encumbered pursuant to section 3318.04 of the Revised Code.

**SECTION 27.** The Treasurer of State is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and section 3318.26 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$355,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be used to provide funds for the appropriations in Section 26 of this act for the School Building Assistance Program Fund for the School Facilities Commission to distribute in accordance with their rules and guidelines pursuant to Chapter 3318. of the Revised Code, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

**SECTION 28.** All items set forth in Sections 28.01 to 28.03 are hereby appropriated out of any moneys in the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 033) created by division

(F) of section 154.20 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized, to pay costs of capital facilities as defined in section 154.01 of the Revised Code, for mental hygiene and retardation.

#### Appropriations

#### SECTION 28.01. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

CAP-002    Community Assistance Projects	\$                2,000,000
Total Department of Alcohol and Drug Addiction Services	\$                2,000,000

#### SECTION 28.02. DMH DEPARTMENT OF MENTAL HEALTH

CAP-092    Hazardous Materials Abatement	\$                750,000
CAP-479    Community Assistance Projects	\$                11,500,000
CAP-906    Campus Consolidation/Automation	\$                2,500,000
CAP-946    Demolition	\$                750,000
CAP-976    Life Safety/Critical Plant Renovations	\$                1,128,000
CAP-977    Patient Care/Environment Improvements	\$                21,362,215
CAP-978    Infrastructure Renovations	\$                3,500,000
CAP-981    Emergency Improvements	\$                1,000,000
Total Department of Mental Health	\$                42,490,215

#### SECTION 28.03. DMR DEPARTMENT OF MENTAL RETARDATION AND

#### DEVELOPMENTAL DISABILITIES

##### Appropriations

CAP-480    Community Assistance Projects	\$                13,840,000
CAP-955    Statewide Developmental Center Improvements	\$                1,682,396
CAP-956    Apple Creek Developmental Center Improvements	\$                600,000
CAP-957    Cambridge Developmental Center Improvements	\$                600,000
CAP-958    Columbus Developmental Center Improvements	\$                1,130,000
CAP-959    Gallipolis Developmental Center Improvements	\$                930,000
CAP-960    Montgomery Developmental Center Improvements	\$                790,000
CAP-962    Mt. Vernon Developmental Center Improvements	\$                950,000
CAP-963    Northwest Ohio Developmental Center Improvements	\$                1,225,000
CAP-964    Southwest Ohio Developmental Center Improvements	\$                780,000
CAP-965    Springview Developmental Center Improvements	\$                885,000
CAP-966    Tiffin Developmental Center Improvements	\$                550,000
CAP-967    Warrensville Developmental Center Improvements	\$                510,000
CAP-968    Youngstown Developmental Center Improvements	\$                800,000
Total Department of Mental Retardation and Developmental Disabilities	\$                25,272,396
Total Mental Health Facilities Improvement Fund	\$                69,762,611

##### Community Assistance Projects

The foregoing appropriation item CAP-480, Community Assistance

rojects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code. Of the foregoing appropriation item CAP-480, Community Assistance Projects, \$90,000 shall be used for the Whetstone School in Morrow County.

SECTION 28.04. The foregoing capital improvements for which appropriations are made in Sections 28 and 28.01 to 28.03 of this act are determined to be capital improvements and capital facilities for mental hygiene and retardation, and shall be designated as the capital facilities to which proceeds of obligations in the Mental Health Facilities Improvement Fund, created by section 154.20 of the Revised Code, are to be applied. The foregoing appropriations for the Department of Alcohol and Drug Addiction Services, CAP-002, Community Assistance Projects; Department of Mental Health, CAP-479, Community Assistance Projects; and Department of Mental Retardation and Developmental Disabilities, CAP-480, Community Assistance Projects, may be used on facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Alcohol and Drug Addiction Services, the Department of Mental Health, and the Department of Mental Retardation and Developmental Disabilities, subject to Controlling Board approval. All other appropriations provided in Sections 28.01 to 28.03 of this act are made to the Ohio Public Facilities Commission for application to the purpose for which appropriated through the exercise of its powers under Chapter 154. of the Revised Code, including, where appropriate, provisions thereunder for the production of revenues and receipts for bond service charges on such obligations.

SECTION 28.05. (A) No capital improvement appropriations made in Sections 28.01 to 28.03 of this act shall be released for planning or for

improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction shall not apply in any of the following circumstances:

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) In the case of an appropriation for capital facilities for mental hygiene and retardation which, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Mental Health, Department of Mental Retardation and Developmental Disabilities, or Department of Alcohol and Drug Addiction Services, whichever is applicable, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions which:

(1) Specify the extent and nature of that joint or cooperative use, extending for no fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated;

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act.

SECTION 29. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 of the Revised Code, obligations in an aggregate

principal amount not to exceed \$64,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs of capital facilities for mental hygiene and retardation, the owners or holders of which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal or interest thereon.

**SECTION 30.** All items set forth in Sections 30.01 to 30.45 are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) created by division (F) of section 154.21 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized to pay the costs of capital facilities as defined in section 154.01 of the Revised Code, for state-supported and state-assisted institutions of higher education.

#### Appropriations

##### **SECTION 30.01. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK COMMISSION**

CAP-001	Educational TV and Radio Equipment	\$	3,618,681
Total Ohio Educational Telecommunications Network Commission		\$	3,618,681

##### Educational Television and Radio Equipment

The foregoing appropriation item CAP-001, Educational Television and Radio Equipment, shall be used to provide broadcasting, transmission, and production equipment to Ohio public radio and television stations, radio reading services, and the Ohio Educational Telecommunications Network Commission.

##### **SECTION 30.02. BOARD OF REGENTS AND STATE INSTITUTIONS OF HIGHER EDUCATION BOR BOARD OF REGENTS**

CAP-025	Instructional and Data Processing Equipment	\$	33,000,000
CAP-029	Ohio Library and Information Network	\$	6,535,000
CAP-030	Supercomputer Center Expansion	\$	14,250,000
CAP-031	Ohio Aerospace Institute - Building Improvements	\$	300,000
CAP-032	Research Facility and Investment Loans and Grants	\$	20,000,000
CAP-033	Child Care Facilities - Matching Grants	\$	1,500,000
CAP-055	Book Depository - OSU	\$	1,800,000
CAP-057	Book Depository - MUN	\$	2,200,000
CAP-060	Technology Initiatives	\$	10,000,000
CAP-061	Central State Rehabilitation	\$	4,250,000
CAP-062	Non-Credit Job Training Facilities Grants	\$	6,300,000

CAP-063 Non-Profit Research Capital Support	\$ 8,000,000
Total Board of Regents	\$ 108,135,000

## SECTION 30.03.

Research Facility Investment Loans and Grants

The foregoing appropriation item CAP-032, Research Facility and Investment Loans and Grants, shall be used for a program of grants or revolving loans, or both, to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.

The Board of Regents shall develop rules in accordance with Chapter 119. of the Revised Code relative to the application for and approval of projects funded from appropriation item CAP-032, Research Facility and Investment Loans and Grants. Such rules shall be reviewed and approved by the Legislative Committee on Education Oversight. The Board of Regents shall inform the President of the Senate and the Speaker of the House of Representatives of each project application for funding received. Each project receiving a commitment for funding by the Board of Regents under the rules shall be reported to the President of the Senate and the Speaker of the House of Representatives.

## SECTION 30.04.

Child Care Facilities - Matching Grants

The foregoing appropriation item CAP-033, Child Care Facilities - Matching Grants, shall be used by the Board of Regents to make grants to state-supported or state-assisted institutions of higher education for projects to expand, construct, or renovate space for child care centers. All grants shall be awarded on a 50 per cent match basis. In making grant awards, the Board of Regents shall give priority to:

- (A) Projects located at state-supported or state-assisted institutions without child care facilities;
- (B) Projects for which the principal clients are children of students enrolled at the institution; and
- (C) Projects where the facility will be used as a classroom/training lab for child care/preschool certification programs.

## SECTION 30.05.

Technology Initiatives

In order to determine a method for awarding grants from this appropriation item, the Board of Regents shall form a consultation group including, but not limited to, representatives of state colleges and universities, the Office of Budget and Management, the Legislative Budget Office of the Legislative Service Commission, and the Legislative Office of Education Oversight.

#### SECTION 30.06.

##### Non-Profit Research Capital Support

There is hereby created the Non-Profit Research Capital Support Task Force which shall consist of the Chancellor of the Board of Regents, the Director of Development, and the Director of the Governor's Science and Technology Advisory Board. If the Governor's Science and Technology Advisory Board ceases to exist, the Governor shall appoint a member to the Task Force. Members may designate individuals to serve in their absence.

The foregoing appropriation item CAP-063, Non-Profit Research Capital Support, shall be used for a program of grants or loans to be administered by the Board of Regents for partnerships between nonprofit research organizations and state-supported and state-assisted institutions of higher education for capital projects advancing science and technology research in Ohio. Such loans and grants shall be awarded based on a competitive selection process developed and conducted by the Non-Profit Research Capital Support Task Force. The Task Force may also develop other program guidelines necessary to the successful implementation of the program including limits on the size of grant awards.

Notwithstanding any provisions of law to the contrary, all repayments of non-profit research capital support loans shall be made to the Bond Service Account in the Higher Education Bond Service Trust Fund. Partnership recipients of non-profit research capital support loans shall make timely repayments according to the schedule established by the Board of Regents.

#### SECTION 30.07.

##### Reimbursements for Project Costs

Appropriations made in Sections 30.02 to 30.06 of this act for purposes of costs of capital facilities for the interim financing of which the particular institution has previously issued its own obligations anticipating the possibility of future state appropriations to pay all or a portion of such costs, as contemplated in division (B) of section 3345.12 of the Revised Code, shall be paid directly to the institution or the paying agent for those

anding obligations in the full principal amount of those obligations then to be paid from the anticipated appropriation, and shall be timely applied to the retirement of a like principal amount of the institutional obligations.

Appropriations made in Sections 30.02 to 30.06 of this act for purposes of costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which payments were reasonably expected to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments, and shall be timely applied to the reimbursement of those temporarily available moneys.

#### Appropriations

##### SECTION 30.08. UAK UNIVERSITY OF AKRON

CAP-008	Basic Renovations	\$ 3,427,925
CAP-049	Basic Renovations - Wayne	\$ 117,614
CAP-078	HVAC Replacement, Phase II - Wayne	\$ 350,000
CAP-079	Science and Technology Library Addition Phase II	\$ 1,605,000
CAP-080	University of Akron/Medina Technology Link	\$ 3,200,000
CAP-081	Classroom/Office Building - Arts & Sciences	\$ 6,420,000
CAP-082	Polymer Engineering Building Annex	\$ 2,675,000
CAP-083	Facilities Enhancements - Wayne	\$ 325,000
CAP-084	Physical Education Center Planning	\$ 100,000
Total University of Akron		\$ 18,220,539

##### SECTION 30.09. BGU BOWLING GREEN STATE UNIVERSITY

CAP-009	Basic Renovations	\$ 3,247,773
CAP-054	University Hall Rehabilitation, Phase III	\$ 4,148,000
CAP-060	Basic Renovations - Firelands	\$ 182,744
CAP-083	Central Heating Plant Replacement, Phase II	\$ 1,594,920
CAP-100	Moseley Hall Rehabilitation	\$ 1,760,390
CAP-101	Psychology Building Rehabilitation and Asbestos Abatement	\$ 2,010,000
CAP-102	Network Infrastructure, Phase I	\$ 4,500,000
CAP-103	University Community Center - Firelands	\$ 2,056,440
Total Bowling Green State University		\$ 19,500,267

##### SECTION 30.10. CSU CENTRAL STATE UNIVERSITY

CAP-022	Basic Renovations	\$ 804,400
CAP-083	Master Plan/Supplemental Renovations	\$ 2,449,400
CAP-084	College of Education Facility - Planning	\$ 1,000,000
Total Central State University		\$ 4,253,800

#### College of Education Facility - Planning

The foregoing appropriation item CAP-084, College of Education Facility - Planning, shall not be released by the Controlling Board or the

ector of Budget and Management until Central State University has satisfactorily completed a Campus-wide Master Plan, and has made progress satisfactory to the Board of Regents and the Office of Budget and Management in completing the correction of its outstanding adjudication orders as issued by the Department of Commerce. Such progress shall include the development of a plan to comply with all remaining adjudication orders by the end of fiscal year 2000. This appropriation shall not be included in the calculation of Central State University's debt service obligation until fiscal year 2002.

#### SECTION 30.11. UCN UNIVERSITY OF CINCINNATI

CAP-009	Basic Renovations	\$ 6,594,550
CAP-018	Basic Renovations - Clermont	\$ 154,181
CAP-054	Raymond Walters Renovations	\$ 223,924
CAP-128	Science and Allied Health Building - Phase II Walters	\$ 10,600,000
CAP-174	Classroom/Teaching Laboratory Renovations	\$ 6,100,000
CAP-176	Network Expansion	\$ 2,000,000
CAP-177	Critical Building Component Renovations	\$ 9,000,000
CAP-204	Center for Health Related Programs	\$ 5,500,000
CAP-205	Medical Science Building Rehabilitation	\$ 6,000,000
CAP-206	One Stop Services Center	\$ 9,886,650
CAP-207	Central Campus Infrastructure	\$ 300,000
CAP-208	Security System Upgrade	\$ 300,000
CAP-209	Library Renovations	\$ 300,000
CAP-210	Cincinnati Observatory Center Improvements	\$ 100,000
CAP-211	Cincinnati Symphony Facility Improvements	\$ 600,000
Total University of Cincinnati		\$ 57,659,305

#### SECTION 30.12. CLS CLEVELAND STATE UNIVERSITY

CAP-017	Land Acquisition	\$ 1,769,670
CAP-023	Basic Renovations	\$ 3,166,002
CAP-067	17th-18th Street Block - College of Urban Affairs	\$ 9,250,000
CAP-109	Classroom Upgrade	\$ 3,700,000
CAP-118	Structural Concrete Rehabilitation	\$ 2,000,000
Total Cleveland State University		\$ 19,885,672

#### SECTION 30.13. KSU KENT STATE UNIVERSITY

CAP-008	Severance Hall Renovations	\$ 6,500,000
CAP-022	Basic Renovations	\$ 3,415,331
CAP-105	Basic Renovations - East Liverpool	\$ 96,642
CAP-106	Basic Renovations - Geauga	\$ 48,079
CAP-107	Basic Renovations - Salem	\$ 97,125
CAP-108	Basic Renovations - Stark	\$ 287,087
CAP-110	Basic Renovations - Ashtabula	\$ 175,814
CAP-111	Basic Renovations - Trumbull	\$ 226,475
CAP-112	Basic Renovations - Tuscarawas	\$ 172,228

CAP-160	Patterson Building Renovation, Phase II - East Liverpool	\$	570,980
CAP-161	Addition to Cunningham Hall	\$	8,075,000
CAP-177	Corporate Education and Conference Center, Phase II - Stark	\$	1,743,360
CAP-179	New Power Plant	\$	9,569,310
CAP-196	Technology Improvements - Ashtabula	\$	575,000
CAP-197	Technology Improvements - Geauga	\$	60,000
CAP-198	Technology Improvements - Salem	\$	288,310
CAP-199	Technology Improvements - Trumbull	\$	175,000
CAP-200	Technology Improvements - Tuscarawas	\$	75,000
	Total Kent State University	\$	32,150,741

**SECTION 30.14. MUN MIAMI UNIVERSITY**

CAP-018	Basic Renovations	\$	3,485,145
CAP-066	Basic Renovations - Hamilton	\$	199,222
CAP-069	Basic Renovations - Middletown	\$	222,652
CAP-070	Chilled Water System - Phase VI	\$	1,000,000
CAP-089	High-Voltage System Phase VI	\$	1,000,000
CAP-098	Computer Network Installation - Phase III	\$	1,000,000
CAP-099	King Library Rehabilitation, Phase II	\$	1,600,000
CAP-111	Roudebush Hall Rehabilitation, Phase II	\$	1,000,000
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	500,000
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	469,540
CAP-114	Chilled Water Loop Phase I - Middletown	\$	750,000
CAP-115	Special Academic/Administrative Projects - Middletown	\$	818,330
CAP-116	Hughes Hall Rehabilitation - Phase II	\$	4,800,000
CAP-117	North Campus Refrigeration/Chilled Water Plant	\$	2,800,000
CAP-123	Phillips Hall Rehabilitation	\$	3,000,000
CAP-124	Bonham House Rehabilitation/Multi-Cultural Center Planning	\$	1,200,000
CAP-125	Environmental Restoration Project	\$	1,000,000
	Total Miami University	\$	24,844,889

**SECTION 30.15. OSU OHIO STATE UNIVERSITY**

CAP-074	Basic Renovations	\$	15,455,642
CAP-149	Basic Renovations - Regional Campuses	\$	983,419
CAP-255	Supplemental Renovations - OARDC	\$	1,000,000
CAP-304	Conference Center - OARDC/ATI	\$	500,000
CAP-306	Heart & Lung Institute	\$	5,400,000
CAP-363	School of Architecture Facility	\$	9,000,000
CAP-369	Natural Habitat Research Site Improvements	\$	2,200,000
CAP-425	Physical Sciences Building	\$	20,000,000
CAP-427	Morrill Hall Renovation - Marion	\$	408,000
CAP-430	Hagerty Hall Rehabilitation	\$	18,500,000
CAP-431	Sisson Hall Replacement	\$	17,600,000
CAP-484	Page Hall Planning	\$	700,000
CAP-485	Botany and Zoology Building Planning	\$	1,700,000
CAP-486	Larkins Hall Addition/Renovation Planning	\$	3,000,000
CAP-487	Robinson Laboratory Planning	\$	1,000,000

CAP-488	Don Scott Field Replacement Barns	\$ 860,310
CAP-489	Galvin Hall Third Floor Renovation - Lima	\$ 1,118,330
CAP-490	Founders Addition and Renovation - Mansfield	\$ 850,000
CAP-491	Horticultural Operations Center - ATI	\$ 1,560,000
CAP-492	OARDC Feed Mill	\$ 5,500,000
CAP-493	Science and Technology Project	\$ 4,000,000
CAP-494	Nicklaus Center	\$ 1,500,000
Total Ohio State University		\$ 112,835,701

Natural Habitat Research Site Improvements

The foregoing appropriation item CAP-369, Natural Habitat Research Site Improvements, shall be used for facilities that provide educational opportunities, research, and activities for the conservation of endangered and threatened wildlife. Such facilities shall be operated by The Wilds, a not-for-profit organization. The Wilds shall cooperate with the Ohio Department of Natural Resources, Education, and Development and with Ohio zoological institutions, colleges and universities, local school districts, and appropriate biological interests to achieve the above objectives.

**SECTION 30.16. OHU OHIO UNIVERSITY**

CAP-020	Basic Renovations	\$ 3,970,024
CAP-021	Conservancy District Access and Improvements Assessment	\$ 750,000
CAP-095	Basic Renovations - Eastern	\$ 112,113
CAP-098	Basic Renovations - Lancaster	\$ 183,549
CAP-099	Basic Renovations - Zanesville	\$ 202,175
CAP-113	Basic Renovations - Chillicothe	\$ 178,496
CAP-114	Basic Renovations - Ironton	\$ 91,952
CAP-115	Bennett Hall HVAC and Lab Improvements - Chillicothe	\$ 953,030
CAP-141	College of Health and Human Services Renovation	\$ 12,000,000
CAP-142	Health Professions Labs - Phase I	\$ 8,550,000
CAP-144	Shannon Hall Laboratory Rehabilitation, Phase I - Eastern	\$ 398,040
CAP-155	Brasee Hall Rehabilitation, Phase I - Lancaster	\$ 516,760
CAP-160	Center for Public Policy	\$ 5,000,000
CAP-172	Elson Hall Rehabilitation, Phase I - Zanesville	\$ 1,136,920
CAP-186	Ellis Hall Partial Renovation	\$ 400,280
CAP-187	Technology Center Planning - Ironton	\$ 509,760
CAP-188	Technology Center Construction - Ironton	\$ 2,745,120
CAP-189	Conference Center Planning - Lancaster	\$ 600,000
Total Ohio University		\$ 38,298,219

**SECTION 30.17. SSC SHAWNEE STATE UNIVERSITY**

CAP-004	Basic Renovations	\$ 801,990
CAP-040	Chiller Replacement	\$ 836,500
CAP-041	Kricker Hall Renovation	\$ 765,000
CAP-042	Sidewalk/Plaza Replacement	\$ 150,000
Total Shawnee State University		\$ 2,553,490

### SECTION 30.18. UTO UNIVERSITY OF TOLEDO

CAP-010	Basic Renovations	\$ 3,660,456
CAP-024	Gillham Hall Rehabilitation	\$ 3,200,000
CAP-076	Education and Allied Professions Rehabilitation	\$ 3,300,000
CAP-083	Bowman-Oddy Rehabilitation, Phase II	\$ 1,300,000
CAP-085	Engineering - Biomedical Lab Rehabilitation	\$ 800,000
CAP-086	Supplemental Academic Departments Renovations	\$ 1,700,000
CAP-087	Arrowhead Park Facility	\$ 2,500,000
CAP-088	Stranahan Arboretum Addition	\$ 1,000,000
CAP-089	Chilled Water Plant	\$ 4,000,000
CAP-090	Wolfe Hall Addition	\$ 2,000,000
Total University of Toledo		\$ 23,460,456

#### Local Administration of Projects

Notwithstanding anything to the contrary in sections 9.33, 123.01, and 3345.50 and Chapter 153. of the Revised Code, the University of Toledo may negotiate, enter into, and locally administer a contract which combines the design and construction elements of the project into a single contract for the Arrowhead Park Facility, funded herein with an appropriation of \$2,500,000, and the Scott Park Athletic Facility project to be built with local funds.

### SECTION 30.19. WSU WRIGHT STATE UNIVERSITY

CAP-015	Basic Renovations	\$ 2,656,315
CAP-064	Basic Renovations - Lake	\$ 88,761
CAP-074	U.S. Air and Trade Show	\$ 1,000,000
CAP-075	Aviation Heritage National Historical Park Improvements	\$ 5,050,000
CAP-092	Allyn Hall Rehabilitation	\$ 9,200,000
CAP-103	Millett Hall Rehabilitation	\$ 1,000,000
CAP-104	Road and Parking Lot Improvements	\$ 2,000,000
Total Wright State University		\$ 20,995,076

### SECTION 30.20. YSU YOUNGSTOWN STATE UNIVERSITY

CAP-014	Basic Renovations	\$ 2,237,279
CAP-027	Property Acquisition/Street Closures	\$ 2,400,000
CAP-040	Bliss Hall Rehabilitation - Final Phase	\$ 2,600,000
CAP-108	Electronic Campus Infrastructure/Technology	\$ 3,700,000
CAP-109	Welcome Center - Dana Hall Addition	\$ 500,000
Total Youngstown State University		\$ 11,437,279

### SECTION 30.21. MCO MEDICAL COLLEGE OF OHIO

CAP-010	Basic Renovations	\$ 1,130,777
CAP-048	Medical Informatics Data Highway	\$ 1,442,150
CAP-049	Center for Classrooms of the Future	\$ 4,000,000

Total Medical College of Ohio	\$	6,572,927
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**SECTION 30.22. NEM NORTHEASTERN OHIO UNIVERSITIES  
COLLEGE OF MEDICINE**

CAP-018 Basic Renovations	\$	323,492
CAP-037 Conference Center Rehabilitation and Expansion	\$	2,049,813
CAP-038 Campus Computer Services Network - Phase II	\$	1,393,500
Total Northeastern Ohio Universities College of Medicine	\$	3,766,805

**SECTION 30.23. CTC CINCINNATI STATE TECHNICAL  
AND COMMUNITY COLLEGE**

CAP-008 Interior Renovations	\$	546,000
CAP-009 Exterior Rehabilitations	\$	160,000
CAP-013 Basic Renovations	\$	664,864
CAP-025 New Telephone Switch Systems	\$	330,000
Total Cincinnati State Technical and Community College	\$	1,700,864

**SECTION 30.24. CLT CLARK STATE COMMUNITY COLLEGE**

CAP-006 Basic Renovations	\$	411,947
Total Clark State Community College	\$	411,947

**SECTION 30.25. CTI COLUMBUS STATE COMMUNITY COLLEGE**

CAP-006 Basic Renovations	\$	874,033
CAP-040 Building "D" Planning	\$	1,500,000
CAP-041 Columbus College of Art and Design	\$	100,000
Total Columbus State Community College	\$	2,474,033

**SECTION 30.26. CCC CUYAHOGA COMMUNITY COLLEGE**

CAP-026 Playhouse Square	\$	750,000
CAP-031 Basic Renovations	\$	4,136,333
CAP-033 Ohio College of Podiatric Medicine	\$	100,000
CAP-056 Main Building Addition - Eastern	\$	1,206,064
CAP-064 Technology Learning Center - Western	\$	2,205,500
CAP-066 Renovations to Create New Classrooms - Western	\$	360,000
CAP-067 Renovation of Plant Operations/Vehicle Maintenance/Storage - Phase I	\$	1,335,170
CAP-070 Implement Interior/Exterior Signage Program	\$	540,000
CAP-071 Renovations to East One Building	\$	892,500
Total Cuyahoga Community College	\$	11,525,567

Of the foregoing appropriation item CAP-026, Playhouse Square, \$500,000 shall be provided to Cuyahoga Community College for its prompt use in paying expenditures previously incurred by Playhouse Square

Foundation, consistent with legal requirements then applicable to Foundation contracts, for the designated project. In addition, \$250,000 from the appropriation item shall be utilized for improvements to the Allen Theatre.

#### **SECTION 30.27. ESC EDISON STATE COMMUNITY COLLEGE**

CAP-006	Basic Renovations	\$	217,490
CAP-018	Master Plan Update	\$	50,000
	Total Edison State Community College	\$	267,490

#### **SECTION 30.28. JTC JEFFERSON COMMUNITY COLLEGE**

CAP-022	Basic Renovations	\$	178,852
CAP-037	Electrical System Evaluation and Renovation	\$	382,820
CAP-038	Library Interior Renovation	\$	259,020
CAP-039	Lecture Hall Interior Renovation	\$	175,325
	Total Jefferson Community College	\$	996,017

#### **SECTION 30.29. LCC LAKELAND COMMUNITY COLLEGE**

CAP-006	Basic Renovations	\$	681,493
CAP-028	Athletic, Fitness, Teaching Center/Family Center Expansion	\$	3,165,340
	Total Lakeland Community College	\$	3,846,833

#### **SECTION 30.30. LOR LORAIN COMMUNITY COLLEGE**

CAP-005	Basic Renovations	\$	822,782
CAP-037	Center for Leadership in Education	\$	100,000
	Total Lorain Community College	\$	922,782

#### **SECTION 30.31. NTC NORTHWEST STATE COMMUNITY COLLEGE**

CAP-003	Basic Renovations	\$	143,363
	Total Northwest State Community College	\$	143,363

#### **SECTION 30.32. OTC OWENS COMMUNITY COLLEGE**

CAP-019	Basic Renovations	\$	833,701
CAP-032	Student Health and Activities Center	\$	7,494,520
	Total Owens Community College	\$	8,328,221

#### **SECTION 30.33. RGC RIO GRANDE COMMUNITY COLLEGE**

CAP-005	Basic Renovations	\$	251,640
CAP-018	Pomeroy Building Renovation	\$	50,000

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CAP-019	Wood Working Facility	\$	458,000
CAP-020	School of Business	\$	178,000
Total Rio Grande Community College		\$	937,640

**SECTION 30.34. SCC SINCLAIR COMMUNITY COLLEGE**

CAP-007	Basic Renovations	\$	1,637,021
CAP-044	Demolish Building 18	\$	555,000
Total Sinclair Community College		\$	2,192,021

**SECTION 30.35. SOC SOUTHERN STATE COMMUNITY COLLEGE**

CAP-010	Basic Renovations	\$	216,687
Total Southern State Community College		\$	216,687

**SECTION 30.36. TTC TERRA STATE COMMUNITY COLLEGE**

CAP-009	Basic Renovations	\$	335,437
CAP-016	Capital Equipment	\$	15,949
Total Terra State Community College		\$	351,386

**SECTION 30.37. WTC WASHINGTON STATE COMMUNITY COLLEGE**

CAP-006	Basic Renovations	\$	203,731
Total Washington State Community College		\$	203,731

**SECTION 30.38. BTC BELMONT TECHNICAL COLLEGE**

CAP-008	Basic Renovations	\$	184,326
Total Belmont Technical College		\$	184,326

**SECTION 30.39. COT CENTRAL OHIO TECHNICAL COLLEGE**

CAP-003	Basic Renovations	\$	201,646
Total Central Ohio Technical College		\$	201,646

**SECTION 30.40. HTC HOCKING TECHNICAL COLLEGE**

CAP-019	Basic Renovations	\$	409,713
CAP-034	Student Center - Phase I	\$	2,924,325
Total Hocking Technical College		\$	3,334,038

**SECTION 30.41. LTC LIMA TECHNICAL COLLEGE**

CAP-004	Basic Renovations	\$	214,513
CAP-013	Child Care Facility	\$	900,000
Total Lima Technical College		\$	1,114,513

**SECTION 30.42. MTC MARION TECHNICAL COLLEGE**

CAP-004	Basic Renovations	\$	113,316
CAP-009	Technical Education Center Renovation	\$	52,700
Total Marion Technical College		\$	166,016

**SECTION 30.43. MAT MUSKINGUM AREA TECHNICAL COLLEGE**

CAP-007	Basic Renovations	\$	203,491
Total Muskingum Area Technical College		\$	203,491

**SECTION 30.44. NCC NORTH CENTRAL TECHNICAL COLLEGE**

CAP-003	Basic Renovations	\$	352,121
CAP-018	Fallerius Center Rehabilitation	\$	750,000
Total North Central Technical College		\$	1,102,121

**SECTION 30.45. STC STARK TECHNICAL COLLEGE**

CAP-004	Basic Renovations	\$	368,764
CAP-024	Phase 2 Renovations	\$	1,253,252
CAP-025	Timken Regional Campus Technology Project	\$	2,500,000
Total Stark Technical College		\$	4,122,016
Total Board of Regents and State Institutions of Higher Education		\$	549,516,915
Total Higher Education Improvement Fund		\$	553,135,596

**SECTION 31.****Debt Service Formula Allocation**

Based on the foregoing appropriations in Sections 30 and 30.01 to 30.45 of this act, from Fund 034, Higher Education Improvement Fund, the following higher education institutions shall be responsible for the specified amounts as part of the debt service component of the instructional subsidy beginning in fiscal year 2000:

<u>Institution</u>	<u>Amount</u>
University of Akron	\$10,800,000
University of Akron - Wayne	\$ 675,000
Bowling Green State University	\$14,013,310
Bowling Green State University - Firelands	\$ 2,056,440
Central State University	\$ 2,449,400
University of Cincinnati	\$39,386,650
University of Cincinnati - Walters	\$ 3,445,212
Cleveland State University	\$16,719,670
Kent State University	\$17,644,310

Kent State University - Ashtabula	\$ 575,000
Kent State University - East Liverpool	\$ 570,980
Kent State University - Geauga	\$ 60,000
Kent State University - Salem	\$ 288,310
Kent State University - Stark	\$ 1,743,360
Kent State University - Trumbull	\$ 175,000
Kent State University - Tuscarawas	\$ 75,000
Miami University	\$18,400,000
Miami University - Hamilton	\$ 969,540
Miami University - Middletown	\$ 1,568,330
Ohio State University	\$80,760,310
Ohio State University - Lima	\$ 2,152,620
Ohio State University - Mansfield	\$ 850,000
Ohio State University - Marion	\$ 408,000
Ohio State University - ATI	\$ 1,560,000
Ohio University	\$26,700,280
Ohio University - Eastern	\$ 398,040
Ohio University - Chillicothe	\$ 953,030
Ohio University - Lancaster	\$ 1,116,760
Ohio University - Zanesville	\$ 1,136,920
Shawnee State University	\$ 1,751,500
University of Toledo	\$19,800,000
Wright State University	\$11,300,000
Youngstown State University	\$ 9,200,000
Medical College of Ohio	\$ 5,442,150
Northeastern Ohio Universities College of Medicine	\$ 3,425,580
Cincinnati State Technical and Community College	\$ 1,036,000
Columbus State Community College	\$ 1,500,000
Cuyahoga Community College	\$ 6,800,000
Edison State Community College	\$ 50,000
Jefferson Community College	\$ 817,165
Lakeland Community College	\$ 3,165,340
Lorain Community College	\$ 100,000
Owens Community College	\$ 3,747,260
Rio Grande Community College	\$ 636,000
Hocking Technical College	\$ 2,924,325
Lima Technical College	\$ 900,000
Marion Technical College	\$ 52,700
North Central Technical College	\$ 750,000
Stark Technical College	\$ 1,253,252

Institutions not listed above shall not have a debt service obligation as a result of these appropriations.

Within sixty days after the effective date of this section, any institution of higher education may notify the Board of Regents of its intention not to proceed with any project appropriated in this act. Upon receiving such notification, the Board of Regents may release the institution from its debt service obligation for the specific project.

SECTION 32. For all of the foregoing appropriation items from the Higher Education Improvement Fund (Fund 034) that require local funds to be contributed by any state-supported or state-assisted institution of higher education, the Ohio Board of Regents shall not recommend that any funds be released until the recipient institution demonstrates to the Board of Regents and the Office of Budget and Management that the local funds contribution requirement has been secured or satisfied. The local funds shall be in addition to the foregoing appropriations.

SECTION 33. The foregoing capital improvements for which appropriations are made from the Higher Education Improvement Fund (Fund 034) are determined to be capital improvements and capital facilities for state-supported or state-assisted institutions of higher education, and are designated as the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund, created by section 154.21 of the Revised Code, are to be applied. All such appropriations are made to the Ohio Public Facilities Commission for application to the purposes for which appropriated through the exercise of its powers under Chapter 154. of the Revised Code, including where appropriate, provisions thereunder for production of revenues and receipts for bond service charges on such obligations.

SECTION 34. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with the provisions of Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.21 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$555,600,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs of capital facilities for state-supported and state-assisted institutions of higher education, the owners or holders of

which shall have no right to have excises or taxes levied by the General Assembly for the payment of principal thereof or interest thereon.

SECTION 35. None of the foregoing capital improvements appropriations for state-supported or state-assisted institutions of higher education shall be expended until the particular appropriation has been recommended for release by the Ohio Board of Regents and released by the Director of Budget and Management or the Controlling Board. Either the institution concerned, or the Ohio Board of Regents with the concurrence of the institution concerned, may initiate the request to the Director of Budget and Management or the Controlling Board for the release of the particular appropriations.

(A) None of the foregoing capital improvement appropriations shall be released for planning or for renovation or construction or acquisition of capital facilities if the institution of higher education or the state does not own the real property on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The institution has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property;

(2) The Ohio Board of Regents certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, funds may be released upon approval of the Controlling Board to pay for planning through the development of schematic drawings only.

(3) In the case of an appropriation for capital facilities for a state-supported or state-assisted institution of higher education that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and made available to the institution of higher education for its use, the nonprofit organization or public body either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Ohio Board of Regents, with the institution of higher education for that institution's use of and right to use the capital facilities being financed and, if applicable, improved, the value of which use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Ohio Board of Regents

that the facilities proposed by the institutions are:

(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Ohio Board of Regents;

(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities which will be available after the completion of these projects;

(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities which will be available after completion of these projects;

(4) To be located on or adjacent to the branch campus of the university.

(C) The Ohio Board of Regents shall adopt rules regarding the release of moneys from all the foregoing appropriations for capital facilities for all state-supported or state-assisted institutions of higher education. Such rules for the release of moneys for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and made available to the institution of higher education for its use shall include, as a minimum, provisions that:

(1) Provide for a joint or cooperative use agreement, specifying the extent and nature of that use, extending for no fewer than fifteen years, to be approved by the Ohio Board of Regents; the value of such use or right to use shall be, as determined by the parties, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act;

(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, which will be limited to actual direct administrative costs incurred as a result of the facilities project, as approved by the Office of Budget and Management, but in any case not exceeding 1.5 per cent of the appropriated amount.

(D) Upon the recommendation of the Ohio Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution with the approval of both institutions.

(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Ohio Board of Regents, may transfer amounts appropriated to the Ohio Board of Regents to accounts

of state-supported or state-assisted institutions created for that same purpose.

SECTION 36. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, shall not apply to projects of community college districts and technical college districts.

SECTION 37. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when such charges are in excess of 1.5 per cent of the total construction budget.

SECTION 38. For those institutions that locally administer capital improvement projects pursuant to sections 3345.50 and 3345.51 of the Revised Code, reimbursement may be made from state capital appropriations to the institution for the in-house design services performed by the institution for locally administered capital projects. Acceptable charges shall be limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design shall not exceed seven per cent of the estimated construction cost.

SECTION 39. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) created by division (F) of section 154.22 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized, to pay costs of capital facilities, as defined in section 154.01 of the Revised Code, for parks and recreation.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES

CAP-012	Land Acquisition	\$	500,000
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CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 2,835,000
CAP-331	Park Boating Facilities	\$ 1,090,000
CAP-390	State Park Maintenance Facility Development	\$ 500,000
CAP-718	Grand Lake St. Mary's State Park	\$ 500,000
CAP-748	Local Parks Projects	\$ 2,000,000
CAP-787	Scioto Riverfront Improvements	\$ 12,000,000
CAP-789	Great Miami Riverfront Improvements	\$ 2,650,000
CAP-821	State Park Dredging and Shoreline Protection	\$ 1,350,000
CAP-874	Statewide Trails Program	\$ 2,500,000
CAP-928	Handicapped Accessibility	\$ 250,000
CAP-931	Wastewater/Water Systems Upgrade	\$ 2,000,000
Total Department of Natural Resources		\$ 28,175,000
Total Parks and Recreation Improvement Fund		\$ 28,175,000

Statewide Trails

Of the foregoing appropriation item CAP-874, Statewide Trails Program, up to \$2,500,000 shall be used for trail renovations at Hocking Hills State Park.

Local Parks Projects

The foregoing appropriation item CAP-748, Local Parks Projects, shall be used for Fallen Timbers Battlefield Improvements.

Federal Reimbursement

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035).

SECTION 40. The foregoing capital improvements for which appropriations are made from the Parks and Recreation Improvement Fund (Fund 035) are determined to be capital improvements and capital facilities for parks and recreation and shall be designated as the capital facilities to which proceeds of obligations in the Parks and Recreation Improvement Fund, created by section 154.22 of the Revised Code, are to be applied. All such appropriations provided in Section 39 of this act are made to the Ohio Public Facilities Commission for application to the purposes for which appropriated through the exercise of its powers under Chapter 154. of the Revised Code including, when appropriate, provision thereunder for the production of revenues and receipts for bond service charges on such obligations and, in addition thereto, participation in such capital facilities by grants or contributions to 501(c)(3) corporations for such facilities.

SECTION 41. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with the provisions of Section 2i

of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$31,200,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly to pay costs of capital facilities for parks and recreation, the owners or holders of which obligations shall have no right to have excises or taxes levied by the General Assembly for the payment of principal thereof or interest thereon.

SECTION 42. (A) No capital improvement appropriations made in Section 39 of this act shall be released for planning or for improvement, renovation, or construction or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property;

(2) In the case of an appropriation for capital facilities for parks and recreation that, because of their unique nature or location, will be owned or be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use or operated by the nonprofit organization under contract with the governmental agency, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Natural Resources, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for no fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the approving department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be

terminated; and

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act.

**SECTION 43.**

**Coal Research and Development Bonds**

The Commissioners of the Sinking Fund, upon the request of the Director of the Ohio Coal Development Office with the advice of the Technical Advisory Committee created in section 1551.35 of the Revised Code and the approval of the Director of Development, are hereby authorized to issue and sell, in accordance with Section 15 of Article VIII, Ohio Constitution, and section 1555.08 of the Revised Code, bonds or other obligations of the State of Ohio heretofore authorized by prior acts of the General Assembly. The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Coal Research and Development Fund created in section 1555.15 of the Revised Code to pay costs charged to such fund when due as estimated by the Director of the Ohio Coal Development Office.

**SECTION 44.**

**State Capital Improvements Fund**

The Treasurer of State is hereby authorized pursuant to section 164.09 of the Revised Code to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and sections 164.01 to 164.12 of the Revised Code, original obligations of the State of Ohio, heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to assure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

**SECTION 45.** Each request for release of appropriations for any and all capital improvements and capital facilities for which appropriations are made in this act from the proceeds of obligations in the Sports Facilities Building Fund (Fund 024), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Arts Facilities Building Fund (Fund 030), the

Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), and the Parks and Recreation Improvements Fund (Fund 035) shall have the certification of the Director of Budget and Management that sufficient General Revenue Fund moneys are appropriated for and will be available for rental payments to the Ohio Public Facilities Commission, the Treasurer of State, and the Ohio Building Authority in the then-current fiscal biennium relating to obligations or portions of obligations issued or to be issued in that fiscal biennium to fund, in the then-current fiscal biennium, anticipated expenditures from these funds associated with the request. This requirement is in addition to other requirements under this act and the Revised Code.

**SECTION 46.**

**Certification of Availability of Moneys**

No moneys that require release shall be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. Such certification made by the Office of Budget and Management shall be based on estimates of revenue, receipts, and expenses. Nothing herein shall be construed as a limitation on the authority of the Director of Budget and Management as granted in section 126.08 of the Revised Code.

**SECTION 47.** The appropriations made in this act for buildings or structures, including remodeling and renovations, are limited to:

- (A) Acquisition of real property;
- (B) Buildings and structures, which includes construction, demolition, complete heating, lighting, and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;
- (C) Architectural, engineering, and professional services expenses directly related to the projects;
- (D) Machinery that is a part of structures at the time of initial acquisition or construction;
- (E) Equipment that meets all the following criteria:
  - (1) The equipment is essential in bringing the facility up to its intended use.
  - (2) The unit cost of the equipment, and not the individual parts of a unit,

is about \$100 or more.

(3) The equipment has a useful life of five years or more.

(4) The equipment is necessary for the functioning of a particular facility.

(5) The equipment will be used primarily in the rooms or areas covered in the project.

Equipment, such as motor vehicles, adding machines, calculators, dictating machines, computers and computer peripherals, typewriters, word processors, or other such items, including items used for normal supplies and maintenance, shall not be purchased unless it is an integral part of, or directly related to, the basic purpose or function of a project for which moneys are appropriated and meets all the criteria of division (E) of this section.

**SECTION 48.** Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, as authorized by law, shall contain a contingency reserve, the amount of which is to be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, and to pay the cost of settlements and judgments related to the project.

Upon completion of a project, should any funds remain, such remaining funds may, upon approval of the Controlling Board, be released for the use of the institution to which the appropriation was made for another capital facilities project or projects.

**SECTION 49.**

**Agency Administration of Capital Facilities Projects**

Notwithstanding sections 123.01 and 123.15 of the Revised Code, the Director of Administrative Services may authorize the Departments of Mental Health, Mental Retardation and Developmental Disabilities, Alcohol and Drug Addiction Services, Agriculture, Rehabilitation and Correction, Youth Services, Public Safety, Transportation, the Bureau of Employment

Services, and the Rehabilitation Services Commission to administer any capital facilities projects when the estimated cost, including design fees, construction, equipment, and contingency amounts, is less than \$1,500,000. Within sixty days after the effective date of the section of the act in which the General Assembly initially makes an appropriation for the project, the director of the respective state agency shall notify the Department of Administrative Services in writing of its intent to administer a project.

The director of the respective state agency choosing to administer a capital facilities project pursuant to this section shall comply with the procedures and guidelines established in Chapter 153. of the Revised Code. Upon the approval of the release of funds by the Controlling Board or the Director of Budget and Management, these agencies may administer capital projects under their jurisdiction without the supervision, control, or approval of the Department of Administrative Services as specified in those sections.

## SECTION 50.

### Satisfaction of Judgments and Settlements Against the State

An appropriation contained in this act may be used for the purpose of satisfying judgments or settlements in connection with civil actions against the state in federal court not barred by sovereign immunity or the Eleventh Amendment to the Constitution of the United States, or for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims in connection with civil actions against the state, pursuant to section 2743.15, 2743.19, or 2743.191 of the Revised Code. This authorization shall not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, for or relating to lease payments or debt service on bonds, notes, or similar obligations and those from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), the Parks and Recreation Improvement Fund (Fund 035), the State Capital Improvements Fund (Fund 038), the Highway Obligation Fund (Fund 041), the Coal Research/Development Fund (Fund 046), and any other fund into which proceeds of obligations are deposited. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not

otherwise subject to suit, nor is it intended to waive or compromise any defense or right available to the state in any suit against it.

SECTION 51. Notwithstanding section 126.14 of the Revised Code, appropriations for appropriation items CAP-002, Local Jails, and CAP-003, Community-Based Correctional Facilities, appropriated from the Adult Correctional Building Fund (Fund 027) to the Department of Rehabilitation and Correction shall be released upon the written approval of the Director of Budget and Management and the appropriations from the Public School Building Fund (Fund 021) and the School Building Program Assistance Fund (Fund 032) to the School Facilities Commission may be released by the Director of Budget and Management upon presentation of a request to release the funds by the executive director of the Commission.

SECTION 52. Except as provided in section 4115.04 of the Revised Code, no moneys appropriated or reappropriated by the 122nd General Assembly shall be used for the construction of public improvements, as defined in section 4115.03 of the Revised Code, unless the mechanics, laborers, or workers engaged therein are paid the prevailing rate of wages as prescribed in section 4115.04 of the Revised Code. Nothing in this section shall affect the wages and salaries established for state employees under the provisions of Chapter 124. of the Revised Code, or collective bargaining agreements entered into by the state pursuant to Chapter 4117. of the Revised Code, while engaged on force account work, nor shall this section interfere with the use of inmate and patient labor by the state.

SECTION 53.

Capital Facilities Leases

Capital facilities for which appropriations are made from the Sports Facilities Building Fund (Fund 024), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), and the Arts Facilities Building Fund (Fund 030) may be leased by the Ohio Building Authority to the Department of Youth Services, the Arts and Sports Facilities Commission, the Department of Administrative Services, and the Department of Rehabilitation and Correction and other agreements may be made by the Ohio Building Authority and the departments with respect to the use or purchase of such capital facilities or, subject to the approval of the director

of the department, or the commission, the Ohio Building Authority may lease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any governmental agency or nonprofit corporation having authority under law to own, lease, or operate such capital facilities. The director of the department or the commission may sublease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any such governmental agency or nonprofit corporation, which may include provisions for transmittal of receipts of that agency or nonprofit corporation of any charges for the use of such facilities, all upon such terms and conditions as the parties may agree upon and any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by such parties.

SECTION 54. The Director of Budget and Management shall authorize both of the following:

(A) The initial release of moneys for projects from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), and the Parks and Recreation Fund (Fund 035);

(B) The expenditure or encumbrance of moneys from any other fund into which proceeds of obligations are deposited, only after determining to the director's satisfaction that either of the following has occurred:

(1) The application of such moneys to the particular project will not negatively affect any exemption or exclusion of the interest on obligations, issued to provide moneys to the particular fund, from federal income tax under federal law and regulations at the time in effect or pending with retroactive effect;

(2) Moneys for the project will come from the proceeds of obligations the interest on which is not so excluded or exempt and which have been authorized as "taxable obligations" by the issuing authority. The director shall report any nonrelease of moneys pursuant to this section to the Governor, the presiding officer of each house of the General Assembly, and the agency for the use of which the project is intended.

SECTION 55. No appropriation for a health care facility authorized under this act may be released until the requirements of sections 3702.51 to 3702.68 of the Revised Code have been met.

SECTION 56. Any increase in appropriation authority by the Director of Budget and Management pursuant to division (B) of section 153.17 of the Revised Code is hereby appropriated.

SECTION 57. All proceeds received by the state as a result of litigation, judgments, settlements, or claims, filed by or on behalf of any state agency as defined by section 1.60 of the Revised Code or state-supported or state-assisted institution of higher education, for damages or costs resulting from the use, removal, or hazard abatement of asbestos materials shall be deposited in the Asbestos Abatement Distribution Fund. All funds deposited into the Asbestos Abatement Distribution Fund (Fund 674) are hereby appropriated to the Attorney General. To the extent practicable, the proceeds placed in the Asbestos Abatement Distribution Fund shall be divided among the state agencies and state-supported or state-assisted institutions of higher education in accordance with the general provisions of the bankruptcy orders, settlement agreements, or judgments in the litigation regarding the percentage of recovery. Distribution of the proceeds to each state agency or state-supported or state-assisted institution of higher education shall be made in accordance with the Asbestos Abatement Distribution Plan to be developed by the Attorney General, the Division of Public Works within the Department of Administrative Services, and the Office of Budget and Management.

In those circumstances where asbestos litigation proceeds are for reimbursement of expenditures made with funds outside the state treasury or damages to buildings not constructed with state appropriations, direct payments shall be made to the affected institutions of higher education. Any proceeds received for reimbursement of expenditures made with funds within the state treasury or damages to buildings occupied by state agencies shall be distributed to the affected agencies with an intrastate transfer voucher to the funds identified in the Asbestos Abatement Distribution Plan.

Such proceeds shall be used for additional asbestos abatement or encapsulation projects, or for other capital improvements except that proceeds distributed to the General Revenue Fund and other funds that are

not bond improvement funds may be used for any purpose. The Controlling Board may, for bond improvement funds, create appropriation items or increase appropriation authority in existing appropriation items equaling the amount of such proceeds. Such amounts approved by the Controlling Board are hereby appropriated. Such proceeds deposited in bond improvement funds shall not be expended until released by the Controlling Board, which shall require certification by the Director of Budget and Management that such proceeds are sufficient and available to fund the additional anticipated expenditures.

SECTION 58. No investment income earned on the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), the Arts Facilities Building Fund (Fund 030), the Natural Resources Projects Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Mental Health Facilities Improvement Fund (Fund 033), the Higher Education Improvement Fund (Fund 034), the Parks and Recreation Fund (Fund 035), the State Capital Improvement Fund (Fund 038), the Highway Obligation Fund (Fund 041), the Coal Research/Development Fund (Fund 046), and any other state fund into which proceeds of obligations are deposited shall be encumbered or spent from those funds until a certificate is provided by the issuer of the obligations which certifies to the Director of Budget and Management that there are sufficient moneys available from the investment income or from other sources to make any required payments to the federal government contemplated by the applicable bond proceedings. The Director of Budget and Management may authorize the investment income in excess of those requirements to be encumbered or spent from those funds. This requirement is in addition to any other requirement under this act, the Revised Code, or the applicable bond or note proceedings.

SECTION 59. The capital improvements for which appropriations are made in this act from the Sports Facilities Building Fund (Fund 024), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Arts Facilities Building Fund (Fund 030), and the School Building Program Assistance Fund (Fund 032) are determined to be capital improvements and capital facilities for housing state agencies and branches of state government

and are designated as capital facilities to which proceeds of obligations issued under Chapter 152. of the Revised Code are to be applied.

SECTION 60. Upon the request of the agency to which a capital project appropriation item is appropriated, the Director of Budget and Management may transfer open encumbrance amounts between separate encumbrances for the project appropriation item to the extent that any reductions in encumbrances are agreed to by the contracting vendor and the agency.

SECTION 61. In determining "aggregate principal amount" for purposes of sections of this act authorizing the issuance of obligations, and the sections of prior acts referred to in those sections, the principal amount of a "capital appreciation bond" as defined in division (C) of section 3334.01 of the Revised Code means its face amount, and of a "zero coupon bond" as defined in division (K) of section 3334.01 of the Revised Code means the discounted offering price at which the bond is initially sold to the public, disregarding any purchase price discount to the original purchaser if provided for pursuant to the authorizing law of the Revised Code.

SECTION 62.

Public School Building Fund

When requested to do so by the Executive Director of the School Facilities Commission, the Controlling Board may increase appropriations in the Public School Building Fund (Fund 021) based on revenues received by the fund, including cash transfers and interest that may accrue to the fund.

SECTION 63.

Interest Earnings

All investment earnings credited to the Public School Building Fund (Fund 021) and the School Building Program Assistance Fund (Fund 032) prior to the effective date of this section shall be retained by the funds.

SECTION 64.

Low and Moderate Income Housing Trust Fund

Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer \$250,000 in cash from Fund 027,

dult Correctional Building Fund, to Fund 646, Low and Moderate Income Housing Trust Fund, and the amount is hereby appropriated to appropriation item 195-638, Low and Moderate Income Housing Trust Fund. Notwithstanding the eligibility standards that otherwise apply to recipients of assistance from the Low and Moderate Income Housing Trust Fund, this \$250,000 appropriation shall be used to provide grants for the beautification, painting, and cleanup of houses and properties bordering the Water Tower Park site in Cleveland.

**SECTION 65.**

**GRF Transfers to the Public School Building Fund**

Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer \$139,000,000 from the General Revenue Fund to Fund 021, the Public School Building Fund.

**SECTION 66.**

**Great Lakes Science Center - Per Cent for Arts Reimbursement**

Notwithstanding sections 127.16 and 3379.10 of the Revised Code, within thirty days after the effective date of this section, encumbrance 991810, in the amount of \$50,000, which was established in the name of the Ohio Arts Council in the state's central accounting system in fiscal year 1996 by Cleveland State University, shall be paid to the Great Lakes Science Center by Cleveland State University. The payment reimburses the Center for art purchased by the Center in lieu of its formal participation in the Per Cent for Arts Program.

**SECTION 67.**

**Capital Donations Fund**

Within forty-five days after the effective date of this section, the Director of Budget and Management, in consultation with the Executive Director of the Ohio Arts and Sports Facilities Commission, shall determine the unencumbered and unallotted balance of the amount in the Capital Donations Fund (Fund 5A1) appropriation item 371-602. The Director of Budget and Management shall transfer appropriations in that amount from appropriation item 371-602, Capital Donations Fund, to a new appropriation item CAP-602, Capital Donations Fund. The Director of Budget and Management may cancel encumbrances and reestablish such encumbrances or parts of encumbrances, in the appropriate appropriation item and for the

same purpose and vendor, as needed in Fund 5A1. As determined by the director, the appropriation authority necessary to establish such encumbrances in a different appropriation item is hereby authorized and appropriated.

**SECTION 68.**

**Capital Donations Fund Certifications and Appropriations**

The Executive Director of the Arts and Sports Facilities Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds which have been received from a county or a city auditor for deposit to the Capital Donations Fund. These amounts are hereby appropriated to appropriation item CAP-602, Capital Donations, in Fund 5A1, Capital Donation Fund. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

**SECTION 69.**

**Reissuance of Voided Warrants**

In order to provide funds for the reissuance of voided warrants pursuant to section 117.47 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 117.47 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

**SECTION 70.**

**Central State Deficit Funds for FY 1999**

In addition to the provisions of division (B) of section 99.14 of Am. Sub. H.B. 215 of the 122nd General Assembly, with the approval of the Director of Budget and Management the encumbered appropriations remaining from appropriation item 042-407, Central State Deficit, that are not needed for non-recurring expenses may be disbursed in fiscal year 1999 for recurring operating expenses.

**SECTION 71.**

**Cash Transfers From Obsolete Funds**

Notwithstanding any other provision of law to the contrary, within thirty

days after the effective date of this section, the Director of Budget and Management shall determine the cash balances in the following obsolete funds, which were abolished by prior legislation, and transfer such balances to the funds indicated:

<u>Obsolete Fund Number and Name</u>	<u>Transfer Cash Balance to This Fund</u>
Fund 495 State Acceptors Fund	Fund 4T6 Poultry and Meat Products Fund
Fund 4D3 Cosmetology Adjudication Fund	Fund 4K9 Occupational Licensing and Regulatory Fund
Fund 4K0 Beverage Tax Administrative Fund	General Revenue Fund

#### SECTION 72.

##### Area Agency on Aging Region 9, Inc.

(A) Appropriation item 490-418, Area Agency on Aging Region 9, Inc., as established by the Controlling Board in fiscal year 1999, may be used to make grants to the Area Agency on Aging Region 9, Inc. for the purpose of resolving a projected deficit and assuring continued services of Department of Aging related programs that are provided by the Area Agency on Aging Region 9, Inc.

If a grant is made under this section, not later than June 1, 1999, the Director of Aging shall certify to the Director of Budget and Management the amount of deficit expenditures incurred during the current biennium by the Area Agency on Aging Region 9, Inc. If the amount of the grants are greater than the certified deficit, Area Agency on Aging Region 9, Inc. shall pay to the Director of Aging any amount granted to it under this provision that exceeds the certified deficit. In the event of the recovery of any moneys related to the deficit after the deficit has been certified, the Area Agency on Aging Region 9, Inc. shall repay to the Director of Aging the amount recovered. The Director of Aging shall deposit any repayment under this section to the credit of the General Revenue Fund.

(B) This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

#### SECTION 73.

##### Moratorium on Increases of Per Diem Payments to Medicaid Providers

The Ohio Department of Human Services shall not grant extreme circumstance or extreme hardship rate increases pursuant to section 5111.29 of the Revised Code to otherwise qualifying facilities as a result of workers' compensation premium increases incurred during the period January 1, 1999, through December 31, 2000, unless the department first offsets the amount of any workers' compensation rebate received by the facility in calendar year 1998 against the amount of the workers' compensation premium prompting the request.

**SECTION 74.** Sections 3 to 73 of this act shall remain in full force and effect commencing on the effective date of this section and terminating on June 30, 2000, for the purpose of drawing money from the state treasury in payment of liabilities lawfully incurred hereunder, and on June 30, 2000, and not before, the moneys hereby appropriated shall lapse into the funds from which they are severally appropriated.

**SECTION 75.** (A) The Governor is hereby authorized to execute a deed in the name of the State conveying to the Apple Creek Volunteer Fire Department and Emergency Squad, Inc., Wayne County, Ohio, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Being situated in the State of Ohio, County of Wayne, Township of East Union, Range 12 West, Township 16 North, Southwest Quarter of Section 21, presently in the name of State of Ohio as recorded in the Wayne County Records of Deeds Volume 207, page 220, and more fully described as follows:

Commencing for reference at a railroad spike set marking the northwest corner of the southwest quarter of Section 21 and in the center line of Apple Creek Road - C.R. 44;

1. Along the west line of said quarter Section and along said center line S 00°56'41" W 1681.65 feet to a railroad spike set and the true place of beginning;

Thence courses 2 and 3 subdividing land presently in the name of State of Ohio (V. 207, P. 220):

2. S 89°22'50" E 515.35 feet to an iron pin set and passing through an iron pin set at 30.00 feet;
3. S 00°56'41" W 211.32 feet to an iron pin set on the north line of land presently in the name of Board of Trustees of East Union Twp. (O.R. 54, P. 442);

4. Along said north line N 89°22'50" W 515.35 feet to a P.K. nail found on the west line of the southwest quarter of Section 21 and in the center line of Apple Creek Road - C.R. 44 and passing through an iron pin found at 485.35 feet;
5. Along said lines N 00°56'41" E 211.32 feet to the true place of beginning.

This survey contains 2.500 acres (2.354 acres outside road right-of-way), is subject to all easements of record, its bearings are established from Survey "JJ"-200 and are to denote angular measurement only, and is a description of a field survey completed by Jim Shamp, Reg. Sur. No. S-6088, dated March 25, 1998. Iron pins set are 5/8" x 30" iron re-bars with plastic I.D. caps. Iron pins found are 5/8" re-bar unless otherwise noted.

(B) Consideration for conveyance of the real estate described in division (A) of this section is a purchase price of \$20,000.00.

(C) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Apple Creek Volunteer Fire Department and Emergency Squad, Inc. The Apple Creek Volunteer Fire Department and Emergency Squad, Inc., shall present the deed for recording in the Office of the Wayne County Recorder.

(D) The Apple Creek Volunteer Fire Department and Emergency Squad, Inc., shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(E) This section expires one year after its effective date.

SECTION 76. (A) The Governor is hereby authorized to execute deeds in the name of the state as follows: (1) the first conveying to the Cambridge City School District and its successors and assigns all of the state's right, title, and interest in the real estate described in this division as Parcel One, and (2) the second conveying to Cambridge Township and its successors and assigns all of the state's right, title, and interest in the real estate described in this division as Parcel Two.

Parcel One

Situated in the Township of Cambridge, County of Guernsey, State of Ohio and being 62.554 acres in the northwest and southwest quarters of

section 3 of Township 2 north Range 3 west of the United States Military District and being more particularly described as follows,

BEGINNING at a magnail/flasher set in County road 35 at the northeast corner of the southwest quarter of said section 3 thence with said County road and with the lands of James H and Mary E Thorn as recorded in deed volume 365 page 930 and the lands of William J Craft as recorded in official records volume 49 page 906 the next two calls,

1) S 01° 40' 04" W a distance of 536.21 feet to a point, said point being referenced by an iron pin set which bears N 88° 53' 11" W a distance of 20.00 feet.

2) thence with a curve to the right having the following properties, Delta = 32° 12' 34", Radius = 572.96 feet and a chord that bears S 17° 13' 06" W a distance of 317.87 feet to a point, said point being referenced by an iron pin set which bears N 56° 40' 37" W a distance of 40.00 feet thence continuing with said county road and with the lands of James A. and Laurie J Endly as recorded in Official Records Volume 107 page 857 S 35° 58' 38" W a distance of 221.14 feet to a point, said point being referenced by an iron pin set which bears N 59° 19' 42" W a distance of 40.00 feet thence continuing with said county road and with the lands of Larry J. Sr. and Thelma Burt as recorded in Deed Volume 372 page 884 and with the lands of Robert S. and Violet J. Goddard as recorded in official records volume 93 page 404 the next two calls,

1) thence with a curve to the left having the following properties, Delta = 86° 40' 41", Radius = 197.00 feet and a chord that bears S 12° 40' 03" E a distance of 270.41 feet to a point, said point being referenced by an iron pin set which bears S 33° 59' 37" W a distance of 20.00 feet

2) S 51° 30' 23" E a distance of 182.13 feet to a point thence leaving said road and with the lands of Warren D. and Janesa M. High as recorded in Official Records Volume 31 page 218 the next two calls.

1) S 01° 37' 08" W a distance of 902.56 feet to a 5/8 inch capped rebar found having passed through a 5/8 inch capped rebar found at 40.60 feet.

2) S 01° 37' 08" W a distance of 400.00 feet to a point on the north bank of Wills Creek thence with the north bank of said Wills Creek and with the lands of Luetta Mae and Joseph T. Goggin as recorded in Official Records Volume 85 page 199 the next three calls,

1) N 35° 18' 52" W a distance of 678.76 feet to a point.

2) N 18° 55' 52" W a distance of 307.51 feet to a point.

3) N 04° 21' 52" W a distance of 478.84 feet to a point thence continuing with the lands of said Goggin and with a line in said Wills Creek N 59° 55' 02" W a distance of 1382.71 feet to a point thence leaving said

creek and with a line through the lands of The State of Ohio as recorded in deed volume 215 page 522 the next seven calls,

1) N 27° 22' 08" E a distance of 100.00 feet to a 5/8 inch rebar found capped "USA781WR"

2) N 38° 42' 39" E a distance of 447.15 feet to an iron pin set.

3) N 01° 22' 17" E a distance of 280.00 feet to a magnail set in the center of a private paved road having passed through an iron pin set at 260.00 feet.

4) N 88° 37' 43" W a distance of 55.00 feet to a magnail set in the center of a private paved road.

5) N 01° 30' 00" E a distance of 266.59 feet to a magnail set in the center of a private paved road.

6) S 88° 38' 06" E a distance of 620.16 feet to a magnail set in the center of a private paved road.

7) S 88° 38' 06" E a distance of 905.48 feet to a point in county road 35 having passed through iron pins set at 300.00 feet and 855.48 feet thence with a line in said county road and with the lands of Jack D. McWilliams as recorded in Deed Volume 277 page 633 S 02° 07' 52" W a distance of 266.78 feet to the BEGINNING and containing 62.554 acres and being a part of the property conveyed to the State of Ohio in Deed Volume 215 page 522. 9.331 acres being in said northwest quarter and 53.223 acres being in said southwest quarter.

Subject to all leases or easements of record. Iron pins set are 5/8 inch rebar, 30 inches long capped "GARDNER PS-6884". Bearings are true and are based on a solar observation. A survey of the above described property was made on October 19, 1998 by Steven L. Gardner, registered surveyor #6884.

#### Parcel Two

Situated in the Township of Cambridge, County of Guernsey, State of Ohio and being 15.842 acres in the southwest quarter of section 3 of Township 2 north Range 3 west of the United States Military District and being more particularly described as follows,

Commencing at a magnail/flasher set in County road 35 at the northeast corner of the southwest quarter of said section 3 thence N 88° 37' 43" W a distance of 1467.70 feet to a magnail set in a private road the BEGINNING thence with a line through the lands of The State of Ohio as recorded in Deed Volume 215 page 522 the next three calls,

1) S 01° 22' 17" W a distance of 280.00 feet to an iron pin set having passed through an iron pin set at 20.00 feet.

2) S 38° 42' 39" W a distance of 447.15 feet to a 5/8 inch rebar found

capped "USA781WR"

3) S 27° 22' 08" W a distance of 100.00 feet to a point in Wills Creek thence with a line in said Wills Creek and with the lands of Luetta Mae and Joseph T. Goggin as recorded in Official Records Volume 85 page 199 the next two calls,

1) N 69° 11' 17" W a distance of 573.29 feet to a point said point being referenced by an iron pin set which bears N 16° 13' 06" E a distance of 59.52 feet.

2) N 78° 10' 52" W a distance of 402.96 feet to a point thence leaving said creek and with the west line of said southwest quarter N 02° 21' 33" E a distance of 461.58 feet to a magnail set in the center of a private road having passed through iron pins set at 31.58 feet and 441.58 feet thence with the center of said private road the next two calls,

1) S 88° 37' 43" E a distance of 1188.97 feet to a magnail set.

2) S 88° 37' 43" E a distance of 55.00 feet to the BEGINNING and containing 15.842 acres and being a part of the property conveyed to the State of Ohio in Deed Volume 215 page 522.

Subject to all leases or easements of record. Iron pins set are 5/8 inch rebar, 30 inches long capped "GARDNER PS-6884". Bearings are true and are based on a solar observation. A survey of the above described property was made on October 19, 1998 by Steven L. Gardner, registered surveyor #6884.

(B) Consideration for conveyance of the real estate described in division (A) of this section shall be cash or services, or a combination of cash and services, as agreed to by the Cambridge City School District, Cambridge Township, and the Department of Mental Health in the Memorandum of Agreement described in division (D) of this section, the value of which shall be \$105,225.

(C) The Cambridge City School District and Cambridge Township shall pay the costs of the conveyance of the real estate described in division (A) of this section. Cash proceeds from the sale shall be deposited in the Department of Mental Health Trust Fund in accordance with section 5119.18 of the Revised Code.

(D) Within thirty days after the effective date of this section, the Cambridge City School District, Cambridge Township, and the Department of Mental Health shall enter into a Memorandum of Agreement outlining the financing plan for the type and payment of consideration to the state and the time frame for closing of the property. If the parties fail to comply with this requirement within such thirty days, or within an extended time frame agreed to by the state, by and through the Department of Mental Health, the

state may immediately terminate its obligation to proceed with the conveyance of the real estate described in division (A) of this section.

(E) Within one year after the effective date of this section, and upon either payment of any cash portion of the purchase price or the memorialization of the agreement for the provision of services by the Cambridge City School District and Cambridge Township, or both payment and memorialization, the Auditor of State, with the assistance of the Attorney General, shall prepare the deeds to the real estate described in division (A) of this section. One deed shall be for the conveyance to the Cambridge City School District of the real estate described in division (A) of this section as Parcel One, and the other deed shall be for the conveyance to Cambridge Township of the real estate described in division (A) of this section as Parcel Two. The deeds shall state the consideration specified in division (B) of this section and the costs described in division (C) of this section. The deeds shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented in the Office of the Auditor of State for recording. The deed for Parcel One shall be delivered to the Cambridge City School District, and the deed for Parcel Two shall be delivered to Cambridge Township. The Cambridge City School District and Cambridge Township shall present the deeds for recording in the Office of the Guernsey County Recorder.

(F) This section shall expire one year after its effective date.

SECTION 77. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Muskingum Area Adolescent Treatment Services, Inc., and its successors and assigns all of the state's right, title, and interest, including mineral rights, in the following described real estate known as the Thompkins Center, located in Guernsey County, and further described as follows:

**Tract One**

Situated in the City of Cambridge in the County of Guernsey and the State of Ohio: Known as and being Lots numbered Seven (7) and Eight (8) in Block One (1) in the Urban Terrace Addition to the City of Cambridge, Ohio, as will appear in the recorded plat thereof, and subject to the restrictions, covenants and conditions of said addition.

Deed reference: Volume 339, page 18

**Tract Two**

Situated in the City of Cambridge, County of Guernsey and State of Ohio: Known as and being Lots Nine (9) and Ten (10) in Block One (1) in

Urban Terrace Addition to said City of Cambridge, as said lots are marked and delineated on the recorded plat of said addition on file and of record in Plat Book 8, Pages 27, 28 and 29, in the Office of the Recorder of said County and State.

Said lots and parcels thereof are conveyed upon the following conditions which run with the land, to wit:

First: No intoxicating liquors shall be sold or kept for sale on said premises;

Second: No building or porch shall be erected or maintained on the parking of said premises as designated and delineated on the recorded plat of said addition;

Third: No dwelling, the actual cost of which is less than \$1,200.00, shall be erected on said premises. No barn, stable or other out-buildings shall be erected within sixty-five (65) feet of the west line of Sixteenth Street.

Deed reference: Volume 339, pages 14-17

Such deed shall be subject to existing easements, leases, rights-of-way and legal highways.

The conveyance described in this division shall include any buildings erected on the real estate and the contents of those buildings as described in division (B) of this section.

(B) Within fifteen days after the effective date of this section, the Director of Mental Health shall prepare a list of all state-owned furnishings located on the real estate described in division (A) of this section and forward a copy of that list to the State Office of State and Federal Surplus Property, 4200 Surface Road, Columbus, Ohio.

(C) Consideration for the conveyance of the real estate described in division (A) of this section and the furnishings listed pursuant to division (B) of this section is the mutual benefit accruing to the state, the City of Cambridge, and the County of Guernsey from the use of the property by the Muskingum Area Adolescent Treatment Services, Inc., for the delivery of mental health services.

(D) The costs of the conveyance of the real estate described in division (A) of this section shall be paid by Muskingum Area Adolescent Treatment Services, Inc.

(E) The conveyance of the real estate described in division (A) of this section is subject to the condition that Muskingum Area Adolescent Treatment Services, Inc., and its successors, assigns, and lessees shall use the real estate for the provision of mental health services. If Muskingum Area Adolescent Treatment Services, Inc., ceases to use the real estate to provide mental health services, the state may reenter upon its former estate.

It shall not be a violation of this condition if Muskingum Area Adolescent Treatment Services, Inc., leases part or all of the real estate to another agency or agencies for the provision of mental health services.

(F) Within one year after the effective date of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration stated in division (C) of this section and the condition and right of reentry specified in division (E) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to Muskingum Area Adolescent Treatment Services, Inc. Muskingum Area Adolescent Treatment Services, Inc., shall present the deed for recording in the Office of the Guernsey County Recorder.

(G) This section expires one year after its effective date.

SECTION 78. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Paint Valley Alcohol, Drug Addiction and Mental Health Board and its successors and assigns all of the state's right, title, and interest in a parcel of real estate known as the Greenfield Residence, located in Highland County, and further described as follows:

Situated in the City of Greenfield, County of Highland, State of Ohio, being part of Lot No. 396 of said City and being further bounded and described as follows:

Beginning at an iron pin marking the northwest corner of Lot No. 396; thence with the northerly line of said Lot N 80 deg. 00 min. E a distance of 247.50 ft. to an iron pin marking the northeast corner of said Lot; thence with the easterly line of said Lot S 10 deg. 00 min. E a distance of 76.36 ft. to an iron pin, said pin bearing N 10 deg. 00 min. W a distance of 8.14 ft. from the southeast corner of said Lot No 396; thence with the line of land now or formerly owned by Robert W. Head S 80 deg. 00 min. W a distance of 247.50 ft. to an iron pin in the westerly line of said Lot No. 396, said iron pin bearing N 10 deg. 00 min. W a distance of 8.14 ft. from the southwest corner of said Lot; thence with the westerly line of said Lot No. 396 N 10 deg. 00 min. W a distance of 76.36 ft. to the point of beginning, Containing 0.433 acres of land.

The above description is the same lands as owned by Claude H. Clawson and Catherine Clawson and recorded in Vol. 301 Page 901, Highland County Record of Deeds.

Land surveyed May, 1977 by Michael L. McCarty, Registered Surveyor

No. 6315.

The conveyance described in this division shall include any buildings erected on the real estate and the contents of those buildings.

(B) Consideration for conveyance of the real estate described in division (A) of this section is the mutual benefit accruing to the state, to the City of Greenfield, and to the Paint Valley Alcohol, Drug Addiction and Mental Health Board and the counties served by that board, by having the Board be responsible for maintaining the facility and for operating the facility as a children's residential program.

(C) The Paint Valley Alcohol, Drug Addiction and Mental Health Board shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(D) The conveyance described in division (A) of this section is subject to the condition that the Paint Valley Alcohol, Drug Addiction and Mental Health Board and its successors, assigns, and lessees shall use the real estate for the provision of mental health services. If the property ceases to be used for the provision of mental health services, the state may reenter upon its former estate. It shall not be a violation of the condition specified in this section if the Paint Valley Alcohol, Drug Addiction and Mental Health Board leases all or part of the real estate to another agency or agencies for the provision of mental health services.

(E) Within one year following the effective date of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration specified in division (B) of this section and the condition and right of reentry specified in division (D) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Paint Valley Alcohol, Drug Addiction and Mental Health Board. The Paint Valley Alcohol, Drug Addiction and Mental Health Board shall present the deed for recording in the Office of the Highland County Recorder.

(F) This section expires one year after its effective date.

SECTION 79. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Summit County Alcohol, Drug Addiction and Mental Health Services Board and its successors and assigns all of the state's right, title, and interest in real estate known as the Edgerton House, located in Summit County, and further described as follows:

Situate in the State of Ohio, Summit County and City of Akron, also being those lands conveyed to the State of Ohio by Deed of Record in Deed Book 5864, Page 820, Recorder's Office, Summit County, Ohio, and being more particularly described as follows:

Being all of Lots 21, 22, 23, and 26 and the east 33 feet of Lot 37 in the Wright Re-allotment of Ely Lots 81 and 82 in Tract 5 of Portage Township, now in the City of Akron, said Re-allotment being recorded in Plat Book 9, Page 2, Recorder's Office, Summit County, Ohio and further known as 117 Edgerton Avenue, Akron, Ohio.

The conveyance described in this division shall include any buildings erected on the real estate and the contents of those buildings.

(B) Consideration for conveyance of the real estate described in division (A) of this section is the mutual benefit accruing to the state, to the City of Akron, and to the Summit County Alcohol, Drug Addiction and Mental Health Services Board, by having the Board be responsible for maintaining the property and operating the property as a residential mental health facility.

(C) The Summit County Alcohol, Drug Addiction and Mental Health Services Board shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(D) The conveyance of the real estate described in division (A) of this section is subject to the condition that the Summit County Alcohol, Drug Addiction and Mental Health Services Board and its successors, assigns, and lessees shall use the real estate and furnishings for the provision of mental health services. If the real estate ceases to be used for the provision of mental health services, the state may reenter upon its former estate. It shall not be a violation of the condition specified in this division if the Summit County Alcohol, Drug Addiction and Mental Health Services board leases all or part of the real estate to another agency or agencies for the provision of mental health services.

(E) Within one year following the effective date of this section, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration specified in division (B) of this section and the condition and the right of reentry specified in division (D) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Summit County Alcohol, Drug Addiction and Mental Health Services Board. The Summit County Alcohol, Drug Addiction and

Mental Health Services Board shall present the deed for recording in the Office of the Summit County Recorder.

(F) This section expires one year after its effective date.

SECTION 80. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Trust for Public Land, which is working with its public collaboratives consisting of the Cleveland Metroparks, the National Park Service, and Sagamore Hills Township, all of the state's right, title, and interest in the following described real estate:

Parcel One

Situated in the State of Ohio, County of Cuyahoga, Village of Walton Hills, being part of original Bedford Township Lot 92 further bounded and described as follows: Beginning at a 3/4" iron bar found at the southwest corner of said lot on the centerline of Sagamore Road (60' R/W). Said iron bar being the True Place of Beginning for the parcel intended to be described herein; thence, N 00°57'31" W, leaving said centerline along the west line of lot 92, 1033.02 feet to a 5/8" capped rebar set; thence, leaving the west line of said lot along the southerly line of land described in deed to the Board of Commissioner of the Cleveland Metropolitan Park District recorded in Volume 6080, Page 618 of Cuyahoga County Records, the following courses and distances; N 89°46'59" E, 200.13 feet to a 1/2" iron pin found; thence, N 81°50'36" E, 283.45 feet to a 1/2" iron pin found; thence, N 37°48'12" E, 655.25 feet to a 1/2" iron pin found; thence, S 77°51'42" E, 556.56 feet to a 5/8" capped rebar on the west line of the former Lake Erie & Pennsylvania Railroad presently owned by the Cleveland Electric Illuminating Company; thence, S 11°09'15" W, along the westerly line of said Railroad lands, 600.80 feet to a 5/8" capped rebar set; thence, S 78°50'45" E, continuing along said westerly line, 10.00 feet to a 5/8" capped rebar set; thence, S 11°09'15" W, along said westerly line, 900.15 feet to the centerline of Sagamore Road and the south line of said Township; thence, S 89°59'57" W, along the said centerline and Township line, 1128.63 feet to the True Place of Beginning and containing 38.053 acres of land but subject to all legal highways, easements and restrictions, if any, as surveyed by Robert J. Warner, P.S., Number 6931 for Environmental Design Group, Inc. in August 1996. The Basis of Bearings for the above described parcel is grid north of the Ohio State Plane Coordinate System, North Zone (NAD 83).

Deed reference: Volume 3771, page 392

Parcel Two

Situated in the State of Ohio, County of Cuyahoga, Village of Walton

Hills, being part of Original Bedford Township Lot 92; beginning at an iron pin in a monument box found at the southeast corner of said lot on the centerline of Sagamore Road (60' R/W), and the south line of said County and being the True Point of Beginning for the parcel intended to be described herein; thence, S 89°59'20" W, along said centerline and Township line, 1403.95 feet to the easterly line of the former Lake Erie & Pennsylvania Railroad presently owned by Cleveland Electric Illuminating Company; thence, along the east line of said Railroad lands, the following courses and distances: N 11°09'15" E, 880.41 feet to a 5/8" capped rebar set; thence, S 78°50'45" E, 10.00 feet to a 5/8" capped rebar set; thence, N 11°09'15" E, 988.31 feet to a 5/8" capped rebar set; thence, leaving the easterly line of said Railroad lands, along the southerly line of land described in Deed to the United State of America recorded in Volume 14697, Page 99 of Cuyahoga County Records, following courses and distances: S 85°38'29" E, 409.48 feet to a stone found; thence, N 47°33'35" E, 140.54 feet to a 1/2" iron pin found; thence, N 01°16'29" W, 114.82 feet to a 1/2" iron pin found; thence, N 85°18'19" E, 205.11 feet to a stone found; thence, N 43°57'28" E, passing through a 1/2" iron pin found at 390.46 feet, a total distance of 391.06 feet to the east line of Lot 92; thence, S 01°10'27" E, along the east line of Lot 92, 2308.51 feet to the True Place of Beginning and containing 53.328 acres of land but subject to all legal highways, easements and restrictions, if any, as surveyed by Robert J. Warner, P.S., Number 6931 for Environmental Design Group, Inc. in August 1996. The Basis of Bearings for the above described parcel is grid north of the Ohio State Plane Coordinate System, North Zone (NAD 83).

Deed reference: Volume 6647, page 192

Parcel Six

Situated in the State of Ohio, County of Summit, Township of Sagamore Hills, being part of original Northfield Township Lots 81, 82, 90, and 91, further bonded and described as follows: commencing for reference at an iron pin in a monument box found in the centerline intersection of Dunham Road (CH150 50' R/W) with the centerline of Sagamore Road (C.H. 1 60' R/W); thence, S 89°59'03" W, along the north line of said Township and the centerline of Sagamore Road, 969.08 feet to an iron pin in a monument box found; thence, S 89°59'20" W, along the centerline of Sagamore Road and the north line of said Township, 1454.91 feet to an iron pin in a monument box found at the intersection of the centerline of the former Lake Erie & Pennsylvania Railroad, presently owned by Cleveland Electric Illuminating Company; thence, S 89°59'57" W, continuing along the said centerline of said road and said Township line, 1179.59 feet to a

3/4" iron bar found; thence, N 89°40'02" W, continuing along said centerline and said Township line, 1085.13 feet to a 5/8" capped rebar set at the True Place of Beginning for the parcel being described herein; thence, S 00°00'19" E, leaving said centerline and Township line, passing through a 5/8" capped rebar set at 30.00 feet, a total distance of 1614.76 feet to a 5/8" capped rebar set; thence, S 88°36'10" E, 1290.24 feet to a 5/8" capped rebar set; thence, N 00°50'33" E, 340.04 feet to a 5/8" capped rebar set; thence, N 87°39'04" E, 642.68 feet to a 5/8" capped rebar set in the westerly line of the former railroad lands as aforesaid; thence, southerly along said railroad lands the following courses and distances: southwesterly, 1613.04 feet, along an arc of a curve deflecting to the left, having a radius of 5804.69 feet, a central angle of 15°55'18" and a chord which bears S 03°11'36" W, 1607.85 feet; N 85°13'57" E, 25.00 feet; southeasterly 178.55 feet along the arc of a curve deflecting to the left, having a radius of 5779.69 feet, a central angle of 1°46'12" and a chord which bears S 05°39'09" E, 178.54 feet; S 06°32'15" E, 633.18 feet; S 83°27'45" W, 10.00 feet; S 06°32'15" E, 417.22 feet to the centerline of Valley View Road (100' R/W) and passing over a 5/8" capped rebar set at 50.00 feet from centerline; thence along the centerline of Valley View Road the following courses and distances: S 79°03'52" W, 739.48 feet; southwesterly, 965.98 feet along the arc of a curve deflecting to the right, having a radius of 2864.79 feet, a central angle of 19°19'10" and a chord which bears S 88°43'27" W, 961.41 feet; N 81°36'58" W, 149.58 feet to an iron pin in a monument box found in the intersection of the centerline of Chaffee Road (50' R/W) the west line of Lot 82; thence, N 00°47'05" W, leaving the centerline of Valley View Road along the west line of Lot 82 1617.12 feet to the center of a 8" diameter wooden fence post at the northwest corner of Lot 82; thence, S 89°16'06" W, leaving the west line of said lot, along the south line of Lot 91, passing through a 1 1/2 crimp top pipe found at 1992.90 feet, a total distance of 2048.53 feet to a railroad spike set in the centerline of Valley View Road; thence, along said centerline of following courses and distances: N 22°59'30" W, 50.90 feet to a monument found at a point curvature; northwesterly, 489.43 feet along the arc of a curve deflecting to the left and having a radius of 1432.39 feet, a central angle of 19°34'39" and a chord which bears N 32°46'50" W, 487.06 feet to a monument found at a point of tangency; N 42°34'09" W, 321.76 feet to a monument found at a point of curvature; northwesterly, 404.07 feet along the arc of a curve deflecting to the right, having a radius of 3819.72, a central angle of 06°03'40" and a chord which bears N 39°32'19" W, 403.88 feet to a monument found at a point of tangency; N 36°30'29" W, 924.10 feet to a monument found at a

point of curvature; northwesterly 294.89 feet along the arc of a curve deflecting to the right, having a radius of 3819.72 feet, a central angle of 4°25'24" and a chord which bears N 34°17'47" W, 294.82 feet to a railroad spike set at the southerly corner of land described in deed to the Cleveland Metropolitan Park District by Deed Volume 2251, Page 479 of Summit County Records of Deeds; thence, along the southerly and easterly lines of said park lands the following courses and distances: N 57°58'01" E, 70.80 feet to a 5/8" capped rebar found at a point of curvature; northeasterly, 71.21 feet along the arc of a curve deflecting to the left, having a radius of 75.00 feet, a central angle of 54°24'02" and a chord which bears N 30°46'00" E, 68.57 feet to a 5/8" capped rebar set at a point of tangency; N 03°33'59" E, 272.19 feet to a 5/8" capped rebar set; northeasterly, 100.96 feet along the arc of a curve deflecting to the right, having a radius of 400.00 feet, a central angle of 14°27'41" and a chord which bears N 10°47'47" E, 100.69 feet to a 5/8" capped rebar set at a point of tangency; N 18°01'40" E, 111.22 feet to a 5/8" capped rebar set at a point of curvature; northeasterly, 189.34 feet along the arc of a curve deflecting to the right, having a radius of 150.00 feet, a central angle of 72°19'01" and a chord which bears 54°11'11" E, 177.01 feet to the north long of said township and the centerline of Sagamore Road; thence, S 89°39'19" E, along the north line of said Township, 1214.91 feet to a point; thence, S 89°53'49" E, continuing on the north line of said Township 1301.49 feet to a point; thence, S 89°40'02" E, along the north line of said Township, 555.03 feet to True Place of Beginning and containing 282.505 acres of land but subject to all legal highways, easements and restrictions, if any, as surveyed by Robert J. Warner, P.S., Number 6931 for Environmental Design Group, Inc. in August of 1996. The Basis of Bearings for the above described parcel is grid north of the Ohio State Plane Coordinate System, North Zone.

Deed references:	Volume 86, page 307
	Volume 1085, page 520
	Volume 1116, page 297
	Volume 1838, page 1
	Volume 1935, page 530
	Volume 3678, page 152

(B) Consideration for conveyance of the real estate described in division (A) of this section is the purchase price of \$1,600,000.

(C) The Trust for Public Land shall pay the costs of the conveyance of the real estate described in division (A) of this section. Proceeds from the sale shall be deposited in the Department of Mental Health Trust Fund in accordance with section 5119.18 of the Revised Code.

(D) Within thirty days after the effective date of this section, the Trust for Public Land shall have both the financing plan and the time frame for closing of property approved by the Department of Mental Health. If the Trust for Public Land fails to comply with this requirement within such thirty days, or within an extended time frame agreed to by the state, by and through the Department of Mental Health, the state may immediately terminate its obligation to proceed with the conveyance of the real estate described in division (A) of this section.

(E) Within one year after the effective date of this section, and upon payment of the purchase price by the Trust for Public Land, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state consideration specified in division (B) of this section and the costs associated with division (C) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Trust for Public Land. The Trust for Public Land shall present the deed for recording in the Office of the Cuyahoga County Recorder and the Office of the Summit County Recorder.

(F) This section expires one year after its effective date.

#### SECTION 81.

##### Development of the Site of the Old State School for the Blind

Notwithstanding any other provision of law, the Department of Administrative Services is hereby authorized to enter into a lease for a period not to exceed ninety-nine years, with the City of Columbus for a consideration of one dollar and other valuable consideration, or with a developer, in accordance with this section, for the following described real estate:

Being all of those lands conveyed to the State of Ohio by Deeds of Record in the Franklin County Recorder's Office, also being a part of Half Section 24, Township 5, Range 22, Refugee Lands and bounded as follows:

On the West by the East Right-of-Way line of Parsons Avenue, on the North by the South line of a Bryden Alley, a part of George M. Parsons Subdivision of record in Plat Book 3, page 316, Recorder's Office, Franklin County, Ohio, on the East by the West Right-of-Way line of Allen Avenue and on the South by the North Right-of-Way line of East Main Street and containing 11.1 Acres, more or less, subject, however to any existing easements and rights-of-way.

"Developer," as used in this section, has the same meaning as in section 123.77 of the Revised Code. The Department of Administrative Services may solicit redevelopment proposals from developers to develop the site in the event that the City of Columbus elects not to develop the property. A selection shall be made on the basis of the proposal that serves the best interest of the state as determined by the Department of Administrative Services.

Such a lease shall be for the purpose of the redevelopment of the land and buildings. The City of Columbus or a developer desiring to lease the land shall prepare for submission to the Department a plan for redevelopment which retains, where feasible, the existing characteristics of the site. Plans shall include provisions for roads, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the redevelopment, and shall set forth details of the City of Columbus' or the developer's financial responsibility.

The Department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following:

- (A) The best interests of the state will be promoted by entering into a lease;
- (B) The development plans are satisfactory;
- (C) The City of Columbus or the developer has established its financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and necessary facilities shall proceed according to a schedule agreed to between the department and the City of Columbus or the developer; otherwise the lease shall be terminated. The lease shall contain such conditions and stipulations as the Director considers necessary to preserve the best interest of the state. The lease may contain a provision authorizing a lease purchase option for the fair market value of the real estate described above. Moneys received by the state pursuant to this lease or sale shall be paid in to the General Revenue Fund. In the event of redevelopment by the City of Columbus, the lease shall provide that, at the end of the 99-year lease period, the land, buildings, structures, and related improvements shall become the property of the City of Columbus without cost. At any time during the term of the lease, the City of Columbus, at its

option, may purchase the property from the state at fair market value less the value of improvements funded by the city and as determined by two independent appraisals. In the event of redevelopment by a developer established pursuant to Chapter 1724. of the Revised Code, the lease shall provide that at the end of the lease period the buildings, structures, and related improvements shall become the property of the state without cost.

**SECTION 82.**

**Support for the AVLIS Production Facility**

The General Assembly hereby expresses its support of the efforts of the Department of Development to attract to Ohio an atomic vapor laser isotope separation (AVLIS) production facility to be located at the Portsmouth Gaseous Diffusion Plant in Piketon. It is the intent of the General Assembly, in support of the creation and retention of jobs at the Piketon facility, the conversion to civilian purposes of facilities previously dedicated to defense production purposes, and the general economic development of the Southern region of Ohio, to provide resources consistent with the department's proposal for infrastructure and job training support should the department be successful in attracting the facility to Ohio.

**SECTION 83. (A)** The employees of the Department of Mental Health who are employed at the Central Laboratory of the Office of Support Services shall be transferred on the effective date of this section to the employment of the Department of Rehabilitation and Correction. With regard to the transfer, the Department of Rehabilitation and Correction and the Department of Mental Health shall enter into agreement with respect to the delivery of laboratory services and the classification of the positions of employees who are transferred to the Department of Rehabilitation and Correction.

If the Department of Rehabilitation and Correction classifies a position of an employee transferred from the Department of Mental Health in the same or a similar classification as that given to that position by the Department of Mental Health, the employee holding that position shall be transferred to that classification in the Department of Rehabilitation and Correction. If an employee transferred to the Department of Rehabilitation and Correction cannot be transferred to a position in such a same or similar classification, the employee shall be transferred to a position in an appropriate classification in the Department, as certified by the Director of Administrative Services. All employees transferred shall suffer no harm and

retain their respective civil service classification and status together with all rights they may have under Chapter 124. or 4117. of the Revised Code, including rights, benefits, and privileges provided by collective bargaining agreements negotiated pursuant to Chapter 4117. of the Revised Code. Notwithstanding section 124.13 of the Revised Code, those employees shall retain all vacation leave and other benefits they earned as employees of the Department of Mental Health.

(B) Equipment, inventory, and supplies belonging to the Central Laboratory of the Office of Support Services of the Department of Mental Health that are needed for use in the Department of Rehabilitation and Correction laboratory shall be transferred on the effective date of this section along with the laboratory services and employees described in division (A) of this section.

**SECTION 84.** That Sections 20, 29, 40, and 112 of Am. Sub. H.B. 215 of the 122nd General Assembly be amended to read as follows:

" Sec. 20. **DAS DEPARTMENT OF ADMINISTRATIVE SERVICES**  
**General Revenue Fund**

GRF 100-402	Unemployment Compensation	\$ 142,825	\$ 137,747
GRF 100-405	Agency Audit Expenses	\$ 819,538	\$ 434,408
GRF 100-406	County Personnel Services	\$ 1,226,010	\$ 1,308,378
GRF 100-408	Buy Ohio Promotions	\$ 23,765	\$ 24,359
GRF 100-409	Departmental Information Services	\$ 1,291,573	\$ 1,321,103
GRF 100-412	Information Center	\$ 1,067,449	\$ 1,095,203
GRF 100-414	Ohio Geographically Referenced Information Program	\$ 616,902	\$ 631,383
GRF 100-416	Strategic Technology	\$ 4,864,784	\$ 4,931,830
GRF 100-417	MARCS	\$ 3,374,984	\$ 4,125,310
GRF 100-419	SOMACS	\$ 4,807,130	\$ 4,927,123
GRF 100-420	Suggestion Awards	\$ 168,634	\$ 170,975
GRF 100-429	Agency Business Support Services	\$ 1,388,806	\$ 1,385,439
GRF 100-430	Year 2000 Assistance	\$ 8,013,493	\$ 5,261,984
GRF 100-431	Set Aside Review Board	\$ 87,181	\$ 79,620
GRF 100-433	State of Ohio Computer Center	\$ 4,937,702	\$ 5,087,138
GRF 100-435	State Government Energy Program	\$ 429,256	\$ 437,832
<u>GRF 100-438</u>	<u>ODOT Building Payments</u>	<u>\$ 0</u>	<u>\$ 1,000,000</u>
GRF 100-447	OBA - Building Rent Payments	\$ 71,764,000	\$ 80,914,000
GRF 100-448	OBA - Building Operating Payments	\$ 25,498,000	\$ 25,498,000
GRF 100-449	DAS - Building Operating Payments	\$ 4,035,679	\$ 4,054,301

GRF 100-451	Minority Affairs	\$ 124,827	\$ 125,953
GRF 100-734	Major Maintenance	\$ 100,000	\$ 100,000
GRF 102-321	EOC Compliance	\$ 1,494,373	\$ 1,355,596
GRF 130-321	Bureau of Real Estate	\$ 2,254,317	\$ 2,315,294
TOTAL GRF General Revenue Fund		\$ 138,531,228	\$ 145,722,976
<b>General Services Fund Group</b>			
112 100-616	Director's Office	\$ 4,572,437	\$ 4,687,063
115 100-632	Central Service Agency	\$ 409,735	\$ 412,518
117 100-644	General Services Administration	\$ 5,551,419	\$ 5,937,495
122 100-637	Fleet Management	\$ 1,394,647	\$ 1,432,988
125 100-622	Personnel Services	\$ 16,222,008	\$ 16,723,131
127 100-627	Vehicle Liability Insurance	\$ 3,924,959	\$ 4,034,239
128 100-620	Collective Bargaining	\$ 3,652,897	\$ 3,675,550
130 100-606	State Insurance Pool	\$ 99,983	\$ 102,658
131 100-639	State Architect's Office	\$ 5,989,051	\$ 6,058,112
132 100-631	Facilities Management	\$ 7,761,319	\$ 7,932,202
188 100-649	State EOC	\$ 2,219,080	\$ 2,051,620
201 100-653	General Services Resale Merchandise	\$ 1,891,357	\$ 1,944,315
210 100-612	State Printing	\$ 5,688,995	\$ 5,831,735
4H2 100-604	Governor's Residence Gift	\$ 20,560	\$ 21,136
427 100-602	Investment Recovery	\$ 3,110,486	\$ 3,197,752
4P3 100-603	Departmental MIS Services	\$ 5,633,414	\$ 6,118,350
5C2 100-605	MARCS Administration	\$ 0	\$ 2,988,056
5C3 100-608	Skilled Trades	\$ 2,112,280	\$ 2,164,039
5D7 100-621	Workforce Development	\$ 4,000,000	\$ 8,000,000
TOTAL GSF General Services Fund Group		\$ 74,254,627	\$ 83,312,959
<b>Intragovernmental Service Fund Group</b>			
123 100-613	Telecommunications	\$ 35,623,686	\$ 36,609,209
133 100-607	Computer Services	\$ 44,107,222	\$ 45,958,060
4N6 100-617	Equipment Purchases	\$ 5,988,546	\$ 18,588,924
TOTAL ISF Intragovernmental Service Fund Group		\$ 85,719,454	\$ 101,156,193
<b>Agency Fund Group</b>			
113 100-628	Unemployment Compensation	\$ 4,525,227	\$ 4,651,933
124 100-629	Payroll Withholding	\$ 1,650,000,000	\$ 1,700,000,000
TOTAL AGY Agency Fund Group		\$ 1,654,525,227	\$ 1,704,651,933
<b>Holding Account Redistribution Fund Group</b>			
R08 100-646	General Services Refunds	\$ 16,000	\$ 17,000
TOTAL 090 Holding Account			
Redistribution Fund Group		\$ 16,000	\$ 17,000
TOTAL ALL BUDGET FUND GROUPS		\$ 1,953,046,536	\$ 2,034,861,061
<b><u>ODOT Building Payments</u></b>			

partment of Transportation using an intrastate transfer voucher. The Director of Transportation shall deposit the cash into the Highway Operating Fund (Fund 002).

**Sec. 29. AFC OHIO ARTS AND SPORTS FACILITIES COMMISSION**

**General Revenue Fund**

GRF 371-321	Operating Expenses	\$ 727,906	\$ 837,906
GRF 371-401	Lease Rental Payments	\$ 15,903,000	\$ 24,775,000
TOTAL GRF General Revenue Fund		\$ 16,630,906	\$ 25,612,906

**General Services Fund Group**

4T8 371-601	Administration Fund	\$ 20,560	\$ 21,136
5A1 371-602	Capital Donations	\$ 1,000,000	\$ 4,000,000
			<u>-0-</u>

TOTAL GSF General Services Fund Group	\$ 1,020,560	\$ 1,021,136
TOTAL ALL BUDGET FUND GROUPS	\$ 17,651,466	\$ 26,634,042
		<u>25,634,042</u>

**Capital Donations Fund**

The Executive Director of the Arts and Sports Facilities Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank or private nonprofit entity, or certification of the availability of funds which have been received from a county or city auditor for deposit to the Capital Donations Fund. These amounts are hereby appropriated to ~~line appropriation~~ item 371-602, Capital Donations. Prior to certifying these amounts to the director, the executive director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

**Ohio Building Authority Lease Payments**

Appropriations to the Arts and Sports Facilities Commission from the General Revenue Fund include \$40,678,000 for the biennium for appropriation item 371-401, Lease Rental Payments. This appropriation shall be used for payments to the Ohio Building Authority for the period July 1, 1997 to June 30, 1999, pursuant to the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code which are the source of funds pledged for bond service charges on related obligations issued pursuant to Chapter 152. of the Revised Code.

**Sec. 40. CEB CONTROLLING BOARD**

**General Revenue Fund**

GRF 911-401	Emergency Purposes/Contingencies	\$ 6,000,000	\$ 6,000,000
GRF 911-402	Employee Compensation Adjustment	\$ 31,700,000	\$ 62,300,000
GRF 911-403	School District Financial	\$ 250,000	\$ 250,000

	Planning			
GRF 911-404	Mandate Assistance	\$ 2,800,000	\$ 2,800,000	
GRF 911-423	Army National Guard	\$ 800,000	\$ 0	
GRF 911-430	Emergency 9-1-1 Training	\$ 250,000	\$ 250,000	
GRF 911-433	AFIT	\$ 500,000	\$ 3,500,000	
GRF 911-436	Rural Fire Departments	\$ 250,000	\$ 250,000	
GRF 911-440	Airport Improvements	\$ 2,000,000	\$ 2,000,000	
TOTAL GRF General Revenue Fund		\$ 44,550,000	\$ 77,350,000	
<b>State Special Revenue Fund Group</b>				
5E2 911-601	Disaster Services	\$ 37,164,000	\$ 0	<u>31,868,347</u>
TOTAL SSR State Special Revenue Fund Group		\$ 37,164,000	\$ 0	<u>31,868,347</u>
TOTAL ALL BUDGET FUND GROUPS		\$ 81,714,000	\$ 77,350,000	<u>109,218,347</u>

#### Federal Share

In transferring appropriations to or from appropriation line items which have federal shares identified in this act Am. Sub. H.B. 215 of the 122nd General Assembly, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act H.B. 215. Such changes are hereby appropriated.

#### Disaster Assistance

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to a Department of Public Safety General Revenue Fund line appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use such funding for disaster aid requests which meet Controlling Board criteria for assistance. The department shall submit a report to the Controlling Board quarterly describing all such disaster aid.

#### Southern Ohio Correctional Facility Cost

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

#### Disaster Services

The foregoing appropriation item 911-601, Disaster Services, which is hereby created in the state treasury, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund of the state for the payment of state agency program expenses related to the following:

- (1) The southern Ohio flooding, referred to as FEMA-DR-1164-OH, and, if:
  - (2) The flood/storm disaster referred to as FEMA-DR-1227-OH; and
  - (3) If the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of the southern Ohio flooding these two disasters, other disasters declared by the Governor.

The Director of Budget and Management shall transfer \$26,200,000 from the General Revenue Fund to Fund 5E2, Disaster Services Fund, of the Controlling Board.

#### Employee Compensation

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or a state agency with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the various state agencies, to assist in paying the costs of increases in employee compensation that occur on or after July 1, 1997, that are provided pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation provided for employees that are exempt from collective bargaining.

The Controlling Board may transfer appropriations from the foregoing appropriation item 911-402, Employee Compensation Adjustment, to the various agencies based on requests submitted by the Director of Budget and Management to assist in paying for the General Revenue Fund's share of employee compensation increases resulting from collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation that are provided to employees that are exempt from collective bargaining.

#### School District Financial Planning

The foregoing appropriation item 911-403, School District Financial Planning, shall be used to pay costs of implementing school district watch and fiscal emergency provisions of sections 3316.01 to 3316.08 of the Revised Code, including the expenses of the School District Financial Planning and Supervision Commission. Upon the request of any agency involved in implementing the school district watch or fiscal emergency

provisions, the Controlling Board may transfer all or part of the appropriation to the agency.

Mandate Assistance

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following four unfunded state mandates:

(1) The cost to county boards of elections for advertising state ballot issues;

(2) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;

(3) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear; and

(4) The cost to school districts of in-service training for child abuse detection.

(B) The State and Local Government Commission may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance, to the state agencies charged with administering the state financial assistance to be provided under this section. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that the commission may propose be used for each program of state financial assistance.

<u>Program</u>	<u>Administering Agency</u>	<u>Estimated Annual Amount</u>
Advertising Costs	Ohio Ballot Board	\$800,000
Prosecution Costs	Office of Criminal Justice Services	\$200,000
Firefighter Training Costs	Department of Commerce	\$1,000,000
Child Abuse Detection Training Costs	Department of Education	\$800,000

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the commission may propose to the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the commission, the Controlling Board may, if requested by the commission, transfer appropriations received by a state agency under this section back to

appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the four programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and will be based on: the relationship between the appropriation transfers requested by the commission and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the commission and the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) Advertising Costs

Appropriations may be transferred to the Ohio Ballot Board for use as full or partial reimbursement to county boards of elections for the cost of public notices associated with statewide ballot initiatives.

(2) Prosecution Costs

(a) Appropriations may be transferred to the Office of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services on or after July 1, 1995.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Office of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Office of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been appropriated, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to

make grant awards to all of the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder, second priority shall be given to cases involving a felony of the first degree, and third priority shall be given to cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(3) Firefighter Training Costs

Appropriations may be transferred to the Department of Commerce for use as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. In accordance with rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships.

(4) Child Abuse Detection Training Costs

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided.

Army National Guard

If the Director of Administrative Services sells a parcel of land to a village or municipal corporation pursuant to division (B)(1) of Section 2 of Am. Sub. H.B. 376 of the 121st General Assembly, or to a county pursuant to division (B)(2) of Section 2 of Am. Sub. H.B. 376 of the 121st General Assembly, the village, municipal corporation, or county, after making the offer to purchase the parcel, may request that the Office of Budget and Management approach the Controlling Board for release of up to 50 per cent of the sale price from the foregoing appropriation item 911-423, Army National Guard, to the political subdivision. The amount approved by the Controlling Board shall be transferred to the Office of Budget and Management's appropriation item 042-404, Armory Reimbursement, whereupon the Director of Budget and Management shall act as the fiscal agent for the payment. Any amounts so transferred are hereby appropriated.

Any amount not released in fiscal year 1998 shall be transferred to fiscal year 1999 and is hereby appropriated.

Notwithstanding division (D) of Section 2 of Am. Sub. H.B. 376 of the 121st General Assembly, if a village, municipal corporation, or county that receives a payment pursuant to this section sells the parcel within two years after purchasing it, the political subdivision shall pay to the state both of the following:

(A) An amount equal to the payment made pursuant to this section. Such payment shall be deposited to the credit of the General Revenue Fund.

(B) An amount equal to one-half of any net profits from the sale. Such payment shall be deposited to the credit of the Armory Improvements Fund created pursuant to section 5911.10 of the Revised Code.

Net profit shall be calculated by subtracting from the selling price of the parcel the original purchase price paid by the political subdivision and any expenditures by the political subdivision for the public improvements on the parcel.

Upon disposing of all parcels pursuant to Section 2 of Am. Sub. H.B. 376 of the 121st General Assembly, the Adjutant General may request release of any amount remaining in appropriation item 911-423, Army National Guard, to be used exclusively for the purpose of armory maintenance and repair.

#### Emergency 9-1-1 Training

Of the foregoing appropriation item 911-430, Emergency 9-1-1 Training, any unencumbered and unallotted fiscal year 1998 amounts shall be transferred by the Director of Budget and Management to appropriation item 911-430, Emergency 9-1-1 Training, in fiscal year 1999. Those amounts so transferred from fiscal year 1998 to fiscal year 1999 are hereby appropriated.

#### AFIT

Of the foregoing appropriation item 911-433, AFIT, no funds shall be released in fiscal year 1998 or fiscal year 1999 until the Board of Regents present to the Controlling Board a spending plan for AFIT, subsequent to the consortium of universities unanimously agreeing on such plan.

#### Rural Fire Departments

Upon the passage of legislation by the 122nd General Assembly, the Department of Commerce may apply for release of funds from the foregoing appropriation item 911-436, Rural Fire Departments.

#### Sec. 112. SLC OHIO STUDENT AID COMMISSION

##### State Special Revenue Fund Group

462 373-603	Operating Expenses	\$	2,586,603	\$	0
					<u>15,000</u>

TOTAL SSR State Special Revenue Fund Group	\$ 2,586,603	\$ 0
TOTAL ALL BUDGET FUND GROUPS	\$ 2,586,603	\$ 0

15,000

Commission Termination Authority

The foregoing appropriation item 373-603, Operating Expenses, shall be used by the Director of Budget and Management to satisfy any outstanding financial obligations of the Ohio Student Aid Commission. The appropriation item may also be used to incur any new obligations associated with the termination of the operations of the Student Aid Commission. ~~The After all obligations have been met, the Director shall transfer disburse any unobligated balance in the Operating Expenses Fund (Fund 462), remaining on no later than June 30, 1998 1999, to such entity as shall be designated by written directive of the federal agency responsible for administering the Federal Family Education Loan Program. Amounts necessary to complete make this transfer disbursement are hereby appropriated. The Director of Budget and Management shall take such actions as are necessary to complete the termination of the operations of the Ohio Student Aid Commission and may take steps to request of the General Assembly the repeal of the Commission's statutes and the rescissions of the Commission's rules."~~

SECTION 85. That existing sections 20, 29, 40, and 112 of Am. Sub. H.B. 215 of the 122nd General Assembly are hereby repealed.

SECTION 86. Section 40 of Am. Sub. H.B. 215 of the 122nd General Assembly as amended by this act is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the section as amended by this act goes into immediate effect when this act becomes law.

SECTION 87. That Section 50.06 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 182, Am. Sub. H.B. 650, and Am. Sub. H.B. 770 of the 122nd General Assembly, be amended to read as follows:

" Sec. 50.06. Base Cost Funding

Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$6,000,000 in each year of the biennium shall be expended by the State Board of Education for the extended service allowance which shall be the

teachers' salaries pursuant to the schedule contained in section 3317.13 of the Revised Code, plus fifteen per cent for retirement and sick leave; up to \$425,000 shall be expended in each year of the biennium for court payments pursuant to section 2151.357 of the Revised Code; up to \$150,000 in each year of the biennium shall be expended pursuant to section 3313.64 of the Revised Code; the Superintendent of Public Instruction shall expend in fiscal year 1998 the amount necessary for the purpose of making payments for the vocational education pupil recomputation pursuant to division (M) of section 3317.024 of the Revised Code and the provisions under the section headed "Vocational Education Pupil Recomputation" in Am. Sub. H.B. 215 of the 122nd General Assembly and the special education pupil recomputation pursuant to division (I) of section 3317.023 of the Revised Code; up to \$100,000 shall be expended in each year of the biennium for supplemental payments pursuant to the section headed "Supplemental Payment" of Am. Sub. H.B. 215 of the 122nd General Assembly; an amount shall be available each year of the biennium for the cost of the reappraisal guarantee pursuant to section 3317.04 of the Revised Code; up to \$9,000,000 in each year of the biennium shall be reserved for payments pursuant to sections 3317.026, 3317.027, and 3317.028 of the Revised Code except that the Controlling Board may increase the \$9,000,000 amount if presented with such a request from the Department of Education. Of the foregoing appropriation line item 200-501, Base Cost Funding, up to \$13,861,282 shall be used in fiscal year 1999 to provide additional state aid to school districts for students in category three special education ADM pursuant to division (C)(4) of section 3317.022 of the Revised Code; up to \$2,000,000 in each year of the biennium shall be reserved for Youth Services tuition payments pursuant to section 3317.024 of the Revised Code; up to \$1,300,000 in fiscal year 1998 and \$1,300,000 in fiscal year 1999 for small district aid; for districts with an ADM of less than 100, in addition to other funds, an amount shall be paid equal to the amount above the actual fiscal year 1996 and 1997 amounts for basic aid, including any guarantee aid the district would have received in fiscal years 1996 and 1997 had the amendments to divisions (D) and (E) of section 3317.0212 of the Revised Code, as amended in Am. Sub. H.B. 215 of the 122nd General Assembly, been in effect; up to \$500,000 in each fiscal year shall be used to make payments to school districts that lose enrollment due to the implementation of the community schools program pursuant to Am. Sub. H.B. 215 of the 122nd General Assembly; \$500,000 shall be transferred each year by the Director of Budget and Management to appropriation item 200-422, School Management Assistance, to help the Department of

on administer, monitor, and implement the fiscal emergency and fiscal watch provisions under Chapter 3316. of the Revised Code; up to \$45,330,000 in fiscal year 1998 and up to \$47,795,600 in fiscal year 1999 shall be reserved to fund the state reimbursement of educational service centers pursuant to section 3317.11 of the Revised Code; and up to \$1,260,000 in fiscal year 1998 shall be used by the Superintendent of Public Instruction to make incentive payments in any amounts the superintendent deems necessary to joint educational service centers established pursuant to section 3311.053 of the Revised Code. These supplemental payments may be made in fiscal year 1998 to defray the direct or indirect expenses of dissolving participating educational service centers. Each joint educational service center seeking a supplemental payment in fiscal year 1998 shall submit to the Superintendent of Public Instruction any documents and information that the Superintendent may require no later than December 31, 1997. Up to \$2,200,000 in fiscal year 1999 may be used by the Department of Education to provide grants to community schools for the special education costs exceeding the special education funding amounts received by community schools pursuant to section 3314.08 Of the Revised Code and Section 50.52.10 of Am. Sub. H.B. 215 of the 122nd General Assembly. The department shall review and evaluate requests for grants based on the handicapped condition of the students served by community schools and the reasonableness of the requests in light of other sources of revenue available to community schools. Based on the results of its evaluations, the department may fully or partially approve the funding requests.

Notwithstanding any contrary provision of section 3313.843 or 3317.11 of the Revised Code as amended by Amended Substitute House Bill No. 650 of the 122nd General Assembly, students receiving special education programs or related services in fiscal year 1998 through a state-funded special education classroom unit or a state-funded special education related services unit operated by an educational service center shall receive that program or those services from that educational service center in fiscal year 1999 through a contract entered into between the educational service center and the students' school district of enrollment unless the service center and district mutually agree that it is in the best interests of students to provide the program or services in a different manner. The contract for fiscal year 1999 shall provide for payment to the service center by the students' school district of enrollment for the program or services provided by the service center. If the service center and school district fail to agree on a payment amount for the students, they shall notify the department of education and the department shall determine the amount to be paid. If the service center

and the district disagree that it is in the best interests of students to have the students receive the program or services in fiscal year 1999 from the service center, the district or service center shall notify the department of education and, prior to March 31, 1998, the department shall determine what manner of program or services in fiscal year 1999 is in the best interests of the students.

Of the foregoing appropriation item 200-501, Base Cost Funding, up to \$1,000,000 in each fiscal year shall be used by the Department of Education for a pilot program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section titled "Private Treatment Facility Pilot Project."

The remaining portion of this appropriation item shall be expended for base cost funding for the public schools of city, local, and exempted village school districts pursuant to divisions (A) and (C) of section 3317.022 of the Revised Code. Any amounts which were encumbered in fiscal year 1997 by the Department of Education from appropriation item 200-501, School Foundation Basic Allowance, for any of the uses described in Section 45.05 of Am. Sub. H.B. 117 of the 121st General Assembly, but which, on the effective date of this amendment of this section, remain unexpended, may be used by the Department of Education to make payments for the purposes of sections 3317.027 and 3317.028 of the Revised Code in excess of the amounts specified in Section 45.05 of Am. Sub. H.B. 117 of the 121st General Assembly, for fiscal year 1997 obligations pursuant to sections 3317.027 and 3317.028 of the Revised Code."

**SECTION 88.** That existing Section 50.06 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 182, Am. Sub. H.B. 650, and Am. Sub. H.B. 770 of the 122nd General Assembly, is hereby repealed.

**SECTION 89.** That Section 50.08 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 650 of the 122nd General Assembly, be amended to read as follows:

" Sec. 50.08. Pupil Transportation

Of the foregoing appropriation item 200-502, Pupil Transportation, up to \$680,000 may be used by the Department of Education each year for training prospective and experienced school bus drivers in accordance with training programs prescribed by the department; up to \$63,500 of the item

shall be used each fiscal year for school bus rider safety programs pursuant to sections 3327.16 and 5126.061 of the Revised Code; up to \$90,000 in fiscal year 1999 shall be used by the Lucas County Educational Service Center to fund a pupil transportation pilot project pursuant to Section 19 of Am. Sub. H.B. 650 of the 122nd General Assembly; and up to \$25,725,000 in fiscal year 1998 and \$27,010,000 in fiscal year 1999 shall be used for handicapped transportation; and the remainder shall be used for the state reimbursement of public school districts' costs in transporting pupils to and from the school to which they attend in accordance with the district's policy, State Board of Education standards, and the Revised Code.

Bus Purchase Allowance

The foregoing appropriation item 200-503, Bus Purchase Allowance, shall be distributed to school districts and educational service centers pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 25 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport handicapped and nonpublic school students.

School Lunch

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program."

SECTION 90. That existing Section 50.08 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 650 of the 122nd General Assembly, is hereby repealed.

SECTION 91. Up to \$2,200,000 in fiscal year 1999 may be used by the Department of Education to provide grants to community schools for the special education costs exceeding the special education funding amounts received by community schools pursuant to section 3314.08 of the Revised Code and Section 50.52.10 of Am. Sub. H.B. 215 of the 122nd General Assembly. The department shall review and evaluate the requests based on the handicapped condition of the students served by community schools and the reasonableness of the requests in light of other sources of revenue available to community schools. Based on the results of the evaluations, the department may fully or partially approve the funding requests.

SECTION 92. That Section 190 of Am. Sub. H.B. 215 of the 122nd

eneral Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly, be amended to read as follows:

" Sec. 190. Ohio Departments Building

(A) As used in this section:

(1) "Repair and renovate" and "repair and renovation" include, but are not limited to, planning, programming, design, constructions, furnishing, and equipping of the Ohio Departments Building:.

(2) "Appropriation" means ~~appropriation items CAP 815 and CAP 849 in Section 28 of Am. H.B. 748 of the 121st General Assembly, appropriation items CIR 825, CIR 815, and CIR 831 in Seetion 15.02 of Am. Sub. S.B. 264 of the 121st General Assembly, and any subsequent appropriations made to or for the benefit of the Supreme Court for the repair and renovation of the Ohio Departments Building.~~

(B) The appropriation shall be used by or at the direction of the Supreme Court of Ohio for the repair and renovation of the Ohio Departments Building as follows:

(1) A portion shall be used by the Department of Administrative Services for the repair and renovation of the exterior, roof, and grounds of the Ohio Departments Building:.

(2) The remaining portion shall be used ~~after January 1, 1998~~ by the Ohio Building Authority for other expenses associated with the repair and renovation of the Ohio Departments Building, including, but not limited to, the interior and grounds of the Building.

(C) The To use that portion of the appropriation made to the Department of Administrative Services, the Ohio Building Authority, with the prior approval of the Supreme Court, shall submit a plan and cost estimate of repair and renovation set forth in division (B)(2) of this section to the Department of Administrative Services. Based upon the plan, the Director of Administrative Services shall request the Director of Budget and Management to release from the appropriation the estimated amount. The Director of Budget and Management may release the appropriation and, upon that release, the Director of Administrative Services shall transfer the amount released to the Ohio Building Authority, which shall use the moneys, and any investment earnings on the moneys and other available receipts as defined in section 152.09 of the Revised Code, to pay the costs of the repair and renovation.

To use that portion of the appropriation made to the Judiciary/Supreme Court, the Administrative Director of the Supreme Court shall request the Director of Budget and Management to release from the appropriation the amount needed. The Director of Budget and Management may release the

appropriation and, upon that release, the Administrative Director of the Supreme Court shall transfer the amount released to the Ohio Building Authority, which shall use the moneys, and any investment earnings on the moneys and other available receipts as defined in section 152.09 Of the Revised Code, to pay the costs of the repair and renovation.

(D) Upon completion of the repair and renovation:

(1) Any moneys received by the Ohio Building Authority for the repair and renovation that have not been used shall be refunded to the ~~Department of Administrative Services Judiciary/Supreme Court~~ for deposit into Fund 026~~½~~.

(2) The Supreme Court shall own, operate, and manage the Ohio Departments Building.

(E) The Supreme Court may enter into contracts or other agreements with the Department of Administrative Services, the Ohio Building Authority, another state entity, or a private contractor to operate and manage the Ohio Departments Building.

(F) To assist the Ohio Building Authority, the Department of Administrative Services and the Supreme Court may assign, amend, or enter into any necessary or appropriate leases, contracts, or agreements relating to the Ohio Departments Building to or with the Ohio Building Authority upon terms satisfactory to all parties.

(G) Repairs and renovations that are made using the appropriation are exempt from section 3379.10 of the Revised Code, the per cent for arts program."

SECTION 93. That existing section 190 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly, is hereby repealed.

SECTION 94. That Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly, be amended to read as follows:

" Sec. 18. (A) As used in this section:

(1) "FY 1998 state aid" means the total amount of state money received by a school district ~~in~~ for fiscal year 1998 as reported on the Department of Education's form "SF-12," adjusted as follows:

- (a) Minus any amounts for approved preschool handicapped units;
- (b) Minus any additional amount attributable to the reappraisal guarantee of division (C) of section 3317.04 of the Revised Code;

- (c) Plus the amount deducted for payments to an educational service center;
- (d) Plus an estimated portion of the state money distributed in fiscal year 1998 to other school districts or educational service centers for approved units, other than preschool handicapped or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in the district;
- (e) Minus an estimated portion of the state money distributed to the school district in fiscal year 1998 for approved units, other than preschool handicapped units or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in another school district;
- (f) Plus any additional amount paid pursuant to the vocational education recomputation required by former Section 50.22 of Am. Sub. H.B. No. 215 of the 122nd General Assembly;
- (g) Plus any additional amount paid pursuant to the special education recomputation required by former division (I) of section 3317.023 of the Revised Code;
- (h) Plus any amount paid for equity aid under section 3317.0213 of the Revised Code;
  - (i) Plus any amount received for that year pursuant to section 3317.027 of the Revised Code;
    - (j) Plus any amount received for that year pursuant to a recomputation made under division (B) of section 3317.022 Of the Revised Code.
- (2) "FY 1999 state aid," "FY 2000 state aid," "FY 2001 state aid," and "FY 2002 state aid" mean the total amount of state money a school district is eligible to receive for the applicable fiscal year under divisions (A), (B), (C)(1), and (D) of section 3317.022 and sections 3317.025 to ~~3317.028~~, ~~3317.027~~, 3317.029, 3317.0212, and 3317.0213 of the Revised Code, plus any amount for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G) and (P) of section ~~3317.024~~ 3317.024, and division (B) of section 3317.162 of the Revised Code, and prior to any deductions or credits required by division (B), (D), (E), (F), (G), (H), (I), (J), or (K) of section 3317.023 or division (J) of section 3317.029 of the Revised Code.
- (3) "FY 1999 actual aid," "FY 2000 actual aid," "FY 2001 actual aid," and "FY 2002 actual aid" means the amount of the state aid described in division (A)(2) of this section that was actually paid to a school district in the applicable fiscal year after the application of divisions (B) to (E) of this section.

(4) "FY 1998 ADM," "formula ADM," and "three-year average formula ADM" have the meanings prescribed in section 3317.02 of the Revised Code.

(5) "All-day kindergarten" has the meaning prescribed in section 3317.029 of the Revised Code.

(B) In fiscal year 1999, notwithstanding any provision of law to the contrary, no school district shall receive FY 1999 state aid that is more than the greater of the following:

(1) 110 per cent of FY 1998 state aid;

(2) [1.06 X (FY 1998 state aid/FY 1998 ADM)] X the greater of fiscal year 1999 formula ADM or three-year average formula ADM.

If a district's projected FY 1999 state aid is more than the greater of division (B)(1) or (2) of this section, such district shall receive only the greater of division (B)(1) or (2) of this section in fiscal year 1999.

(C) In fiscal year 2000, notwithstanding any provision of law to the contrary, no school district shall receive FY 2000 state aid that is more than the greater of the following:

(1) 110 per cent of FY 1999 actual aid;

(2) [1.06 X (FY 1999 actual aid/fiscal year 1999 formula ADM)] X the greater of fiscal year 2000 formula ADM or three-year average formula ADM.

If a district's projected FY 2000 state aid is more than the greater of division (C)(1) or (2) of this section, such district shall receive only the greater of division (C)(1) or (2) of this section in fiscal year 2000.

(D) In fiscal year 2001, notwithstanding any provision of law to the contrary, no school district shall receive FY 2001 state aid that is more than the greater of the following:

(1) 110 per cent of FY 2000 actual aid;

(2) [1.06 X (FY 2000 actual aid/fiscal year 2000 formula ADM)] X the greater of fiscal year 2001 formula ADM or three-year average formula ADM.

If a district's projected FY 2001 state aid is more than the greater of division (D)(1) or (2) of this section, such district shall receive only the greater of division (D)(1) or (2) of this section in fiscal year 2001.

(E) In fiscal year 2002, notwithstanding any provision of law to the contrary, no school district shall receive FY 2002 state aid that is more than the greater of the following:

(1) 110 per cent of FY 2001 actual aid;

(2) [1.06 X (FY 2001 actual aid/fiscal year 2001 formula ADM)] X the greater of fiscal year 2002 formula ADM or three-year average formula

**M.**

If a district's projected FY 2002 state aid is more than the greater of division (E)(1) or (2) of this section, such district shall receive only the greater of division (E)(1) or (2) of this section in fiscal year 2002.

(F) This division and division (G) of this section apply only to districts subject to division (F) of section 3317.029 of the Revised Code. As used in this division and division (G) of this section:

(1) "Capped district" means a district that pursuant to division (B), (C), (D), or (E) of this section will not receive the full amount of FY 1999, FY 2000, FY 2001, or FY 2002 state aid.

(2) "DPIA funds" means:

(a) In FY 1998, the amount calculated for the district pursuant to division (B) of section 3317.023 of the Revised Code as it existed in that fiscal year;

(b) In any fiscal year after FY 1998, the total amount calculated for the district for that fiscal year pursuant to section 3317.029 of the Revised Code.

(3) "Exempt DPIA portion" means:

(a) In the case of any district other than a capped district, an amount equal to zero;

(b) In the case of a capped district, the amount resulting from the application of the following formula:

(The district's DPIA funds for the year of the calculation minus the district's DPIA funds for FY 1998) minus (the district's actual aid for the year of the calculation minus the district's FY 98 1998 state aid)

However, if this formula produces a negative number, the district's exempt DPIA portion is zero.

(4) "Required all-day kindergarten" for a district means the provision of all-day kindergarten to the number of students in the district's kindergarten percentage specified pursuant to division (H)(1) of section 3317.029 of the Revised Code.

(G) Notwithstanding any provision of law to the contrary:

(1) In the case of any district, the district's DPIA funds are hereby deemed to first consist of any disadvantaged pupil impact aid calculated for the district for all-day kindergarten under division (D) of section 3317.029 of the Revised Code, and to next consist of any disadvantaged pupil impact aid calculated for the district under divisions (C) and (E) of section 3317.029 of the Revised Code. Each district shall expend whatever funds necessary to ensure provision of its required all-day kindergarten.

(2) In FY 1999, a district shall expend for the purposes of section

3317.029 of the Revised Code an amount equal to at least twenty-five per cent of the resultant derived from subtracting the district's exempt DPIA portion from the amount calculated for the district under divisions (C) and (E) of section 3317.029 of the Revised Code.

(3) In FY 2000, a district shall expend for the purposes of section 3317.029 of the Revised Code an amount equal to at least fifty per cent of the resultant derived from subtracting the district's exempt DPIA portion from the amount calculated for the district under divisions (C) and (E) of section 3317.029 of the Revised Code.

(4) In FY 2001, a district shall expend for the purposes of section 3317.029 of the Revised Code an amount equal to at least seventy-five per cent of the resultant derived from subtracting the district's exempt DPIA portion from the amount calculated for the district under divisions (C) and (E) of section 3317.029 of the Revised Code.

(5) In FY 2002 and thereafter, a district shall expend one hundred per cent of its DPIA funds for the purposes of section 3317.029 of the Revised Code.

(6) Districts shall comply with the requirements of division (G) of section 3317.029 of the Revised Code."

SECTION 95. That existing Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as amended by Am. Sub. H.B. 770 of the 122nd General Assembly, is hereby repealed.

SECTION 96. That Section 19 of Am. Sub. H.B. 650 of the 122nd General Assembly be amended to read as follows:

" Sec. 19. There is hereby established a pupil transportation pilot project to demonstrate innovative, efficient, and cost-reducing cooperative methods of transporting pupils on a countywide basis. The Superintendent of Public Instruction shall receive proposals from educational service centers and shall approve two locations for the pupil transportation pilot project. One location shall be an educational service center with a majority of its territory included in the same county as a big eight school district; the other location shall be an educational service center serving three or more school districts in a small, rural county. The Superintendent of Public Instruction shall select an educational service center to participate only if a majority of the superintendents of the school districts receiving services from the educational service center agree to participate in the project and only if the participating school districts are contiguous.

Under the supervision of the educational service center, the superintendents of the participating school districts shall cooperatively develop a plan for the transportation of pupils by the most efficient method designed to effect savings in the aggregate transportation costs of all the participating school districts. The plan may propose the cooperative operation of the equipment and use of the personnel of any participating school district and other agreed to alternative methods of transporting pupils designed to achieve efficiency. Provided however, that every pupil entitled under Chapter 3327. or section 3313.97, 3313.981, or 3314.09 of the Revised Code or Section 50.52.11 of Am. Sub. H. B. 215 of the 122nd General Assembly to receive transportation shall continue to be transported, and provided that parents, guardians, or other persons eligible for payment or reimbursement under section 3327.01 Of the Revised Code remain eligible for that payment or reimbursement.

The Legislative Office of Education Oversight shall monitor the implementation of the pilot project to determine whether the programs suggest innovative, effective cooperative ways to deal with the transportation of pupils that may be applicable beyond the pilot project locations.

As used in this section, "big eight school district" has the same meaning as in section 3314.02 of the Revised Code."

**SECTION 97.** That existing Section 19 of Am. Sub. H.B. 650 of the 122nd General Assembly is hereby repealed.

**SECTION 98.** That Sections 7, 10, 11, 21.12, 25, and 30.21 of Am. Sub. S.B. 230 of the 122nd General Assembly be amended to read as follows:

" Sec. 7. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES  
Reappropriations

CAP-773	Governor's Residence Restoration	\$	4,705
CAP-785	Rural Areas Historical Projects	\$	50,000
CAP-786	Rural Areas Community Improvements	\$	<u>4,768,690</u> <u>2,268,690</u>
CAP-804	Day Care Centers	\$	842,261
CAP-817	Urban Areas Community Improvements	\$	2,020,000
Total Department of Administrative Services		\$	<u>4,685,656</u> <u>5,185,656</u>

**Rural Areas Historical Projects**

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, a \$50,000 grant shall be made for the Osnaburg Historical Society-Werner Inn renovations.

Rural Areas Community Improvements

From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects: \$25,000 for the Belpre swimming pool project; \$10,000 for Shadyside Municipal Building roof repairs; \$250,000 for Belmont County industrial park development; \$100,000 for Coshocton Courthouse renovations; \$20,000 for the Smith Field Memorial Foundation; \$50,000 for Morgan County economic development; \$100,000 for the Zanesville Bicentennial Celebration; \$113,690 to the Ashtabula County Commissioners for the Northeast 4-H Camp to make water and sewage improvements; \$500,000 for 4-H Camp Palmer in Fulton County; \$100,000 for Morgan County infrastructure; and \$500,000 for the Medina County Arts Center; and \$500,000 for Ritz Theatre renovations.

The amount reappropriated for the foregoing appropriation item CAP-786, Rural Areas Community Improvements, shall be \$500,000 plus the unencumbered and unallotted balance as of June 30, 1998, in appropriation item CAP-786, Rurual Areas Community Improvements.

Urban Areas Community Improvements

From the foregoing appropriation item CAP-817, Urban Areas Community Improvements, grants shall be made for the following projects: \$750,000 for Lincoln Heights Health Center; \$100,000 for Maumee Youth Center; \$200,000 for the birthplace of William Howard Taft in Cincinnati; \$150,000 for the Freedom House in Cleveland; \$95,000 for the Copley Township recreation project in Summit County; \$100,000 for Aviation Trail - Dayton; \$125,000 for Cleveland Playhouse Square; \$25,000 for Columbus Civic Arena development planning; \$50,000 for the Columbus Symphony band shell; \$125,000 for East Cleveland City Hall renovations; \$100,000 for Hanna Fountain renovations - Cleveland; \$100,000 for Webco industrial area development - Cleveland; and \$100,000 for Martin Luther King Civic Center - East Cleveland.

## Sec 10. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-012	Land Acquisition	\$ 1,000,000
CAP-162	Roosevelt-Shawnee State Park	\$ 18,930
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 2,497
CAP-702	Upgrade Underground Fuel Tanks	\$ 335,031
CAP-703	Cap Abandoned Water Wells	\$ 357,481
CAP-704	Replace Transformers	\$ 77,738
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$ 21,379
CAP-738	Middletown Dam	\$ 87,272
CAP-742	Fountain Square Building/Telephone System	\$ 53,748
CAP-823	Cost Sharing-Pollution Abatement	\$ 43,485
CAP-847	Assistance to Local Governments for Conservation Works of Improvement	\$ 591,503

CAP-848	Hazardous Dam Repair	\$ 91,521
CAP-875	Ohio River Access	\$ 100,000
CAP-876	Statewide Trails Programs	\$ 45,000 <u>100,000</u>
CAP-929	Hazardous Waste/Asbestos Abatement	\$ 1,292,626
CAP-931	Wastewater/Water Systems Upgrades	\$ 49,858
CAP-932	Wetlands/Waterfront Development and Acquisition	\$ 849,775
CAP-942	Local Parks Projects	\$ 55,225
CAP-969	Frost-Parker Wetlands Reserve	\$ 122,925
CAP-999	Geographic Information Management System	\$ 3,293
Total Department of Natural Resources		\$ 5,199,287 <u>5,254,287</u>

Land Acquisition

The amount reappropriated from the foregoing appropriation item CAP-012, Land Acquisition, shall be \$1,000,000.

Statewide Trails Programs

The amount appropriated for the foregoing appropriation item CAP-876, Statewide Trails Programs, shall be \$45,000 100,000, which shall be used for the Cincinnati West Side Bike Trail by the Department of Natural Resources in consultation with the Department of Transportation for a recreational trail feasibility study.

Local Parks Projects

Of the foregoing appropriation item CAP-942, Local Parks Projects, grants shall be made for the following projects: \$25,000 for River Access Park Development - Belpre; \$100,000 for Marietta Recreation Improvements; \$15,000 for Urbancrest Martin Luther King Park improvements, and \$10,000 for Woodsfield Monroe Park improvements.

Hazardous Waste/Asbestos Abatement

The amount reappropriated for the foregoing appropriation item CAP-929, Hazardous Waste/Asbestos Abatement, shall be \$1,000,000 less than the unencumbered and unallotted balance of June 30, 1998, in appropriation item CAP-929, Hazardous Waste/Asbestos Abatement.

**Sec. 11. DOT DEPARTMENT OF TRANSPORTATION**

CAP-007	Muskingum County Intermodal Facility	\$ 700,000
Total Department of Transportation		\$ 700,000
Total General Revenue Fund		\$ 40,851,009
		<u>11,351,009</u>

**Sec. 21.12. DNR DEPARTMENT OF NATURAL RESOURCES**

CAP-741	High Band Radio System	\$ 285,000
	DNR Communications System	<u>3,335,000</u>
CAP-742	Fountain Square Building and Telephone System	\$ 3,958,517
	Improvements	
CAP-744	Multi Agency Radio Communication System (MARCS) Equipment	\$ 3,050,000
CAP-867	Reclamation Facility Renovation and Development	\$ 225,000
CAP-928	Handicapped Accessibility	\$ 39,654
CAP-997	Zanesville/Marietta Nursery Improvements	\$ 249,503

Total Department of Natural Resources	\$	7,807,674
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**DNR Communications System**

The foregoing appropriation item CAP-741, DNR Communications System, shall be the sum of the unencumbered and unallotted balances as of June 30, 1998, in appropriation items CAP-741, High Band Radio System, and CAP-744, Multi-Agency Radio Communication System (MARCS) Equipment.

Sec. 25. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

**Reappropriations**

**AFC ARTS FACILITIES COMMISSION**

CAP-001	National Aviation Hall of Fame	\$	5,000
CAP-002	Great Southern Opera House	\$	5,000
CAP-003	Center of Science and Industry - Toledo	\$	119,726
CAP-004	Valentine Theatre	\$	12,817,694
CAP-005	Center of Science and Industry - Columbus	\$	21,523,494
CAP-010	Sandusky State Theater Improvements	\$	147,139
CAP-013	Stambaugh Hall Improvements	\$	587,400
CAP-014	Dayton Natural History/Children's Museum	\$	1,250,000
CAP-015	Carillon Historic Park/Wright Hall	\$	200,000
CAP-017	Zion Center of the National Afro-American Museum	\$	750,000
CAP-022	National Afro-American Museum - Carnegie Library Renovations	\$	223,768
CAP-023	National Afro-American Museum - Demolition of Shorter Hall	\$	240,000
CAP-029	Cincinnati Riverfront Development	\$	333,332
CAP-033	Woodward Opera House Renovation	\$	300,000
<del>CAP-036</del>	<del>Ritz Theatre Renovations</del>	\$	<del>500,000</del>
CAP-037	Canton Palace - Theatre Renovations	\$	38,700
CAP-734	Hayes Presidential Center	\$	285,000
CAP-742	Ft. Meigs Museum	\$	800,000
CAP-745	Historic Sites and Museums	\$	106,500
CAP-772	Ft. Hill Building, Site, and Exhibit Improvements	\$	175,100
CAP-776	Flint Ridge Building, Site, and Exhibit Improvements	\$	275,100
CAP-785	Ohio Village Building Renovations and Improvements	\$	500,200
CAP-786	Piqua/Ft. Pickawillany Acquisition and Improvements	\$	802,948
Total Arts Facilities Commission		\$	41,986,101
			<u>41,486,101</u>
Total Arts Facilities Building Fund		\$	41,986,101
			<u>41,486,101</u>

**Sec. 30.21. CLS CLEVELAND STATE UNIVERSITY**

CAP-007	Stilwell Hall	\$	73,567
CAP-017	Land Acquisition	\$	252,085
CAP-023	Basic Renovations	\$	3,115,544
CAP-044	Chester Building Rehabilitation	\$	1,656,902
CAP-067	17th-18th Street Block	\$	3,409,115

CAP-068	Main Classroom - Rhodes Tower Link	\$ 15,058
CAP-073	Cleveland Playhouse	\$ 500,000
		<u>1,000,000</u>
CAP-081	Computer Center Cooling Tower	\$ 25,873
CAP-084	Neighborhood Centers Renovation	\$ 500
CAP-088	Asbestos	\$ 3,312,676
CAP-092	Handicapped Requirements	\$ 279,230
CAP-094	AMC Roofing/Law Building Steps	\$ 2,757
CAP-098	Rhodes Tower Electrical Substation	\$ 455,302
CAP-099	Main Classroom Plaza Conversion	\$ 2,333,000
CAP-100	Special Studies Space Conversion	\$ 673,000
CAP-101	Classroom Building Renovations	\$ 50,000
CAP-103	WCPN Radio Renovations	\$ 3,750
CAP-104	ADA Modifications	\$ 805,963
CAP-105	Basic Science Chiller	\$ 2,359
CAP-106	Sidewalk Seating Replacement	\$ 7,187
CAP-108	Chester Duct Bank	\$ 6,347
CAP-109	Classroom Upgrade	\$ 1,937,320
CAP-110	Technology Infrastructure	\$ 187,106
CAP-111	<u>Intermuseum Laboratory</u>	\$ 500,000
CAP-112	Land Acquisitions	\$ 2,000,000
CAP-113	Biomedical Research	\$ 1,000,000
CAP-114	Geographic Information Systems	\$ 292,418
CAP-115	Plant Services Building	\$ 43,988
Total Cleveland State University		\$ 22,941,047

Cleveland Playhouse

The amount reappropriated for the foregoing appropriation item CAP-073, Cleveland Playhouse, shall be \$1,000,000."

SECTION 99. That existing Sections 7, 10, 11, 21.12, 25, and 30.21 of Am. Sub. S.B. 230 of the 122nd General Assembly are hereby repealed.

SECTION 100. That Section 140 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

SECTION 101. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections contained in this act are composed, and their applications, are independent and severable.

SECTION 102. Except as otherwise specifically provided in this act, the codified and uncodified sections of law and items therein contained in this act are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the codified and uncodified sections of law and items therein contained in this act, except as otherwise specifically provided in this act, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such section or item therein, the section or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 103. Section 127.16 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 104. Section 3345.50 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 748 and Am. Sub. S.B. 264 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_