

**As Reported by the Senate Finance and Financial Institutions  
Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**Sub. H. B. No. 385**

**REPRESENTATIVES Blasdel, Carey, Grendell, Faber, Gilb, Schmidt,  
Widowfield, Evans, Webster, Barrett, Seitz, Setzer, Calvert, Niehaus,  
Lendrum, Flowers, Carano, Sferra, Fedor, Woodard, Collier, Barnes, Britton,  
Patton, Latell, Key, Coates**

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**A B I L L**

To amend sections 122.651, 122.657, 122.658, 151.01, 164.22, 164.23, 901.22, and 5301.691 of the Revised Code, and to amend Sections 4, 6, and 7 of Am. Sub. H.B. 3 of the 124th General Assembly to revise the procedures to be followed by park districts when applying for natural resources and parks and recreation grants, to create a revolving loan fund for repayments of loans made from the Clean Ohio Revitalization Fund, to provide that the Department of Agriculture is a coholder of and may share in enforcing local Clean Ohio Agricultural Easement Fund easements, and to make an appropriation.

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

**Section 1.** That sections 122.651, 122.657, 122.658, 151.01, 164.22, 164.23, 901.22, and 5301.691 of the Revised Code be amended to read as follows:

Sec. 122.651. (A) There is hereby created the clean Ohio 17  
council consisting of the director of development or the 18  
director's designee, the director of environmental protection or 19  
the director's designee, the director of the Ohio public works 20  
commission as a nonvoting, ex officio member, one member of the 21  
majority party of the senate and one member of the minority party 22  
of the senate to be appointed by the president of the senate, one 23  
member of the majority party of the house of representatives and 24  
one member of the minority party of the house of representatives 25  
to be appointed by the speaker of the house of representatives, 26  
and seven members to be appointed by the governor with the advice 27  
and consent of the senate. Of the members appointed by the 28  
governor, one shall represent the interests of counties, one shall 29  
represent the interests of townships, one shall represent the 30  
interests of municipal corporations, two shall represent the 31  
interests of business and development, and two shall represent 32  
statewide environmental advocacy organizations. The members 33  
appointed by the governor shall reflect the demographic and 34  
economic diversity of the population of the state. Additionally, 35  
the governor's appointments shall represent all areas of the 36  
state. All appointments to the council shall be made not later 37  
than one hundred twenty days after ~~the effective date of this~~ 38  
section July 26, 2001. 39

(B) The members appointed by the president of the senate and 40  
speaker of the house of representatives shall serve at the 41  
pleasure of their appointing authorities. Of the initial members 42  
appointed by the governor to the clean Ohio council, four shall be 43  
appointed for two years and three shall be appointed for one year. 44  
Thereafter, terms of office for members appointed by the governor 45  
shall be for two years, with each term ending on the same day of 46  
the same month as did the term that it succeeds. Each of those 47  
members shall hold office from the date of appointment until the 48

end of the term for which the member is appointed. 49

Members may be reappointed. Vacancies shall be filled in the 50  
same manner as provided for original appointments. Any member 51  
appointed to fill a vacancy occurring prior to the expiration date 52  
of the term for which the member was appointed shall hold office 53  
for the remainder of that term. A member shall continue in office 54  
after the expiration date of the member's term until the member's 55  
successor takes office or until a period of sixty days has 56  
elapsed, whichever occurs first. The governor may remove a member 57  
appointed by the governor for misfeasance, nonfeasance, or 58  
malfeasance in office. 59

(C) The director of development shall serve as the 60  
chairperson of the clean Ohio council. The council annually shall 61  
select from among its members a vice-chairperson and a secretary 62  
to keep a record of its proceedings. A majority vote of a quorum 63  
of the members of the council is necessary to take action on any 64  
matter. The council may adopt bylaws governing its operation, 65  
including bylaws that establish the frequency of meetings, 66  
procedures for reviewing eligible projects under sections 122.65 67  
to 122.658 of the Revised Code and policies and requirements 68  
established under section 122.657 of the Revised Code, and other 69  
necessary procedures. 70

(D) Members of the clean Ohio council shall be deemed to be 71  
public officials or officers only for the purposes of section 9.86 72  
and Chapters 102. and 2921. of the Revised Code. Serving as a 73  
member of the clean Ohio council does not constitute holding a 74  
public office or position of employment ~~under the laws of this~~ 75  
~~state and does not so as to~~ constitute grounds for removal of 76  
public officers or employees serving as members of the council 77  
from their offices or positions of employment. Members of the 78  
council shall file with the Ohio ethics commission the disclosure 79  
statement described in division (A) of section 102.02 of the 80

As Reported by the Senate Finance and Financial Institutions Committee

Revised Code on the form prescribed by the commission and be 81  
subject to divisions (C) and (D) of that section. Members of the 82  
council shall serve without compensation for attending council 83  
meetings but shall receive their actual and necessary traveling 84  
and other expenses incurred in the performance of their official 85  
duties in accordance with the rules of the office of budget and 86  
management. 87

(E) Members appointed by the governor ~~shall to represent the~~ 88  
interests of counties, townships, and municipal corporations do 89  
not have a conflict of interest with by virtue of their service in 90  
the position. For the purposes of this division, "conflict of 91  
interest" means the taking of any action ~~that violates any~~ 92  
~~provision of Chapter 102. or 2921. of the Revised Code as a member~~ 93  
of the council that affects a public agency the person serves as 94  
an officer or employee. 95

(F) The department of development shall provide office space 96  
for the council. The council shall be assisted in its duties by 97  
the staff of the department of development and the environmental 98  
protection agency. 99

(G) Sections 101.82 to 101.87 of the Revised Code do not 100  
apply to the clean Ohio council. 101

**Sec. 122.657.** For the purposes of sections 122.65 to 122.658 102  
of the Revised Code, the director of development shall establish 103  
policies and requirements regarding all of the following: 104

(A) The form and content of applications for grants or loans 105  
from the clean Ohio revitalization fund under section 122.652 of 106  
the Revised Code. The policies and requirements shall require that 107  
each application include, at a minimum, all of the following: 108

(1) The name, address, and telephone number of the applicant; 109

(2) The legal description of the property for which the grant 110

or loan is requested;	111
(3) A summary description of the hazardous substances or	112
petroleum present at the brownfield and a certified copy of the	113
results of an assessment;	114
(4) A detailed explanation of the proposed cleanup or	115
remediation of the brownfield, including an identification of the	116
applicable cleanup standards, and a detailed description of the	117
proposed use of the brownfield after completion of the cleanup or	118
remediation;	119
(5) An estimate of the total cost to clean up or remediate	120
the brownfield in order to comply with the applicable cleanup	121
standards. The total cost shall include the cost of employing a	122
certified professional under section 122.654 of the Revised Code.	123
(6) A detailed explanation of the portion of the estimated	124
total cost of the cleanup or remediation of the brownfield that	125
the applicant proposes to provide as required under sections	126
122.653 and 122.658 of the Revised Code and financial records	127
supporting the proposal;	128
(7) A certified copy of a resolution or ordinance approving	129
the project that the applicant shall obtain from the board of	130
township trustees of the township or the legislative authority of	131
the municipal corporation in which the property is located,	132
whichever is applicable;	133
(8) A description of the estimated economic benefit that will	134
result from a cleanup or remediation of the brownfield;	135
(9) An application summary for purposes of review by an	136
integrating committee or, if applicable, the executive committee	137
of an integrating committee under division (B) of section 122.652	138
of the Revised Code;	139
(10) With respect to applications for loans, information	140

demonstrating that the applicant will implement a financial management plan that includes, without limitation, provisions for the satisfactory repayment of the loan; 141  
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(11) Any other provisions that the director determines should be included in an application. 144  
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(B) Procedures for conducting public meetings and providing public notice under division (A) of section 122.652 of the Revised Code; 146  
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(C) Criteria to be used by integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees when prioritizing projects under division (B) of section 122.652 of the Revised Code. The policies and requirements also shall establish procedures that integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees shall use in applying the criteria. 149  
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(D) A selection process that provides for the prioritization of brownfield cleanup or remediation projects for which grant or loan applications are submitted under section 122.652 of the Revised Code. The policies and requirements shall require the selection process to give priority to projects in which the post-cleanup or remediation use will be for a combination of residential, commercial, or industrial purposes, which may include the conversion of a portion of a brownfield to a recreation, park, or natural area that is integrated with the residential, commercial, or industrial use of the brownfield after cleanup or remediation, or will incorporate projects that are funded by grants awarded under sections 164.20 to 164.27 of the Revised Code. The policies and requirements shall require the selection process to incorporate and emphasize all of the following factors: 158  
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(1) The potential economic benefit that will result from the cleanup or remediation of a brownfield;	172 173
(2) The potential environmental improvement that will result from the cleanup or remediation of a brownfield;	174 175
(3) The amount and nature of the match provided by an applicant as required under sections 122.653 and 122.658 of the Revised Code;	176 177 178
(4) Funding priorities recommended by integrating committees or, if required under division (C) of section 122.652 of the Revised Code, executive committees of integrating committees under division (B) of section 122.652 of the Revised Code;	179 180 181 182
(5) The potential benefit to low-income communities, including minority communities, that will result from the cleanup or remediation of a brownfield;	183 184 185
(6) Any other factors that the director considers appropriate.	186 187
(E) The development of criteria that the director shall use when awarding grants under section 122.656 of the Revised Code. The criteria shall give priority to public health projects. In addition, the director, in consultation with the director of environmental protection, shall establish policies and requirements that require the criteria to include a public health project selection process that incorporates and emphasizes all of the following factors:	188 189 190 191 192 193 194 195
(1) The potential environmental improvement that will result from the cleanup or remediation;	196 197
(2) The ability of an applicant to access the property for purposes of the cleanup or remediation;	198 199
(3) The name and qualifications of the cleanup or remediation contractor;	200 201

(4) Any other factors that the director of development considers appropriate.	202 203
The director of development may develop any other policies and requirements that the director determines are necessary for the administration of section 122.656 of the Revised Code.	204 205 206
(F) The development of a brownfield cleanup and remediation oversight program to ensure compliance with sections 122.65 to 122.658 of the Revised Code and policies and requirements established under this section. The policies and requirements shall require the program to include, at a minimum, both of the following:	207 208 209 210 211 212
(1) Procedures for the accounting of invoices and receipts and any other documents that are necessary to demonstrate that a cleanup or remediation was properly performed;	213 214 215
(2) Procedures that are necessary to provide a detailed explanation of the status of the property five years after the completed cleanup or remediation.	216 217 218
(G) A delineation of what constitutes administrative costs for purposes of divisions <del>(C)</del> (D) and <del>(E)</del> (F) of section 122.658 of the Revised Code;	219 220 221
(H) Procedures and requirements for making loans and loan agreements that include at least all of the following:	222 223
(1) Not more than fifteen per cent of moneys annually allocated to the clean Ohio revitalization fund shall be used for loans.	224 225 226
(2) The loans shall be made at or below market rates of interest, including, without limitation, interest-free loans.	227 228
(3) The recipient of a loan shall identify a source of security and a source of repayment of the loan.	229 230
(4) All payments of principal and interest on a loan shall be	231



deposited in the state treasury and credited to the clean Ohio  
revitalization revolving loan fund. 232  
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(5) The clean Ohio council may accept notes and other forms 234  
of obligation to evidence indebtedness, accept mortgages, liens, 235  
pledges, assignments, and other security interests to secure such 236  
indebtedness, and take any actions that are considered by the 237  
council to be appropriate to protect such security and safeguard 238  
against losses, including, without limitation, foreclosure and 239  
bidding on the purchase of property upon foreclosure or other 240  
sale. 241

(I) Any other policies and requirements that the director 242  
determines are necessary for the administration of sections 122.65 243  
to 122.658 of the Revised Code. 244

**Sec. 122.658.** (A) The clean Ohio revitalization fund is 245  
hereby created in the state treasury. The fund shall consist of 246  
moneys credited to it pursuant to section 151.40 of the Revised 247  
Code ~~and of payments of principal and interest on loans that are~~ 248  
~~made from the fund in accordance with policies and requirements~~ 249  
~~established under section 122.657 of the Revised Code.~~ Moneys in 250  
the fund shall be used to make grants or loans for projects that 251  
have been approved by the clean Ohio council in accordance with 252  
section 122.653 of the Revised Code, except that the council 253  
annually shall devote twenty per cent of the net proceeds of 254  
obligations deposited in the clean Ohio revitalization fund for 255  
the purposes of section 122.656 of the Revised Code. 256

Moneys in the clean Ohio revitalization fund may be used to 257  
pay reasonable costs incurred by the department of development and 258  
the environmental protection agency in administering sections 259  
122.65 to 122.658 of the Revised Code. All investment earnings of 260  
the fund shall be credited to the fund. For two years after ~~the~~ 261  
~~effective date of this section~~ July 26, 2001, investment earnings 262

## As Reported by the Senate Finance and Financial Institutions Committee

credited to the clean Ohio revitalization fund may be used to pay 263  
costs incurred by the department of development and the 264  
environmental protection agency pursuant to sections 122.65 to 265  
122.658 of the Revised Code. 266

The department of development shall administer the clean Ohio 267  
revitalization fund in accordance with this section, policies and 268  
requirements established under section 122.657 of the Revised 269  
Code, and the terms of agreements entered into by the council 270  
under section 122.653 of the Revised Code. 271

(B) Grants awarded and loans made under section 122.653 of 272  
the Revised Code shall provide not more than seventy-five per cent 273  
of the estimated total cost of a project. A grant or loan to any 274  
one project shall not exceed three million dollars. An applicant 275  
shall provide at least twenty-five per cent of the estimated total 276  
cost of a project. The applicant's share may consist of one or a 277  
combination of any of the following: 278

(1) Payment of the cost of acquiring the property for the 279  
purposes of sections 122.65 to 122.658 of the Revised Code; 280

(2) Payment of the reasonable cost of an assessment at the 281  
property; 282

(3) The reasonable value, as determined by the council, of 283  
labor and materials that will be contributed by the applicant in 284  
performing the cleanup or remediation; 285

(4) Moneys received by the applicant in any form for use in 286  
performing the cleanup or remediation; 287

(5) Loans secured by the applicant for the purpose of the 288  
cleanup or remediation of the brownfield. 289

Costs that were incurred more than two years prior to the 290  
submission of an application to the clean Ohio council for the 291  
acquisition of property, assessments, and labor and materials 292  
shall not be used as part of the applicant's matching share. 293

## As Reported by the Senate Finance and Financial Institutions Committee

(C) The department of development shall not make any payment 294  
to an applicant from the clean Ohio revitalization fund to pay 295  
costs of the applicant that were not included in an application 296  
for a grant or loan under section 122.653 of the Revised Code or 297  
that exceed the amount of the estimated total cost of the project 298  
included in the application. If, upon completion of a project, the 299  
costs of the project are less than the amounts included in the 300  
application, the amounts included in the application less the 301  
amounts of the actual costs of the project shall be credited to 302  
the clean Ohio revitalization fund. However, the amounts credited 303  
shall be equivalent in percentage to the percentage of the costs 304  
of the project that were to be funded by the grant or loan from 305  
the fund. 306

(D) Grants awarded or loans made under section 122.653 of the 307  
Revised Code from the clean Ohio revitalization fund shall be used 308  
by an applicant only to pay the costs of the actual cleanup or 309  
remediation of a brownfield and shall not be used by an applicant 310  
to pay any administrative costs incurred by the applicant. Costs 311  
related to the use of a certified professional for purposes of 312  
section 122.654 of the Revised Code are not administrative costs 313  
and may be paid with moneys from grants awarded or loans made 314  
under section 122.653 of the Revised Code. 315

(E) The portion of net proceeds of obligations devoted under 316  
division (A) of this section for the purposes of section 122.656 317  
of the Revised Code shall be used to make grants for assessments, 318  
cleanup or remediation of brownfields, and public health projects 319  
that have been approved by the director of development under that 320  
section. The department of development shall administer section 321  
122.656 of the Revised Code in accordance with this section, 322  
policies and requirements established under section 122.657 of the 323  
Revised Code, and the terms of agreements entered into by the 324  
director under section 122.656 of the Revised Code. The director 325

shall not grant more than twenty-five million dollars for public health projects under section 122.656 of the Revised Code.

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(F) Grants awarded under section 122.656 of the Revised Code shall be used by an applicant only to pay the costs of actually conducting an assessment, a cleanup or remediation of a brownfield, or a public health project and shall not be used by an applicant to pay any administrative costs incurred by the applicant. Costs related to the use of a certified professional for purposes of section 122.654 of the Revised Code are not administrative costs and may be paid with moneys from grants awarded under section 122.656 of the Revised Code.

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(G)(1) The clean Ohio revitalization revolving loan fund is hereby created in the state treasury. Payments of principal and interest on loans made from the clean Ohio revitalization fund shall be credited to this revolving loan fund, as shall payments of principal and interest on loans made from the revolving loan fund itself. The revolving loan fund's investment earnings shall be credited to it.

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(2) The clean Ohio revitalization revolving loan fund shall be used to make loans for the same purposes and subject to the same policies, requirements, criteria, and application procedures as loans made from the clean Ohio revitalization fund.

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**Sec. 151.01.** (A) As used in sections 151.01 to 151.09 and 151.40 of the Revised Code and in the applicable bond proceedings unless otherwise provided:

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

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particular obligations, and the provisions contained in those 357  
obligations. 358

(2) "Bond service fund" means the respective bond service 359  
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 360  
151.08, 151.09, or 151.40 of the Revised Code, and any accounts in 361  
that fund, including all moneys and investments, and earnings from 362  
investments, credited and to be credited to that fund and accounts 363  
as and to the extent provided in the applicable bond proceedings. 364

(3) "Capital facilities" means capital facilities or projects 365  
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 366  
151.08, 151.09, or 151.40 of the Revised Code. 367

(4) "Costs of capital facilities" means the costs of 368  
acquiring, constructing, reconstructing, rehabilitating, 369  
remodeling, renovating, enlarging, improving, equipping, or 370  
furnishing capital facilities, and of the financing of those 371  
costs. "Costs of capital facilities" includes, without limitation, 372  
and in addition to costs referred to in section 151.03, 151.04, 373  
151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 of the Revised 374  
Code, the cost of clearance and preparation of the site and of any 375  
land to be used in connection with capital facilities, the cost of 376  
any indemnity and surety bonds and premiums on insurance, all 377  
related direct administrative expenses and allocable portions of 378  
direct costs of the issuing authority, costs of engineering and 379  
architectural services, designs, plans, specifications, surveys, 380  
and estimates of cost, financing costs, interest on obligations 381  
from their date to the time when interest is to be paid from 382  
sources other than proceeds of obligations, amounts necessary to 383  
establish any reserves as required by the bond proceedings, the 384  
reimbursement of all moneys advanced or applied by or borrowed 385  
from any person or governmental agency or entity for the payment 386  
of any item of costs of capital facilities, and all other expenses 387  
necessary or incident to planning or determining feasibility or 388

## As Reported by the Senate Finance and Financial Institutions Committee

practicability with respect to capital facilities, and such other 389  
expenses as may be necessary or incident to the acquisition, 390  
construction, reconstruction, rehabilitation, remodeling, 391  
renovation, enlargement, improvement, equipment, and furnishing of 392  
capital facilities, the financing of those costs, and the placing 393  
of the capital facilities in use and operation, including any one, 394  
part of, or combination of those classes of costs and expenses. 395

(5) "Credit enhancement facilities," "financing costs," and 396  
"interest" or "interest equivalent" have the same meanings as in 397  
section 133.01 of the Revised Code. 398

(6) "Debt service" means principal, including any mandatory 399  
sinking fund or redemption requirements for retirement of 400  
obligations, interest and other accreted amounts, interest 401  
equivalent, and any redemption premium, payable on obligations. If 402  
not prohibited by the applicable bond proceedings, debt service 403  
includes costs relating to credit enhancement facilities that are 404  
related to and represent, or are intended to provide a source of 405  
payment of or limitation on, other debt service. 406

(7) "Issuing authority" means the Ohio public facilities 407  
commission created in section 151.02 of the Revised Code for 408  
obligations issued under section 151.03, 151.04, 151.05, 151.07, 409  
or 151.09 of the Revised Code, or the treasurer of state, or the 410  
officer who by law performs the functions of that office, for 411  
obligations issued under section 151.06 , 151.08, or 151.40 of the 412  
Revised Code. 413

(8) "Net proceeds" means amounts received from the sale of 414  
obligations, excluding amounts used to refund or retire 415  
outstanding obligations, amounts required to be deposited into 416  
special funds pursuant to the applicable bond proceedings, and 417  
amounts to be used to pay financing costs. 418

(9) "Obligations" means bonds, notes, or other evidences of 419

obligation of the state, including any appertaining interest 420  
coupons, issued pursuant to sections 151.01 to 151.09 or 151.40 of 421  
the Revised Code. 422

(10) "Principal amount" means the aggregate of the amount as 423  
stated or provided for in the applicable bond proceedings as the 424  
amount on which interest or interest equivalent on particular 425  
obligations is initially calculated. Principal amount does not 426  
include any premium paid to the state by the initial purchaser of 427  
the obligations. "Principal amount" of a capital appreciation 428  
bond, as defined in division (C) of section 3334.01 of the Revised 429  
Code, means its face amount, and "principal amount" of a zero 430  
coupon bond, as defined in division (J) of section 3334.01 of the 431  
Revised Code, means the discounted offering price at which the 432  
bond is initially sold to the public, disregarding any purchase 433  
price discount to the original purchaser, if provided for pursuant 434  
to the bond proceedings. 435

(11) "Special funds" or "funds," unless the context indicates 436  
otherwise, means the bond service fund, and any other funds, 437  
including any reserve funds, created under the bond proceedings 438  
and stated to be special funds in those proceedings, including 439  
moneys and investments, and earnings from investments, credited 440  
and to be credited to the particular fund. Special funds do not 441  
include the school building program assistance fund created by 442  
section 3318.25 of the Revised Code, the higher education 443  
improvement fund created by division (F) of section 154.21 of the 444  
Revised Code, the highway capital improvement bond fund created by 445  
section 5528.53 of the Revised Code, the state parks and natural 446  
resources fund created by section 1557.02 of the Revised Code, the 447  
coal research and development fund created by section 1555.15 of 448  
the Revised Code, the clean Ohio conservation fund created by 449  
section 164.27 of the Revised Code, the clean Ohio revitalization 450  
fund created by section 122.658 of the Revised Code, or other 451

funds created by the bond proceedings that are not stated by those  
proceedings to be special funds.

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(B) Subject to Section 2l, 2m, 2n, 2o, or 15, and Section 17,  
of Article VIII, Ohio Constitution, the state, by the issuing  
authority, is authorized to issue and sell, as provided in  
sections 151.03 to 151.09 or 151.40 of the Revised Code, and in  
respective aggregate principal amounts as from time to time  
provided or authorized by the general assembly, general  
obligations of this state for the purpose of paying costs of  
capital facilities or projects identified by or pursuant to  
general assembly action.

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

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As Reported by the Senate Finance and Financial Institutions Committee

facilities for a system of common schools throughout the state as 484  
authorized by Section 2n of Article VIII, Ohio Constitution," 485  
"paying costs of capital facilities for state-supported and 486  
state-assisted institutions of higher education as authorized by 487  
Section 2n of Article VIII, Ohio Constitution," "paying costs of 488  
coal research and development as authorized by Section 15 of 489  
Article VIII, Ohio Constitution," "financing or assisting in the 490  
financing of local subdivision capital improvement projects as 491  
authorized by Section 2m of Article VIII, Ohio Constitution," 492  
"paying costs of conservation projects as authorized by Section 2o 493  
of Article VIII, Ohio Constitution," or "paying costs of 494  
revitalization projects as authorized by Section 2o of Article 495  
VIII, Ohio Constitution." 496

(D) The issuing authority may appoint or provide for the 497  
appointment of paying agents, bond registrars, securities 498  
depositories, clearing corporations, and transfer agents, and may 499  
without need for any other approval retain or contract for the 500  
services of underwriters, investment bankers, financial advisers, 501  
accounting experts, marketing, remarketing, indexing, and 502  
administrative agents, other consultants, and independent 503  
contractors, including printing services, as are necessary in the 504  
judgment of the issuing authority to carry out the issuing 505  
authority's functions under this chapter. When the issuing 506  
authority is the Ohio public facilities commission, the issuing 507  
authority also may without need for any other approval retain or 508  
contract for the services of attorneys and other professionals for 509  
that purpose. Financing costs are payable, as may be provided in 510  
the bond proceedings, from the proceeds of the obligations, from 511  
special funds, or from other moneys available for the purpose. 512

(E) The bond proceedings may contain additional provisions 513  
customary or appropriate to the financing or to the obligations or 514  
to particular obligations including, but not limited to, 515

provisions for:	516
(1) The redemption of obligations prior to maturity at the option of the state or of the holder or upon the occurrence of certain conditions, and at particular price or prices and under particular terms and conditions;	517 518 519 520
(2) The form of and other terms of the obligations;	521
(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of sections 151.01 to 151.09 or 151.40 of the Revised Code with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.	522 523 524 525 526 527 528 529 530 531
(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, commission, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;	532 533 534 535 536 537 538
(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the state has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions;	539 540 541 542
(6) In the event of default in any payments required to be made by the bond proceedings, or by any other agreement of the issuing authority made as part of a contract under which the obligations were issued or secured, including a credit enhancement	543 544 545 546

facility, the enforcement of those payments by mandamus, a suit in equity, an action at law, or any combination of those remedial actions;

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

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

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

(10) Amendment of the bond proceedings;

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

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

(G) Obligations are investment securities under Chapter 1308. 578  
of the Revised Code. Obligations may be issued in bearer or in 579  
registered form, registrable as to principal alone or as to both 580  
principal and interest, or both, or in certificated or 581  
uncertificated form, as the issuing authority determines. 582  
Provision may be made for the exchange, conversion, or transfer of 583  
obligations and for reasonable charges for registration, exchange, 584  
conversion, and transfer. Pending preparation of final 585  
obligations, the issuing authority may provide for the issuance of 586  
interim instruments to be exchanged for the final obligations. 587

(H) Obligations may be sold at public sale or at private 588  
sale, in such manner, and at such price at, above or below par, 589  
all as determined by and provided by the issuing authority in the 590  
bond proceedings. 591

(I) Except to the extent that rights are restricted by the 592  
bond proceedings, any owner of obligations or provider of a credit 593  
enhancement facility may by any suitable form of legal proceedings 594  
protect and enforce any rights relating to obligations or that 595  
facility under the laws of this state or granted by the bond 596  
proceedings. Those rights include the right to compel the 597  
performance of all applicable duties of the issuing authority and 598  
the state. Each duty of the issuing authority and that authority's 599  
officers, staff, and employees, and of each state entity or 600  
agency, or using district or using institution, and its officers, 601  
members, staff, or employees, undertaken pursuant to the bond 602  
proceedings, is hereby established as a duty of the entity or 603  
individual having authority to perform that duty, specifically 604  
enjoined by law and resulting from an office, trust, or station 605  
within the meaning of section 2731.01 of the Revised Code. The 606  
individuals who are from time to time the issuing authority, 607  
members or officers of the issuing authority, or those members' 608  
designees acting pursuant to section 154.02 of the Revised Code, 609

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

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

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

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estimated schedule during the time the notes are outstanding, 642  
which amounts shall be used solely to pay the principal of those 643  
notes or of the bonds anticipated. 644

(b) Obligations for the refunding, including funding and 645  
retirement, and advance refunding with or without payment or 646  
redemption prior to maturity, of any obligations previously 647  
issued. Refunding obligations may be issued in amounts sufficient 648  
to pay or to provide for repayment of the principal amount, 649  
including principal amounts maturing prior to the redemption of 650  
the remaining prior obligations, any redemption premium, and 651  
interest accrued or to accrue to the maturity or redemption date 652  
or dates, payable on the prior obligations, and related financing 653  
costs and any expenses incurred or to be incurred in connection 654  
with that issuance and refunding. Subject to the applicable bond 655  
proceedings, the portion of the proceeds of the sale of refunding 656  
obligations issued under division (J)(1)(b) of this section to be 657  
applied to debt service on the prior obligations shall be credited 658  
to an appropriate separate account in the bond service fund and 659  
held in trust for the purpose by the issuing authority or by a 660  
corporate trustee. Obligations authorized under this division 661  
shall be considered to be issued for those purposes for which the 662  
prior obligations were issued. 663

(2) Except as otherwise provided in sections 151.01 to 151.09 664  
or 151.40 of the Revised Code, bonds or notes authorized pursuant 665  
to division (J) of this section are subject to the provisions of 666  
those sections pertaining to obligations generally. 667

(3) The principal amount of refunding or renewal obligations 668  
issued pursuant to division (J) of this section shall be in 669  
addition to the amount authorized by the general assembly as 670  
referred to in division (B) of the following sections: section 671  
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, or 151.40 672  
of the Revised Code. 673

## As Reported by the Senate Finance and Financial Institutions Committee

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

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

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

(M) The full faith and credit, revenue, and taxing power of the state are and shall be pledged to the timely payment of debt service on outstanding obligations as it comes due, all in

As Reported by the Senate Finance and Financial Institutions Committee

accordance with Section 2l, 2m, 2n, 2o, or 15 of Article VIII, 706  
Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 707  
151.07, 151.08, or 151.09 of the Revised Code. Moneys referred to 708  
in Section 5a of Article XII, Ohio Constitution, may not be 709  
pledged or used for the payment of debt service except on 710  
obligations referred to in section 151.06 of the Revised Code. The 711  
state covenants, and that covenant shall be controlling 712  
notwithstanding any other provision of law, that the state and the 713  
applicable officers and agencies of the state, including the 714  
general assembly, shall, so long as any obligations are 715  
outstanding in accordance with their terms, maintain statutory 716  
authority for and cause to be levied, collected and applied 717  
sufficient pledged excises, taxes, and revenues of the state so 718  
that the revenues shall be sufficient in amounts to pay debt 719  
service when due, to establish and maintain any reserves and other 720  
requirements, and to pay financing costs, including costs of or 721  
relating to credit enhancement facilities, all as provided for in 722  
the bond proceedings. Those excises, taxes, and revenues are and 723  
shall be deemed to be levied and collected, in addition to the 724  
purposes otherwise provided for by law, to provide for the payment 725  
of debt service and financing costs in accordance with sections 726  
151.01 to ~~151.08~~ 151.09 of the Revised Code and the bond 727  
proceedings. 728

(N) The general assembly may from time to time repeal or 729  
reduce any excise, tax, or other source of revenue pledged to the 730  
payment of the debt service pursuant to Section 2l, 2m, 2n, 2o, or 731  
15 of Article VIII, Ohio Constitution, and sections 151.01 to 732  
151.09 or 151.40 of the Revised Code, and may levy, collect and 733  
apply any new or increased excise, tax, or revenue to meet the 734  
pledge, to the payment of debt service on outstanding obligations, 735  
of the state's full faith and credit, revenue and taxing power, or 736  
of designated revenues and receipts, except fees, excises or taxes 737



referred to in Section 5a of Article XII, Ohio Constitution, for 738  
other than obligations referred to in section 151.06 of the 739  
Revised Code and except net state lottery proceeds for other than 740  
obligations referred to in section 151.03 of the Revised Code. 741  
Nothing in division (N) of this section authorizes any impairment 742  
of the obligation of this state to levy and collect sufficient 743  
excises, taxes, and revenues to pay debt service on obligations 744  
outstanding in accordance with their terms. 745

(O) Each bond service fund is a trust fund and is hereby 746  
pledged to the payment of debt service on the applicable 747  
obligations. Payment of that debt service shall be made or 748  
provided for by the issuing authority in accordance with the bond 749  
proceedings without necessity for any act of appropriation. The 750  
bond proceedings may provide for the establishment of separate 751  
accounts in the bond service fund and for the application of those 752  
accounts only to debt service on specific obligations, and for 753  
other accounts in the bond service fund within the general 754  
purposes of that fund. 755

(P) Subject to the bond proceedings pertaining to any 756  
obligations then outstanding in accordance with their terms, the 757  
issuing authority may in the bond proceedings pledge all, or such 758  
portion as the issuing authority determines, of the moneys in the 759  
bond service fund to the payment of debt service on particular 760  
obligations, and for the establishment and maintenance of any 761  
reserves for payment of particular debt service. 762

(Q) ~~For obligations issued pursuant to sections 151.01 to~~ 763  
~~151.09 of the Revised Code, the~~ The issuing authority shall by the 764  
fifteenth day of ~~the~~ July of each fiscal year, certify or cause to 765  
be certified to the office of budget and management the total 766  
amount of moneys required during the current fiscal year to meet 767  
in full all debt service on the respective obligations and any 768  
related financing costs payable from the applicable bond service 769

As Reported by the Senate Finance and Financial Institutions Committee

fund and not from the proceeds of refunding or renewal 770  
obligations. The issuing authority shall make or cause to be made 771  
supplemental certifications to the office of budget and management 772  
for each debt service payment date and at such other times during 773  
each fiscal year as may be provided in the bond proceedings or 774  
requested by that office. Debt service, costs of credit 775  
enhancement facilities, and other financing costs shall be set 776  
forth separately in each certification. If and so long as the 777  
moneys to the credit of the bond service fund, together with any 778  
other moneys available for the purpose, are insufficient to meet 779  
in full all payments when due of the amount required as stated in 780  
the certificate or otherwise, the office of budget and management 781  
shall at the times as provided in the bond proceedings, and 782  
consistent with any particular provisions in sections 151.03 to 783  
151.09 and 151.40 of the Revised Code, transfer a sufficient 784  
amount to the bond service fund from the pledged revenues in the 785  
case of obligations issued pursuant to section 151.40 of the 786  
Revised Code, and in the case of other obligations from the 787  
revenues derived from excises, taxes, and other revenues, 788  
including net state lottery proceeds in the case of obligations 789  
referred to in section 151.03 of the Revised Code. 790

(R) Unless otherwise provided in any applicable bond 791  
proceedings, moneys to the credit of special funds may be invested 792  
by or on behalf of the state only in one or more of the following: 793

(1) Notes, bond, or other direct obligations of the United 794  
States or of any agency or instrumentality of the United States, 795  
or in no-front-end-load money market mutual funds consisting 796  
exclusively of those obligations, or in repurchase agreements, 797  
including those issued by any fiduciary, secured by those 798  
obligations, or in collective investment funds consisting 799  
exclusively of those obligations; 800

(2) Obligations of this state or any political subdivision of 801

this state; 802

(3) Certificates of deposit of any national bank located in 803  
this state and any bank, as defined in section 1101.01 of the 804  
Revised Code, subject to inspection by the superintendent of 805  
financial institutions; 806

(4) The treasurer of state's pooled investment program under 807  
section 135.45 of the Revised Code. 808

The income from investments referred to in division (R) of 809  
this section shall, unless otherwise provided in sections 151.01 810  
to 151.09 or 151.40 of the Revised Code, be credited to special 811  
funds or otherwise as the issuing authority determines in the bond 812  
proceedings. Those investments may be sold or exchanged at times 813  
as the issuing authority determines, provides for, or authorizes. 814

(S) The treasurer of state shall have responsibility for 815  
keeping records, making reports, and making payments, relating to 816  
any arbitrage rebate requirements under the applicable bond 817  
proceedings. 818

**Sec. 164.22.** Natural resources assistance councils shall 819  
review and approve or disapprove applications in accordance with 820  
sections 164.20 to 164.27 of the Revised Code for grants for 821  
projects that propose to do either of the following: 822

(A) Provide for open space acquisition and related 823  
development of those open spaces, including the ~~acquisition~~ 824  
acquisition of easements. Open space acquisition projects include 825  
acquisition of land or rights in land for parks, forests, 826  
wetlands, natural areas that protect an endangered plant or animal 827  
population, other natural areas, and connecting corridors for 828  
natural areas. Related development projects include projects for 829  
the construction or enhancement of facilities that are necessary 830  
to make an open space area accessible and useable by the general 831

public. Projects proposed pursuant to division (A) of this section 832  
shall emphasize the following: 833

(1) The support of comprehensive open space planning and 834  
incorporation of aesthetically pleasing and ecologically informed 835  
design; 836

(2) The enhancement of economic development that relies on 837  
recreation and ecotourism in areas with relatively high 838  
unemployment and lower incomes; 839

(3) The protection of habitat for rare, threatened, and 840  
endangered species or the preservation of high quality, viable 841  
habitat for plant and animal species; 842

(4) The preservation of existing high quality wetlands or 843  
other scarce natural resources within the geographical 844  
jurisdiction of the council; 845

~~(5) The inclusion of pedestrian or bicycle linkages to other 846  
open space preserves and population centers;~~ 847

~~(6)~~ The enhancement of educational opportunities and 848  
provision of physical links to schools and after-school centers; 849

~~(7)~~(6) The preservation or restoration of water quality, 850  
natural stream channels, functioning floodplains, wetlands, 851  
streamside forests, and other natural features that contribute to 852  
the quality of life in this state and to the state's natural 853  
heritage. Projects shall not include hydromodification projects 854  
such as dams, dredging, sedimentation, and bank clearing and shall 855  
not accelerate untreated water runoff or encourage invasive 856  
nonnative species. 857

~~(8)~~(7) The reduction or elimination of nonnative, invasive 858  
species of plants or animals; 859

~~(9)~~(8) The proper management of areas where safe fishing, 860  
hunting, and trapping may take place in a manner that will 861

preserve a balanced natural ecosystem. 862

(B) Protect and enhance riparian corridors or watersheds, 863  
including the protection and enhancement of streams, rivers, 864  
lakes, and other waters of the state. Such projects may include, 865  
without limitation, the reforestation of land or the planting of 866  
vegetation for filtration purposes; the fee simple acquisition of 867  
lands for the purpose of providing access to riparian corridors or 868  
watersheds or for other purposes necessary for the protection and 869  
enhancement of riparian corridors or watersheds; and the 870  
acquisition of easements for the purpose of protecting and 871  
enhancing riparian corridors or watersheds. Projects proposed 872  
pursuant to division (B) of this section shall emphasize the 873  
following: 874

(1) The increase of habitat protection; 875

(2) Inclusion as part of a stream corridor-wide or 876  
watershed-wide plan; 877

(3) The provision of multiple recreational, economic, and 878  
aesthetic preservation benefits; 879

(4) The preservation or restoration of floodplain and 880  
streamside forest functions; 881

(5) The preservation of headwater streams; 882

(6) The restoration and preservation of aquatic biological 883  
communities. 884

Projects shall not initiate or perpetuate hydromodification 885  
projects such as dams, ditch development, or channelization. 886

Grant moneys may be used for preliminary costs related to 887  
projects that are eligible for funding under this section, 888  
including planning costs, design costs, engineering costs, costs 889  
of appraisals, environmental assessments, and archaeological 890  
surveys. 891

**Sec. 164.23.** (A) An entity seeking a grant for a project that 892  
is eligible for funding under section 164.22 of the Revised Code 893  
shall submit an application to the natural resources assistance 894  
council with geographical jurisdiction over the proposed project 895  
area. Entities that are eligible for funding are limited to local 896  
political subdivisions and nonprofit organizations. The director 897  
of the Ohio public works commission shall develop the form of the 898  
application and shall provide application forms to each council. 899  
The application shall require at least all of the following: 900

(1) An identification of the local political subdivision or 901  
nonprofit organization that is responsible for the execution and 902  
completion of the proposed project; 903

(2) A detailed description of the proposed project; 904

(3) An identification of the areas that are proposed to be 905  
protected, restored, preserved, or constructed; 906

(4) Detailed information concerning the practices and 907  
procedures that will be undertaken to complete the project; 908

(5) A formal detailed estimate of the project's cost; 909

(6) The amount and nature of the moneys or resources to be 910  
used as matching funds for the project. Matching funds shall 911  
constitute not less than twenty-five per cent of the total cost of 912  
the project and may consist of contributions of money by any 913  
person, any local political subdivision, or the federal government 914  
or of contributions in-kind by such parties through the purchase 915  
or donation of equipment, land, easements, labor, or materials 916  
necessary to complete the project. 917

(7) An identification of any participation by state agencies 918  
that may have expertise regarding the particular project and that 919  
may provide assistance with respect to the project; 920

(8) Information concerning the coordination of the project 921

among local political subdivisions, state agencies, federal	922
agencies, community organizations, conservation organizations, and	923
local business groups;	924
(9) Information about any coordination that the project will	925
have with projects being undertaken under the jurisdiction of	926
other natural resources assistance councils throughout the state	927
under sections 164.20 to 164.27 of the Revised Code or with	928
projects being undertaken under sections 122.65 to 122.658 of the	929
Revised Code;	930
(10) Information about public participation in the planning	931
and execution of the project;	932
(11) Information about whether the general public will be	933
given access to the project area upon the completion of the	934
project;	935
(12) A timetable for completion of the proposed project.	936
(B) In addition to the application required under division	937
(A) of this section, an applicant for a grant for a project shall	938
include with the application all of the following:	939
(1) Except as otherwise provided in division (C) of this	940
section, a copy of a resolution supporting the project from each	941
county in which the proposed project is to be conducted and	942
whichever of the following is applicable:	943
(a) If the proposed project is to be conducted wholly within	944
the geographical boundaries of one township, a copy of a	945
resolution supporting the project from the township;	946
(b) If the proposed project is to be conducted wholly within	947
the geographical boundaries of one municipal corporation, a copy	948
of a resolution supporting the project from the municipal	949
corporation;	950
(c) If the proposed project is to be conducted in more than	951

one, but fewer than five townships or municipal corporations, a 952  
copy of a resolution supporting the project from at least one-half 953  
of the total number of townships and municipal corporations in 954  
which the proposed project is to be conducted; 955

(d) If the proposed project is to be conducted in five or 956  
more townships or municipal corporations, a copy of a resolution 957  
supporting the project from at least three-fifths of the total 958  
number of townships and municipal corporations in which the 959  
proposed project is to be conducted. 960

However, if the applicant is a county and the proposed 961  
project is to be located wholly within the geographical boundaries 962  
of the county, the applicant shall not be required to include a 963  
copy of a resolution from any township or municipal corporation. 964  
If the applicant is a municipal corporation and the proposed 965  
project is to be located wholly within the geographical boundaries 966  
of the municipal corporation, the applicant shall not be required 967  
to include a copy of a resolution from the county in which it is 968  
located. If the applicant is a township and the proposed project 969  
is to be located wholly within the geographical boundaries of the 970  
township, the applicant shall not be required to include a copy of 971  
a resolution from the county in which it is located. 972

(2) Documentation that demonstrates that the applicant has 973  
the capacity, financial or otherwise, to complete the project for 974  
which the grant is sought and to provide any necessary ongoing 975  
maintenance of the project; 976

(3) Documentation that indicates compliance with division (A) 977  
of section 164.26 of the Revised Code related to the long-term 978  
ownership or control of the property that is the subject of the 979  
grant application. 980

(C)~~(1)~~ Prior to submitting an application for a grant for a 981  
project under this section, an applicant that is a park district 982



~~or other similar park authority shall submit a copy of the 983  
application to consult with the legislative authority of each 984  
county, township, and municipal corporation in which the proposed 985  
project will be located. Not later than twenty one days after 986  
receipt of the copy of the application, the legislative authority 987  
may adopt a resolution objecting to the proposed project. 988~~

~~If a legislative authority adopts a resolution by the end of 989  
the twenty one day period objecting to the proposed project, the 990  
legislative authority immediately shall send a copy of the 991  
resolution to the applicant and to the appropriate natural 992  
resources assistance council. If a legislative authority fails to 993  
adopt a resolution by the end of that period objecting to the 994  
proposed project, it shall be conclusively presumed that the 995  
legislative authority does not object to the proposed project. 996~~

~~(2) Except as otherwise provided in division (C)(3) of this 997  
section, if the applicant receives a copy of a resolution from any 998  
legislative authority objecting to the proposed project that was 999  
adopted by the end of the twenty one day period, the applicant 1000  
shall not submit the application to the appropriate natural 1001  
resources assistance council. If the applicant does not receive 1002  
any such resolutions, the applicant may proceed to submit the 1003  
application to the appropriate natural resources assistance 1004  
council and shall include with it an affidavit stating that the 1005  
applicant notified all affected counties, townships, and municipal 1006  
corporations as required under division (C)(1) of this section and 1007  
that the applicant did not receive any timely resolutions 1008  
objecting to the proposed project. 1009~~

~~The affidavit required under division (C)(2) of this section 1010  
is in lieu of the copies of resolutions required under division 1011  
(B)(1) of this section. 1012~~

~~If an applicant submits a false affidavit required under 1013  
division (C)(2) of this section, the appropriate natural resources 1014~~

~~assistance council shall deny the application for a grant. If an applicant has received a grant at the time that a false affidavit is discovered, the applicant shall return all of the money awarded in the grant.~~ 1015  
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~~(3) If an applicant that is subject to division (C) of this section proposes a project that will be located in more than one county, township, or municipal corporation and receives a timely resolution objecting to the proposed project from at least one, but not all, of the legislative authorities of those counties, townships, and municipal corporations, the applicant may submit an application for, and be awarded a grant for, the portion of the proposed project that will be located in the counties, townships, and municipal corporations whose legislative authorities did not adopt resolutions objecting to the proposed project.~~ 1019  
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(D) Upon receipt of an application under division (A) of this section and the information required under division (B) of this section, a council may request additional information concerning the proposed project to which the application and information apply. Upon receiving such a request, the entity proposing the project shall provide the additional information requested. 1029  
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**Sec. 901.22.** (A) The director of agriculture, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following: 1035  
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(1) Establish procedures and eligibility criteria for making matching grants to municipal corporations, counties, townships, and charitable organizations described in division (B) of section 5301.69 of the Revised Code for the purchase of agricultural easements. With respect to agricultural easements that are purchased or proposed to be purchased with such matching grants that consist in whole or in part of moneys from the clean Ohio 1039  
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agricultural easement fund created in section 901.21 of the	1046
Revised Code, the rules shall establish all of the following:	1047
(a) Procedures for all of the following:	1048
(i) Soliciting and accepting applications for matching	1049
grants;	1050
(ii) Participation by local governments and by the public in	1051
the process of making matching grants to charitable organizations;	1052
(iii) Notifying local governments, charitable organizations,	1053
and organizations that represent the interests of farmers of the	1054
ranking system established in rules adopted under division	1055
(A)(1)(b) of this section.	1056
(b) A ranking system for applications for the matching grants	1057
that is based on the soil type, proximity of the land or other	1058
land that is conducive to agriculture as defined by rules adopted	1059
under this section and that is the subject of an application to	1060
other agricultural land or other land that is conducive to	1061
agriculture as defined by rules adopted under this section and	1062
that is already or is in the process of becoming permanently	1063
protected from development, farm stewardship, development	1064
pressure, and, if applicable, a local comprehensive land use plan	1065
involved with a proposed agricultural easement. The rules shall	1066
require that preference be given to proposed agricultural	1067
easements that involve the greatest proportion of all of the	1068
following:	1069
(i) Prime soils, unique or locally important soils,	1070
microclimates, or similar features;	1071
(ii) Land that is adjacent to or that is in close proximity	1072
to other agricultural land or other land that is conducive to	1073
agriculture as defined by rules adopted under this section and	1074
that is already or is in the process of becoming permanently	1075
protected from development, by agricultural easement or otherwise,	1076

so that a buffer would exist between the land involving the 1077  
proposed agricultural easement and areas that have been developed 1078  
or likely will be developed for purposes other than agriculture; 1079

(iii) The use of best management practices, including 1080  
federally or state approved conservation plans, and a history of 1081  
substantial compliance with applicable federal and state laws; 1082

(iv) Development pressure that is imminent, but not a result 1083  
of current location in the direct path of urban development; 1084

(v) Areas identified for agricultural protection in local 1085  
comprehensive land use plans. 1086

(c) Any other criteria that the director determines are 1087  
necessary for selecting applications for matching grants; 1088

(d) Requirements regarding the information that must be 1089  
included in the annual monitoring report that must be prepared for 1090  
an agricultural easement under division (D)(2) of section 5301.691 1091  
of the Revised Code, procedures for submitting a copy of the 1092  
report to the office of farmland preservation in the department of 1093  
agriculture, and requirements and procedures governing corrective 1094  
actions that may be necessary to enforce the terms of the 1095  
agricultural easement. 1096

(2) Establish provisions that shall be included in the 1097  
instrument conveying to a municipal corporation, county, township, 1098  
or charitable organization any agricultural easement purchased 1099  
with matching grant funds provided by the director under this 1100  
section, including, without limitation, all of the following 1101  
provisions: 1102

(a) A provision stating that an easement so purchased may be 1103  
extinguished only if an unexpected change in the conditions of or 1104  
surrounding the land that is subject to the easement makes 1105  
impossible or impractical the continued use of the land for the 1106  
purposes described in the easement, or if the requirements of the 1107

easement are extinguished by judicial proceedings; 1108

(b) A provision requiring that, upon the sale, exchange, or 1109  
involuntary conversion of the land subject to the easement, the 1110  
holder of the easement shall be paid an amount of money that is at 1111  
least equal to the proportionate value of the easement compared to 1112  
the total value of the land at the time the easement was acquired; 1113

(c) A provision requiring that, upon receipt of the portion 1114  
of the proceeds of a sale, exchange, or involuntary conversion 1115  
described in division (A)(2)(b) of this section, the municipal 1116  
corporation, county, township, or charitable organization remit to 1117  
the director an amount of money equal to the percentage of the 1118  
cost of purchasing the easement it received as a matching grant 1119  
under this section. 1120

Moneys received by the director pursuant to rules adopted 1121  
under division (A)(2)(c) of this section shall be credited to the 1122  
agricultural easement purchase fund created in section 901.21 of 1123  
the Revised Code. 1124

(3) Establish a provision that provides a charitable 1125  
organization described in division (B) of section 5301.69 of the 1126  
Revised Code, municipal corporation, township, or county with the 1127  
option of purchasing agricultural easements either in installments 1128  
or with a lump sum payment. The rules shall include a requirement 1129  
that a charitable organization, municipal corporation, township, 1130  
or county negotiate with the seller of the agricultural easement 1131  
concerning any installment payment terms, including the dates and 1132  
amounts of payments and the interest rate on the outstanding 1133  
balance. The rules also shall require the director to approve any 1134  
method of payment that is undertaken in accordance with the rules 1135  
adopted under division (A)(3) of this section. 1136

(4) Establish any other requirements that the director 1137  
considers to be necessary or appropriate to implement or 1138

administer a program to make matching grants under this section 1139  
and monitor those grants. 1140

(B) The director may develop guidelines regarding the 1141  
acquisition of agricultural easements by the department of 1142  
agriculture and the provisions of instruments conveying those 1143  
easements. The director may make the guidelines available to 1144  
public and private entities authorized to acquire and hold 1145  
agricultural easements. 1146

(C) The director may provide technical assistance in 1147  
developing a program for the acquisition and monitoring of 1148  
agricultural easements to public and private entities authorized 1149  
to hold agricultural easements. The technical assistance may 1150  
include, without limitation, reviewing and providing advisory 1151  
recommendations regarding draft instruments conveying agricultural 1152  
easements. 1153

(D) The director may make matching grants from the 1154  
agricultural easement purchase fund and the clean Ohio 1155  
agricultural easement fund to municipal corporations, counties, 1156  
townships, and charitable organizations described in division (B) 1157  
of section 5301.69 of the Revised Code, to assist those political 1158  
subdivisions and charitable organizations in purchasing 1159  
agricultural easements. Application for a matching grant shall be 1160  
made on forms prescribed and provided by the director. The 1161  
matching grants shall be made in compliance with the criteria and 1162  
procedures established in rules adopted under this section. 1163  
Instruments conveying agricultural easements purchased with 1164  
matching grant funds provided under this section, at a minimum, 1165  
shall include the mandatory provisions set forth in those rules. 1166

Matching grants made under this division using moneys from 1167  
the clean Ohio agricultural easement fund created in section 1168  
901.21 of the Revised Code may provide up to seventy-five per cent 1169  
of the value of an agricultural easement as determined by a 1170

general real estate appraiser who is certified under Chapter 4763. 1171  
of the Revised Code. Not less than twenty-five per cent of the 1172  
value of the agricultural easement shall be provided by the 1173  
recipient of the matching grant or donated by the person who is 1174  
transferring the easement to the grant recipient. The amount of 1175  
such a matching grant used for the purchase of a single 1176  
agricultural easement shall not exceed one million dollars. 1177

(E) For any agricultural easement purchased with a matching 1178  
grant that consists in whole or in part of moneys from the clean 1179  
Ohio agricultural easement fund, the director shall be named as a 1180  
grantee on the instrument conveying the easement, as shall the 1181  
municipal corporation, county, township, or charitable 1182  
organization that receives the grant. 1183

(F)(1) The director shall monitor and evaluate the 1184  
effectiveness and efficiency of the agricultural easement program 1185  
as a farmland preservation tool. On or before July 1, 1999, and 1186  
the first day of July of each year thereafter, the director shall 1187  
prepare and submit a report to the chairpersons of the standing 1188  
committees of the senate and the house of representatives that 1189  
consider legislation regarding agriculture. The report shall 1190  
consider and address the following criteria to determine the 1191  
program's effectiveness: 1192

(a) The number of agricultural easements purchased during the 1193  
preceding year; 1194

(b) The location of those easements; 1195

(c) The number of acres of land preserved for agricultural 1196  
use; 1197

(d) The amount of money used by a municipal corporation, 1198  
township, or county from its general fund or special fund to 1199  
purchase the agricultural easements; 1200

(e) The number of state matching grants given to purchase the 1201

agricultural easements;	1202
(f) The amount of state matching grant moneys used to purchase the agricultural easements.	1203 1204
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	1205 1206 1207
(a) The total number of acres in the county;	1208
(b) The total number of acres in current agricultural use;	1209
(c) The total number of acres preserved for agricultural use in the preceding year;	1210 1211
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	1212 1213
<b>Sec. 5301.691.</b> (A)(1) Subject to divisions (A)(2) and (E) of this section, the director of agriculture, with moneys credited to the agricultural easement purchase fund created in section 901.21 of the Revised Code, may purchase agricultural easements in the name of the state.	1214 1215 1216 1217 1218
(2) Not less than thirty days prior to the acquisition of an agricultural easement under division (A)(1) of this section or the extinguishment of such an easement purchased under that division, the director shall provide written notice of the intention to do so to the board of county commissioners of the county in which the land that is or is proposed to be subject to the easement or extinguishment is located, and either to the legislative authority of the municipal corporation in which the land is located, if it is located in an incorporated area, or to the board of township trustees of the township in which the land is located, if it is located in an unincorporated area. If, within thirty days after the director provides the notice, the board of county commissioners, legislative authority, or board of township	1219 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231



trustees requests an informational meeting with the director 1232  
regarding the proposed acquisition or extinguishment, the director 1233  
shall meet with the legislative authority or board to respond to 1234  
the board's or authority's questions and concerns. If a meeting is 1235  
timely requested under division (A)(2) of this section, the 1236  
director shall not undertake the proposed acquisition or 1237  
extinguishment until after the meeting has been concluded. 1238

The director, upon the director's own initiative and prior to 1239  
the purchase of an agricultural easement under division (A)(1) of 1240  
this section or the extinguishment of such an easement, may hold 1241  
an informational meeting with the board of county commissioners 1242  
and the legislative authority of the municipal corporation or 1243  
board of township trustees in which land that would be affected by 1244  
the proposed acquisition or extinguishment is located, to respond 1245  
to any questions and concerns of the board or authority regarding 1246  
the proposed acquisition or extinguishment. 1247

(B)(1) Subject to division (E) of this section, the 1248  
legislative authority of a municipal corporation, board of county 1249  
commissioners of a county, or board of trustees of a township, 1250  
with moneys in the political subdivision's general fund not 1251  
required by law or charter to be used for other specified purposes 1252  
or with moneys in a special fund of the political subdivision to 1253  
be used for the purchase of agricultural easements, may purchase 1254  
agricultural easements in the name of the municipal corporation, 1255  
county, or township. 1256

(2) Subject to division (E) of this section, the legislative 1257  
authority of a municipal corporation, board of county 1258  
commissioners of a county, or board of township trustees of a 1259  
township may acquire agricultural easements by gift, devise, or 1260  
bequest. Any terms may be included in an agricultural easement so 1261  
acquired that are necessary or appropriate to preserve on behalf 1262  
of the grantor of the easement the favorable tax consequences of 1263

the gift, devise, or bequest under the "Internal Revenue Act of 1264  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1265

(C)(1) The term of an agricultural easement purchased wholly 1266  
or in part with money from the agricultural easement purchase fund 1267  
shall be perpetual and shall run with the land. 1268

(2) The term of an agricultural easement purchased by such a 1269  
legislative authority or board without the use of any money from 1270  
the agricultural easement purchase fund may be perpetual or for a 1271  
specified period. The agricultural easement shall run with the 1272  
land. The instrument conveying an agricultural easement for a 1273  
specified period shall include provisions specifying, at a 1274  
minimum, all of the following: 1275

(a) The consideration to be paid for the easement and manner 1276  
of payment; 1277

(b) Whether the easement is renewable and, if so, procedures 1278  
for its renewal; 1279

(c) The circumstances under which the easement may be 1280  
extinguished; 1281

(d) The method for determining the amount of money, if any, 1282  
due the holder of the easement upon extinguishment and for payment 1283  
of that amount to the holder. 1284

(D)(1) The director and each legislative authority of a 1285  
municipal corporation, board of county commissioners, or board of 1286  
township trustees, upon acquiring an agricultural easement by 1287  
purchase, gift, devise, or bequest under this section or section 1288  
901.21 of the Revised Code, shall name an appropriate 1289  
administrative officer, department, or division to supervise and 1290  
enforce the easement. A legislative authority or board may enter 1291  
into a contract with the board of park commissioners of a park 1292  
district established under Chapter 1545. of the Revised Code, the 1293  
board of park commissioners of a township park district 1294

established under section 511.18 of the Revised Code, or the board 1295  
of supervisors of a soil and water conservation district 1296  
established under Chapter 1515. of the Revised Code having 1297  
territorial jurisdiction within the municipal corporation, county, 1298  
or township, or with a charitable organization described in 1299  
division (B) of section 5301.69 of the Revised Code, to supervise 1300  
on behalf of the legislative authority or board an agricultural 1301  
easement so acquired. The contract may be entered into on such 1302  
terms as are agreeable to the parties and shall specify or 1303  
prescribe a method for determining the amounts of any payments to 1304  
be made by the legislative authority or board of county 1305  
commissioners or township trustees for the performance of the 1306  
contract. 1307

(2) With respect to an agricultural easement purchased with a 1308  
matching grant that is made under division (D) of section 901.22 1309  
of the Revised Code and that consists in whole or in part of 1310  
moneys from the clean Ohio agricultural easement fund created in 1311  
section 901.21 of the Revised Code, the recipient of the matching 1312  
grant shall make an annual monitoring visit to the land that is 1313  
the subject of the easement. The purpose of the visit is to ensure 1314  
that no development that is prohibited by the terms of the 1315  
easement has occurred or is occurring. In accordance with rules 1316  
adopted under division (A)(1)(d) of section 901.22 of the Revised 1317  
Code, the grant recipient shall prepare a written annual 1318  
monitoring report and submit it to the office of farmland 1319  
preservation in the department of agriculture. If necessary to 1320  
enforce the terms of the easement, the grant recipient shall take 1321  
corrective action in accordance with those rules. The director may 1322  
agree to share these monitoring and enforcement responsibilities 1323  
with the grant recipient. 1324

(E) The director; a municipal corporation, county, or 1325  
township; or a charitable organization described in division (B) 1326

of section 5301.69 of the Revised Code, may acquire agricultural easements by purchase, gift, devise, or bequest only on land that is valued for purposes of real property taxation at its current value for agricultural use under section 5713.31 of the Revised Code or that constitutes a homestead when the easement is granted.

(F) An agricultural easement acquired by the director under division (A) of this section may be extinguished if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the agricultural easement, or if the requirements of the easement are extinguished by judicial proceedings. Upon the sale, exchange, or involuntary conversion of the land subject to the easement, the director shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to the total value of the land at the time the easement was acquired. Moneys so received shall be credited to the agricultural easement purchase fund.

An agricultural easement acquired by a municipal corporation, county, or township under division (B) of this section may be extinguished under the circumstances prescribed, and in accordance with the terms and conditions set forth, in the instrument conveying the agricultural easement. An agricultural easement acquired by a charitable organization described in division (B) of section 5301.69 of the Revised Code may be extinguished under the circumstances prescribed, and in accordance with the terms and conditions set forth, in the instrument conveying the agricultural easement.

Any instrument extinguishing an agricultural easement shall be executed and recorded in the same manner as other instruments conveying or terminating interests in real property.

(G) Promptly after the recording and indexing of an

instrument conveying an agricultural easement to any person or to 1359  
a municipal corporation, county, or township or of an instrument 1360  
extinguishing an agricultural easement held by any person or such 1361  
a political subdivision, the county recorder shall mail, by 1362  
regular mail, a photocopy of the instrument to the office of 1363  
farmland preservation in the department of agriculture. The 1364  
photocopy shall be accompanied by an invoice for the applicable 1365  
fee established in section 317.32 of the Revised Code. Promptly 1366  
after receiving the photocopy and invoice, the office of farmland 1367  
preservation shall remit the fee to the county recorder. 1368

(H) The director, the legislative authority of a municipal 1369  
corporation, a board of county commissioners, or a board of 1370  
township trustees may receive and expend grants from any public or 1371  
private source for the purpose of purchasing agricultural 1372  
easements and supervising and enforcing them. 1373

**Section 2.** That existing sections 122.651, 122.657, 122.658, 1374  
151.01, 164.22, 164.23, 901.22, and 5301.691 of the Revised Code 1375  
are hereby repealed. 1376

**Section 3.** That Sections 4, 6, and 7 of Am. Sub. H.B. 3 of 1377  
the 124th General Assembly be amended to read as follows: 1378

**"Sec. 4.** All items in this section are hereby appropriated as 1379  
designated out of any moneys in the state treasury to the credit 1380  
of the Clean Ohio Conservation Fund (Fund 056). The appropriations 1381  
made in ~~this act~~ Am. Sub. H.B. 3 of the 124th General Assembly are 1382  
in addition to any other capital appropriations made for the 1383  
2000-2002 biennium. 1384

PWC PUBLIC WORKS COMMISSION 1385

Clean Ohio Conservation Fund 1386

056 CAP-152 Clean Ohio Conservation \$ 37,500,000 1387

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL 056 Clean Ohio Conservation Fund	\$	37,500,000	1388
TOTAL ALL BUDGET FUND GROUPS	\$	37,500,000	1389

CLEAN OHIO CONSERVATION 1390

The foregoing appropriation item CAP-152, Clean Ohio 1391  
 Conservation, shall be used in accordance with sections 164.20 to 1392  
 164.27 of the Revised Code. The Director of the Public Works 1393  
 Commission may certify to the Director of Budget and Management 1394  
 that a need exists to appropriate investment earnings to be used 1395  
 in accordance with sections 164.20 to 164.27 of the Revised Code. 1396  
 If the Director of Budget and Management determines pursuant to 1397  
 sections 164.12 and 164.27 of the Revised Code that investment 1398  
 earnings are available to support additional appropriations, such 1399  
 amounts are hereby appropriated. 1400

Within the limits set forth in ~~this act~~ Am. Sub. H.B. 3 of 1401  
the 124th General Assembly, the Director of Budget and Management 1402  
 shall establish accounts indicating source and amount of funds for 1403  
 each appropriation made in ~~this act~~ Am. Sub. H.B. 3 of the 124th 1404  
General Assembly, and shall determine the form and manner in which 1405  
 appropriation accounts shall be maintained. Expenditures from 1406  
 appropriations contained in ~~this act~~ Am. Sub. H.B. 3 of the 124th 1407  
General Assembly shall be accounted for as though made in Am. Sub. 1408  
 H.B. 640 of the 123rd General Assembly. 1409

The appropriations made in ~~this act~~ Am. Sub. H.B. 3 of the 1410  
124th General Assembly are subject to all provisions of Am. Sub. 1411  
 H.B. 640 of the 123rd General Assembly that are general applicable 1412  
 to such appropriations. 1413

Notwithstanding section 126.14 of the Revised Code, 1414  
appropriations from the Clean Ohio Conservation Fund (Fund 056) to 1415  
the Public Works Commission shall be released upon presentation of 1416  
a request to release the funds, by the Public Works Commission, to 1417  
the Director of Budget and Management. 1418

Sec. 6. All items in this section are hereby appropriated as 1419  
designated out of any moneys in the state treasury to the credit 1420  
of the Clean Ohio Trail Fund (Fund 058 061). The appropriations 1421  
made in this act are in addition to any other capital 1422  
appropriations made for the 2000-2002 biennium. 1423

DNR DEPARTMENT OF NATURAL RESOURCES 1424

Clean Ohio Trail Fund 1425

058 CAP-014 Clean Ohio Trail \$ 6,250,000 1426

061

TOTAL 058 061 Clean Ohio Trail Fund \$ 6,250,000 1427

TOTAL ALL BUDGET FUND GROUPS \$ 6,250,000 1428

CLEAN OHIO TRAIL 1429

The foregoing appropriation item CAP-014, Clean Ohio Trail, 1430  
shall be used in accordance with section 1519.05 of the Revised 1431  
Code. The Director of the Department of Natural Resources may 1432  
certify to the Director of Budget and Management that a need 1433  
exists to appropriate investment earnings to be used in accordance 1434  
with section 1519.05 of the Revised Code. If the Director of 1435  
Budget and Management determines pursuant to section 1519.05 of 1436  
the Revised Code that investment earnings are available to support 1437  
additional appropriations, such amounts are hereby appropriated. 1438

Within the limits set forth in this act, the Director of 1439  
Budget and Management shall establish accounts indicating source 1440  
and amount of funds for each appropriation made in this act, and 1441  
shall determine the form and manner in which appropriation 1442  
accounts shall be maintained. Expenditures from appropriations 1443  
contained in this act shall be accounted for as though made in Am. 1444  
Sub. H.B. 640 of the 123rd General Assembly. 1445

The appropriations made in this act are subject to all 1446  
provisions of Am. Sub. H.B. 640 of the 123rd General Assembly that 1447  
are generally applicable to such appropriations. 1448

Sec. 7. All items in this section are hereby appropriated as 1449  
designated out of any moneys in the state treasury to the credit 1450  
of the Clean Ohio Trail Fund (Fund ~~058~~ 061). For all 1451  
appropriations made in this act, those in the first column are for 1452  
fiscal year 2002 and those in the second column are for fiscal 1453  
year 2003. The appropriations made in this act are in addition to 1454  
any other appropriations made for the 2001-2003 biennium. 1455

DNR DEPARTMENT OF NATURAL RESOURCES 1456

Clean Ohio Trail Fund 1457

~~058~~ 725-405 Clean Ohio - Operating \$ 150,000 \$ 155,000 1458  
061

TOTAL ~~058~~ 061 Clean Ohio Trail Fund \$ 150,000 \$ 155,000 1459

TOTAL ALL BUDGET FUND GROUPS \$ 150,000 \$ 155,000 1460

CLEAN OHIO - OPERATING 1461

The foregoing appropriations item 725-405, Clean Ohio - 1462  
Operating, shall be used by the Ohio Department of Natural 1463  
Resources in administering section 1519.05 of the Revised Code. 1464

Within the limits set forth in this act, the Director of 1465  
Budget and Management shall establish accounts indicating source 1466  
and amount of funds for each appropriation made in this act, and 1467  
shall determine the form and manner in which appropriation 1468  
accounts shall be maintained. Expenditures from appropriations 1469  
contained in this act shall be accounted for as though made in Am. 1470  
Sub. H.B. 94 of the 124th General Assembly. 1471

The appropriations made in this act are subject to all 1472  
provisions of Am. Sub. H.B. 94 of the 124th General Assembly that 1473  
are generally applicable to such appropriations." 1474

**Section 4.** That existing Sections 4, 6, and 7 of Am. Sub. 1475  
H.B. 3 of the 124th General Assembly are hereby repealed. 1476



## As Reported by the Senate Finance and Financial Institutions Committee

**Section 5.** On the effective date of this section or as soon 1477  
as possible thereafter, the Director of Budget and Management 1478  
shall transfer \$9,812.73 in cash from the State Accounting Fund 1479  
(Fund 105) to the Traffic Safety Fund (Fund 832). The transfer 1480  
will reimburse the Traffic Safety Fund for cash intercepted by the 1481  
Internal Revenue Service for an assessment unrelated to the 1482  
Traffic Safety Fund or the Department of Public Safety. 1483

**Section 6.** Notwithstanding any other provision of law to the 1484  
contrary, not later than June 30, 2002, the Director of Budget and 1485  
Management shall transfer up to \$3,000,000 in cash from General 1486  
Revenue Fund appropriation item 035-407, Legislative Task Force on 1487  
Redistricting, under the budget of the Legislative Service 1488  
Commission to General Services Fund 106, appropriation item 1489  
055-612, General Reimbursement, under the budget of the Office of 1490  
the Attorney General. The amount transferred is hereby 1491  
appropriated. 1492