

(124th General Assembly)
(Amended Substitute House Bill Number 3)

AN ACT

To amend sections 126.11, 151.01, 164.02, 317.08, 901.21, 901.22, 3746.13, 5301.67, 5301.68, 5301.69, and 5301.691 and to enact sections 122.65, 122.651, 122.652, 122.653, 122.654, 122.655, 122.656, 122.657, 122.658, 122.659, 122.99, 151.09, 151.40, 164.20 to 164.27, 901.23, 1519.05, 1519.06, and 3745.40 of the Revised Code and to amend Sections 17, 41, 41.07, 50, 50.01, 78, 78.01, 92, and 106 of Am. Sub. H.B. 94 of the 124th General Assembly to provide for the implementation of programs to finance brownfields revitalization projects, natural resource projects, and farmland preservation projects through the issuance of obligations of the state, and to make an appropriation.

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

SECTION 1. That sections 126.11, 151.01, 164.02, 317.08, 901.21, 901.22, 3746.13, 5301.67, 5301.68, 5301.69, and 5301.691 be amended and sections 122.65, 122.651, 122.652, 122.653, 122.654, 122.655, 122.656, 122.657, 122.658, 122.659, 122.99, 151.09, 151.40, 164.20, 164.21, 164.22, 164.23, 164.24, 164.25, 164.26, 164.27, 901.23, 1519.05, 1519.06, and 3745.40 of the Revised Code be enacted to read as follows:

Sec. 122.65. As used in sections 122.65 to 122.659 of the Revised Code:

(A) "Applicable cleanup standards" means either of the following:

(1) For property to which Chapter 3734. of the Revised Code and rules adopted under it apply, the requirements for closure or corrective action established in rules adopted under section 3734.12 of the Revised Code;

(2) For property to which Chapter 3746. of the Revised Code and rules adopted under it apply, the cleanup standards that are established in rules adopted under section 3746.04 of the Revised Code.

(B) "Applicant" means a county, township, municipal corporation, port authority, or conservancy district or a park district, other similar park

authority, nonprofit organization, or organization for profit that has entered into an agreement with a county, township, municipal corporation, port authority, or conservancy district to work in conjunction with that county, township, municipal corporation, port authority, or conservancy district for the purposes of sections 122.65 to 122.658 of the Revised Code.

(C) "Assessment" means a phase I and phase II property assessment conducted in accordance with section 3746.04 of the Revised Code and rules adopted under that section.

(D) "Brownfield" means an abandoned, idled, or under-used industrial or commercial property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.

(E) "Certified professional," "hazardous substance," "petroleum," and "release" have the same meanings as in section 3746.01 of the Revised Code.

(F) "Cleanup or remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity.

(G) "Distressed area" means either a municipal corporation with a population of at least fifty thousand or a county that meets any two of the following criteria:

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.

(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.

(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

"Distressed area" includes a municipal corporation the majority of the population of which is situated in a county that is a distressed area.

(H) "Eligible area" means a distressed area, an inner city area, a labor surplus area, or a situational distress area.

(I) "Inner city area" means an area in a municipal corporation that has a population of at least one hundred thousand, is not a labor surplus area, and is a targeted investment area established by the municipal corporation that is comprised of block tracts identified in the most recently available figures from the United States census bureau in which at least twenty per cent of the population in the area is at or below the official poverty line or of contiguous block tracts meeting those criteria.

(J) "Integrating committee" means a district public works integrating committee established under section 164.04 of the Revised Code.

(K) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(L) "Loan" includes credit enhancement.

(M) "No further action letter" means a letter that is prepared by a certified professional when, on the basis of the best knowledge, information, and belief of the certified professional, the certified professional concludes that the cleanup or remediation of a brownfield meets the applicable cleanup standards and that contains all of the information specified in rules adopted under division (B)(7) of section 3746.04 of the Revised Code.

(N) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.

(O) "Property" means any parcel of real property, or portion of such a parcel, and any improvements to it.

(P) "Public health project" means the cleanup or remediation of a release or threatened release of hazardous substances or petroleum at a property where little or no economic redevelopment potential exists.

(Q) "Official poverty line" has the same meaning as in section 3923.51 of the Revised Code.

(R) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county or municipal corporation's economy and that has applied to the director of development to be designated as a situational distress area for not more than thirty months by demonstrating all of the following:

(1) The number of jobs lost by the closing or downsizing;

(2) The impact that the job loss has on the county or municipal corporation's unemployment rate as measured by the director of job and family services;

(3) The annual payroll associated with the job loss;

(4) The amount of state and local taxes associated with the job loss;

(5) The impact that the closing or downsizing has on suppliers located in the county or municipal corporation.

Sec. 122.651. (A) There is hereby created the clean Ohio council consisting of the director of development or the director's designee, the director of environmental protection or the director's designee, the director of the Ohio public works commission as a nonvoting, ex officio member, one member of the majority party of the senate and one member of the minority party of the senate to be appointed by the president of the senate, one member of the majority party of the house of representatives and one member of the minority party of the house of representatives to be appointed by the speaker of the house of representatives, and seven members to be appointed by the governor with the advice and consent of the senate. Of the members appointed by the governor, one shall represent the interests of counties, one shall represent the interests of townships, one shall represent the interests of municipal corporations, two shall represent the interests of business and development, and two shall represent statewide environmental advocacy organizations. The members appointed by the governor shall reflect the demographic and economic diversity of the population of the state. Additionally, the governor's appointments shall represent all areas of the state. All appointments to the council shall be made not later than one hundred twenty days after the effective date of this section.

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

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

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

(D) Serving as a member of the clean Ohio council does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. Members of the council shall serve without compensation for attending council meetings.

(E) Members appointed by the governor shall not have a conflict of interest with the position. For the purposes of this division, "conflict of interest" means the taking of any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

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

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

Sec. 122.652. (A)(1) An applicant seeking a grant or loan for a brownfield cleanup or remediation project from the clean Ohio revitalization fund created in section 122.658 of the Revised Code shall request an application form from the appropriate integrating committee with geographical jurisdiction over the project for which a grant or loan is sought. The applicant shall complete the application and include all of the information required by sections 122.65 to 122.658 of the Revised Code and policies and requirements established under section 122.657 of the Revised Code.

(2) In addition to the information that is required to be included in the application under division (A)(1) of this section, an applicant shall include an affidavit signed by the authorized representative of the applicant certifying that the applicant did not cause or contribute to the release of hazardous substances or petroleum at the brownfield that is the subject of the application.

No person shall submit a false affidavit under division (A)(2) of this section.

(3) After completion of the application, but prior to the submission of the application to the integrating committee under division (B) of this section, the applicant shall conduct a public meeting concerning the application and the proposed cleanup or remediation. Not later than forty-five days prior to conducting the public meeting, the applicant shall provide notice of the date, time, and location of the public meeting in a newspaper of general circulation in the county in which the property that is the subject of the application is located. In addition, not later than forty-five days prior to the hearing, the applicant shall post notice of the date, time, and location of the public meeting at the property on a sign that measures not less four feet by four feet or, if the political subdivision in which the sign is to be posted prohibits a sign of that size, the maximum size of sign permitted by that political subdivision.

In addition, not later than forty-five days prior to the public meeting, the applicant shall provide a copy of the application to a public library in the vicinity of the property for public review. The submission of the application and the location of the public library shall be included in the notice required under this division. The general public may submit comments to the applicant concerning the application prior to and at the public meeting.

(B) An applicant shall submit a completed application, all required information, and an application summary to the appropriate integrating committee. Based on a review of the application summaries submitted to it, an integrating committee or, if required under division (C) of this section, the executive committee of the integrating committee shall prioritize all applications in accordance with criteria and procedures established pursuant to section 122.657 of the Revised Code. The integrating committee shall choose not more than six applications annually that it determines merit funding and shall forward those applications and all accompanying information to the clean Ohio council. In prioritizing and choosing applications under this division, an integrating committee or, if required under division (C) of this section, the executive committee of the integrating committee shall consult with local and regional economic development agencies or resources, community development agencies or organizations, local business organizations, and other appropriate entities located or operating in the geographic jurisdiction of the integrating committee.

(C) For purposes of division (B) of this section, all decisions of an integrating committee that is required to be organized in accordance with division (A)(5) or (6) of section 164.04 of the Revised Code shall be approved by its executive committee that is required to be established under division (A)(7) or (8) of that section. The affirmative vote of at least seven

members of an executive committee established under division (A)(7) of section 164.04 of the Revised Code, or of at least nine members of an executive committee established under division (A)(8) of that section, is required for any action taken by an executive committee for purposes of division (B) of this section. A decision of an executive committee may be rejected by a vote of at least two-thirds of the full membership of the applicable integrating committee not later than thirty days after the executive committee action. If an executive committee is required under this division to prioritize applications under division (B) of this section, only applications that are approved by the executive committee may be submitted to the clean Ohio council for purposes of sections 122.65 to 122.659 of the Revised Code.

(D) The clean Ohio council shall supply application forms to each integrating committee.

Sec. 122.653. (A) Upon receipt of an application from an integrating committee, the clean Ohio council shall examine the application and all accompanying information to determine if the application is complete. If the council determines that the application is not complete, the council immediately shall notify the applicant that the application is not complete, provide a description of the information that is missing from the application, and return the application and all accompanying information to the applicant. The applicant may resubmit the application directly to the council.

(B) The council shall approve or disapprove in writing applications submitted to it by integrating committees or executive committees of integrating committees for grants or loans from the clean Ohio revitalization fund. The council shall not approve a project that fails to comply with the requirements established in sections 122.65 to 122.658 of the Revised Code and policies and requirements established under section 122.657 of the Revised Code. The council also shall not approve a project if the applicant caused or contributed to the contamination at the property. In approving or disapproving applications, the council shall use the selection process established in policies and requirements established under section 122.657 of the Revised Code.

(C) If the council approves an application under this section, the council shall enter into an agreement with the applicant to award a grant or make a loan for the applicant's brownfield cleanup or remediation project. The agreement shall be executed prior to the payment or disbursement of any funds approved by the council under this section. The agreement shall contain, at a minimum, all of the following:

(1) The designation of a single officer or employee of the applicant who will serve as project manager;

(2) Procedures for the payment or disbursement of funds from the grant or loan to the applicant;

(3) A designation of the percentage of the estimated total cost of the project for which the grant or loan will provide funding, which shall not exceed seventy-five per cent of that cost as provided in section 122.658 of the Revised Code;

(4) A description of the manner by which the applicant will provide the remainder of the estimated total cost of the project, which shall equal at least twenty-five per cent of that cost as provided in section 122.658 of the Revised Code;

(5) An assurance that the applicant will clean up or remediate the brownfield to the applicable cleanup standards;

(6) A provision for the reimbursement of grant moneys or immediate repayment of the loan, as applicable, if the completed project does not comply with the applicable cleanup standards;

(7) Any other provisions that the council considers necessary in order to ensure that the project's implementation will comply with the requirements established in sections 122.65 to 122.658 of the Revised Code and policies and requirements established under section 122.657 of the Revised Code.

(D) If the council executes an agreement under this section, the council shall forward a copy of the agreement to the department of development for the purposes of section 122.658 of the Revised Code.

(E) A grant may be awarded or a loan may be made for a project under this section to an applicant to pay the costs of cleanup or remediation of a brownfield in order to comply with applicable cleanup standards.

Sec. 122.654. (A) Except as provided in division (G) of this section, an applicant who has entered into an agreement with the clean Ohio council under section 122.653 of the Revised Code shall employ a certified professional to determine if the brownfield cleanup or remediation project complies with applicable cleanup standards. The certified professional shall make this determination in accordance with Chapter 3746. of the Revised Code and rules adopted under it. If the certified professional determines that the cleanup or remediation complies with the applicable cleanup standards, the certified professional shall prepare a no further action letter.

Upon completion of a no further action letter, the certified professional shall send a copy of the letter to the applicant. The letter shall be accompanied by both of the following:

(1) A written request that the applicant notify the certified professional

as to whether the applicant wishes to submit the no further action letter to the director of environmental protection;

(2) A written notice informing the applicant that the original no further action letter may be submitted to the director only by a certified professional and that the person may receive a covenant not to sue under Chapter 3746. of the Revised Code and rules adopted under it in connection with the cleanup or remediation only if the no further action letter is submitted to the director on the applicant's behalf by the certified professional.

In addition, the certified professional shall send a copy of the no further action letter to the clean Ohio council and to the director.

Promptly after receipt of the letter, request, and notice, the applicant shall send written notice to the certified professional informing the certified professional as to whether the applicant wishes to submit the no further action letter to the director and shall send a copy of the notice to the clean Ohio council. If the applicant's notice indicates that the applicant wishes to have the no further action letter submitted to the director, promptly after receipt of the notice, the certified professional shall submit the original no further action letter to the director by certified mail on behalf of the applicant. In addition, the certified professional shall send written notice to the clean Ohio council informing the council that the original no further action letter has been submitted to the director. If the applicant notifies the certified professional that the applicant does not wish to submit the no further action letter to the director, the certified professional shall send the original no further action letter to the applicant promptly after receiving the notice.

(B) If the certified professional determines that the cleanup or remediation does not comply with applicable cleanup standards, the certified professional shall send to the applicant and the clean Ohio council written notice of that fact and of the certified professional's inability to issue a no further action letter for the property.

(C) If the director receives a copy of a no further action letter from a certified professional, the director shall review the letter and determine if the cleanup or remediation complies with applicable cleanup standards. The director shall prepare a written report of the director's determination and send a copy of the report to the clean Ohio council.

(D) If the director receives an original no further action letter from a certified professional on behalf of an applicant, the director shall issue or deny a covenant not to sue under Chapter 3746. of the Revised Code and rules adopted under it except as otherwise specifically provided in sections 122.65 to 122.659 of the Revised Code.

(E) A certified professional shall maintain all documents and data prepared or acquired by the certified professional in connection with a cleanup or remediation for not less than ten years after the date of issuance of a no further action letter or after the notice required under division (B) of this section has been sent, whichever is applicable. The clean Ohio council and the director may request a certified professional to provide the council and the director with documents and data for purposes of sections 122.65 to 122.659 of the Revised Code.

No certified professional shall fail to comply with this division or a request made under it.

(F) The clean Ohio council and the director may request an applicant to provide the council or the director with documents and data for purposes of sections 122.65 to 122.659 of the Revised Code. No applicant shall fail to comply with a request made by the council or the director under this division.

(G) For purposes of sections 122.65 to 122.659 of the Revised Code, Chapter 3746. of the Revised Code and rules adopted under it apply except as otherwise specifically provided under those sections.

(H) For cleanup or remediation of a brownfield that is subject to closure or corrective action requirements established in rules adopted under section 3734.12 of the Revised Code, an applicant who has entered into an agreement with the clean Ohio council under section 122.653 of the Revised Code shall send to the director documentation that demonstrates that the cleanup or remediation complies with the applicable cleanup standards. The director shall review the documentation and determine if the cleanup or remediation complies with the applicable cleanup standards. For purposes of the cleanup or remediation, the applicant also shall obtain any necessary review or approval from the director. The director shall prepare a written report of the director's determination and send a copy of the report to the clean Ohio council.

Sec. 122.655. (A) A no further action letter issued under section 122.654 of the Revised Code, a covenant not to sue issued under Chapter 3746. of the Revised Code and rules adopted under it, if applicable, and any restrictions on the use of the property that are needed in order to comply with the applicable cleanup standards shall be filed by the applicant in the office of the county recorder of the county in which the property is located and shall be recorded in the same manner as a deed to the property.

No applicant shall fail to comply with this division.

(B) Pursuant to Chapter 5309. of the Revised Code, a no further action letter issued under section 122.654 of the Revised Code, a covenant not to

sue issued under Chapter 3746. of the Revised Code and rules adopted under it, if applicable, and any restrictions on the use of the property, as described in division (A) of this section, in connection with registered land, as defined in section 5309.01 of the Revised Code, shall be entered as a memorial on the page of the register where the title of the owner is registered.

Sec. 122.656. (A)(1) An applicant may submit an application for property that is located in an eligible area on a form prescribed by the director of development to request a grant from the clean Ohio revitalization fund to pay for the cost of an assessment that is required for purposes of sections 122.65 to 122.658 of the Revised Code, the cleanup or remediation of a brownfield, or public health projects. The director shall not make loans from the clean Ohio revitalization fund for purposes of this section.

(2) The authorized representative of an applicant shall sign and submit an affidavit with the application certifying that the applicant did not cause or contribute to the release of hazardous substances or petroleum on the property that is the subject of the application.

No person shall submit a false affidavit under division (A)(2) of this section.

(3) After completion of the application, but prior to the submission of the application to the director, the applicant shall comply with the public notice and public meeting requirements established under division (A)(3) of section 122.652 of the Revised Code.

(B) Upon receipt of an application, the director shall examine the application and all accompanying information to determine if the application is complete. If the director determines that the application is not complete, the director immediately shall notify the applicant that the application is not complete, provide a description of the information that is missing from the application, and return the application and all accompanying information to the applicant. The applicant may resubmit the application.

(C) The director shall approve or disapprove in writing applications submitted for grants from the clean Ohio revitalization fund under this section. The director shall not approve an application that fails to comply with the policies and requirements established under section 122.657 of the Revised Code and under this section. The director also shall not approve an application if the applicant caused or contributed to the release of hazardous substances or petroleum at the property. In approving or disapproving applications, the director shall use the criteria established pursuant to section 122.657 of the Revised Code. Prior to the approval or disapproval of an application under this section, the director shall notify the clean Ohio council of the pending approval or disapproval.

(D) If the director approves an application under this section, the director shall enter into an agreement with the applicant to award a grant to the applicant. The agreement shall be executed prior to the payment or disbursement of any funds approved by the director under this section.

(E) If the director executes an agreement under this section, the director shall forward a copy of the agreement to the clean Ohio council for the purposes of sections 122.65 to 122.658 of the Revised Code.

(F) For purposes of this section, an applicant shall conduct, or cause to be conducted, an assessment, a cleanup or remediation of a brownfield, or a public health project in accordance with all applicable cleanup standards and environmental statutes and rules.

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

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

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

(2) The legal description of the property for which the grant or loan is requested;

(3) A summary description of the hazardous substances or petroleum present at the brownfield and a certified copy of the results of an assessment;

(4) A detailed explanation of the proposed cleanup or remediation of the brownfield, including an identification of the applicable cleanup standards, and a detailed description of the proposed use of the brownfield after completion of the cleanup or remediation;

(5) An estimate of the total cost to clean up or remediate the brownfield in order to comply with the applicable cleanup standards. The total cost shall include the cost of employing a certified professional under section 122.654 of the Revised Code.

(6) A detailed explanation of the portion of the estimated total cost of the cleanup or remediation of the brownfield that the applicant proposes to provide as required under sections 122.653 and 122.658 of the Revised Code and financial records supporting the proposal;

(7) A certified copy of a resolution or ordinance approving the project that the applicant shall obtain from the board of township trustees of the township or the legislative authority of the municipal corporation in which the property is located, whichever is applicable;

(8) A description of the estimated economic benefit that will result from a cleanup or remediation of the brownfield;

(9) An application summary for purposes of review by an integrating committee or, if applicable, the executive committee of an integrating committee under division (B) of section 122.652 of the Revised Code;

(10) With respect to applications for loans, information demonstrating that the applicant will implement a financial management plan that includes, without limitation, provisions for the satisfactory repayment of the loan;

(11) Any other provisions that the director determines should be included in an application.

(B) Procedures for conducting public meetings and providing public notice under division (A) of section 122.652 of the Revised Code;

(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.

(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:

(1) The potential economic benefit that will result from the cleanup or remediation of a brownfield;

(2) The potential environmental improvement that will result from the cleanup or remediation of a brownfield;

(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;

(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;

(5) The potential benefit to low-income communities, including minority communities, that will result from the cleanup or remediation of a brownfield;

(6) Any other factors that the director considers appropriate.

(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:

(1) The potential environmental improvement that will result from the cleanup or remediation;

(2) The ability of an applicant to access the property for purposes of the cleanup or remediation;

(3) The name and qualifications of the cleanup or remediation contractor;

(4) Any other factors that the director of development considers appropriate.

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.

(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:

(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;

(2) Procedures that are necessary to provide a detailed explanation of the status of the property five years after the completed cleanup or remediation.

(G) A delineation of what constitutes administrative costs for purposes of divisions (C) and (E) of section 122.658 of the Revised Code;

(H) Procedures and requirements for making loans and loan agreements that include at least all of the following:

(1) Not more than fifteen per cent of moneys annually allocated to the clean Ohio revitalization fund shall be used for loans.

(2) The loans shall be made at or below market rates of interest, including, without limitation, interest-free loans.

(3) The recipient of a loan shall identify a source of security and a source of repayment of the loan.

(4) All payments of principal and interest on a loan shall be deposited in the state treasury and credited to the clean Ohio revitalization fund.

(5) The clean Ohio council may accept notes and other forms of obligation to evidence indebtedness, accept mortgages, liens, pledges, assignments, and other security interests to secure such indebtedness, and take any actions that are considered by the council to be appropriate to protect such security and safeguard against losses, including, without limitation, foreclosure and bidding on the purchase of property upon foreclosure or other sale.

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

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

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

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

Code.

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

- (1) Payment of the cost of acquiring the property for the purposes of sections 122.65 to 122.658 of the Revised Code;
- (2) Payment of the reasonable cost of an assessment at the property;
- (3) The reasonable value, as determined by the council, of labor and materials that will be contributed by the applicant in performing the cleanup or remediation;
- (4) Moneys received by the applicant in any form for use in performing the cleanup or remediation;
- (5) Loans secured by the applicant for the purpose of the cleanup or remediation of the brownfield.

Costs that were incurred more than two years prior to the submission of an application to the clean Ohio council for the acquisition of property, assessments, and labor and materials shall not be used as part of the applicant's matching share. In addition, state money shall not be used as part of the applicant's matching share, except that grants awarded by the governor's office of Appalachian Ohio created under section 107.21 of the Revised Code may be used as a matching share.

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

(D) Grants awarded or loans made under section 122.653 of the Revised Code from the clean Ohio revitalization fund shall be used by an applicant only to pay the costs of the actual cleanup or remediation of a brownfield 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 or loans made under section 122.653 of the Revised Code.

(E) The portion of net proceeds of obligations devoted under division (A) of this section for the purposes of section 122.656 of the Revised Code shall be used to make grants for assessments, cleanup or remediation of brownfields, and public health projects that have been approved by the director of development under that section. The department of development shall administer section 122.656 of the Revised Code in accordance with this section, policies and requirements established under section 122.657 of the Revised Code, and the terms of agreements entered into by the director under section 122.656 of the Revised Code. The director shall not grant more than twenty-five million dollars for public health projects under section 122.656 of the Revised Code.

(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.

Sec. 122.659. (A) Nothing in sections 122.65 to 122.658 of the Revised Code, nor any agreement entered into under those sections, shall be construed to amend, modify, repeal, or otherwise alter any other provision of the Revised Code relating to administrative, civil, or criminal penalties, or enforcement actions and remedies available to the environmental protection agency, or in any way amend, modify, repeal, or alter the authority of that agency to bring administrative, civil, or criminal actions under any provision of the Revised Code.

(B) Nothing in sections 122.65 to 122.658 of the Revised Code shall affect the ability or authority of any person that is undertaking or has undertaken investigation or remediation activities at a brownfield under those sections to seek cost recovery or contribution from or any relief available against any person who may have liability with respect to the brownfield.

(C)(1) An applicant who has entered into an agreement under section 122.653 or 122.656 of the Revised Code is not liable in a civil action under the Revised Code or the common law of the state for the costs of an assessment or cleanup or remediation of hazardous substances or petroleum

that is present at or on the property at the time at which the agreement was entered into, and is not subject to the issuance of an order by the director of environmental protection under Chapter 3714., 3734., 3750., 3751., 3752., 6109., or 6111. of the Revised Code regarding an assessment or cleanup or remediation of hazardous substances or petroleum that is present at or on the property at the time at which the agreement was entered into, when all of the following conditions apply:

(a) No action or omission of the applicant caused, contributed to, or exacerbated a release or threatened release of hazardous substances or petroleum at or on the property.

(b) The applicant conducts or causes to be conducted all assessments and cleanup or remediation at or on the property in compliance with the agreement and in accordance with all applicable laws.

(c) The applicant conducts or causes to be conducted activities occurring at the property, which are not related to assessments or cleanup or remediation at or on the property, in compliance with any applicable requirements established under Chapters 3714., 3734., 3737., 3750., 3751., 3752., 3767., 6109., and 6111. of the Revised Code and rules adopted under those chapters.

(2) Division (C) of this section does not create, and shall not be construed as creating, a new cause of action against or substantive legal right for the applicant.

(3) Division (C) of this section does not affect, and shall not be construed as affecting, any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an applicant may be entitled.

(4) Nothing in division (C) of this section shall be construed as affecting any obligations to comply with any environmental laws established in the Revised Code or the common law of the state with respect to any release of hazardous substances or petroleum after the issuance of a covenant not to sue under Chapter 3746. of the Revised Code or a determination made under division (G) of section 122.654 of the Revised Code.

Sec. 122.99. Whoever knowingly violates division (A)(2) of section 122.652 or division (A)(2) of section 122.656 of the Revised Code is guilty of a felony and shall be fined not less than ten thousand dollars or more than twenty-five thousand dollars, or imprisoned not less than two years or more than four years, or both.

Sec. 126.11. (A)(1) The director of budget and management shall, upon consultation with the treasurer of state, coordinate and approve the scheduling of initial sales of publicly offered securities of the state and of

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

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

(a) For review and approval: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; and the proposed structure and maturity schedule;

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

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

(3) The issuer of obligations pursuant to section 151.06 ~~or, 151.08, or 151.40~~ or Chapter 154. of the Revised Code shall submit to the director:

(a) For review and mutual agreement: the projected sale date, amount, and type of obligations proposed to be sold; their purpose, security, and source of payment; and the proposed structure and maturity schedule;

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

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

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

(a) For review and comment: the projected sale date, amount, and type

of obligations proposed to be sold; the purpose, security, and source of payment; and preliminary and final offering documents;

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

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

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

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

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

(2) Except for information described in division (D)(1) of this section that is to be contained in an offering document, continuing disclosure document, or written presentation, division (D)(1) of this section does not inhibit direct communication between an issuer and a rating agency,

remarketing agent, or credit enhancement provider concerning an issuance of public obligations referred to in division (A) of this section or matters associated with that issuance.

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

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

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

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

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

(G) As used in this section, "credit enhancement facilities," "debt

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

Sec. 151.01. (A) As used in sections 151.01 to 151.08 151.09 and 151.40 of the Revised Code and in the applicable bond proceedings unless otherwise provided:

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

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

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

(4) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and of the financing of those costs. "Costs of capital facilities" includes, without limitation, and in addition to costs referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, or 151.08, 151.09, or 151.40 of the Revised Code, the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the issuing authority, costs of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, financing costs, interest on obligations from

their date to the time when interest is to be paid from sources other than proceeds of obligations, amounts necessary to establish any reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by or borrowed from any person or governmental agency or entity for the payment of any item of costs of capital facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses.

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

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

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

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

(9) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any appertaining interest coupons, issued pursuant to sections 151.01 to ~~151.08 151.09 or 151.40~~ of the Revised Code.

(10) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the amount on which interest or interest equivalent on particular obligations is initially calculated. Principal amount does not include any premium paid to the state by the

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

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

(B) Subject to ~~seetion~~ Section 2l, 2m, 2n, 2o, or 15, and Section 17_z of Article VIII, Ohio Constitution, the state, by the issuing authority, is authorized to issue and sell, as provided in sections 151.03 to ~~451.08~~ 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.

(C) Each issue of obligations shall be authorized by resolution or order of the issuing authority. The bond proceedings shall provide for or authorize the manner for determining the principal amount or maximum principal amount of obligations of an issue, the principal maturity or maturities, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the place or places of payment of debt service which may be within or outside the state. Unless otherwise provided by law, the latest principal maturity may not be later than the earlier of the thirty-first day of December of the twenty-fifth calendar year after the year

of issuance of the particular obligations or of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to obligations. The purpose of the obligations may be stated in the bond proceedings in general terms, such as, as applicable, "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution," "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution," "paying costs of capital facilities for a system of common schools throughout the state as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of capital facilities for state-supported and state-assisted institutions of higher education as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of coal research and development as authorized by Section 15 of Article VIII, Ohio Constitution," ~~or~~ "financing or assisting in the financing of local subdivision capital improvement projects as authorized by Section 2m of Article VIII, Ohio Constitution;" "paying costs of conservation projects as authorized by Section 2o of Article VIII, Ohio Constitution," or "paying costs of revitalization projects as authorized by Section 2o of Article VIII, Ohio Constitution."

(D) The issuing authority may appoint or provide for the appointment of paying agents, bond registrars, securities depositories, clearing corporations, and transfer agents, and may without need for any other approval retain or contract for the services of underwriters, investment bankers, financial advisers, accounting experts, marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the judgment of the issuing authority to carry out ~~its the issuing authority's~~ functions under ~~Chapter 151 of the Revised Code this chapter~~. When the issuing authority is the Ohio public facilities commission, the issuing authority also may without need for any other approval retain or contract for the services of attorneys and other professionals for that purpose. Financing costs are payable, as may be provided in the bond proceedings, from the proceeds of the obligations, from special funds, or from other moneys available for the purpose.

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

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

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

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of sections 151.01 to 151.08 151.09 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.

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

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

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

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

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

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

(10) Amendment of the bond proceedings;

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

(F) The great seal of the state or a facsimile of it may be affixed to or printed on the obligations. The obligations requiring execution by or for the

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

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

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

(I) Except to the extent that rights are restricted by the bond proceedings, any owner of obligations or provider of a credit enhancement facility may by any suitable form of legal proceedings protect and enforce any rights relating to obligations or that facility under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all applicable duties of the issuing authority and the state. Each duty of the issuing authority and that authority's officers, staff, and employees, and of each state entity or agency, or using district or using institution, and its officers, members, staff, or employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the entity or individual having authority to perform that duty, specifically enjoined by law and resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The individuals who are from time to time the issuing authority, members or officers of the issuing authority, or those members' designees acting pursuant to section 154.02 of the Revised Code, or the issuing authority's officers, staff, or employees, are not liable in their personal capacities on any obligations or otherwise under the bond proceedings.

(J)(1) Subject to ~~section~~ Section 21, 2m, 2n, 2o, or 15, and Section 17, of Article VIII, Ohio Constitution and sections 151.01 to ~~151.08~~ 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:

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

(b) Obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued. Refunding obligations may be issued in amounts sufficient to pay or to provide for repayment of the principal amount, including principal amounts maturing prior to the redemption of the remaining prior obligations, any redemption premium, and interest accrued or to accrue to the maturity or redemption date or dates, payable on the prior obligations, and related financing costs and any expenses incurred or to be incurred in connection with that issuance and refunding. Subject to the applicable bond proceedings, the portion of the proceeds of the sale of refunding obligations issued under division (J)(1)(b) of this section to be applied to debt service on the prior obligations shall be credited to an appropriate separate account in the bond service fund and held in trust for the purpose by the issuing authority or by a corporate trustee. Obligations

authorized under this division shall be considered to be issued for those purposes for which the prior obligations were issued.

(2) Except as otherwise provided in sections 151.01 to ~~151.08~~ 151.09 or ~~151.40~~ of the Revised Code, bonds or notes authorized pursuant to division (J) of this section are subject to the provisions of those sections pertaining to obligations generally.

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

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

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

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

(M) The full faith and credit, revenue, and taxing power of the state are and shall be pledged to the timely payment of debt service on outstanding obligations as it comes due, all in accordance with Section 2l, 2m, 2n, ~~2o~~, or 15 of Article VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, ~~or~~ 151.08, or 151.09 of the Revised Code. Moneys referred

o in Section 5a of Article XII, Ohio Constitution, may not be pledged or used for the payment of debt service except on obligations referred to in section 151.06 of the Revised Code. The state covenants, and that covenant shall be controlling notwithstanding any other provision of law, that the state and the applicable officers and agencies of the state, including the general assembly, shall, so long as any obligations are outstanding in accordance with their terms, maintain statutory authority for and cause to be levied, collected and applied sufficient pledged excises, taxes, and revenues of the state so that the revenues shall be sufficient in amounts to pay debt service when due, to establish and maintain any reserves and other requirements, and to pay financing costs, including costs of or relating to credit enhancement facilities, all as provided for in the bond proceedings. Those excises, taxes, and revenues are and shall be deemed to be levied and collected, in addition to the purposes otherwise provided for by law, to provide for the payment of debt service and financing costs in accordance with sections 151.01 to 151.08 of the Revised Code and the bond proceedings.

(N) The general assembly may from time to time repeal or reduce any excise, tax, or other source of revenue pledged to the payment of the debt service pursuant to Section 2l, 2m, 2n, 2o, or 15 of Article VIII, Ohio Constitution, and sections 151.01 to ~~151.08~~ 151.09 or 151.40 of the Revised Code, and may levy, collect and apply any new or increased excise, tax, or revenue to meet the pledge, to the payment of debt service on outstanding obligations, of the state's full faith and credit, revenue and taxing power, or of designated revenues and receipts, except fees, excises or taxes referred to in Section 5a of Article XII, Ohio Constitution, for other than obligations referred to in section 151.06 of the Revised Code and except net state lottery proceeds for other than obligations referred to in section 151.03 of the Revised Code. Nothing in division (N) of this section authorizes any impairment of the obligation of this state to levy and collect sufficient excises, taxes, and revenues to pay debt service on obligations outstanding in accordance with their terms.

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

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

(Q) The For obligations issued pursuant to sections 151.01 to 151.09 of the Revised Code, the issuing authority shall by the fifteenth day of the July of each fiscal year, certify or cause to be certified to the office of budget and management the total amount of moneys required during the current fiscal year to meet in full all debt service on the respective obligations and any related financing costs payable from the applicable bond service fund and not from the proceeds of refunding or renewal obligations. The issuing authority shall make or cause to be made supplemental certifications to the office of budget and management for each debt service payment date and at such other times during each fiscal year as may be provided in the bond proceedings or requested by that office. Debt service, costs of credit enhancement facilities, and other financing costs shall be set forth separately in each certification. If and so long as the moneys to the credit of the bond service fund, together with any other moneys available for the purpose, are insufficient to meet in full all payments when due of the amount required as stated in the certificate or otherwise, the office of budget and management shall at the times as provided in the bond proceedings, and consistent with any particular provisions in sections 151.03 to ~~151.08~~ 151.09 of the Revised Code, transfer a sufficient amount to the bond service fund from the revenues derived from excises, taxes, and other revenues, including net state lottery proceeds in the case of obligations referred to in section 151.03 of the Revised Code.

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

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

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

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

ection by the superintendent of financial institutions;

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

The income from investments referred to in division (R) of this section shall, unless otherwise provided in sections 151.01 to 151.08 151.09 or 151.40 of the Revised Code, be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.

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

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

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

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

(B)(1) The issuing authority shall issue general obligations of the state to pay costs of conservation projects pursuant to division (B)(1) of Section 2o of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The issuing authority, upon the certification to it by the Ohio public works commission of amounts needed in and for the purposes of the clean Ohio conservation fund created by section 164.27 of the Revised Code, the clean Ohio agricultural easement fund created by section 901.21 of the Revised Code, and the clean Ohio trail fund created by section 1519.05 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. The total principal amount of obligations issued under this section shall not exceed two hundred million dollars.

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

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

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

(2) Twelve and one-half per cent into the clean Ohio agricultural easement fund created by section 901.21 of the Revised Code;

(3) Twelve and one-half per cent into the clean Ohio trail fund created by section 1519.05 of the Revised Code.

(D) There is hereby created in the state treasury the conservation projects bond service fund. All moneys received by the state and required by the bond proceedings, consistent with section 151.01 of the Revised Code and this section, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund, except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated, and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

Sec. 151.40. (A) As used in this section:

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

(2) "Costs of revitalization projects" includes related direct administrative expenses and allocable portions of the direct costs of those projects of the department of development or the environmental protection agency.

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

(4) "Obligations" means obligations issued to pay the costs of projects for revitalization purposes as referred to in division (A)(2) of Section 2o of Article VIII, Ohio Constitution.

(5) "Pledged liquor profits" means all receipts of the state representing the gross profit on the sale of spirituous liquor, as referred to in division (B)(4) of section 4301.10 of the Revised Code, after paying all costs and expenses of the division of liquor control and providing an adequate working capital reserve for the division of liquor control as provided in that division, but excluding the sum required by the second paragraph of section 4301.12 of the Revised Code, as it was in effect on May 2, 1980, to be paid into the state treasury.

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

(a) Pledged liquor profits. The pledge of pledged liquor profits to obligations is subject to the priority of the pledge of those profits to obligations issued and to be issued, and guarantees made and to be made, pursuant to Chapter 166. of the Revised Code.

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

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

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

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

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

(B) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 2o of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by the clean Ohio council of the amount of moneys needed in and for the purposes of the clean Ohio revitalization fund created by section 122.658 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. The total principal amount of obligations issued under this section shall not exceed two hundred million dollars. The provisions and authorizations in section 151.01 of the Revised Code apply to the obligations and the bond proceedings except as otherwise provided or provided for in those obligations and bond proceedings.

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

(D) There is hereby created the revitalization projects bond service fund, which shall be in the custody of the treasurer of state, but shall be separate and apart from and not a part of the state treasury. All money received by the state and required by the bond proceedings, consistent with section 151.01 of the Revised Code and this section, to be deposited, transferred, or credited to the bond service fund, and all other money transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During

the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund, except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated, and due in the particular fiscal year, a sufficient amount of pledged receipts is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due.

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

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

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

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

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

any combination of them:

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

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

Sec. 164.02. (A) ~~The general assembly finds that public infrastructure capital improvements are necessary to preserve the public capital infrastructure of local subdivisions, ensure the public health, safety, and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of this state. Accordingly, it is declared to be the public policy of this state, through the operation of this chapter and pursuant to Sections 2k and 2m of Article VIII, Ohio Constitution, to assist local subdivisions to finance public infrastructure capital improvements. In furtherance of such public policy and to implement such purpose, there~~ There is hereby created the Ohio public works commission consisting of seven members who shall be appointed as follows: two persons shall be appointed by the speaker of the house of representatives; one person shall be appointed by the minority leader of the house of representatives; two persons shall be appointed by the president of the senate; one person shall be appointed by the minority leader of the senate; and one person from the private sector, who shall have at least eight years experience in matters of public finance, shall be appointed alternately by the speaker of the house of representatives and the president of the senate, with the speaker of the house making the first appointment. The director of transportation, the director of environmental protection, the director of development, the director of natural resources, and the chairperson of the Ohio water development authority shall be nonvoting, ex officio members of the commission. The initial appointments made to the commission by the minority leaders of the senate and house of representatives and one of the initial appointments made by the speaker of the house of representatives and the president of the senate shall be for terms

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

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

(B) The Ohio public works commission shall:

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

(2) Provide the governor with a list of names of three persons who are, in the judgment of the commission, qualified to be appointed to the position of director. The commission shall provide the list, which may include the name of the incumbent director to the governor, not later than sixty days prior to the expiration of the term of such incumbent director. A director shall serve a two-year term upon initial appointment, and four-year terms if subsequently reappointed by the governor; however, the governor may remove a director at any time following the commission's recommendation of such action. Upon the expiration of a director's term, or in the case of the resignation, death, or removal of a director, the commission shall provide such list of the names of three persons to the governor within thirty days of such expiration, resignation, death, or removal. Nothing in this section shall prevent the governor, in the governor's discretion, from rejecting all of the nominees of the commission and requiring the commission to select three

additional nominees. However, when the governor has requested and received a second list of three additional names, the governor shall make the appointment from one of the names on the first list or the second list. Appointment by the governor is subject to the advice and consent of the senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) The director of the Ohio public works commission shall administer the small counties capital improvement program, which is hereby created.

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

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

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

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

Sec. 164.21. (A) Each district public works integrating committee or, if applicable, the executive committee of the integrating committee shall appoint a natural resources assistance council consisting of eleven members. Of the eleven members, one shall be a member of the appointing integrating committee and one shall represent a soil and water conservation district that is located within the geographical jurisdiction of the appointing integrating committee. The nine other members of the council shall be appointed from the following categories of organizations, units of government, or agencies and shall include at least one member from each of those categories:

(1) A county, municipal corporation, township, conservancy district, regional or joint district or unit of local government, or regional or joint political subdivision that is located within the geographical jurisdiction of the appointing integrating committee;

(2) A conservation organization, an environmental advocacy organization, an organization with a primary interest in watershed protection and restoration, the department of natural resources, the environmental

protection agency, or the United States natural resources conservation service;

(3) A city park system or metropolitan park system or a board of park commissioners from a county that is located within the geographical jurisdiction of the appointing integrating committee, a statewide parks and recreation organization, or the United States national park service;

(4) A statewide organization representing agriculture, an organization representing forestry interests, the department of agriculture, or the United States department of agriculture;

(5) An organization representing business, local realtors, or a planning agency, including a port authority, located within the geographical jurisdiction of the appointing integrating committee.

No organization, unit of government, or agency that is listed in divisions (A)(1) to (5) of this section shall be represented by more than one member on the council at any given time. The membership of a natural resources assistance council shall reflect the demographic and economic diversity of the population located within the geographical area represented by the council.

A council shall be appointed by the appropriate integrating committee not later than ninety days after the effective date of this section. Of the initial members appointed to the council, four shall be appointed for one year, four shall be appointed for two years, and three shall be appointed for three years. Thereafter, terms of office for members of the council shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member is appointed, except that, with respect to any member who is an elected or appointed official of a township, municipal corporation, or county, the term of office for that person on the council shall not extend beyond the member's term as an elected or appointed official.

Members may be reappointed. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members may be removed by the district public works integrating committee for misfeasance, malfeasance, or nonfeasance in office.

ce-chairperson, and other officers that the council considers appropriate.
A council may adopt bylaws governing its operation, including bylaws that
establish the frequency of regular meetings and any necessary procedures.
All meetings of a council are subject to section 121.22 of the Revised Code.

(C) Serving as a member of a natural resources assistance council under
this section does not constitute holding a public office or position of
employment under the laws of this state and does not confer a right to
compensation from any agency of this state. A member of a natural
resources assistance council does not have an unlawful interest in a public
contract under section 2921.42 of the Revised Code solely by virtue of the
receipt of financial assistance under sections 164.20 to 164.27 of the
Revised Code by the local political subdivision of which the member is also
a public official or appointee.

(D) Sections 101.82 to 101.87 of the Revised Code do not apply to
natural resources assistance councils.

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

(A) Provide for open space acquisition and related development of those
open spaces, including the aquisition of easements. Open space acquisition
projects include acquisition of land or rights in land for parks, forests,
wetlands, natural areas that protect an endangered plant or animal
population, other natural areas, and connecting corridors for natural areas.
Related development projects include projects for the construction or
enhancement of facilities that are necessary to make an open space area
accessible and useable by the general public. Projects proposed pursuant to
division (A) of this section shall emphasize the following:

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

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

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

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

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

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

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

(8) The reduction or elimination of nonnative, invasive species of plants or animals;

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

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

(1) The increase of habitat protection;

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

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

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

(5) The preservation of headwater streams;

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

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

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

isdiction over the proposed project area. Entities that are eligible for funding are limited to local political subdivisions and nonprofit organizations. The director of the Ohio public works commission shall develop the form of the application and shall provide application forms to each council. The application shall require at least all of the following:

- (1) An identification of the local political subdivision or nonprofit organization that is responsible for the execution and completion of the proposed project;
- (2) A detailed description of the proposed project;
- (3) An identification of the areas that are proposed to be protected, restored, preserved, or constructed;
- (4) Detailed information concerning the practices and procedures that will be undertaken to complete the project;
- (5) A formal detailed estimate of the project's cost;
- (6) The amount and nature of the moneys or resources to be used as matching funds for the project. Matching funds shall constitute not less than twenty-five per cent of the total cost of the project and may consist of contributions of money by any person, any local political subdivision, or the federal government or of contributions in-kind by such parties through the purchase or donation of equipment, land, easements, labor, or materials necessary to complete the project. Matching funds shall not consist of state money, except that grants awarded by the governor's office of Appalachian Ohio created under section 107.21 of the Revised Code may be used as matching funds.
- (7) An identification of any participation by state agencies that may have expertise regarding the particular project and that may provide assistance with respect to the project;
- (8) Information concerning the coordination of the project among local political subdivisions, state agencies, federal agencies, community organizations, conservation organizations, and local business groups;
- (9) Information about any coordination that the project will have with projects being undertaken under the jurisdiction of other natural resources assistance councils throughout the state under sections 164.20 to 164.27 of the Revised Code or with projects being undertaken under sections 122.65 to 122.658 of the Revised Code;
- (10) Information about public participation in the planning and execution of the project;
- (11) Information about whether the general public will be given access to the project area upon the completion of the project;
- (12) A timetable for completion of the proposed project.

(B) In addition to the application required under division (A) of this section, an applicant for a grant for a project shall include with the application all of the following:

(1) Except as otherwise provided in division (C) of this section, a copy of a resolution supporting the project from each county in which the proposed project is to be conducted and whichever of the following is applicable:

(a) If the proposed project is to be conducted wholly within the geographical boundaries of one township, a copy of a resolution supporting the project from the township;

(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation;

(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;

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

However, if the applicant is a county and the proposed project is to be located wholly within the geographical boundaries of the county, the applicant shall not be required to include a copy of a resolution from any township or municipal corporation. If the applicant is a municipal corporation and the proposed project is to be located wholly within the geographical boundaries of the municipal corporation, the applicant shall not be required to include a copy of a resolution from the county in which it is located. If the applicant is a township and the proposed project is to be located wholly within the geographical boundaries of the township, the applicant shall not be required to include a copy of a resolution from the county in which it is located.

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

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

(C)(1) Prior to submitting an application for a grant for a project under

this section, an applicant that is a park district or other similar park authority shall submit a copy of the application to the legislative authority of each county, township, and municipal corporation in which the proposed project will be located. Not later than twenty-one days after receipt of the copy of the application, the legislative authority may adopt a resolution objecting to the proposed project.

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

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

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

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

(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.

(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.

Sec. 164.24. (A) A natural resources assistance council shall review each application for a grant submitted under section 164.23 of the Revised Code. In reviewing an application and for the purpose of determining whether to approve or disapprove the application, a council shall consider all of the following criteria:

(1) Whether the project emphasizes the factors specified in division (A) or (B) of section 164.22 of the Revised Code;

(2) The amount of funding that is necessary for the completion of the project;

(3) The amount and percentage of the matching funds provided under the proposal;

(4) The level of coordination among local political subdivisions, state agencies, federal agencies, community organizations, conservation organizations, and local business groups;

(5) The level of coordination with projects being undertaken under the jurisdiction of other natural resources assistance councils throughout the state under sections 164.20 to 164.27 of the Revised Code or with projects being undertaken under sections 122.65 to 122.658 of the Revised Code;

(6) The relative economic, social, and environmental benefits that the proposed project will bring to the geographical area represented by the council as compared to other proposed projects;

(7) Whether the project incorporates more than one purpose for which grant moneys may be used as specified in section 164.22 of the Revised Code;

(8) Whether the general public will be given access to the project area upon the completion of the project;

(9) Whether the project will comply with all of the requirements established in sections 164.20 to 164.27 of the Revised Code;

(10) The readiness of the applicant to proceed with the project;

(11) Any other factors that are relevant to the project.

(B) A natural resources assistance council shall establish a prioritization and selection methodology system for applications submitted under section 164.23 of the Revised Code. The methodology shall be submitted to and approved by the director of the Ohio public works commission.

(C) In accordance with the methodology system established and

approved under division (B) of this section, a natural resources assistance council shall approve or disapprove an application for a grant submitted to it after consideration of all of the criteria specified in divisions (A)(1) to (11) of this section. If the council approves an application, the council shall submit a copy of the application, along with all accompanying materials, to the Ohio public works commission for final approval or disapproval.

Sec. 164.25. The director of the Ohio public works commission shall approve applications for grants submitted under sections 164.20 to 164.27 of the Revised Code if all of the following apply:

(A) The approval of the application by the applicable natural resources assistance council was reasonably based on the criteria specified in divisions (A)(1) to (11) of section 164.24 of the Revised Code.

(B) The application for a grant and the proposed project for which the grant is to be used comply with all other requirements established under sections 164.20 to 164.27 of the Revised Code.

(C) The amount of the financial assistance, when added to all other financial assistance provided during the calendar year for projects within the district for which a natural resources assistance council was appointed, does not exceed that district's allocation of money from the clean Ohio conservation fund under section 164.27 of the Revised Code.

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

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

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

rnings of the fund shall be credited to the fund. For two years after the effective date of this section, investment earnings credited to the fund may be used to pay costs incurred by the Ohio public works commission in administering sections 164.20 to 164.27 of the Revised Code. Moneys in the clean Ohio conservation fund shall be used to make grants to local political subdivisions and nonprofit organizations for projects that have been approved for grants under sections 164.20 to 164.27 of the Revised Code.

The clean Ohio conservation fund shall be administered by the Ohio public works commission.

(B) For the purpose of grants issued under sections 164.20 to 164.27 of the Revised Code, moneys shall be allocated on an annual basis from the clean Ohio conservation fund to districts represented by natural resources assistance councils as follows:

(1) Each district shall receive an amount that is equal to one-fourth of one per cent of the total annual amount allocated to all districts each year for each county that is represented by the district.

(2) The remaining moneys shall be allocated to each district annually on a per capita basis.

(C) A grant that is awarded under sections 164.20 to 164.27 of the Revised Code may provide up to seventy-five per cent of the estimated cost of a project. Matching funds from a grant recipient may consist of contributions of money by any person, any local political subdivision, or the federal government or of contributions in-kind by such entities through the purchase or donation of equipment, land, easements, interest in land, labor, or materials necessary to complete the project. Matching funds shall not consist of state money, except that grants awarded by the governor's office of Appalachian Ohio created under section 107.21 of the Revised Code may be used as matching funds.

(D) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section, and that information shall be entered in the state accounting system. The director of budget and management may establish appropriate line items or other mechanisms that are needed to track the allocations.

(E) Grants awarded under sections 164.20 to 164.27 of the Revised Code from the clean Ohio conservation fund shall be used by a local political subdivision or nonprofit organization only to pay the costs related to the purposes for which grants may be issued under section 164.22 of the Revised Code and shall not be used by a local political subdivision or nonprofit organization to pay any administrative costs incurred by the local political subdivision or nonprofit organization.

Sec. 317.08. Except as provided in division (F) of this section, the county recorder shall keep six separate sets of records as follows:

(A) A record of deeds, in which shall be recorded all deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments; all notices as provided for in sections 5301.47 to 5301.56 of the Revised Code; all judgments or decrees in actions brought under section 5303.01 of the Revised Code; all declarations and bylaws as provided for in Chapter 5311. of the Revised Code; affidavits as provided for in section 5301.252 of the Revised Code; all certificates as provided for in section 5311.17 of the Revised Code; all articles dedicating archaeological preserves accepted by the director of the Ohio historical society under section 149.52 of the Revised Code; all articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code; all agreements for the registration of lands as archaeological or historic landmarks under section 149.51 or 149.55 of the Revised Code; all conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code; all instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code; all instruments or orders described in division (B)(1)(c)(ii) of section 5301.56 of the Revised Code; all no further action letters issued under section 122.654 or 3746.11 of the Revised Code; all covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code; any restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code and any restrictions on the use of property identified pursuant to division (C)(3) of section 3746.10 of the Revised Code; all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property; and all agreements entered into under division (A) of section 1521.26 of the Revised Code;

(B) A record of mortgages, in which shall be recorded all of the following:

(1) All mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;

(2) All executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully

performed by one or more of the parties to them within one year of the date of the contracts;

(3) All options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;

(4) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum thereof, that is presented for filing of record.

(C) A record of powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;

(D) A record of plats, in which shall be recorded all plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county engineer, and all drawings as provided for in Chapter 5311. of the Revised Code;

(E) A record of leases, in which shall be recorded all leases, memoranda of leases, and supplements, modifications, and amendments of leases and memoranda of leases;

(F) A record of declarations executed pursuant to section 2133.02 of the Revised Code and durable powers of attorney for health care executed pursuant to section 1337.12 of the Revised Code.

All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, 5111.021, and 5311.18 of the Revised Code.

The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(G) In lieu of keeping the six separate sets of records required in divisions (A) to (F) of this section and the records required in division (H)

of this section, a county recorder may record all the instruments required to be recorded by this section in two separate sets of record books. One set shall be called the "official records" and shall contain the instruments listed in divisions (A), (B), (C), (E), (F), and (H) of this section. The second set of records shall contain the instruments listed in division (D) of this section.

(H) Except as provided in division (G) of this section, the county recorder shall keep a separate set of records containing all corrupt activity lien notices filed with the recorder pursuant to section 2923.36 of the Revised Code and a separate set of records containing all medicaid fraud lien notices filed with the recorder pursuant to section 2933.75 of the Revised Code.

Sec. 901.21. (A) As used in this section and section 901.22 of the Revised Code:

(1) "Agricultural easement" has the same meaning as in section 5301.67 of the Revised Code.

(2) "Agriculture" means those activities occurring on land devoted exclusively to agricultural use, as defined in section 5713.30 of the Revised Code, or on land that constitutes a homestead.

(3) "Homestead" means the portion of a farm on which is located a dwelling house, yard, or outbuildings such as a barn or garage.

(B) The director of agriculture may acquire real property used predominantly in agriculture and agricultural easements by gift, devise, or bequest if, at the time an easement is granted, such easements are an easement is 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 when the easement is granted or that constitutes a homestead. Any terms may be included in an agricultural easement so acquired that are necessary or appropriate to preserve on behalf of the grantor of the easement the favorable tax consequences of the gift, devise, or bequest under the "Internal Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. The director, by any such means or by purchase or lease, may acquire, or acquire the use of, stationary personal property or equipment that is located on land acquired in fee by the director under this section and that is necessary or appropriate for the use of the land predominantly in agriculture.

(C) The director may do all things necessary or appropriate to retain the use of real property acquired in fee under division (B) of this section predominantly in agriculture, including, without limitation, performing any of the activities described in division (A)(1) or (2) of section 5713.30 of the Revised Code or entering into contracts to lease or rent the real property so acquired to persons or governmental entities that will use the land

predominantly in agriculture.

(D)(1) When the director considers it to be necessary or appropriate, the director may sell real property acquired in fee, and stationary personal property or equipment acquired by gift, devise, bequest, or purchase, under division (B) of this section on such terms as the director considers to be advantageous to this state.

(2) An agricultural easement acquired 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.

(E) There is hereby created in the state treasury the agricultural easement purchase fund. The fund shall consist of the proceeds received from the sale of real and personal property under division (D) of this section; moneys received due to the extinguishment of agricultural easements acquired by the director under division (B) of this section or section 5301.691 of the Revised Code; moneys received due to the extinguishment of agricultural easements purchased with the assistance of matching grants made under section 901.22 of the Revised Code; gifts, bequests, devises, and contributions received by the director for the purpose of acquiring agricultural easements; and grants received from public or private sources for the purpose of purchasing agricultural easements. The fund shall be administered by the director, and moneys in the fund shall be used by the director exclusively to purchase agricultural easements under division (A) of section 5301.691 of the Revised Code and provide matching grants under section 901.22 of the Revised Code to municipal corporations, counties, townships, and charitable organizations for the purchase of agricultural easements. Money in the fund shall be used only to purchase agricultural easements 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 purchased.

(F) There is hereby created in the state treasury the clean Ohio agricultural easement fund. Twelve and one-half per cent of net proceeds of obligations issued and sold pursuant to sections 151.01 and 151.09 of the Revised Code shall be deposited into the fund. The fund shall be used by the director for the purposes of sections 901.21 and 901.22 and the provisions of sections 5301.67 to 5301.70 of the Revised Code governing agricultural easements. Investment earnings of the fund shall be credited to the fund. For two years after the effective date of this amendment, investment earnings credited to the fund may be used to pay costs incurred by the director in

administering those sections and provisions.

(G) The term of an agricultural easement purchased wholly or in part with money from the clean Ohio agricultural easement fund or the agricultural easement purchase fund shall be perpetual and shall run with the land.

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:

(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 agricultural easement fund created in section 901.21 of the Revised Code, the rules shall establish all of the following:

(a) Procedures for all of the following:

(i) Soliciting and accepting applications for matching grants;

(ii) Participation by local governments and by the public in the process of making matching grants to charitable organizations;

(iii) Notifying local governments, charitable organizations, and organizations that represent the interests of farmers of the ranking system established in rules adopted under division (A)(1)(b) of this section.

(b) A ranking system for applications for the matching grants that is based on the soil type, proximity of the land or other land that is conducive to agriculture as defined by rules adopted under this section and that is the subject of an application to other agricultural land or other land that is conducive to agriculture as defined by rules adopted under this section and that is already or is in the process of becoming permanently protected from development, farm stewardship, development pressure, and, if applicable, a local comprehensive land use plan involved with a proposed agricultural easement. The rules shall require that preference be given to proposed agricultural easements that involve the greatest proportion of all of the following:

(i) Prime soils, unique or locally important soils, microclimates, or similar features;

(ii) Land that is adjacent to or that is in close proximity to other agricultural land or other land that is conducive to agriculture as defined by rules adopted under this section and that is already or is in the process of becoming permanently protected from development, by agricultural easement or otherwise, so that a buffer would exist between the land

involving the proposed agricultural easement and areas that have been developed or likely will be developed for purposes other than agriculture;

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

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

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

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

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

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

(a) A provision stating that an easement so purchased may be extinguished only 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 easement, or if the requirements of the easement are extinguished by judicial proceedings;

(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement 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;

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

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

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

(4) Establish any other requirements that the director considers to be necessary or appropriate to implement or administer a program to make matching grants under this section and monitor those grants.

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

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

(D) The director may make matching grants from the agricultural easements easement purchase fund created in section 901.21 of the Revised Code and the clean Ohio agricultural easement fund to municipal corporations, counties, townships, and charitable organizations described in division (B) of section 5301.69 of the Revised Code, to assist those political subdivisions and charitable organizations in purchasing agricultural easements. Application for a matching grant shall be made on forms prescribed and provided by the director. The matching grants shall be made in compliance with the criteria and procedures established in rules adopted under this section. Instruments conveying agricultural easements purchased with matching grant funds provided under this section, at a minimum, shall include the mandatory provisions set forth in those rules.

Matching grants made under this division using moneys from the clean Ohio agricultural easement fund created in section 901.21 of the Revised Code may provide up to seventy-five per cent of the value of an agricultural easement as determined by a general real estate appraiser who is certified under Chapter 4763. of the Revised Code. Not less than twenty-five per cent of the value of the agricultural easement shall be provided by the recipient of the matching grant or donated by the person who is transferring the easement to the grant recipient. The amount of such a matching grant used for the purchase of a single agricultural easement shall not exceed one million dollars.

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

- (a) The number of agricultural easements purchased during the preceding year;
- (b) The location of those easements;
- (c) The number of acres of land preserved for agricultural use;
- (d) The amount of money used by a municipal corporation, township, or county from its general fund or special fund to purchase the agricultural easements;
- (e) The number of state matching grants given to purchase the agricultural easements;
- (f) The amount of state matching grant moneys used to purchase the agricultural easements.

(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:

- (a) The total number of acres in the county;
- (b) The total number of acres in current agricultural use;
- (c) The total number of acres preserved for agricultural use in the preceding year;
- (d) The average cost, per acre, of land preserved for agricultural use in the preceding year.

Sec. 901.23. (A) There is hereby created the farmland preservation advisory board consisting of twelve voting members. Not later than sixty days after the effective date of this section, the director of agriculture shall

appoint all of the following members to the board:

- (1) One member who is a county commissioner or a representative of a statewide organization that represents county commissioners;
- (2) One member who is a township trustee or a representative of a statewide organization that represents township trustees;
- (3) One representative of the Ohio state university;
- (4) One representative of a national nonprofit organization dedicated to the preservation of farmland;
- (5) One representative of the natural resources conservation service in the United States department of agriculture;
- (6) One representative each of development, environmental, and planning interests;
- (7) One farmer from each of the state's four quadrants.

Of the initial appointments to the board, four shall serve for a one-year term, four shall serve for a two-year term, and four shall serve for a three-year term. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that the term of any member who is a county commissioner or township trustee shall end when the member ceases to serve as a county commissioner or township trustee.

Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall serve for the remainder of that term. A member shall continue to serve subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members shall serve at the pleasure of the director.

The executive director of the office of farmland preservation in the department of agriculture or another employee of the department who is designated by the director shall serve as the nonvoting chairperson of the board. The director annually shall designate one member of the board to serve as its vice-chairperson. The board may adopt bylaws governing its operation and shall meet at a time when the director, or the director's designee, considers it appropriate in order for the board to provide advice as required under division (B) of this section.

(B) The board shall provide advice to the director regarding all of the following:

(1) The design and implementation of an agricultural easement purchase program;

(2) The selection of applications that will be awarded matching grants under division (D) of section 901.22 of the Revised Code for the purchase of agricultural easements;

(3) The design and implementation of any other statewide farmland protection measures that the director considers appropriate.

(C) Serving as a member of the board does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(D) A board member shall be reimbursed for actual and necessary expenses incurred in the discharge of duties as a board member.

Sec. 1519.05. (A) As used in this section, "local political subdivision" and "nonprofit organization" have the same meanings as in section 164.20 of the Revised Code.

(B) There is hereby created in the state treasury the clean Ohio trail fund. Twelve and one-half per cent of the net proceeds of obligations issued and sold pursuant to sections 151.01 and 151.09 of the Revised Code shall be deposited into the fund.

Investment earnings of the fund shall be credited to the fund. For two years after the effective date of this section, investment earnings credited to the fund may be used to pay costs incurred by the director of natural resources in administering this section.

Money in the clean Ohio trail fund shall not be used for the appropriation of land, rights, rights-of-way, franchises, easements, or other property through the exercise of the right of eminent domain.

The director shall use moneys in the fund exclusively to provide matching grants to nonprofit organizations and to local political subdivisions for the purposes of purchasing land or interests in land for recreational trails and for the construction of such trails. A matching grant may provide up to seventy-five per cent of the cost of a recreational trail project, and the recipient of the matching grant shall provide not less than twenty-five per cent of that cost.

(C) The director shall establish policies for the purposes of this section. The policies shall establish all of the following:

(1) Procedures for providing matching grants to nonprofit organizations and local political subdivisions for the purposes of purchasing land or interests in land for recreational trails and for the construction of such trails, including, without limitation, procedures for both of the following:

(a) Developing a grant application form and soliciting, accepting, and approving grant applications;

(b) Participation by nonprofit organizations and local political subdivisions in the application process.

(2) A requirement that an application for a matching grant for a recreational trail project include a copy of a resolution supporting the project from each county in which the proposed project is to be conducted and whichever of the following is applicable:

(a) If the proposed project is to be conducted wholly within the geographical boundaries of one township, a copy of a resolution supporting the project from the township;

(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation;

(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;

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

(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:

(a) Synchronization with the statewide trail plan;

(b) Complete regional systems and links to the statewide trail system;

(c) A combination of funds from various state agencies;

(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;

(e) The linkage of population centers with public outdoor recreation areas and facilities;

(f) The purchase of rail lines that are linked to the statewide trail plan;

(g) The preservation of natural corridors.

(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that may be considered as contributing toward the percentage of the cost of a recreational trails project that must be provided by a matching grant recipient. The rules shall prohibit state money from being considered as contributing toward that percentage, except that grants awarded by the governor's office of Appalachian Ohio

created under section 107.21 of the Revised Code may be considered as contributing toward that percentage.

Sec. 1519.06. (A) There is hereby created the clean Ohio trail advisory board consisting of nine voting members. Not later than sixty days after the effective date of this section, the director of natural resources shall appoint all of the following members to the board:

(1) One member who is a county commissioner and who is recommended by a statewide organization that represents county commissioners;

(2) One member who is a township trustee and who is recommended by a statewide organization that represents township trustees;

(3) One member who is a member of the legislative authority of a municipal corporation and who is recommended by a statewide organization that represents municipal corporations;

(4) Three representatives of statewide nonprofit organizations dedicated to the creation of recreational trails;

(5) One representative each of development, environmental, and planning interests.

Of the initial appointments to the board, three shall serve for a one-year term, three shall serve for a two-year term, and three shall serve for a three-year term. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that the term of any member who is a county commissioner, a township trustee, or a member of the legislative authority of a municipal corporation shall end when the member ceases to serve as a county commissioner, a township trustee, or a member of the legislative authority of a municipal corporation.

Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall serve for the remainder of that term. A member shall continue to serve subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members shall serve at the pleasure of the director.

The director or another employee who is designated by the director shall serve as the nonvoting chairperson of the board. The director annually shall designate one member of the board to serve as its vice-chairperson. The board may adopt bylaws governing its operation and shall meet at a time

when the director, or the director's designee, considers it appropriate in order for the board to provide advice as required under division (B) of this section.

(B) The board shall provide advice to the director regarding the selection of applications that will be awarded matching grants under section 1519.05 of the Revised Code.

(C) Serving as a member of the board does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(D) A board member shall be reimbursed for actual and necessary expenses incurred in the discharge of duties as a board member.

Sec. 3745.40. (A) There is hereby created the clean Ohio operating fund consisting of moneys credited to the fund in accordance with this section. The fund shall be used to pay the costs incurred by the director of environmental protection pursuant to sections 122.65 to 122.658 of the Revised Code. Investment earnings of the fund shall be credited to the fund. For two years after the effective date of this section, investment earnings credited to the fund may be used to pay administrative costs incurred by the director pursuant to those sections.

(B) Notwithstanding section 3746.16 of the Revised Code, upon the request of the director of environmental protection, the director of development shall certify to the director of budget and management the amount of excess investment earnings that are available to be transferred from the clean Ohio revitalization fund created in section 122.658 of the Revised Code to the clean Ohio operating fund. Upon certification, the director of budget and management may transfer from the clean Ohio revitalization fund to the clean Ohio operating fund an amount not exceeding the amount of the annual appropriation to the clean Ohio operating fund.

Sec. 3746.13. (A) For property that does not involve the issuance of a consolidated standards permit under section 3746.15 of the Revised Code and where no engineering or institutional controls are used to comply with applicable standards, the director of environmental protection shall issue a covenant not to sue pursuant to section 3746.12 of the Revised Code by issuance of an order as a final action under Chapter 3745. of the Revised Code within thirty days after the director receives the no further action letter for the property and accompanying verification from the certified professional who prepared the letter under section 3746.11 of the Revised Code.

(B) For property that involves the issuance of a consolidated standards permit under section 3746.15 of the Revised Code or where engineering or institutional controls are used to comply with applicable standards, the director shall issue a covenant not to sue by issuance of an order as a final action under Chapter 3745. of the Revised Code within ninety days after the director receives the no further action letter for the property and accompanying verification from the certified professional who prepared the letter.

(C) ~~Each Except as provided in division (D) of this section, each~~ person who is issued a covenant not to sue under this section shall pay the fee established pursuant to rules adopted under division (B)(8) of section 3746.04 of the Revised Code. Until those rules become effective, each person who is issued a covenant not to sue shall pay a fee of two thousand dollars. The fee shall be paid to the director at the time that the no further action letter and accompanying verification are submitted to ~~him~~ the director.

(D) An applicant, as defined in section 122.65 of the Revised Code, who has entered into an agreement under section 122.653 of the Revised Code and who is issued a covenant not to sue under this section shall not be required to pay the fee established in rules adopted under division (B)(8) of section 3746.04 of the Revised Code.

Sec. 5301.67. As used in sections 5301.67 to 5301.70 of the Revised Code:

(A) "Conservation easement" means an incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominantly in their natural, scenic, open, or wooded condition, including, without limitation, the use of land in agriculture when consistent with and in furtherance of the purpose of retaining those areas in such a condition, or retaining their use predominantly as suitable habitat for fish, plants, or wildlife; that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of those purposes; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions.

(B) "Agriculture" means those activities occurring on land devoted exclusively to agricultural use, as defined in section 5713.30 of the Revised Code, or on land that constitutes a homestead.

(C) "Agricultural easement" means an incorporeal right or interest in land that is held for the public purpose of retaining the use of land predominantly in agriculture; that imposes any limitations on the use or

development of the land that are appropriate at the time of creation of the easement to achieve that purpose; that is in the form of articles of dedication, easement, covenant, restriction, or condition; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions.

(D) "Homestead" means the portion of a farm on which is located a dwelling house, yard, or outbuildings such as a barn or garage.

Sec. 5301.68. An owner of land may grant a conservation easement to the department of natural resources, a park district created under Chapter 1545. of the Revised Code, a township park district created under section 511.18 of the Revised Code, a conservancy district created under Chapter 6101. of the Revised Code, a soil and water conservation district created under Chapter 1515. of the Revised Code, a county, a township, a municipal corporation, or a charitable organization that is authorized to hold conservation easements by division (B) of section 5301.69 of the Revised Code, in the form of articles of dedication, easement, covenant, restriction, or condition. An owner of land also may grant an agricultural easement to the director of agriculture; to a municipal corporation, county, or township; or to a charitable organization described in division (B) of section 5301.69 of the Revised Code. An owner of land may grant an agricultural easement 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.

All conservation easements and agricultural easements shall be executed and recorded in the same manner as other instruments conveying interests in land.

Sec. 5301.69. (A) The director of natural resources, the board of park commissioners of a park district created under Chapter 1545. of the Revised Code, the board of park commissioners of a township park district created under section 511.18 of the Revised Code, the board of directors of a conservancy district created under Chapter 6101. of the Revised Code, the board of supervisors of a soil and water conservation district created under Chapter 1515. of the Revised Code, the board of county commissioners of a county, the board of township trustees of a township, or the legislative authority of a municipal corporation may acquire conservation easements in the name of the state, the district, or the county, township, or municipal corporation in the same manner as other interests in land may be acquired under section 307.02, 307.18, 505.10, 505.261, 511.23, 717.01, 1501.01, 1515.08, 1545.11, or 6101.15 of the Revised Code. Each officer, board, or authority acquiring a conservation easement shall name an appropriate

administrative officer, department, or division to supervise and enforce the easement.

(B) A charitable organization may acquire and hold conservation easements if it is exempt from federal taxation under subsection 501(a) and is described in subsection 501(c) of the "Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended, and organized for any of the following purposes: the preservation of land areas for public outdoor recreation or education, or scenic enjoyment; the preservation of historically important land areas or structures; or the protection of natural environmental systems. Such a charitable organization also may acquire and hold agricultural easements subject to the limitation that it may do so 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.

Sec. 5301.691. (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.

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

The director, upon the director's own initiative and prior to the purchase of an agricultural easement under division (A)(1) of this section or the extinguishment of such an easement, may hold an informational meeting with the board of county commissioners and the legislative authority of the municipal corporation or board of township trustees in which land that

would be affected by the proposed acquisition or extinguishment is located, to respond to any questions and concerns of the board or authority regarding the proposed acquisition or extinguishment.

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

(2) Subject to division (E) of this section, the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township may acquire agricultural easements by gift, devise, or bequest. Any terms may be included in an agricultural easement so acquired that are necessary or appropriate to preserve on behalf of the grantor of the easement the favorable tax consequences of the gift, devise, or bequest under the "Internal Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

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

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

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

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

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

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

(D)(1) The director and each legislative authority of a municipal corporation, board of county commissioners, or board of township trustees, upon acquiring an agricultural easement by purchase, gift, devise, or bequest under this section or section 901.21 of the Revised Code, shall name an appropriate administrative officer, department, or division to supervise and

enforce the easement. A legislative authority or board may enter into a contract with the board of park commissioners of a park district established under Chapter 1545. of the Revised Code, the board of park commissioners of a township park district established under section 511.18 of the Revised Code, or the board of supervisors of a soil and water conservation district established under Chapter 1515. of the Revised Code having territorial jurisdiction within the municipal corporation, county, or township, or with a charitable organization described in division (B) of section 5301.69 of the Revised Code, to supervise on behalf of the legislative authority or board an agricultural easement so acquired. The contract may be entered into on such terms as are agreeable to the parties and shall specify or prescribe a method for determining the amounts of any payments to be made by the legislative authority or board of county commissioners or township trustees for the performance of the contract.

(2) With respect to an agricultural easement purchased with a matching grant that is made under division (D) of section 901.22 of the Revised Code and that consists in whole or in part of moneys from the clean Ohio agricultural easement fund created in section 901.21 of the Revised Code, the recipient of the matching grant shall make an annual monitoring visit to the land that is the subject of the easement. The purpose of the visit is to ensure that no development that is prohibited by the terms of the easement has occurred or is occurring. In accordance with rules adopted under division (A)(1)(d) of section 901.22 of the Revised Code, the grant recipient shall prepare a written annual monitoring report and submit it to the office of farmland preservation in the department of agriculture. If necessary to enforce the terms of the easement, the grant recipient shall take corrective action in accordance with those rules.

(E) The director; a municipal corporation, county, or township; or a charitable organization described in division (B) 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 ~~created in section 901.21 of the Revised Code.~~

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

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

SECTION 2. That existing sections 126.11, 151.01, 164.02, 317.08, 901.21, 901.22, 3746.13, 5301.67, 5301.68, 5301.69, and 5301.691 of the Revised Code are hereby repealed.

SECTION 3. The Ohio Public Facilities Commission, upon request by the Ohio Public Works Commission, is hereby authorized to issue and sell, in accordance with Section 2o of Article VIII, Ohio Constitution, and sections 151.01 and 151.09 of the Revised Code, original obligations of the State of

Ohio, in an aggregate principal amount not to exceed \$50,000,000. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the Clean Ohio Conservation Fund (Fund 056) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

SECTION 4. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056). The appropriations made in this act are in addition to any other capital appropriations made for the 2000-2002 biennium.

PWC PUBLIC WORKS COMMISSION

Clean Ohio Conservation Fund

056	CAP-152	Clean Ohio Conservation	\$	37,500,000
TOTAL 056	Clean Ohio Conservation Fund		\$	37,500,000
TOTAL ALL BUDGET FUND GROUPS			\$	37,500,000

CLEAN OHIO CONSERVATION

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

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

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

SECTION 5. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056). For all appropriations made in this act, those in the first column are for fiscal year 2002 and those in the second

umn are for fiscal year 2003. The appropriations made in this act are in addition to any other appropriations made for the 2001-2003 biennium.

PWC PUBLIC WORKS COMMISSION

Clean Ohio Conservation Fund

056 150-403	Operating Expenses	\$ 271,987	\$ 288,459
TOTAL 056 Clean Ohio Conservation Fund		\$ 271,987	\$ 288,459
TOTAL ALL BUDGET FUND GROUPS		\$ 271,987	\$ 288,459

OPERATING EXPENSES

The foregoing appropriation item 150-403, Operating Expenses, shall be used by the Ohio Public Works Commission in administering sections 164.20 to 164.27 of the Revised Code.

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

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

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

DNR DEPARTMENT OF NATURAL RESOURCES

Clean Ohio Trail Fund

058 CAP-014	Clean Ohio Trail	\$ 6,250,000
TOTAL 058 Clean Ohio Trail Fund		\$ 6,250,000
TOTAL ALL BUDGET FUND GROUPS		\$ 6,250,000

CLEAN OHIO TRAIL

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

Within the limits set forth in this act, the Director of Budget and

Management shall establish accounts indicating source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 640 of the 123rd General Assembly.

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

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

DNR DEPARTMENT OF NATURAL RESOURCES

Clean Ohio Trail Fund

058	725-405	Clean Ohio - Operating	\$	150,000	\$	155,000
TOTAL 058		Clean Ohio Trail Fund	\$	150,000	\$	155,000
TOTAL ALL BUDGET FUND GROUPS			\$	150,000	\$	155,000

CLEAN OHIO - OPERATING

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

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

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

SECTION 8. All items set forth in this section are hereby appropriated out of moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 057). The appropriations made in this act are in addition to any other capital appropriations made for the 2000-2002 biennium.

AGR DEPARTMENT OF AGRICULTURE

Clean Ohio Agricultural Easement Fund

057 CAP-047	Clean Ohio Agricultural Easement	\$	6,250,000
TOTAL 057 Clean Ohio Agricultural Easement Fund		\$	6,250,000
TOTAL ALL BUDGET FUND GROUPS		\$	6,250,000

AGRICULTURAL EASEMENT PURCHASE

The foregoing appropriation item CAP-047, Clean Ohio Agricultural Easement Fund, shall be used in accordance with sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. The Director of the Department of Agriculture may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with those sections. If the Director of Budget and Management determines pursuant to those sections that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

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

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

SECTION 9. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Clean Ohio Agricultural Easement Fund (Fund 057). For all appropriations made in this act, those in the first column are for fiscal year 2002 and those in the second column are for fiscal year 2003. The appropriations made in this act are in addition to any other appropriations made for the 2001-2003 biennium.

AGR DEPARTMENT OF AGRICULTURE**Clean Ohio Agricultural Easement Fund**

057 700-632	Clean Ohio Agricultural Easement - Operating	\$	146,000	\$	149,000
TOTAL 057 Clean Ohio Agricultural Easement Fund		\$	146,000	\$	149,000
TOTAL ALL BUDGET FUND GROUPS		\$	146,000	\$	149,000

FARMLAND PRESERVATION - OPERATING

The foregoing appropriation item 700-632, Farmland Preservation - Operating, shall be used by the Ohio Department of Agriculture in administering sections 901.21, 901.22, and 5301.67 to 5301.70 of the

Revised Code.

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

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

SECTION 10. That Sections 17, 41, 41.07, 50, 50.01, 78, 78.01, 92, and 106 of Am. Sub. H.B. 94 of the 124th General Assembly be amended to read as follows:

" Sec. 17. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700-321	Operating Expenses	\$	3,160,884	\$	3,334,073
GRF 700-401	Animal Disease Control	\$	4,340,887	\$	4,385,108
GRF 700-402	Amusement Ride Safety	\$	226,451	\$	230,769
GRF 700-403	Dairy Division	\$	1,569,097	\$	1,707,877
GRF 700-404	Ohio Proud	\$	222,856	\$	228,266
GRF 700-405	Animal Damage Control	\$	86,780	\$	84,358
GRF 700-406	Consumer Analytical Lab	\$	889,058	\$	900,001
GRF 700-407	Food Safety	\$	1,422,998	\$	1,377,956
<u>GRF 700-409</u>	<u>Farmland Preservation</u>	<u>\$</u>	<u>150,000</u>	<u>\$</u>	<u>320,000</u>
GRF 700-410	Plant Industry	\$	1,517,969	\$	1,561,620
GRF 700-411	International Trade and Market Development	\$	789,620	\$	598,062
GRF 700-412	Weights and Measures	\$	991,136	\$	996,634
GRF 700-413	Gypsy Moth Prevention	\$	633,214	\$	634,279
GRF 700-414	Concentrated Animal Feeding Facilities Advisory Committee	\$	23,275	\$	22,663
GRF 700-415	Poultry Inspection	\$	322,256	\$	320,960
GRF 700-418	Livestock Regulation Program	\$	1,357,487	\$	1,563,898
GRF 700-424	Livestock Testing and Inspections	\$	229,996	\$	228,438
GRF 700-499	Meat Inspection Program - State Share	\$	4,654,566	\$	4,977,168
GRF 700-501	County Agricultural Societies	\$	466,842	\$	466,842
GRF 700-503	Swine and Cattle Breeder Awards	\$	113,160	\$	107,076
TOTAL GRF General Revenue Fund		\$	23,018,532	\$	23,726,048
			<u>23,168,532</u>		<u>24,046,048</u>

Federal Special Revenue Fund Group

3J4 700-607	Indirect Cost	\$	1,380,026	\$	1,314,020
3R2 700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330

326	700-618	Meat Inspection Service - Federal Share	\$	4,401,707	\$	4,959,973
336	700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774
382	700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347
		TOTAL FED Federal Special Revenue Fund Group	\$	8,599,086	\$	9,229,444
		State Special Revenue Fund Group				
4C9	700-605	Feed, Fertilizer, and Lime Inspection	\$	909,033	\$	975,244
4D2	700-609	Auction Education	\$	30,476	\$	30,476
4E4	700-606	Utility Radiological Safety	\$	69,016	\$	73,059
4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356
4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616
5B8	700-628	Auctioneers	\$	286,769	\$	365,390
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774
579	700-630	Scale Certification	\$	230,047	\$	230,047
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491
		TOTAL SSR State Special Revenue Fund Group	\$	10,470,236	\$	10,831,974
		TOTAL ALL BUDGET FUND GROUPS	\$	42,088,354	\$	43,787,466
				42,238,354		44,107,466

ANIMAL DISEASE CONTROL

The funds in appropriation item 700-401, Animal Disease Control, may be used for the detection, prevention, and emergency management of, and the education of the public regarding, Foot and Mouth disease, Mad Cow disease, and West Nile virus.

REIMBURSEMENT TO THE GENERAL REVENUE FUND

(A) On or before June 30, 2003, the Director of Budget and Management shall determine the following:

(1) The total amount disbursed from the foregoing appropriation item, 700-409, Farmland Preservation, in the 2002-2003 biennium; and

(2) The amount of interest earnings that have been credited to the Clean Ohio Conservation Fund (Fund 056) that are in excess of what is needed for

other purposes.

(B) If the Director determines under division (A)(2) of this section that there are excess interest earnings, the Director shall, on or before June 30, 2003, transfer them in an amount not to exceed \$60,000 less than the amount of disbursements determined under division (A)(1) of this section from the Clean Ohio Conservation Fund to the General Revenue Fund.

THE AUCTION FUND

On October 1, 2001, the Auction Education Fund (Fund 4D2) and the Auction Licensing Fund (Fund 5B8) shall be transferred from the Department of Commerce to the Department of Agriculture. At the request of the Director of Commerce, the Director of Budget and Management may cancel encumbrances in these funds from the Department of Commerce's appropriation item 800-605, Auctioneer Education, and appropriation item 800-628, Auctioneers, and reestablish such encumbrances or parts of encumbrances in fiscal year 2002 for the same purpose and to the same vendor in the Department of Agriculture's appropriation item 700-609, Auction Education, and appropriation item 700-628, Auctioneers. The Director of Budget and Management shall reduce the appropriation balances in fiscal year 2001 by the amount of the encumbrances canceled in the funds. As determined by the Director of Budget and Management, the appropriation authority necessary to reestablish such encumbrances or parts of encumbrances in fiscal year 2002 for the Department of Agriculture is hereby appropriated.

THE DAIRY INDUSTRY FUND

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 4R2). The director shall cancel any existing encumbrances against appropriation item 700-602, License Fees (Fund 4V0), and reestablish them against appropriation item 700-637, Dairy Inspection (Fund 4R2). The amounts of the reestablished encumbrances are appropriated.

Sec. 41. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund

GRF 195-100	Personal Services	\$ 2,651,334	\$ 2,920,941
GRF 195-200	Maintenance	\$ 589,524	\$ 601,314
GRF 195-300	Equipment	\$ 108,161	\$ 110,324
GRF 195-401	Thomas Edison Program	\$ 20,000,000	\$ 20,000,000
GRF 195-404	Small Business Development	\$ 2,452,342	\$ 2,529,843
GRF 195-405	Minority Business Development Division	\$ 2,278,888	\$ 2,297,314
GRF 195-406	Transitional and Permanent Housing	\$ 2,770,145	\$ 2,770,155
GRF 195-407	Travel and Tourism	\$ 6,345,500	\$ 6,448,399

GRF 195-408	Coal Research Development	\$ 562,551	\$ 585,290
GRF 195-412	Business Development Grants	\$ 8,033,935	\$ 9,092,851
GRF 195-414	First Frontier Match	\$ 490,000	\$ 490,000
GRF 195-415	Regional Offices and Economic Development	\$ 6,420,675	\$ 6,735,253
GRF 195-416	Governor's Office of Appalachia	\$ 5,466,954	\$ 5,475,126
GRF 195-417	Urban/Rural Initiative	\$ 980,000	\$ 980,000
GRF 195-422	Technology Action	\$ 14,000,000	\$ 14,000,000
<u>GRF 195-426</u>	<u>Clean Ohio Implementation</u>	<u>\$ 448,000</u>	<u>\$ 641,000</u>
GRF 195-431	Community Development Corporation Grants	\$ 2,530,860	\$ 2,530,860
GRF 195-432	International Trade	\$ 5,390,000	\$ 5,551,700
GRF 195-434	Investment in Training Grants	\$ 12,500,000	\$ 12,500,000
GRF 195-436	Labor/Management Cooperation	\$ 1,146,805	\$ 1,152,752
GRF 195-440	Emergency Shelter Housing Grants	\$ 2,768,313	\$ 2,841,441
GRF 195-441	Low and Moderate Income Housing	\$ 19,000,000	\$ 19,000,000
GRF 195-497	CDBG Operating Match State	\$ 1,208,576	\$ 1,215,295
GRF 195-498	State Energy Match	\$ 153,558	\$ 158,548
GRF 195-501	Appalachian Local Development Districts	\$ 453,962	\$ 453,962
GRF 195-502	Appalachian Regional Commission Dues	\$ 219,912	\$ 219,912
GRF 195-505	Utility Bill Credits	\$ 7,350,000	\$ 7,350,000
GRF 195-507	Travel and Tourism Grants	\$ 1,250,000	\$ 1,250,000
GRF 195-510	Issue I Implementation	\$ 4,000,000	\$ 4,500,000
GRF 195-906	Coal Research and Development General Obligation Debt Service	\$ 8,971,700	\$ 9,420,300
TOTAL GRF General Revenue Fund			
State		\$ 137,093,695	\$ 140,181,580
		<u>\$ 136,541,695</u>	<u>\$ 139,322,580</u>
General Services Fund Group			
135 195-605	Supportive Services	\$ 9,038,988	\$ 9,531,707
136 195-621	International Trade	\$ 100,000	\$ 24,915
685 195-636	General Reimbursements	\$ 1,275,234	\$ 1,323,021
TOTAL GSF General Services Fund			
Group		\$ 10,414,222	\$ 10,879,643
Federal Special Revenue Fund Group			
3K8 195-613	Community Development Block Grant	\$ 65,149,441	\$ 65,088,961
3K9 195-611	Home Energy Assistance Block Grant	\$ 62,000,000	\$ 62,000,000
3K9 195-614	HEAP Weatherization	\$ 10,412,041	\$ 10,412,041
3L0 195-612	Community Services Block Grant	\$ 22,135,000	\$ 22,135,000
3V1 195-601	HOME Program	\$ 40,000,000	\$ 40,000,000
308 195-602	Appalachian Regional Commission	\$ 350,000	\$ 350,200

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308	195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000
308	195-605	Federal Projects	\$	7,855,501	\$	7,855,501
308	195-609	Small Business Administration	\$	3,799,626	\$	3,799,626
308	195-618	Energy Federal Grants	\$	2,803,560	\$	2,803,560
335	195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000
380	195-622	Housing Development Operating	\$	4,507,212	\$	4,696,198
TOTAL FED Federal Special Revenue						
Fund Group			\$	232,512,381	\$	232,641,087
State Special Revenue Fund Group						
4F2	195-639	State Special Projects	\$	1,052,762	\$	1,079,082
4H4	195-641	First Frontier	\$	600,000	\$	650,000
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900
4S1	195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800
4W1	195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597
444	195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775
445	195-617	Housing Finance Operating	\$	3,782,808	\$	3,968,184
450	195-624	Minority Business Bonding Program Administration	\$	13,232	\$	13,563
451	195-625	Economic Development Financing Operating	\$	2,062,451	\$	2,143,918
5M4	195-659	Universal Service	\$	160,000,000	\$	160,000,000
5M5	195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000
611	195-631	Water and Sewer Administration	\$	15,330	\$	15,713
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000
646	195-638	Low and Moderate Income Housing Trust Fund	\$	21,539,552	\$	22,103,807
TOTAL SSR State Special Revenue						
Fund Group			\$	204,934,695	\$	205,866,339
Facilities Establishment Fund						
037	195-615	Facilities Establishment	\$	56,701,684	\$	58,119,226
4Z6	195-647	Rural Industrial Park Loan	\$	5,000,000	\$	5,000,000
5D1	195-649	Port Authority Bond Reserves	\$	2,500,000	\$	2,500,000
5D2	195-650	Urban Redevelopment Loans	\$	10,000,000	\$	10,475,000
5H1	195-652	Family Farm Loan Guarantee	\$	2,246,375	\$	2,246,375
TOTAL 037 Facilities						
Establishment Fund			\$	76,448,059	\$	78,340,601
Coal Research/Development Fund						
046	195-632	Coal Research and Development Fund	\$	12,847,178	\$	13,168,357
TOTAL 046 Coal Research/						
Development Fund			\$	12,847,178	\$	13,168,357
TOTAL ALL BUDGET FUND GROUPS			\$	679,450,230	\$	687,577,607
				<u>678,898,230</u>		<u>686,718,607</u>

Sec. 41.07. COMMUNITY CLEAN OHIO IMPLEMENTATION

The foregoing appropriation item 195-426, Clean Ohio Implementation, shall be used to begin implementation of Section 2o, Article VIII, Ohio Constitution.

COMMUNITY DEVELOPMENT CORPORATIONS

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, a portion of funds in each fiscal year of the biennium shall be used to make grants to the Ohio Community Development Finance Fund, a nonprofit corporation, in order to leverage private-sector funds to assist nonprofit development organizations to create affordable housing and permanent jobs in distressed areas of the state. The remaining moneys shall be used to provide funds to assist local community development corporations to develop affordable housing programs and economic development programs in their neighborhoods, and for operating costs.

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, not less than \$100,000 in each fiscal year shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations in underserved areas of the state. For grants awarded in each fiscal year of the biennium, priority shall be given to proposals submitted by nonprofit development organizations from underserved areas of the state.

Sec. 50. EPA ENVIRONMENTAL PROTECTION AGENCY

General Revenue Fund

<u>GRF 715-403</u>	<u>Clean Ohio</u>	\$	<u>550,000</u>	\$	<u>801,000</u>
GRF 715-501	Local Air Pollution Control	\$	1,364,111	\$	1,444,068
GRF 717-321	Surface Water	\$	10,005,388	\$	11,104,082
GRF 718-321	Groundwater	\$	1,430,912	\$	1,540,938
GRF 719-321	Air Pollution Control	\$	2,838,394	\$	3,015,444
GRF 721-321	Drinking Water	\$	3,043,210	\$	3,216,737
GRF 723-321	Hazardous Waste	\$	142,080	\$	142,080
GRF 724-321	Pollution Prevention	\$	927,221	\$	986,633
GRF 725-321	Laboratory	\$	1,411,197	\$	1,551,342
GRF 726-321	Corrective Actions	\$	1,890,915	\$	1,912,937
TOTAL GRF General Revenue Fund		\$	<u>23,053,428</u>	\$	<u>24,914,261</u>
			<u>23,603,428</u>		<u>25,715,261</u>

General Services Fund Group

199 715-602	Laboratory Services	\$	1,003,616	\$	1,042,081
219 715-604	Central Support Indirect	\$	14,935,955	\$	16,462,642
4A1 715-640	Operating Expenses	\$	3,214,075	\$	3,304,835
TOTAL GSF General Services Fund Group		\$	19,153,646	\$	20,809,558

Federal Special Revenue Fund Group

3F2 715-630	Revolving Loan Fund - Operating	\$	33,700	\$	80,000
3F3 715-632	Fed Supported Cleanup and Response	\$	4,551,830	\$	4,600,910
3F4 715-633	Water Quality Management	\$	702,849	\$	702,849

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3F5	715-641	Nonpoint Source Pollution Management	\$	5,820,330	\$	5,820,330
3J1	715-620	Urban Stormwater	\$	522,000	\$	348,000
3J5	715-615	Maumee River	\$	61,196	\$	0
3K2	715-628	Clean Water Act 106	\$	3,769,255	\$	3,769,254
3K4	715-634	DOD Monitoring and Oversight	\$	1,388,552	\$	1,487,341
3K6	715-639	Remedial Action Plan	\$	600,000	\$	270,000
3N4	715-657	DOE Monitoring and Oversight	\$	4,080,203	\$	4,162,907
3T1	715-668	Rural Hardship Grant	\$	50,000	\$	50,000
3V7	715-606	Agencywide Grants	\$	360,000	\$	80,000
352	715-611	Wastewater Pollution	\$	200,000	\$	278,000
353	715-612	Public Water Supply	\$	2,489,460	\$	2,489,460
354	715-614	Hazardous Waste Management - Federal	\$	3,900,000	\$	3,900,000
357	715-619	Air Pollution Control - Federal	\$	4,919,683	\$	4,835,600
362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856
TOTAL FED Federal Special Revenue Fund Group			\$	33,556,914	\$	32,982,507
State Special Revenue Fund Group						
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773
<u>5S1</u>	<u>715-607</u>	<u>Clean Ohio - Operating</u>	<u>\$</u>	<u>580,000</u>	<u>\$</u>	<u>850,000</u>
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443
				12,186,201		12,427,443
<u>505</u>	<u>715-674</u>	<u>Clean Ohio Environmental Review</u>	<u>\$</u>	<u>600,000</u>	<u>\$</u>	<u>1,000,000</u>
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990
542	715-671	Risk Management Reporting	\$	174,924	\$	185,605
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000
602	715-626	Motor Vehicle Inspection and	\$	2,653,217	\$	2,795,062

		Maintenance		
644	715-631	ER Radiological Safety	\$ 242,446	\$ 255,947
660	715-629	Infectious Waste Management	\$ 138,899	\$ 145,271
676	715-642	Water Pollution Control Loan	\$ 4,874,302	\$ 5,252,873
		Administration		
678	715-635	Air Toxic Release	\$ 394,489	\$ 413,938
679	715-636	Emergency Planning	\$ 2,000,708	\$ 2,054,868
696	715-643	Air Pollution Control	\$ 750,000	\$ 750,000
		Administration		
699	715-644	Water Pollution Control	\$ 250,000	\$ 250,000
		Administration		
		TOTAL SSR State Special Revenue		
		Fund Group	\$ 100,935,220	\$ 105,472,864
			101,515,220	106,322,864
		TOTAL ALL BUDGET FUND GROUPS	\$ 176,699,208	\$ 184,179,190
			177,829,208	185,830,190

The foregoing appropriation item 715-674, Clean Ohio Environmental Review, shall be used to pay the costs incurred by the Director of Environmental Protection pursuant to sections 122.65 to 122.658 of the Revised Code. These costs include, without limitation, the cost of technical assistance, the costs of participating with and supporting the Clean Ohio Council, and the costs of review of no further action letters and covenants not to sue for brownfield and public health projects.

Sec. 50.01. PUBLIC WATER SYSTEM SUPERVISION

Of the foregoing appropriation item 721-321, Drinking Water, \$225,000 shall be earmarked for the Northern Perry Water Phase III.

CENTRAL SUPPORT INDIRECT

Notwithstanding any other provision of law to the contrary, the Director of Environmental Protection, with the approval of the Director of Budget and Management, shall utilize a methodology for determining each division's payments into the Central Support Indirect Fund (Fund 219). The methodology used shall contain the characteristics of administrative ease and uniform application. Payments to the Central Support Indirect Fund (Fund 219) shall be made using an intrastate transfer voucher.

Not later than November 30, 2001, the Director of Environmental Protection shall certify to the Director of Budget and Management the cash balances in Fund 356, Indirect Costs, and Fund 4C3, Central Support Indirect, and may request the Director of Budget and Management to transfer up to the certified amounts into Fund 219, Central Support Indirect. The amount transferred is hereby appropriated.

SOLID WASTE FUND TRANSFER

Not later than March 1, 2002, the Director of Environmental Protection shall certify to the Director of Budget and Management the amount expended from Fund 4K3, Solid Waste, during fiscal years 2000 and 2001

for emergency expenses incurred as a result of the fire at the Kirby Tire site. In fiscal years 2002 and 2003, the Director of Environmental Protection shall request the Director of Budget and Management to transfer up to one-half of the certified amount during fiscal year 2002 and the balance of the certified amount during fiscal year 2003 from Fund 4R5, Scrap Tire Management, to Fund 4K3, Solid Waste. The amounts transferred are hereby appropriated.

Moneys transferred from Fund 4R5, Scrap Tire Management, to Fund 4K3, Solid Waste, shall not consist of any moneys generated under division (A)(2) of section 3734.901 of the Revised Code as amended by this act.

Sec. 78. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund

GRF 725-401	Wildlife - GRF Central Support	\$	750,000	\$	750,000
GRF 725-404	Fountain Square Rental Payments - OBA	\$	1,092,400	\$	1,089,100
GRF 725-407	Conservation Reserve Enhancement Program	\$	1,920,400	\$	1,920,400
GRF 725-412	Reclamation Commission	\$	67,123	\$	70,971
GRF 725-413	OPFC Lease Rental Payments	\$	16,211,500	\$	14,279,000
GRF 725-423	Stream and Ground Water Gauging	\$	448,745	\$	478,214
GRF 725-425	Wildlife License Reimbursement	\$	1,000,000	\$	1,000,000
GRF 725-456	Canal Lands	\$	397,811	\$	407,756
GRF 725-502	Soil and Water Districts	\$	12,126,462	\$	12,621,123
GRF 725-903	Natural Resources General Obligation Debt Service	\$	19,001,100	\$	22,101,900
GRF 725-904	Conservation General Obligation Debt Service	\$	4,595,000	\$	6,695,000
GRF 727-321	Division of Forestry	\$	10,209,173	\$	10,888,345
GRF 728-321	Division of Geological Survey	\$	2,269,911	\$	2,432,974
GRF 729-321	Office of Information Technology	\$	1,072,960	\$	1,985,667
GRF 730-321	Division of Parks and Recreation	\$	35,651,542	\$	37,972,382
GRF 733-321	Division of Water	\$	4,035,213	\$	4,234,581
GRF 736-321	Division of Engineering	\$	3,709,501	\$	3,918,766
GRF 737-321	Division of Soil and Water	\$	4,675,812	\$	4,879,744
GRF 738-321	Division of Real Estate and Land Management	\$	2,540,554	\$	2,669,042
GRF 741-321	Division of Natural Areas and Preserves	\$	3,439,427	\$	3,616,940
GRF 744-321	Division of Mineral Resources Management	\$	3,946,725	\$	4,162,882
TOTAL GRF General Revenue Fund		\$	<u>426,161,359</u>	\$	<u>438,174,787</u>
			<u>124,566,359</u>	\$	<u>131,479,787</u>

General Services Fund Group

155 725-601	Departmental Projects	\$	2,216,594	\$	1,913,242
157 725-651	Central Support Indirect	\$	8,009,551	\$	8,423,094

158	725-604	Natural Resources Publication Center Intrastate	\$ 94,198	\$ 94,595
161	725-635	Parks Facilities Maintenance	\$ 2,993,169	\$ 3,063,124
162	725-625	Civilian Conservation Corps Operations	\$ 7,885,349	
204	725-687	Information Services	\$ 3,010,774	\$ 3,971,856
206	725-689	REALM Support Services	\$ 475,000	\$ 475,000
207	725-690	Real Estate Services	\$ 50,000	\$ 54,000
4D5	725-618	Recycled Materials	\$ 50,000	\$ 50,000
4S9	725-622	NatureWorks Personnel	\$ 759,143	\$ 832,528
4X8	725-662	Water Resources Council	\$ 275,633	\$ 282,524
430	725-671	Canal Lands	\$ 1,215,441	\$ 1,259,511
508	725-684	Natural Resources Publication Center Interstate	\$ 239,538	\$ 245,808
510	725-631	Maintenance - state-owned residences	\$ 224,926	\$ 229,710
516	725-620	Water Management	\$ 2,459,256	\$ 2,522,146
635	725-664	Fountain Square Facilities Management	\$ 2,755,109	\$ 2,821,999
697	725-670	Submerged Lands	\$ 589,315	\$ 615,000
TOTAL GSF General Services Fund Group			\$ 33,302,996	\$ 34,912,852
Federal Special Revenue Fund Group				
3B3	725-640	Federal Forest Pass-Thru	\$ 55,000	\$ 55,000
3B4	725-641	Federal Flood Pass-Thru	\$ 190,000	\$ 190,000
3B5	725-645	Federal Abandoned Mine Lands	\$ 9,908,408	\$ 10,125,056
3B6	725-653	Federal Land and Water Conservation Grants	\$ 3,559,697	\$ 3,689,697
3B7	725-654	Reclamation - Regulatory	\$ 1,788,579	\$ 1,799,459
3P0	725-630	Natural Areas and Preserves - Federal	\$ 230,000	\$ 230,000
3P1	725-632	Geological Survey - Federal	\$ 381,910	\$ 366,303
3P2	725-642	Oil and Gas-Federal	\$ 189,701	\$ 190,289
3P3	725-650	Real Estate and Land Management - Federal	\$ 2,980,975	\$ 3,184,300
3P4	725-660	Water - Federal	\$ 180,000	\$ 180,000
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$ 600,000	\$ 613,200
328	725-603	Forestry Federal	\$ 1,200,000	\$ 1,200,000
332	725-669	Federal Mine Safety Grant	\$ 136,423	\$ 141,880
TOTAL FED Federal Special Revenue Fund Group			\$ 21,400,693	\$ 21,965,184
State Special Revenue Fund Group				
4J2	725-628	Injection Well Review	\$ 51,742	\$ 61,638
4M7	725-631	Wildfire Suppression	\$ 150,310	\$ 150,000
4U6	725-668	Scenic Rivers Protection	\$ 500,000	\$ 510,000
5B3	725-674	Mining Regulation	\$ 35,000	\$ 35,000
5K1	725-626	Urban Forestry Grant	\$ 400,000	\$ 400,000
5P2	725-634	Wildlife Boater Angler Administration	\$ 1,500,000	\$ 1,500,000
509	725-602	State Forest	\$ 1,489,013	\$ 1,536,595
511	725-646	Ohio Geologic Mapping	\$ 1,010,933	\$ 1,070,899

512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305
518	725-643	Oil and Gas Permit Fees	\$	1,821,252	\$	1,821,325
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000
521	725-627	Off-Road Vehicle Trails	\$	66,213	\$	68,490
522	725-656	Natural Areas Checkoff Funds	\$	1,508,080	\$	1,860,670
526	725-610	Strip Mining Administration Fees	\$	1,480,566	\$	1,449,459
527	725-637	Surface Mining Administration	\$	2,963,272	\$	3,093,938
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087
532	725-644	Litter Control and Recycling	\$	13,137,680	\$	13,311,365
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000
615	725-661	Dam Safety	\$	244,442	\$	259,758
TOTAL SSR State Special Revenue Fund Group			\$	61,594,456	\$	63,822,002
Wildlife Fund Group						
015	740-401	Division of Wildlife Conservation	\$	46,177,752	\$	48,713,747
815	725-636	Cooperative Management Projects	\$	156,536	\$	160,449
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885
817	725-655	Wildlife Conservation Checkoff Fund	\$	1,435,567	\$	1,472,755
818	725-629	Cooperative Fisheries Research	\$	964,470	\$	988,582
819	725-685	Ohio River Management	\$	125,448	\$	128,584
TOTAL WLF Wildlife Fund Group			\$	49,803,076	\$	52,431,002
Waterways Safety Fund Group						
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497
086	725-416	Natural Areas Marine Patrol	\$	25,000	\$	0
086	725-417	Parks Marine Patrol	\$	25,000	\$	0
086	725-418	Buoy Placement	\$	41,153	\$	42,182
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867
086	725-506	Watercraft Marine Patrol	\$	562,100	\$	576,153
086	725-513	Watercraft Educational Grants	\$	357,700	\$	366,643
086	739-401	Division of Watercraft	\$	16,579,526	\$	17,374,158
TOTAL WSF Waterways Safety Fund Group			\$	21,026,671	\$	21,969,500
Holding Account Redistribution Fund Group						
R17	725-659	Performance Cash Bond Refunds	\$	251,500	\$	252,000
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	2,001,500	\$	2,002,000
Accrued Leave Liability Fund Group						
4M8	725-675	FOP Contract	\$	19,609	\$	20,844
TOTAL ALF Accrued Leave Liability Fund Group			\$	19,609	\$	20,844
TOTAL ALL BUDGET FUND GROUPS			\$	315,310,360	\$	335,298,171
				313,715,360		328,603,171

The review and acceptance of amended articles of dedication under section 1517.05 of the Revised Code, as amended by this act, is an administrative function that is performed by the Department of Natural Resources. The amendments to that section clarify the manner in which such reviews are to be conducted. The reviews contemplated by section 1517.05 of the Revised Code, as amended by this act, shall be funded by the general appropriation to the Department of Natural Resources under this section.

Sec. 78.01. NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725-903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01 and 151.05 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

CONSERVATION GENERAL OBLIGATION DEBT SERVICE

~~The foregoing appropriation item 725-904, Conservation General Obligation Debt Service, shall be used to pay all debt service and financing costs during the period from July 1, 2001, to June 30, 2003, on obligations to be issued for conservation purposes under Section 2o of Article VIII, Ohio Constitution, and implementing legislation. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.~~

LEASE RENTAL PAYMENTS

The foregoing appropriation item 725-413, OPFC Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code, but limited to the aggregate amount of \$30,490,500. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.22 of the Revised Code.

FOUNTAIN SQUARE

The foregoing appropriation item 725-404, Fountain Square Rental Payments - OBA, shall be used by the Department of Natural Resources to meet all payments required to be made to the Ohio Building Authority during the period from July 1, 2001, to June 30, 2003, pursuant to leases and agreements with the Ohio Building Authority under section 152.241 of the

Revised Code, but limited to the aggregate amount of \$2,181,500.

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for the other funds' shares of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment to the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code.

The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited to the Fountain Square Facilities Management Fund (Fund 635).

Sec. 92. PWC PUBLIC WORKS COMMISSION

General Revenue Fund

<u>GRF 150-504</u>	<u>Conservation General Obligation Debt Service</u>	\$	<u>1,595,000</u>	\$	<u>6,695,000</u>
GRF 150-907	State Capital Improvements General Obligation Debt Service	\$	135,693,200	\$	146,210,200
TOTAL GRF General Revenue Fund		\$	<u>135,693,200</u>	\$	<u>146,210,200</u>
			<u>137,288,200</u>		<u>152,905,200</u>
TOTAL ALL BUDGET FUND GROUPS		\$	<u>135,693,200</u>	\$	<u>146,210,200</u>
			<u>137,288,200</u>		<u>152,905,200</u>

CONSERVATION GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 150-904, Conservation General Obligation Debt Service, shall be used to pay all debt service and financing costs during the period from July 1, 2001, to June 30, 2003, on obligations to be issued for conservation purposes under Section 2o of Article VIII, Ohio Constitution, and implementing legislation. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 150-907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and financing costs at the times they are required to be made pursuant to sections 151.01, 151.08, and 164.10 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an

intrastate transfer voucher.

Sec. 106. CSF COMMISSIONERS OF THE SINKING FUND

Debt Service Fund Group

071	155-901	Highway Obligations Bond Retirement Fund	\$	49,614,300	\$	47,572,500
072	155-902	Highway Capital Improvements Bond Retirement Fund	\$	137,730,500	\$	152,120,700
073	155-903	Natural Resources Bond Retirement	\$	19,001,100	\$	22,101,900
<u>074</u>	<u>155-904</u>	<u>Conservation Projects Bond Service Fund</u>	<u>\$</u>	<u>1,595,000</u>	<u>\$</u>	<u>6,695,000</u>
076	155-906	Coal Research and Development Bond Retirement Fund	\$	8,971,700	\$	9,420,300
077	155-907	State Capital Improvements Bond Retirement Fund	\$	135,693,200	\$	146,210,200
078	155-908	Common Schools Capital Facilities Bond Retirement Fund	\$	36,418,800	\$	55,336,300
079	155-909	Higher Education Capital Facilities Bond Retirement Fund	\$	50,055,100	\$	74,344,100
TOTAL DSF Debt Service Fund Group			\$	<u>437,484,700</u>	\$	<u>507,106,000</u>
				<u>439,079,700</u>		<u>513,801,000</u>
TOTAL ALL BUDGET FUND GROUPS			\$	<u>437,484,700</u>	\$	<u>507,106,000</u>
				<u>439,079,700</u>		<u>513,801,000</u>

ADDITIONAL APPROPRIATIONS

Appropriation items in this section are for the purpose of paying debt service and financing costs on bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary, such amounts are appropriated."

SECTION 11. That existing Sections 17, 41, 41.07, 50, 50.01, 78, 78.01, 92, and 106 of Am. Sub. H.B. 94 of the 124th General Assembly are hereby repealed.

SECTION 12. The Treasurer of State, upon request of the Director of the Ohio Department of Development, is hereby authorized to issue and sell, in accordance with Section 2o of Article VIII, Ohio Constitution, and pursuant to sections 151.01 and 151.40 of the Revised Code, original obligations of the State of Ohio, in an aggregate principal amount not to exceed \$50,000,000. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the

credit of the Clean Ohio Revitalization Fund (Fund 003) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

SECTION 13. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Revitalization Fund (Fund 003). The appropriations made in this act are in addition to any other capital appropriations made for the 2000-2002 biennium.

DEV DEPARTMENT OF DEVELOPMENT

Clean Ohio Revitalization Fund

003 CAP-001	Clean Ohio Revitalization	\$	40,000,000
TOTAL 003 Clean Ohio Revitalization Fund		\$	40,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	40,000,000

CLEAN OHIO REVITALIZATION

The foregoing appropriation item CAP-001, Clean Ohio Revitalization, shall be used in accordance with sections 122.65 to 122.658 of the Revised Code. The Director of the Department of Development may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 122.65 to 122.658 of the Revised Code. If the Director of Budget and Management determines pursuant to section 122.658 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

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

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

SECTION 14. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Revitalization Fund (Fund 003). The appropriations made in this act are in addition to any other capital appropriations made for the 2000-2002 biennium.

DEV DEPARTMENT OF DEVELOPMENT

Clean Ohio Revitalization Fund

003 CAP-002 Clean Ohio Assistance	\$	10,000,000
TOTAL 003 Clean Ohio Revitalization Fund	\$	10,000,000
TOTAL ALL BUDGET FUND GROUPS	\$	10,000,000

CLEAN OHIO ASSISTANCE

The foregoing appropriation item CAP-002, Clean Ohio Assistance, shall be used in accordance with sections 122.65 to 122.658 of the Revised Code. The Director of the Department of Development may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 122.65 to 122.658 of the Revised Code. If the Director of Budget and Management determines pursuant to section 122.656 of the Revised Code that investment earnings are available to support additional appropriations, such amounts are hereby appropriated.

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

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

SECTION 15. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the Clean Ohio Revitalization Fund (Fund 003). For all appropriations made in this act, those in the first column are for fiscal year 2002 and those in the second column are for fiscal year 2003. The appropriations made in this act are in addition to any other appropriations made for the 2001-2003 biennium.

DEV DEPARTMENT OF DEVELOPMENT**Clean Ohio Revitalization Fund**

003 195-663 Clean Ohio - Operating	\$	0 \$	150,000
TOTAL 003 Clean Ohio Revitalization	\$	0 \$	150,000
TOTAL ALL BUDGET FUND GROUPS	\$	0 \$	150,000

CLEAN OHIO - OPERATING

The foregoing appropriation item 195-663, Clean Ohio - Operating, shall be used by the Ohio Department of Development in administering sections 122.65 to 122.658 of the Revised Code.

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating source and amount of funds

for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 94 of the 124th General Assembly.

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

SECTION 16. The codified and uncodified sections of law contained in this act, and the items of law of which the codified and uncodified sections of law contained in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the codified and uncodified sections of law contained in this act, and the items of law of which the codified and uncodified sections of law contained in this act are composed, go into immediate effect when this act becomes law.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the _____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____