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125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 427

**Representatives Martin, Calvert, Hoops, C. Evans, D. Evans, Faber, Flowers,
Hughes, T. Patton, Schmidt, Schneider, Trakas, Aslanides, Collier, Domenick,
Gibbs, Gilb, Hagan, Oelslager, Reidelbach, Walcher
Senators Amstutz, Harris, Randy Gardner, Austria, Carey, Hottinger,
Mumper, Schuler, Spada, Mallory, Schuring, Padgett, Armbruster, Jacobson,
Nein, Robert Gardner, Fedor, DiDonato, Prentiss**

A B I L L

To amend sections 109.42, 122.18, 122.65, 5709.40, 1
5709.42, 5709.62, 5709.63, 5709.631, 5709.632, 2
5709.73, 5709.74, 5709.77, 5709.78, and 5709.79 3
and to enact sections 122.95, 122.951, 122.952, 4
1333.32, 1333.33, 1333.34, 5709.91, 5709.911, 5
5709.912, 5709.913, and 5709.914 of the Revised 6
Code and to amend Sections 38, 38.18, and 38.20 of 7
Am. Sub. H.B. 95 of the 125th General Assembly and 8
to repeal Section 2 of Sub. S.B. 186 of the 123rd 9
General Assembly; to increase from 10 to 15 the 10
number of years enterprise zones or urban jobs and 11
enterprise zone agreements may exempt property 12
from taxation, subject to school board approval; 13
to authorize the Director of Development to grant 14
money for the purpose of improving commercial and 15
industrial areas within certain economically 16
distressed counties; to create the Job Development 17
Initiatives Fund and transfer up to \$25.8 million 18
of unclaimed funds to it; to address priority, 19

enforcement, reporting, and other issues 20
concerning tax increment financing and related 21
programs; to broaden the definition of 22
"brownfield" for purposes of the Clean Ohio 23
Brownfield Revitalization Program; to establish a 24
lien for a moldbuilder in the plastic or metal 25
forming industries; to establish a minimum 26
population requirement for a single county to be 27
considered a local area under the workforce 28
development system; to authorize the conveyance of 29
state-owned real estate in Hamilton County to the 30
Board of County Commissioners of Hamilton County; 31
to modify the law authorizing payments to 32
municipalities and counties that attract federal 33
jobs; to prevent the repeal of the Employee 34
Ownership Assistance Program that is to take 35
effect December 31, 2004; to make appropriations; 36
and to declare an emergency. 37

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

Section 1. That sections 109.42, 122.18, 122.65, 5709.40, 38
5709.42, 5709.62, 5709.63, 5709.631, 5709.632, 5709.73, 5709.74, 39
5709.77, 5709.78, and 5709.79 be amended and sections 122.95, 40
122.951, 122.952, 1333.32, 1333.33, 1333.34, 5709.91, 5709.911, 41
5709.912, 5709.913, and 5709.914 of the Revised Code be enacted to 42
read as follows: 43

Sec. 109.42. (A) The attorney general shall prepare and have 44
printed a pamphlet that contains a compilation of all statutes 45
relative to victim's rights in which the attorney general lists 46
and explains the statutes in the form of a victim's bill of 47
rights. The attorney general shall distribute the pamphlet to all 48

sheriffs, marshals, municipal corporation and township police 49
departments, constables, and other law enforcement agencies, to 50
all prosecuting attorneys, city directors of law, village 51
solicitors, and other similar chief legal officers of municipal 52
corporations, and to organizations that represent or provide 53
services for victims of crime. The victim's bill of rights set 54
forth in the pamphlet shall contain a description of all of the 55
rights of victims that are provided for in Chapter 2930. or in any 56
other section of the Revised Code and shall include, but not be 57
limited to, all of the following: 58

(1) The right of a victim or a victim's representative to 59
attend a proceeding before a grand jury, in a juvenile case, or in 60
a criminal case pursuant to a subpoena without being discharged 61
from the victim's or representative's employment, having the 62
victim's or representative's employment terminated, having the 63
victim's or representative's pay decreased or withheld, or 64
otherwise being punished, penalized, or threatened as a result of 65
time lost from regular employment because of the victim's or 66
representative's attendance at the proceeding pursuant to the 67
subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 68
2945.451 of the Revised Code; 69

(2) The potential availability pursuant to section 2151.359 70
or 2152.61 of the Revised Code of a forfeited recognizance to pay 71
damages caused by a child when the delinquency of the child or 72
child's violation of probation or community control is found to be 73
proximately caused by the failure of the child's parent or 74
guardian to subject the child to reasonable parental authority or 75
to faithfully discharge the conditions of probation or community 76
control; 77

(3) The availability of awards of reparations pursuant to 78
sections 2743.51 to 2743.72 of the Revised Code for injuries 79

caused by criminal offenses;	80
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	81 82 83 84 85 86 87
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	88 89 90 91 92 93 94
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;	95 96 97 98 99 100 101
(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;	102 103 104 105 106
(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or early	107 108 109 110

release of the person who committed the offense against the 111
victim, to make an oral or written statement at the court hearing 112
on the motion, and to be notified of the court's decision on the 113
motion; 114

(9) The right of the victim in certain criminal or juvenile 115
cases or a victim's representative pursuant to section 2930.16, 116
2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice 117
of any pending commutation, pardon, parole, transitional control, 118
discharge, other form of authorized release, post-release control, 119
or supervised release for the person who committed the offense 120
against the victim or any application for release of that person 121
and to send a written statement relative to the victimization and 122
the pending action to the adult parole authority or the release 123
authority of the department of youth services; 124

(10) The right of the victim to bring a civil action pursuant 125
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 126
from the offender's profit fund; 127

(11) The right, pursuant to section 3109.09 of the Revised 128
Code, to maintain a civil action to recover compensatory damages 129
not exceeding ten thousand dollars and costs from the parent of a 130
minor who willfully damages property through the commission of an 131
act that would be a theft offense, as defined in section 2913.01 132
of the Revised Code, if committed by an adult; 133

(12) The right, pursuant to section 3109.10 of the Revised 134
Code, to maintain a civil action to recover compensatory damages 135
not exceeding ten thousand dollars and costs from the parent of a 136
minor who willfully and maliciously assaults a person; 137

(13) The possibility of receiving restitution from an 138
offender or a delinquent child pursuant to section 2152.20, 139
2929.18, or 2929.28 of the Revised Code; 140

(14) The right of the victim in certain criminal or juvenile 141

cases or a victim's representative, pursuant to section 2930.16 of 142
the Revised Code, to receive notice of the escape from confinement 143
or custody of the person who committed the offense, to receive 144
that notice from the custodial agency of the person at the 145
victim's last address or telephone number provided to the 146
custodial agency, and to receive notice that, if either the 147
victim's address or telephone number changes, it is in the 148
victim's interest to provide the new address or telephone number 149
to the custodial agency; 150

(15) The right of a victim of domestic violence to seek the 151
issuance of a civil protection order pursuant to section 3113.31 152
of the Revised Code, the right of a victim of a violation of 153
section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 154
of the Revised Code, a violation of a substantially similar 155
municipal ordinance, or an offense of violence who is a family or 156
household member of the offender at the time of the offense to 157
seek the issuance of a temporary protection order pursuant to 158
section 2919.26 of the Revised Code, and the right of both types 159
of victims to be accompanied by a victim advocate during court 160
proceedings; 161

(16) The right of a victim of a sexually oriented offense 162
that is not a registration-exempt sexually oriented offense or of 163
a child-victim oriented offense that is committed by a person who 164
is convicted of or pleads guilty to an aggravated sexually 165
oriented offense, by a person who is adjudicated a sexual predator 166
or child-victim predator, or, in certain cases, by a person who is 167
determined to be a habitual sex offender or habitual child-victim 168
offender to receive, pursuant to section 2950.10 of the Revised 169
Code, notice that the person has registered with a sheriff under 170
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 171
notice of the person's name, the person's residence that is 172
registered, and the offender's school, institution of higher 173

education, or place of employment address or addresses that are 174
registered, and a summary of the manner in which the victim must 175
make a request to receive the notice. As used in this division, 176
"sexually oriented offense," "adjudicated a sexual predator," 177
"habitual sex offender," "registration-exempt sexually oriented 178
offense," "aggravated sexually oriented offense," "child-victim 179
oriented offense," "adjudicated a child-victim predator," and 180
"habitual child-victim offender" have the same meanings as in 181
section 2950.01 of the Revised Code. 182

(17) The right of a victim of certain sexually violent 183
offenses committed by a sexually violent predator who is sentenced 184
to a prison term pursuant to division (A)(3) of section 2971.03 of 185
the Revised Code to receive, pursuant to section 2930.16 of the 186
Revised Code, notice of a hearing to determine whether to modify 187
the requirement that the offender serve the entire prison term in 188
a state correctional facility, whether to continue, revise, or 189
revoke any existing modification of that requirement, or whether 190
to terminate the prison term. As used in this division, "sexually 191
violent offense" and "sexually violent predator" have the same 192
meanings as in section 2971.01 of the Revised Code. 193

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 194
prosecuting attorney, assistant prosecuting attorney, city 195
director of law, assistant city director of law, village 196
solicitor, assistant village solicitor, or similar chief legal 197
officer of a municipal corporation or an assistant of any of those 198
officers who prosecutes an offense committed in this state, upon 199
first contact with the victim of the offense, the victim's family, 200
or the victim's dependents, shall give the victim, the victim's 201
family, or the victim's dependents a copy of the pamphlet prepared 202
pursuant to division (A) of this section and explain, upon 203
request, the information in the pamphlet to the victim, the 204
victim's family, or the victim's dependents. 205

(b) Subject to division (B)(1)(c) of this section, a law enforcement agency that investigates an offense or delinquent act committed in this state shall give the victim of the offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section at one of the following times:

(i) Upon first contact with the victim, the victim's family, or the victim's dependents;

(ii) If the offense or delinquent act is an offense of violence, if the circumstances of the offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known address.

(c) In complying on and after December 9, 1994, with the duties imposed by division (B)(1)(a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all

of those copies, the official or agency shall use only copies of 237
the pamphlet that contain at least the information described in 238
divisions (A)(1) to (17) of this section. 239

(2) The failure of a law enforcement agency or of a 240
prosecuting attorney, assistant prosecuting attorney, city 241
director of law, assistant city director of law, village 242
solicitor, assistant village solicitor, or similar chief legal 243
officer of a municipal corporation or an assistant to any of those 244
officers to give, as required by division (B)(1) of this section, 245
the victim of an offense or delinquent act, the victim's family, 246
or the victim's dependents a copy of the pamphlet prepared 247
pursuant to division (A) of this section does not give the victim, 248
the victim's family, the victim's dependents, or a victim's 249
representative any rights under section ~~122.95~~, 2743.51 to 250
2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 251
of the Revised Code or under any other provision of the Revised 252
Code and does not affect any right under those sections. 253

(3) A law enforcement agency, a prosecuting attorney or 254
assistant prosecuting attorney, or a city director of law, 255
assistant city director of law, village solicitor, assistant 256
village solicitor, or similar chief legal officer of a municipal 257
corporation that distributes a copy of the pamphlet prepared 258
pursuant to division (A) of this section shall not be required to 259
distribute a copy of an information card or other printed material 260
provided by the clerk of the court of claims pursuant to section 261
2743.71 of the Revised Code. 262

(C) The cost of printing and distributing the pamphlet 263
prepared pursuant to division (A) of this section shall be paid 264
out of the reparations fund, created pursuant to section 2743.191 265
of the Revised Code, in accordance with division (D) of that 266
section. 267

(D) As used in this section: 268

(1) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code;	269 270
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	271 272
Sec. 122.18. (A) As used in this section:	273
(1) "Facility" means all real property and interests in real property owned by a landlord and leased to a tenant pursuant to a project that is the subject of an agreement under this section;	274 275 276
(2) "Full-time employee" has the same meaning as under section 122.17 of the Revised Code;	277 278
(3) "Landlord" means a county or municipal corporation, or a corporate entity that is an instrumentality of a county or municipal corporation and that is not subject to the tax imposed by section 5733.06 or 5747.02 of the Revised Code;	279 280 281 282
(4) "New employee" means a full-time employee first employed <u>by, or under or pursuant to a contract with,</u> the tenant in the project that is the subject of the agreement after a landlord enters into an agreement with the tax credit authority under this section;	283 284 285 286 287
(5) "New income tax revenue" means the total amount withheld under section 5747.06 of the Revised Code by the tenant <u>or tenants</u> at a facility during a year from the compensation of new employees for the tax levied under Chapter 5747. of the Revised Code;	288 289 290 291
(6) "Tenant" means the United States or <u>any department, agency, or instrumentality thereof of the United States, or any person under contract with the United States or any department, agency, or instrumentality of the United States.</u>	292 293 294 295
(B) The tax credit authority may enter into an agreement with a landlord under which an annual payment equal to the new income	296 297

tax revenue or the amount called for under division (D)(3) or (4) 298
of this section shall be made to the landlord from moneys of this 299
state that were not raised by taxation, and shall be credited by 300
the landlord to the rental owing from the tenant to the landlord 301
for a facility. 302

(C) A landlord that proposes a project to create new jobs in 303
this state may apply to the tax credit authority to enter into an 304
agreement for annual payments under this section. The director of 305
development shall prescribe the form of the application. After 306
receipt of an application, the authority may enter into an 307
agreement with the landlord for annual payments under this section 308
if it determines all of the following: 309

(1) The project will create new jobs in this state; 310

(2) The project is economically sound and will benefit the 311
people of this state by increasing opportunities for employment 312
and strengthening the economy of this state; 313

(3) Receiving the annual payments will be a major factor in 314
the decision of the landlord and tenant to go forward with the 315
project. 316

(D) An agreement with a landlord for annual payments shall 317
include all of the following: 318

(1) A description of the project that is the subject of the 319
agreement; 320

(2) The term of the agreement, which shall ~~be the greater of~~ 321
not exceed twenty years ~~or until the date on which the bonds or~~ 322
~~other forms of financing referred to in division (D)(3) of this~~ 323
~~section are no longer outstanding;~~ 324

(3) Based on the estimated new income tax revenue to be 325
derived from the facility at the time the agreement is entered 326
into, provision for a guaranteed ~~minimum~~ payment to the landlord 327

commencing with the issuance by the landlord of any bonds or other 328
forms of financing for the construction of the facility and 329
continuing for ~~so long as such bonds or other forms of financing~~ 330
~~or any bonds or other forms of financing issued to refund such~~ 331
~~bonds or other forms of financing are outstanding~~ the term 332
approved by the authority; 333

(4) Provision for offsets to this state of the annual payment 334
in years in which such annual payment is greater than the 335
guaranteed ~~minimum~~ payment of amounts previously paid by this 336
state to the landlord in excess of the new income tax revenue by 337
reason of the guaranteed ~~minimum~~ payment; 338

(5) A specific method for determining how many new employees 339
are employed during a year; 340

(6) A requirement that the landlord annually shall obtain 341
from the tenant and report to the director of development the 342
number of new employees, the new income tax revenue withheld in 343
connection with the new employees, and any other information the 344
director needs to perform the director's duties under this 345
section; 346

(7) A requirement that the director of development annually 347
shall verify the amounts reported under division (D)(6) of this 348
section, and after doing so shall issue a certificate to the 349
landlord stating that the amounts have been verified. 350

(E) The director of development, in accordance with Chapter 351
119. of the Revised Code, shall adopt rules necessary to implement 352
this section. 353

Sec. 122.65. As used in sections 122.65 to 122.659 of the 354
Revised Code: 355

(A) "Applicable cleanup standards" means either of the 356
following: 357

(1) For property to which Chapter 3734. of the Revised Code 358
and rules adopted under it apply, the requirements for closure or 359
corrective action established in rules adopted under section 360
3734.12 of the Revised Code; 361

(2) For property to which Chapter 3746. of the Revised Code 362
and rules adopted under it apply, the cleanup standards that are 363
established in rules adopted under section 3746.04 of the Revised 364
Code. 365

(B) "Applicant" means a county, township, municipal 366
corporation, port authority, or conservancy district or a park 367
district, other similar park authority, nonprofit organization, or 368
organization for profit that has entered into an agreement with a 369
county, township, municipal corporation, port authority, or 370
conservancy district to work in conjunction with that county, 371
township, municipal corporation, port authority, or conservancy 372
district for the purposes of sections 122.65 to 122.658 of the 373
Revised Code. 374

(C) "Assessment" means a phase I and phase II property 375
assessment conducted in accordance with section 3746.04 of the 376
Revised Code and rules adopted under that section. 377

(D) "Brownfield" means an abandoned, idled, or under-used 378
industrial ~~or~~, commercial, or institutional property where 379
expansion or redevelopment is complicated by known or potential 380
releases of hazardous substances or petroleum. 381

(E) "Certified professional," "hazardous substance," 382
"petroleum," and "release" have the same meanings as in section 383
3746.01 of the Revised Code. 384

(F) "Cleanup or remediation" means any action to contain, 385
remove, or dispose of hazardous substances or petroleum at a 386
brownfield. "Cleanup or remediation" includes the acquisition of a 387
brownfield, demolition performed at a brownfield, and the 388

installation or upgrade of the minimum amount of infrastructure 389
that is necessary to make a brownfield operational for economic 390
development activity. 391

(G) "Distressed area" means either a municipal corporation 392
with a population of at least fifty thousand or a county that 393
meets any two of the following criteria: 394

(1) Its average rate of unemployment, during the most recent 395
five-year period for which data are available, is equal to at 396
least one hundred twenty-five per cent of the average rate of 397
unemployment for the United States for the same period. 398

(2) It has a per capita income equal to or below eighty per 399
cent of the median county per capita income of the United States 400
as determined by the most recently available figures from the 401
United States census bureau. 402

(3)(a) In the case of a municipal corporation, at least 403
twenty per cent of the residents have a total income for the most 404
recent census year that is below the official poverty line. 405

(b) In the case of a county, in intercensal years, the county 406
has a ratio of transfer payment income to total county income 407
equal to or greater than twenty-five per cent. 408

"Distressed area" includes a municipal corporation the 409
majority of the population of which is situated in a county that 410
is a distressed area. 411

(H) "Eligible area" means a distressed area, an inner city 412
area, a labor surplus area, or a situational distress area. 413

(I) "Inner city area" means an area in a municipal 414
corporation that has a population of at least one hundred 415
thousand, is not a labor surplus area, and is a targeted 416
investment area established by the municipal corporation that is 417
comprised of block tracts identified in the most recently 418

available figures from the United States census bureau in which at 419
least twenty per cent of the population in the area is at or below 420
the official poverty line or of contiguous block tracts meeting 421
those criteria. 422

(J) "Institutional property" means property currently or 423
formerly owned or controlled by the state that is or was used for 424
a public or charitable purpose. However, "institutional property" 425
does not mean property that is or was used for educational 426
purposes. 427

(K) "Integrating committee" means a district public works 428
integrating committee established under section 164.04 of the 429
Revised Code. 430

~~(K)~~(L) "Labor surplus area" means an area designated as a 431
labor surplus area by the United States department of labor. 432

~~(L)~~(M) "Loan" includes credit enhancement. 433

~~(M)~~(N) "No further action letter" means a letter that is 434
prepared by a certified professional when, on the basis of the 435
best knowledge, information, and belief of the certified 436
professional, the certified professional concludes that the 437
cleanup or remediation of a brownfield meets the applicable 438
cleanup standards and that contains all of the information 439
specified in rules adopted under division (B)(7) of section 440
3746.04 of the Revised Code. 441

~~(N)~~(O) "Nonprofit organization" means a corporation, 442
association, group, institution, society, or other organization 443
that is exempt from federal income taxation under section 444
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 445
26 U.S.C. 501(c)(3), as amended. 446

~~(O)~~(P) "Property" means any parcel of real property, or 447
portion of such a parcel, and any improvements to it. 448

~~(P)~~(Q) "Public health project" means the cleanup or 449
remediation of a release or threatened release of hazardous 450
substances or petroleum at a property where little or no economic 451
redevelopment potential exists. 452

~~(Q)~~(R) "Official poverty line" has the same meaning as in 453
section 3923.51 of the Revised Code. 454

~~(R)~~(S) "Situational distress area" means a county or a 455
municipal corporation that has experienced or is experiencing a 456
closing or downsizing of a major employer that will adversely 457
affect the county or municipal corporation's economy and that has 458
applied to the director of development to be designated as a 459
situational distress area for not more than thirty months by 460
demonstrating all of the following: 461

(1) The number of jobs lost by the closing or downsizing; 462

(2) The impact that the job loss has on the county or 463
municipal corporation's unemployment rate as measured by the 464
director of job and family services; 465

(3) The annual payroll associated with the job loss; 466

(4) The amount of state and local taxes associated with the 467
job loss; 468

(5) The impact that the closing or downsizing has on 469
suppliers located in the county or municipal corporation. 470

Sec. 122.95. As used in sections 122.95 to 122.952 of the 471
Revised Code: 472

(A) "Commercial or industrial areas" means areas established 473
by a state, county, municipal, or other local zoning authority as 474
being most appropriate for business, commerce, industry, or trade 475
or an area not zoned by state or local law, regulation, or 476
ordinance, but in which there is located one or more commercial or 477

industrial activities. 478

(B) "Eligible county" means any of the following: 479

(1) A county designated as being in the "Appalachian region" 480
under the "Appalachian Regional Development Act of 1965," 79 Stat. 481
5, 40 U.S.C. App. 403; 482

(2) A county that is a "distressed area" as defined in 483
section 122.16 of the Revised Code; 484

(3) A county that has a population of less than one hundred 485
thousand according to the most recent federal decennial census and 486
in which three hundred fifty or more residents of the county were, 487
during the most recently completed calendar year, permanently or 488
temporarily terminated from a private sector employment position 489
for any reason not reflecting discredit on the employee; 490

(4) A county that has a population of one hundred thousand or 491
more according to the most recent federal decennial census and in 492
which one thousand or more residents of the county were, during 493
the most recently completed calendar year, permanently or 494
temporarily terminated from a private sector employment position 495
for any reason not reflecting discredit on the employee. 496

Sec. 122.951. (A) If the director of development determines 497
that a grant from the industrial site improvement fund will create 498
new jobs or preserve existing jobs and employment opportunities in 499
an eligible county, the director may grant up to one million 500
dollars from the fund to the eligible county for the purpose of 501
making improvements to commercial or industrial areas within the 502
eligible county, including, but not limited to: 503

(1) Expanding, remodeling, renovating, and modernizing 504
buildings, structures, and other improvements; 505

(2) Remediating environmentally contaminated property on 506
which hazardous substances exist under conditions that have caused 507

or would cause the property to be identified as contaminated by 508
the Ohio or United States environmental protection agency; and 509

(3) Infrastructure improvements, including, but not limited 510
to, site preparation, including building demolition and removal; 511
streets, roads, bridges, and traffic control devices; parking lots 512
and facilities; water and sewer lines and treatment plants; gas, 513
electric, and telecommunications, including broadband, hook-ups; 514
and water and railway access improvements. 515

(B) An eligible county may apply to the director for a grant 516
under this section in the form and manner prescribed by the 517
director. The eligible county shall include on the application all 518
information required by the director. The application shall 519
require the eligible county to provide a detailed description of 520
how the eligible county would use a grant to improve commercial or 521
industrial areas within the eligible county, and to specify how a 522
grant will lead to the creation of new jobs or the preservation of 523
existing jobs and employment opportunities in the eligible county. 524
The eligible county shall specify in the application the amount of 525
the grant for which the eligible county is applying. 526

(C) An eligible county that receives a grant under this 527
section is not eligible for any additional grants from the 528
industrial site improvement fund. 529

Sec. 122.952. There is hereby created in the state treasury 530
the industrial site improvement fund, which shall consist of money 531
appropriated to the fund by the general assembly. Money in the 532
fund shall be used exclusively for the purpose of making grants to 533
eligible counties under section 122.951 of the Revised Code. 534

The director of development shall prescribe the form and 535
manner in which applications for grants are to be made. 536

Sec. 1333.32. For purposes of sections 1333.32 to 1333.34 of 537

the Revised Code, all of the following apply:

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(A) "Customer" means a person that causes a moldbuilder to fabricate, cut, cast, or design molds.

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(B) "Mold" means molds, dies, forms, tools, and parts, for the plastic industry or for the metal forming industry.

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(C) "Moldbuilder" means a person, including but not limited to, a model maker, patternmaker, die maker, jig and fixture builder, die sinker, mold designer, mold programmer, and mold engineer, that fabricates, cuts, casts, or designs molds for the plastic industry or for the metal forming industry. "Moldbuilder" does not include a person described in division (A)(2) of section 1333.29 of the Revised Code, unless the person also engages in the activities described in this division.

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(D) "Molder" has the same definition as in division (A) of section 1333.29 of the Revised Code, but does not include a moldbuilder.

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(E) "Person" means an individual, firm, partnership, association, corporation, limited liability company, or other legal entity.

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Sec. 1333.33. (A)(1) A moldbuilder has a lien on all molds produced by it and on all proceeds from the assignment, sale, transfer, exchange, or other disposition of the molds produced by it until the moldbuilder is paid in full all amounts due the moldbuilder for the production of the mold or these proceeds. The lien described in this division attaches when the mold is delivered from the moldbuilder to the customer.

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(2) The amount of the lien described in division (A)(1) of this section is the amount that a customer or molder owes the moldbuilder for the fabrication, repair, or modification of the

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mold. 567

(3) The moldbuilder retains the lien described in division (A)(1) of this section even if the moldbuilder is not in possession of the mold for which the lien is claimed. 568
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(B) A moldbuilder perfects a lien described in division (A) of this section by filing a financing statement in accordance with the requirements of section 1309.502 of the Revised Code, which filing constitutes constructive notice of the lien described in division (A) of this section. 571
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(C) The perfected lien described in division (B) of this section remains valid until all of the following occur: 576
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(1) The moldbuilder receives the full amount due it for the mold. 578
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(2) The customer receives a verified statement from the molder that the molder has paid the amount for which the lien is claimed. 580
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(3) The financing statement is terminated. 583

(D) The priority of a perfected lien described in division (B) of this section on the same mold shall be determined based on the time that the lien attaches. The first lien that attaches pursuant to division (A)(1) of this section has priority over liens that attach subsequent to the first lien. 584
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(E)(1) Any provision of a contract that waives a moldbuilder's right or an obligation of a person established by sections 1333.32 to 1333.34 of the Revised Code is void and unenforceable as against public policy. Division (E)(1) of this section does not affect the validity of other provisions of the contract or of a related document, policy, or agreement that can be given effect without the voided provision. 589
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(2) Any provision of a contract requiring the application of 596

the law of another state rather than sections 1333.32 to 1333.34 597
of the Revised Code is void and unenforceable as against public 598
policy. 599

Sec. 1333.34. (A) To enforce a moldbuilder's lien attached 600
pursuant to section 1333.33 of the Revised Code, the moldbuilder 601
shall give written notice to the customer and molder stating that 602
a lien is claimed; the amount that the moldbuilder claims is owed 603
for fabrication, repair, or modification of the mold; and a demand 604
for payment. The written notice described in this division shall 605
be given by hand delivery or certified mail, return receipt 606
requested, to the last known address of the customer and to the 607
last known address of the molder. 608

(B) If the moldbuilder has not been paid the amount claimed 609
in the notice described in division (A) of this section within 610
ninety days after that notice is received by the customer and by 611
the molder, the moldbuilder has a right to possession of the mold 612
and may do the following: 613

(1) Enforce the right to possession of the mold by judgment, 614
foreclosure, or any available judicial procedure; 615

(2) Commence a civil action described in division (D) of this 616
section in a court of common pleas to enforce the lien, including 617
by obtaining a judgment for the amounts owed that are described in 618
division (A) of this section and a judgment permitting the mold to 619
be sold at an execution sale; 620

(3) One or more of the following: 621

(a) Take possession of the mold, if possession without 622
judicial process can be done without breach of the peace; 623

(b) Sell the mold in a public auction. 624

(C) A sale pursuant to this section shall not be made or 625
possession shall not be obtained pursuant to division (B) of this 626

section, if it violates a right of the customer or molder under
federal patent, bankruptcy, or copyright laws.

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(D) A moldbuilder that suffers damages because of a violation
of sections 1333.32 to 1333.34 of the Revised Code may obtain
appropriate legal and equitable relief, including damages, in a
civil action.

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(E) In any action by a moldbuilder to enforce a perfected
lien described in section 1333.33 of the Revised Code, the court
shall award the moldbuilder that is the prevailing party
reasonable attorney fees, court costs, and expenses related to
enforcement of the lien.

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Sec. 5709.40. (A) As used in this section:

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(1) "Blighted area" and "impacted city" have the same
meanings as in section 1728.01 of the Revised Code.

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(2) "Business day" means a day of the week excluding
Saturday, Sunday, and a legal holiday as defined under section
1.14 of the Revised Code.

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(3) "Housing renovation" means a project carried out for
residential purposes.

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(4) "Improvement" means the increase in the assessed value of
~~a parcel of~~ any real property that would first appear on the tax
list and duplicate of real and public utility property after the
effective date of an ordinance adopted under this section were it
not for the exemption granted by that ordinance. "Improvement"
does not include a public infrastructure improvement.

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(5) "Incentive district" means an area not more than three
hundred acres in size enclosed by a continuous boundary and having
one or more of the following distress characteristics:

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(a) At least fifty-one per cent of the residents of the

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district have incomes of less than eighty per cent of the median 656
income of residents of the political subdivision in which the 657
district is located, as determined in the same manner specified 658
under section 119(b) of the "Housing and Community Development Act 659
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 660

(b) The average rate of unemployment in the district during 661
the most recent twelve-month period for which data are available 662
is equal to at least one hundred fifty per cent of the average 663
rate of unemployment for this state for the same period. 664

(c) At least twenty per cent of the people residing in the 665
district live at or below the poverty level as defined in the 666
federal Housing and Community Development Act of 1974, 42 U.S.C. 667
5301, as amended, and regulations adopted pursuant to that act. 668

(d) The district is a blighted area. 669

(e) The district is in a situational distress area as 670
designated by the director of development under division (F) of 671
section 122.23 of the Revised Code. 672

(f) As certified by the engineer for the political 673
subdivision, the public infrastructure serving the district is 674
inadequate to meet the development needs of the district as 675
evidenced by a written economic development plan or urban renewal 676
plan for the district that has been adopted by the legislative 677
authority of the subdivision. 678

(g) The district is comprised entirely of unimproved land 679
that is located in a distressed area as defined in section 122.23 680
of the Revised Code. 681

(6) "Project" means development activities undertaken on one 682
or more parcels, including, but not limited to, construction, 683
expansion, and alteration of buildings or structures, demolition, 684
remediation, and site development, and any building or structure 685
that results from those activities. 686

(7) "Public infrastructure improvement" includes, but is not 687
limited to, public roads and highways; water and sewer lines; 688
environmental remediation; land acquisition, including acquisition 689
in aid of industry, commerce, distribution, or research; 690
demolition, including demolition on private property when 691
determined to be necessary for economic development purposes; 692
stormwater and flood remediation projects, including such projects 693
on private property when determined to be necessary for public 694
health, safety, and welfare; the provision of gas, electric, and 695
communications service facilities; and the enhancement of public 696
waterways through improvements that allow for greater public 697
access. 698

(B) The legislative authority of a municipal corporation, by 699
ordinance, may declare improvements to certain parcels of real 700
property located in the municipal corporation to be a public 701
purpose. Improvements with respect to a parcel that is used or to 702
be used for residential purposes may be declared a public purpose 703
under this division only if the parcel is located in a blighted 704
area of an impacted city. Except as otherwise provided in division 705
(D) of this section, not more than seventy-five per cent of an 706
improvement thus declared to be a public purpose may be exempted 707
from real property taxation; the percentage exempted shall not, 708
except as otherwise provided in that division, exceed the 709
estimated percentage of the incremental demand placed on the 710
public infrastructure improvements that is directly attributable 711
to the exempted improvement. The ordinance shall specify the 712
percentage of the improvement to be exempted from taxation. 713

An ordinance adopted or amended under this division shall 714
designate the specific public infrastructure improvements made, to 715
be made, or in the process of being made by the municipal 716
corporation that directly benefit, or that once made will directly 717
benefit, the parcels for which improvements are declared to be a 718

public purpose. For the purposes of this division, a public 719
infrastructure improvement directly benefits such a parcel only if 720
a project on the parcel places direct, additional demand on the 721
public infrastructure improvement or, if the public infrastructure 722
improvement has not yet been completed, will place direct, 723
additional demand on the public infrastructure improvement once it 724
is completed. The service payments provided for in section 5709.42 725
of the Revised Code shall be used to finance the public 726
infrastructure improvements designated in the ordinance or for the 727
purpose described in division (D)(1) of this section. 728

(C) The legislative authority of a municipal corporation may 729
adopt an ordinance creating an incentive district and declaring 730
improvements to parcels within the district to be a public purpose 731
and exempt from taxation as provided in this section. The 732
ordinance shall delineate the boundary of the district and 733
specifically identify each parcel within the district. A district 734
may not include any parcel that is or has been exempted from 735
taxation under division (B) of this section or that is or has been 736
within another district created under this division. An ordinance 737
may create more than one such district, and more than one 738
ordinance may be adopted under this division. 739

Not later than thirty days prior to adopting an ordinance 740
under this division, if the municipal corporation intends to apply 741
for exemptions from taxation under section 5709.911 of the Revised 742
Code on behalf of owners of real property located within the 743
proposed incentive district, the legislative authority of a 744
municipal corporation shall conduct a public hearing on the 745
proposed ordinance. Not later than thirty days prior to the public 746
hearing, the legislative authority shall give notice of the public 747
hearing and the proposed ordinance by first class mail to every 748
real property owner whose property is located within the 749
boundaries of the proposed incentive district that is the subject 750

of the proposed ordinance.

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An ordinance adopted under this division shall specify the life of the district and the percentage of the improvements to be exempted and shall designate the public infrastructure improvements made or to be made that benefit or serve parcels in the district. The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements or for the purpose described in division (D)(1) of this section.

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An ordinance adopted under this division may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

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Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the district is or will be located, the life of a district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With such approval, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent.

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Approval of a board of education shall be obtained in the 783
manner provided in division (D) of this section for exemptions 784
under division (B) of this section, except that the notice to the 785
board of education shall delineate the boundaries of the district, 786
specifically identify each parcel within the district, identify 787
each anticipated improvement in the district, provide an estimate 788
of the true value in money of each such improvement, specify the 789
life of the district and the percentage of improvements that would 790
be exempted, and indicate the date on which the legislative 791
authority intends to adopt the ordinance. 792

A municipal corporation shall not adopt an ordinance under 793
this division after June 30, 2007. 794

(D)(1) If the ordinance declaring improvements to a parcel to 795
be a public purpose or creating an incentive district specifies 796
that payments in lieu of taxes provided for in section 5709.42 of 797
the Revised Code shall be paid to the city, local, or exempted 798
village school district in which the parcel is located in the 799
amount of the taxes that would have been payable to the school 800
district if the improvements had not been exempted from taxation, 801
the percentage of the improvement that may be exempted from 802
taxation may exceed seventy-five per cent, and the exemption may 803
be granted for up to thirty years, without the approval of the 804
board of education as otherwise required under division (D)(2) of 805
this section. 806

(2) Improvements with respect to a parcel may be exempted 807
from taxation under division (B) of this section for up to ten 808
years or, with the approval under this paragraph of the board of 809
education of the city, local, or exempted village school district 810
within which the parcel is located, for up to thirty years. The 811
percentage of the improvement exempted from taxation may, with 812
such approval, exceed seventy-five per cent, but shall not exceed 813
one hundred per cent. Not later than forty-five business days 814

prior to adopting an ordinance under this section declaring 815
improvements to be a public purpose, the legislative authority 816
shall deliver to the board of education a notice stating its 817
intent to adopt an ordinance making that declaration. The notice 818
shall identify the parcels for which improvements are to be 819
exempted from taxation, provide an estimate of the true value in 820
money of the improvements, specify the period for which the 821
improvements would be exempted from taxation and the percentage of 822
the improvement that would be exempted, and indicate the date on 823
which the legislative authority intends to adopt the ordinance. 824
The board of education, by resolution adopted by a majority of the 825
board, may approve the exemption for the period or for the 826
exemption percentage specified in the notice, may disapprove the 827
exemption for the number of years in excess of ten, may disapprove 828
the exemption for the percentage of the improvement to be exempted 829
in excess of seventy-five per cent, or both, or may approve the 830
exemption on the condition that the legislative authority and the 831
board negotiate an agreement providing for compensation to the 832
school district equal in value to a percentage of the amount of 833
taxes exempted in the eleventh and subsequent years of the 834
exemption period or, in the case of exemption percentages in 835
excess of seventy-five per cent, compensation equal in value to a 836
percentage of the taxes that would be payable on the portion of 837
the improvement in excess of seventy-five per cent were that 838
portion to be subject to taxation. The board of education shall 839
certify its resolution to the legislative authority not later than 840
fourteen days prior to the date the legislative authority intends 841
to adopt the ordinance as indicated in the notice. If the board of 842
education approves the exemption on the condition that a 843
compensation agreement be negotiated, the board in its resolution 844
shall propose a compensation percentage. If the board of education 845
and the legislative authority negotiate a mutually acceptable 846
compensation agreement, the ordinance may declare the improvements 847

a public purpose for the number of years specified in the 848
ordinance or, in the case of exemption percentages in excess of 849
seventy-five per cent, for the exemption percentage specified in 850
the ordinance. In either case, if the board and the legislative 851
authority fail to negotiate a mutually acceptable compensation 852
agreement, the ordinance may declare the improvements a public 853
purpose for not more than ten years, but shall not exempt more 854
than seventy-five per cent of the improvements from taxation, or, 855
in the case of an ordinance adopted under division (B) of this 856
section, not more than the estimated percentage of the incremental 857
demand as otherwise prescribed by division (B) of this section if 858
that percentage is less than seventy-five per cent. If the board 859
fails to certify a resolution to the legislative authority within 860
the time prescribed by this division, the legislative authority 861
thereupon may adopt the ordinance and may declare the improvements 862
a public purpose for up to thirty years, or, in the case of 863
exemption percentages proposed in excess of seventy-five per cent, 864
for the exemption percentage specified in the ordinance. The 865
legislative authority may adopt the ordinance at any time after 866
the board of education certifies its resolution approving the 867
exemption to the legislative authority, or, if the board approves 868
the exemption on the condition that a mutually acceptable 869
compensation agreement be negotiated, at any time after the 870
compensation agreement is agreed to by the board and the 871
legislative authority. 872

(3) If a board of education has adopted a resolution waiving 873
its right to approve exemptions from taxation and the resolution 874
remains in effect, approval of exemptions by the board is not 875
required under this division. If a board of education has adopted 876
a resolution allowing a legislative authority to deliver the 877
notice required under this division fewer than forty-five business 878
days prior to the legislative authority's adoption of the 879
ordinance, the legislative authority shall deliver the notice to 880

the board not later than the number of days prior to such adoption 881
as prescribed by the board in its resolution. If a board of 882
education adopts a resolution waiving its right to approve 883
agreements or shortening the notification period, the board shall 884
certify a copy of the resolution to the legislative authority. If 885
the board of education rescinds such a resolution, it shall 886
certify notice of the rescission to the legislative authority. 887

(4) If the legislative authority is not required by division 888
(D)(1), (2), or (3) of this section to notify the board of 889
education of the legislative authority's intent to declare 890
improvements to be a public purpose, the legislative authority 891
shall comply with the notice requirements imposed under section 892
5709.83 of the Revised Code, unless the board has adopted a 893
resolution under that section waiving its right to receive such a 894
notice. 895

(E) An exemption from taxation granted under this section 896
commences with the tax year in which an improvement first appears 897
on the tax list and duplicate of real and public utility property 898
and that begins after the effective date of the ordinance. Except 899
as otherwise provided in this division, the exemption ends on the 900
date specified in the ordinance as the date the improvement ceases 901
to be a public purpose or the incentive district expires, or ends 902
on the date on which the public infrastructure improvements and 903
housing renovations are paid in full from the municipal public 904
improvement tax increment equivalent fund established under 905
division (A) of section 5709.43 of the Revised Code, whichever 906
occurs first. The exemption of an improvement with respect to a 907
parcel may end on a later date, as specified in the ordinance, if 908
the legislative authority and the board of education of the city, 909
local, or exempted village school district within which the parcel 910
is located have entered into a compensation agreement under 911
section 5709.82 of the Revised Code with respect to the 912

improvement or district and the board of education has approved 913
the term of the exemption under division (D)(2) of this section, 914
but in no case shall the improvement be exempted from taxation for 915
more than thirty years. Exemptions shall be claimed and allowed in 916
the same manner as in the case of other real property exemptions. 917
If an exemption status changes during a year, the procedure for 918
the apportionment of the taxes for that year is the same as in the 919
case of other changes in tax exemption status during the year. 920

(F) Additional municipal financing of public infrastructure 921
improvements and housing renovations may be provided by any 922
methods that the municipal corporation may otherwise use for 923
financing such improvements. If the municipal corporation issues 924
bonds or notes to finance the public infrastructure improvements 925
and housing renovations and pledges money from the municipal 926
public improvement tax increment equivalent fund to pay the 927
interest on and principal of the bonds or notes, the bonds or 928
notes are not subject to Chapter 133. of the Revised Code. 929

(G) The municipal corporation, not later than fifteen days 930
after the adoption of an ordinance under this section, shall 931
submit to the director of development a copy of the ordinance. On 932
or before the thirty-first day of March of each year, the 933
municipal corporation shall submit a status report to the director 934
of development. The report shall indicate, in the manner 935
prescribed by the director, the progress of the project during 936
each year that an exemption remains in effect, including a summary 937
of the receipts from service payments in lieu of taxes; 938
expenditures of money from the funds created under section 5709.43 939
of the Revised Code; a description of the public infrastructure 940
improvements and housing renovations financed with such 941
expenditures; and a quantitative summary of changes in employment 942
and private investment resulting from each project. 943

(H) Nothing in this section shall be construed to prohibit a 944

legislative authority from declaring to be a public purpose 945
improvements with respect to more than one parcel. 946

Sec. 5709.42. A municipal corporation that has declared an 947
improvement to be a public purpose under section 5709.40 or 948
5709.41 of the Revised Code may require the owner of any structure 949
located on the parcel to make annual service payments in lieu of 950
taxes to the county treasurer on or before the final dates for 951
payment of real property taxes. Each such payment shall be charged 952
and collected in the same manner and in the same amount as the 953
real property taxes that would have been charged and payable 954
against the improvement if it were not exempt from taxation. If 955
any reduction in the levies otherwise applicable to such exempt 956
property is made by the county budget commission under section 957
5705.31 of the Revised Code, the amount of the service payment in 958
lieu of taxes shall be calculated as if such reduction in levies 959
had not been made. 960

Moneys collected as service payments in lieu of taxes shall 961
be distributed at the same time and in the same manner as real 962
property tax payments ~~except that~~. However, subject to section 963
5709.913 of the Revised Code, the entire amount so collected shall 964
be distributed to the municipal corporation in which the 965
improvement is located. If an ordinance adopted under section 966
5709.40 or 5709.41 of the Revised Code specifies that service 967
payments shall be paid to the city, local, or exempted village 968
school district in which the improvements are located, the county 969
treasurer shall distribute the portion of the service payments to 970
that school district in an amount equal to the property tax 971
payments the school district would have received from the portion 972
of the improvements exempted from taxation had the improvements 973
not been exempted, as directed in the ordinance. The treasurer 974
shall maintain a record of the service payments in lieu of taxes 975
made from property in each municipal corporation. 976

Nothing in this section or section 5709.40 or 5709.41 of the Revised Code affects the taxes levied against that portion of the value of any parcel of property that is not exempt from taxation.

Sec. 5709.62. (A) In any municipal corporation that is defined by the United States office of management and budget as a ~~central~~ principal city of a metropolitan statistical area, or in a city designated as an urban cluster in a rural statistical area, the legislative authority of the municipal corporation may designate one or more areas within its municipal corporation as proposed enterprise zones. Upon designating an area, the legislative authority shall petition the director of development for certification of the area as having the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (E) of this section, on and after July 1, 1994, legislative authorities shall not enter into agreements under this section unless the legislative authority has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code, and shall forward the findings to the legislative authority of the municipal corporation. If the director certifies the area as having those characteristics, and thereby certifies it as a zone, the legislative authority may enter into an agreement with an enterprise under division (C) of this section.

(B) Any enterprise that wishes to enter into an agreement 1008
with a municipal corporation under division (C) of this section 1009
shall submit a proposal to the legislative authority of the 1010
municipal corporation on a form prescribed by the director of 1011
development, together with the application fee established under 1012
section 5709.68 of the Revised Code. The form shall require the 1013
following information: 1014

(1) An estimate of the number of new employees whom the 1015
enterprise intends to hire, or of the number of employees whom the 1016
enterprise intends to retain, within the zone at a facility that 1017
is a project site, and an estimate of the amount of payroll of the 1018
enterprise attributable to these employees; 1019

(2) An estimate of the amount to be invested by the 1020
enterprise to establish, expand, renovate, or occupy a facility, 1021
including investment in new buildings, additions or improvements 1022
to existing buildings, machinery, equipment, furniture, fixtures, 1023
and inventory; 1024

(3) A listing of the enterprise's current investment, if any, 1025
in a facility as of the date of the proposal's submission. 1026

The enterprise shall review and update the listings required 1027
under this division to reflect material changes, and any agreement 1028
entered into under division (C) of this section shall set forth 1029
final estimates and listings as of the time the agreement is 1030
entered into. The legislative authority may, on a separate form 1031
and at any time, require any additional information necessary to 1032
determine whether an enterprise is in compliance with an agreement 1033
and to collect the information required to be reported under 1034
section 5709.68 of the Revised Code. 1035

(C) Upon receipt and investigation of a proposal under 1036
division (B) of this section, if the legislative authority finds 1037
that the enterprise submitting the proposal is qualified by 1038

financial responsibility and business experience to create and 1039
preserve employment opportunities in the zone and improve the 1040
economic climate of the municipal corporation, the legislative 1041
authority, on or before October 15, 2009, may do one of the 1042
following: 1043

(1) Enter into an agreement with the enterprise under which 1044
the enterprise agrees to establish, expand, renovate, or occupy a 1045
facility and hire new employees, or preserve employment 1046
opportunities for existing employees, in return for one or more of 1047
the following incentives: 1048

(a) Exemption for a specified number of years, not to exceed 1049
~~ten~~ fifteen, of a specified portion, up to seventy-five per cent, 1050
of the assessed value of tangible personal property first used in 1051
business at the project site as a result of the agreement. If an 1052
exemption for inventory is specifically granted in the agreement 1053
pursuant to this division, the exemption applies to inventory 1054
required to be listed pursuant to sections 5711.15 and 5711.16 of 1055
the Revised Code, except that, in the instance of an expansion or 1056
other situations in which an enterprise was in business at the 1057
facility prior to the establishment of the zone, the inventory 1058
that is exempt is that amount or value of inventory in excess of 1059
the amount or value of inventory required to be listed in the 1060
personal property tax return of the enterprise in the return for 1061
the tax year in which the agreement is entered into. 1062

(b) Exemption for a specified number of years, not to exceed 1063
~~ten~~ fifteen, of a specified portion, up to seventy-five per cent, 1064
of the increase in the assessed valuation of real property 1065
constituting the project site subsequent to formal approval of the 1066
agreement by the legislative authority; 1067

(c) Provision for a specified number of years, not to exceed 1068
~~ten~~ fifteen, of any optional services or assistance that the 1069
municipal corporation is authorized to provide with regard to the 1070

project site. 1071

(2) Enter into an agreement under which the enterprise agrees 1072
to remediate an environmentally contaminated facility, to spend an 1073
amount equal to at least two hundred fifty per cent of the true 1074
value in money of the real property of the facility prior to 1075
remediation as determined for the purposes of property taxation to 1076
establish, expand, renovate, or occupy the remediated facility, 1077
and to hire new employees or preserve employment opportunities for 1078
existing employees at the remediated facility, in return for one 1079
or more of the following incentives: 1080

(a) Exemption for a specified number of years, not to exceed 1081
~~ten~~ fifteen, of a specified portion, not to exceed fifty per cent, 1082
of the assessed valuation of the real property of the facility 1083
prior to remediation; 1084

(b) Exemption for a specified number of years, not to exceed 1085
~~ten~~ fifteen, of a specified portion, not to exceed one hundred per 1086
cent, of the increase in the assessed valuation of the real 1087
property of the facility during or after remediation; 1088

(c) The incentive under division (C)(1)(a) of this section, 1089
except that the percentage of the assessed value of such property 1090
exempted from taxation shall not exceed one hundred per cent; 1091

(d) The incentive under division (C)(1)(c) of this section. 1092

(3) Enter into an agreement with an enterprise that plans to 1093
purchase and operate a large manufacturing facility that has 1094
ceased operation or announced its intention to cease operation, in 1095
return for exemption for a specified number of years, not to 1096
exceed ~~ten~~ fifteen, of a specified portion, up to one hundred per 1097
cent, of the assessed value of tangible personal property used in 1098
business at the project site as a result of the agreement, or of 1099
the assessed valuation of real property constituting the project 1100
site, or both. 1101

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed sixty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent.

(2) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (C)(1)(a), (b), and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory ~~in~~ of which the property is or will be located approves a number of years in excess of ten, ~~but only if the project that is part of the agreement includes a fixed asset investment of at least one hundred million dollars or the director of development determines there are extraordinary circumstances, and only if the project involves the enrichment and commercialization of uranium or uranium products or the research and development activities related to that enrichment or commercialization.~~

(3) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (D)(1) or (2) of this section, the legislative authority shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number

of years the property is to be exempted. The board of education, 1134
by resolution adopted by a majority of the board, shall approve or 1135
disapprove the agreement and certify a copy of the resolution to 1136
the legislative authority not later than fourteen days prior to 1137
the date stipulated by the legislative authority as the date upon 1138
which approval of the agreement is to be formally considered by 1139
the legislative authority. The board of education may include in 1140
the resolution conditions under which the board would approve the 1141
agreement, including the execution of an agreement to compensate 1142
the school district under division (B) of section 5709.82 of the 1143
Revised Code. The legislative authority may approve the agreement 1144
at any time after the board of education certifies its resolution 1145
approving the agreement to the legislative authority, or, if the 1146
board approves the agreement conditionally, at any time after the 1147
conditions are agreed to by the board and the legislative 1148
authority. 1149

If a board of education has adopted a resolution waiving its 1150
right to approve agreements and the resolution remains in effect, 1151
approval of an agreement by the board is not required under this 1152
division. If a board of education has adopted a resolution 1153
allowing a legislative authority to deliver the notice required 1154
under this division fewer than forty-five business days prior to 1155
the legislative authority's approval of the agreement, the 1156
legislative authority shall deliver the notice to the board not 1157
later than the number of days prior to such approval as prescribed 1158
by the board in its resolution. If a board of education adopts a 1159
resolution waiving its right to approve agreements or shortening 1160
the notification period, the board shall certify a copy of the 1161
resolution to the legislative authority. If the board of education 1162
rescinds such a resolution, it shall certify notice of the 1163
rescission to the legislative authority. 1164

(4) The legislative authority shall comply with section 1165

5709.83 of the Revised Code unless the board of education has 1166
adopted a resolution under that section waiving its right to 1167
receive such notice. 1168

(E) This division applies to zones certified by the director 1169
of development under this section prior to July 22, 1994. 1170

On or before October 15, 2009, the legislative authority that 1171
designated a zone to which this division applies may enter into an 1172
agreement with an enterprise if the legislative authority ~~makes~~ 1173
~~the finding required under that division and determines~~ finds that 1174
the enterprise satisfies one of the criteria described in 1175
divisions (E)(1) to (5) of this section: 1176

(1) The enterprise currently has no operations in this state 1177
and, subject to approval of the agreement, intends to establish 1178
operations in the zone; 1179

(2) The enterprise currently has operations in this state 1180
and, subject to approval of the agreement, intends to establish 1181
operations at a new location in the zone that would not result in 1182
a reduction in the number of employee positions at any of the 1183
enterprise's other locations in this state; 1184

(3) The enterprise, subject to approval of the agreement, 1185
intends to relocate operations, currently located in another 1186
state, to the zone; 1187

(4) The enterprise, subject to approval of the agreement, 1188
intends to expand operations at an existing site in the zone that 1189
the enterprise currently operates; 1190

(5) The enterprise, subject to approval of the agreement, 1191
intends to relocate operations, currently located in this state, 1192
to the zone, and the director of development has issued a waiver 1193
for the enterprise under division (B) of section 5709.633 of the 1194
Revised Code. 1195

The agreement shall require the enterprise to agree to 1196
establish, expand, renovate, or occupy a facility in the zone and 1197
hire new employees, or preserve employment opportunities for 1198
existing employees, in return for one or more of the incentives 1199
described in division (C) of this section. 1200

(F) All agreements entered into under this section shall be 1201
in the form prescribed under section 5709.631 of the Revised Code. 1202
After an agreement is entered into under this ~~division~~ section, if 1203
the legislative authority revokes its designation of a zone, or if 1204
the director of development revokes ~~the~~ a zone's certification, 1205
any entitlements granted under the agreement shall continue for 1206
the number of years specified in the agreement. 1207

(G) Except as otherwise provided in this division, an 1208
agreement entered into under this section shall require that the 1209
enterprise pay an annual fee equal to the greater of one per cent 1210
of the dollar value of incentives offered under the agreement or 1211
five hundred dollars; provided, however, that if the value of the 1212
incentives exceeds two hundred fifty thousand dollars, the fee 1213
shall not exceed two thousand five hundred dollars. The fee shall 1214
be payable to the legislative authority once per year for each 1215
year the agreement is effective on the days and in the form 1216
specified in the agreement. Fees paid shall be deposited in a 1217
special fund created for such purpose by the legislative authority 1218
and shall be used by the legislative authority exclusively for the 1219
purpose of complying with section 5709.68 of the Revised Code and 1220
by the tax incentive review council created under section 5709.85 1221
of the Revised Code exclusively for the purposes of performing the 1222
duties prescribed under that section. The legislative authority 1223
may waive or reduce the amount of the fee charged against an 1224
enterprise, but such a waiver or reduction does not affect the 1225
obligations of the legislative authority or the tax incentive 1226
review council to comply with section 5709.68 or 5709.85 of the 1227

revised Code. 1228

(H) When an agreement is entered into pursuant to this 1229
section, the legislative authority authorizing the agreement shall 1230
forward a copy of the agreement to the director of development and 1231
to the tax commissioner within fifteen days after the agreement is 1232
entered into. If any agreement includes terms not provided for in 1233
section 5709.631 of the Revised Code affecting the revenue of a 1234
city, local, or exempted village school district or causing 1235
revenue to be foregone by the district, including any compensation 1236
to be paid to the school district pursuant to section 5709.82 of 1237
the Revised Code, those terms also shall be forwarded in writing 1238
to the director of development along with the copy of the 1239
agreement forwarded under this division. 1240

(I) After an agreement is entered into, the enterprise shall 1241
file with each personal property tax return required to be filed, 1242
or annual report required to be filed under section 5727.08 of the 1243
Revised Code, while the agreement is in effect, an informational 1244
return, on a form prescribed by the tax commissioner for that 1245
purpose, setting forth separately the property, and related costs 1246
and values, exempted from taxation under the agreement. 1247

(J) Enterprises may agree to give preference to residents of 1248
the zone within which the agreement applies relative to residents 1249
of this state who do not reside in the zone when hiring new 1250
employees under the agreement. 1251

(K) An agreement entered into under this section may include 1252
a provision requiring the enterprise to create one or more 1253
temporary internship positions for students enrolled in a course 1254
of study at a school or other educational institution in the 1255
vicinity, and to create a scholarship or provide another form of 1256
educational financial assistance for students holding such a 1257
position in exchange for the student's commitment to work for the 1258
enterprise at the completion of the internship. 1259

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (C)(1)(a) and (b), (C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the legislative authority of a municipal corporation or the director of development.

Sec. 5709.63. (A) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed enterprise zones. A board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed enterprise zone. The board shall petition the director of development for certification of the area as having the characteristics set forth in division (A)(1) or (2) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code. ~~Any~~

Any enterprise wishing to enter into an agreement with the board under division (B) or (D) of this section shall submit a proposal to the board on the form and accompanied by the application fee prescribed under division (B) of section 5709.62 of the Revised Code. The enterprise shall review and update the estimates and listings required by the form in the manner required under that division. The board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an enterprise submitting a proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, the board, on or before October 15, 2009, and with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees may do either of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(a) When the facility is located in a municipal corporation, the board may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area,

the board may enter into an agreement for one or more of the 1322
following incentives: 1323

(i) Exemption for a specified number of years, not to exceed 1324
~~ten~~ fifteen, of a specified portion, up to sixty per cent, of the 1325
assessed value of tangible personal property first used in 1326
business at a project site as a result of the agreement. If an 1327
exemption for inventory is specifically granted in the agreement 1328
pursuant to this division, the exemption applies to inventory 1329
required to be listed pursuant to sections 5711.15 and 5711.16 of 1330
the Revised Code, except, in the instance of an expansion or other 1331
situations in which an enterprise was in business at the facility 1332
prior to the establishment of the zone, the inventory that is 1333
exempt is that amount or value of inventory in excess of the 1334
amount or value of inventory required to be listed in the personal 1335
property tax return of the enterprise in the return for the tax 1336
year in which the agreement is entered into. 1337

(ii) Exemption for a specified number of years, not to exceed 1338
~~ten~~ fifteen, of a specified portion, up to sixty per cent, of the 1339
increase in the assessed valuation of real property constituting 1340
the project site subsequent to formal approval of the agreement by 1341
the board; 1342

(iii) Provision for a specified number of years, not to 1343
exceed ~~ten~~ fifteen, of any optional services or assistance the 1344
board is authorized to provide with regard to the project site; 1345

(iv) The incentive described in division (C)(2) of section 1346
5709.62 of the Revised Code. 1347

(2) Enter into an agreement with an enterprise that plans to 1348
purchase and operate a large manufacturing facility that has 1349
ceased operation or has announced its intention to cease 1350
operation, in return for exemption for a specified number of 1351
years, not to exceed ~~ten~~ fifteen, of a specified portion, up to 1352

one hundred per cent, of tangible personal property used in 1353
business at the project site as a result of the agreement, or of 1354
real property constituting the project site, or both. 1355

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 1356
this section, the portion of the assessed value of tangible 1357
personal property or of the increase in the assessed valuation of 1358
real property exempted from taxation under those divisions may 1359
exceed sixty per cent in any year for which that portion is 1360
exempted if the average percentage exempted for all years in which 1361
the agreement is in effect does not exceed fifty per cent, or if 1362
the board of education of the city, local, or exempted village 1363
school district within the territory of which the property is or 1364
will be located approves a percentage in excess of sixty per cent. 1365

(b) Notwithstanding any provision of the Revised Code to the 1366
contrary, the exemptions described in divisions (B)(1)(b)(i), 1367
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 1368
fifteen years if the board of education of the city, local, or 1369
exempted village school district within the territory ~~in~~ of which 1370
the property is or will be located approves a number of years in 1371
excess of ten, ~~but only if the project that is part of the~~ 1372
~~agreement includes a fixed asset investment of at least one~~ 1373
~~hundred million dollars or the director of development determines~~ 1374
~~there are extraordinary circumstances, and only if the project~~ 1375
~~involves the enrichment and commercialization of uranium or~~ 1376
~~uranium products or the research and development activities~~ 1377
~~related to that enrichment or commercialization.~~ 1378

(c) For the purpose of obtaining the approval of a city, 1379
local, or exempted village school district under division 1380
(C)(1)(a) or (b) of this section, the board of county 1381
commissioners shall deliver to the board of education a notice not 1382
later than forty-five days prior to approving the agreement, 1383
excluding Saturdays, Sundays, and legal holidays as defined in 1384

section 1.14 of the Revised Code. The notice shall state the 1385
percentage to be exempted, an estimate of the true value of the 1386
property to be exempted, and the number of years the property is 1387
to be exempted. The board of education, by resolution adopted by a 1388
majority of the board, shall approve or disapprove the agreement 1389
and certify a copy of the resolution to the board of county 1390
commissioners not later than fourteen days prior to the date 1391
stipulated by the board of county commissioners as the date upon 1392
which approval of the agreement is to be formally considered by 1393
the board of county commissioners. The board of education may 1394
include in the resolution conditions under which the board would 1395
approve the agreement, including the execution of an agreement to 1396
compensate the school district under division (B) of section 1397
5709.82 of the Revised Code. The board of county commissioners may 1398
approve the agreement at any time after the board of education 1399
certifies its resolution approving the agreement to the board of 1400
county commissioners, or, if the board of education approves the 1401
agreement conditionally, at any time after the conditions are 1402
agreed to by the board of education and the board of county 1403
commissioners. 1404

If a board of education has adopted a resolution waiving its 1405
right to approve agreements and the resolution remains in effect, 1406
approval of an agreement by the board of education is not required 1407
under division (C) of this section. If a board of education has 1408
adopted a resolution allowing a board of county commissioners to 1409
deliver the notice required under this division fewer than 1410
forty-five business days prior to approval of the agreement by the 1411
board of county commissioners, the board of county commissioners 1412
shall deliver the notice to the board of education not later than 1413
the number of days prior to such approval as prescribed by the 1414
board of education in its resolution. If a board of education 1415
adopts a resolution waiving its right to approve agreements or 1416
shortening the notification period, the board of education shall 1417

certify a copy of the resolution to the board of county 1418
commissioners. If the board of education rescinds such a 1419
resolution, it shall certify notice of the rescission to the board 1420
of county commissioners. 1421

(2) The board of county commissioners shall comply with 1422
section 5709.83 of the Revised Code unless the board of education 1423
has adopted a resolution under that section waiving its right to 1424
receive such notice. 1425

(D) This division applies to zones certified by the director 1426
of development under this section prior to July 22, 1994. 1427

On or before October 15, 2009, and with the consent of the 1428
legislative authority of each affected municipal corporation or 1429
board of township trustees of each affected township, the board of 1430
county commissioners that designated a zone to which this division 1431
applies may enter into an agreement with an enterprise if the 1432
board ~~makes the finding required under that division and~~ 1433
~~determines~~ finds that the enterprise satisfies one of the criteria 1434
described in divisions (D)(1) to (5) of this section: 1435

(1) The enterprise currently has no operations in this state 1436
and, subject to approval of the agreement, intends to establish 1437
operations in the zone; 1438

(2) The enterprise currently has operations in this state 1439
and, subject to approval of the agreement, intends to establish 1440
operations at a new location in the zone that would not result in 1441
a reduction in the number of employee positions at any of the 1442
enterprise's other locations in this state; 1443

(3) The enterprise, subject to approval of the agreement, 1444
intends to relocate operations, currently located in another 1445
state, to the zone; 1446

(4) The enterprise, subject to approval of the agreement, 1447
intends to expand operations at an existing site in the zone that 1448

the enterprise currently operates; 1449

(5) The enterprise, subject to approval of the agreement, 1450
intends to relocate operations, currently located in this state, 1451
to the zone, and the director of development has issued a waiver 1452
for the enterprise under division (B) of section 5709.633 of the 1453
Revised Code. 1454

The agreement shall require the enterprise to agree to 1455
establish, expand, renovate, or occupy a facility in the zone and 1456
hire new employees, or preserve employment opportunities for 1457
existing employees, in return for one or more of the incentives 1458
described in division (B) of this section. 1459

(E) All agreements entered into under this section shall be 1460
in the form prescribed under section 5709.631 of the Revised Code. 1461
After an agreement under this section is entered into, if the 1462
board of county commissioners revokes its designation of ~~the a~~ 1463
zone, or if the director of development revokes ~~the a~~ zone's 1464
certification, any entitlements granted under the agreement shall 1465
continue for the number of years specified in the agreement. 1466

(F) Except as otherwise provided in this ~~paragraph~~ division, 1467
an agreement entered into under this section shall require that 1468
the enterprise pay an annual fee equal to the greater of one per 1469
cent of the dollar value of incentives offered under the agreement 1470
or five hundred dollars; provided, however, that if the value of 1471
the incentives exceeds two hundred fifty thousand dollars, the fee 1472
shall not exceed two thousand five hundred dollars. The fee shall 1473
be payable to the board of county commissioners once per year for 1474
each year the agreement is effective on the days and in the form 1475
specified in the agreement. Fees paid shall be deposited in a 1476
special fund created for such purpose by the board and shall be 1477
used by the board exclusively for the purpose of complying with 1478
section 5709.68 of the Revised Code and by the tax incentive 1479
review council created under section 5709.85 of the Revised Code 1480

exclusively for the purposes of performing the duties prescribed 1481
under that section. The board may waive or reduce the amount of 1482
the fee charged against an enterprise, but such waiver or 1483
reduction does not affect the obligations of the board or the tax 1484
incentive review council to comply with section 5709.68 or 5709.85 1485
of the Revised Code, respectively. 1486

(G) With the approval of the legislative authority of a 1487
municipal corporation or the board of township trustees of a 1488
township in which a zone is designated under division (A) of this 1489
section, the board of county commissioners may delegate to that 1490
legislative authority or board any powers and duties of the board 1491
of county commissioners to negotiate and administer agreements 1492
with regard to that zone under this section. 1493

(H) When an agreement is entered into pursuant to this 1494
section, the ~~legislative authority~~ board of county commissioners 1495
authorizing the agreement or the legislative authority or board of 1496
township trustees that negotiates and administers the agreement 1497
shall forward a copy of the agreement to the director of 1498
development and to the tax commissioner within fifteen days after 1499
the agreement is entered into. If any agreement includes terms not 1500
provided for in section 5709.631 of the Revised Code affecting the 1501
revenue of a city, local, or exempted village school district or 1502
causing revenue to be foregone by the district, including any 1503
compensation to be paid to the school district pursuant to section 1504
5709.82 of the Revised Code, those terms also shall be forwarded 1505
in writing to the director of development along with the copy of 1506
the agreement forwarded under this division. 1507

(I) After an agreement is entered into, the enterprise shall 1508
file with each personal property tax return required to be filed, 1509
or annual report that is required to be filed under section 1510
5727.08 of the Revised Code, while the agreement is in effect, an 1511
informational return, on a form prescribed by the tax commissioner 1512

for that purpose, setting forth separately the property, and 1513
related costs and values, exempted from taxation under the 1514
agreement. 1515

(J) Enterprises may agree to give preference to residents of 1516
the zone within which the agreement applies relative to residents 1517
of this state who do not reside in the zone when hiring new 1518
employees under the agreement. 1519

(K) An agreement entered into under this section may include 1520
a provision requiring the enterprise to create one or more 1521
temporary internship positions for students enrolled in a course 1522
of study at a school or other educational institution in the 1523
vicinity, and to create a scholarship or provide another form of 1524
educational financial assistance for students holding such a 1525
position in exchange for the student's commitment to work for the 1526
enterprise at the completion of the internship. 1527

(L) The tax commissioner's authority in determining the 1528
accuracy of any exemption granted by an agreement entered into 1529
under this section is limited to divisions (B)(1)(b)(i) and (ii), 1530
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 1531
this section as it pertains to divisions (C)(2)(a), (b), and (c) 1532
of section 5709.62 of the Revised Code, and divisions (B)(1) to 1533
(10) of section 5709.631 of the Revised Code and, as authorized by 1534
law, to enforcing any modification to, or revocation of, that 1535
agreement by the board of county commissioners or the director of 1536
development or, if the board's powers and duties are delegated 1537
under division (G) of this section, by the legislative authority 1538
of a municipal corporation or board of township trustees. 1539

Sec. 5709.631. Each agreement entered into under sections 1540
5709.62, 5709.63, and 5709.632 of the Revised Code on or after 1541
April 1, 1994, shall be in writing and shall include all of the 1542
information and statements prescribed by this section. Agreements 1543

may include terms not prescribed by this section, but such terms 1544
shall in no way derogate from the information and statements 1545
prescribed by this section. 1546

(A) Each agreement shall include the following information: 1547

(1) The names of all parties to the agreement; 1548

(2) A description of the investments to be made by the 1549
applicant enterprise or by another party at the facility whether 1550
or not the investments are exempted from taxation, including 1551
existing or new building size and cost thereof; the value of 1552
machinery, equipment, furniture, and fixtures, including an 1553
itemization of the value of machinery, equipment, furniture, and 1554
fixtures used at another location in this state prior to the 1555
agreement and relocated or to be relocated from that location to 1556
the facility and the value of machinery, equipment, furniture, and 1557
fixtures at the facility prior to the execution of the agreement 1558
that will not be exempted from taxation; the value of inventory at 1559
the facility, including an itemization of the value of inventory 1560
held at another location in this state prior to the agreement and 1561
relocated or to be relocated from that location to the facility, 1562
and the value of inventory held at the facility prior to the 1563
execution of the agreement that will not be exempted from 1564
taxation; 1565

(3) The scheduled starting and completion dates of 1566
investments made in building, machinery, equipment, furniture, 1567
fixtures, and inventory; 1568

(4) Estimates of the number of employee positions to be 1569
created each year of the agreement and of the number of employee 1570
positions retained by the applicant enterprise due to the project, 1571
itemized as to the number of full-time, part-time, permanent, and 1572
temporary positions; 1573

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (A)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the project site and at any other location in the state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(B) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)." The tax commissioner shall adopt rules prescribing the form the description of such property shall assume to ensure that the property to be exempted from taxation under the agreement is distinguishable from property that is not to be exempted under that agreement.

(2) A description of tangible personal property to be exempted from taxation under the agreement, the percentage of the assessed value of the tangible personal property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The minimum investment for tangible personal property to qualify for the exemption is \$..... (insert dollar amount) to purchase machinery and equipment first used in business at the facility as a result of the project, \$..... (insert dollar amount) for furniture and fixtures and

other noninventory personal property first used in business at the 1605
facility as a result of the project, and \$..... (insert 1606
dollar amount) for new inventory. The maximum investment for 1607
tangible personal property to qualify for the exemption is 1608
\$..... (insert dollar amount) to purchase machinery and 1609
equipment first used in business at the facility as a result of 1610
the project, \$..... (insert dollar amount) for furniture and 1611
fixtures and other noninventory personal property first used in 1612
business at the facility as a result of the project, and 1613
\$..... (insert dollar amount) for new inventory. The 1614
exemption commences the first year for which the tangible personal 1615
property would first be taxable were that property not exempted 1616
from taxation. No exemption shall commence after tax return year 1617
..... (insert year) nor extend beyond tax return year 1618
..... (insert year). In no instance shall any tangible 1619
personal property be exempted from taxation for more than ten 1620
return years unless ~~the project that is part of the agreement~~ 1621
~~involves the enrichment and commercialization of uranium or~~ 1622
~~uranium products or the research and development activities~~ 1623
~~related to that enrichment or commercialization, under division~~ 1624
(D)(2) of section 5709.62 or under division (C)(1)(b) of section 1625
5709.63 of the Revised Code, the board of education approves 1626
exemption for a number of years in excess of ten, in which case 1627
the tangible personal property may be exempted from taxation for 1628
~~up to that number of years, not to exceed~~ fifteen return years." 1629
No exemption shall be allowed for any type of tangible personal 1630
property if the total investment is less than the minimum dollar 1631
amount specified for that type of property. If, for a type of 1632
tangible personal property, there are no minimum or maximum 1633
investment dollar amounts specified in the statement or the dollar 1634
amounts are designated in the statement as not applicable, the 1635
exemption shall apply to the total cost of that type of tangible 1636
personal property first used in business at the facility as a 1637

result of the project. The tax commissioner shall adopt rules 1638
prescribing the form the description of such property shall assume 1639
to ensure that the property to be exempted from taxation under the 1640
agreement is distinguishable from property that is not to be 1641
exempted under that agreement. 1642

(3) "..... (insert name of enterprise) shall pay such 1643
real and tangible personal property taxes as are not exempted 1644
under this agreement and are charged against such property and 1645
shall file all tax reports and returns as required by law. If 1646
..... (insert name of enterprise) fails to pay such taxes or 1647
file such returns and reports, all incentives granted under this 1648
agreement are rescinded beginning with the year for which such 1649
taxes are charged or such reports or returns are required to be 1650
filed and thereafter." 1651

(4) "..... (insert name of enterprise) hereby certifies 1652
that at the time this agreement is executed, (insert 1653
name of enterprise) does not owe any delinquent real or tangible 1654
personal property taxes to any taxing authority of the State of 1655
Ohio, and does not owe delinquent taxes for which 1656
(insert name of enterprise) is liable under Chapter 5727., 5733., 1657
5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, 1658
or, if such delinquent taxes are owed, (insert name of 1659
enterprise) currently is paying the delinquent taxes pursuant to a 1660
delinquent tax contract enforceable by the State of Ohio or an 1661
agent or instrumentality thereof, has filed a petition in 1662
bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has 1663
been filed against (insert name of enterprise). For the 1664
purposes of the certification, delinquent taxes are taxes that 1665
remain unpaid on the latest day prescribed for payment without 1666
penalty under the chapter of the Revised Code governing payment of 1667
those taxes." 1668

(5) "..... (insert name of municipal corporation or 1669

county) shall perform such acts as are reasonably necessary or 1670
appropriate to effect, claim, reserve, and maintain exemptions 1671
from taxation granted under this agreement including, without 1672
limitation, joining in the execution of all documentation and 1673
providing any necessary certificates required in connection with 1674
such exemptions." 1675

(6) "If for any reason the enterprise zone designation 1676
expires, the Director of the Ohio Department of Development 1677
revokes certification of the zone, or (insert name of 1678
municipal corporation or county) revokes the designation of the 1679
zone, entitlements granted under this agreement shall continue for 1680
the number of years specified under this agreement, unless 1681
..... (insert name of enterprise) materially fails to fulfill 1682
its obligations under this agreement and (insert name 1683
of municipal corporation or county) terminates or modifies the 1684
exemptions from taxation granted under this agreement." 1685

(7) "If (insert name of enterprise) materially 1686
fails to fulfill its obligations under this agreement, other than 1687
with respect to the number of employee positions estimated to be 1688
created or retained under this agreement, or if (insert 1689
name of municipal corporation or county) determines that the 1690
certification as to delinquent taxes required by this agreement is 1691
fraudulent, (insert name of municipal corporation or 1692
county) may terminate or modify the exemptions from taxation 1693
granted under this agreement." 1694

(8) "..... (insert name of enterprise) shall provide to 1695
the proper tax incentive review council any information reasonably 1696
required by the council to evaluate the enterprise's compliance 1697
with the agreement, including returns or annual reports filed 1698
pursuant to section 5711.02 or 5727.08 of the Ohio Revised Code if 1699
requested by the council." 1700

(9) "..... (insert name of enterprise) and 1701

(insert name of municipal corporation or county) acknowledge that 1702
this agreement must be approved by formal action of the 1703
legislative authority of (insert name of municipal 1704
corporation or county) as a condition for the agreement to take 1705
effect. This agreement takes effect upon such approval." 1706

(10) "This agreement is not transferable or assignable 1707
without the express, written approval of (insert name 1708
of municipal corporation or county)." 1709

(11) "Exemptions from taxation granted under this agreement 1710
shall be revoked if it is determined that (insert 1711
name of enterprise), any successor enterprise, or any related 1712
member (as those terms are defined in section 5709.61 of the Ohio 1713
Revised Code) has violated the prohibition against entering into 1714
this agreement under division (E) of section 3735.671 or section 1715
5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to 1716
the time prescribed by that division or either of those sections." 1717

(12) "In any three-year period during which this agreement is 1718
in effect, if the actual number of employee positions created or 1719
retained by (insert name of enterprise) is not 1720
equal to or greater than seventy-five per cent of the number of 1721
employee positions estimated to be created or retained under this 1722
agreement during that three-year period, (insert 1723
name of enterprise) shall repay the amount of taxes on property 1724
that would have been payable had the property not been exempted 1725
from taxation under this agreement during that three-year period. 1726
In addition, the (insert name of municipal corporation 1727
or county) may terminate or modify the exemptions from taxation 1728
granted under this agreement." 1729

The statement described in division (B)(7) of this section 1730
may include the following statement, appended at the end of the 1731
statement: "and may require the repayment of the amount of taxes 1732
that would have been payable had the property not been exempted 1733

from taxation under this agreement." 1734

(C) If the director of development had to issue a waiver 1735
under section 5709.633 of the Revised Code as a condition for the 1736
agreement to be executed, the agreement shall include the 1737
following statement: 1738

"Continuation of this agreement is subject to the validity of 1739
the circumstance upon which (insert name of enterprise) 1740
applied for, and the Director of the Ohio Department of 1741
Development issued, the waiver pursuant to section 5709.633 of the 1742
Ohio Revised Code. If, after formal approval of this agreement by 1743
..... (insert name of municipal corporation or county), the 1744
Director or (insert name of municipal corporation or 1745
county) discovers that such a circumstance did not exist, 1746
..... (insert name of enterprise) shall be deemed to have 1747
materially failed to comply with this agreement." 1748

If the director issued a waiver on the basis of the 1749
circumstance described in division (B)(3) of section 5709.633 of 1750
the Ohio Revised Code, the conditions enumerated in divisions 1751
(B)(3)(a)(i) and (ii) or divisions (B)(3)(b)(i) and (ii) of that 1752
section shall be incorporated in the information described in 1753
divisions (A)(2), (3), and (4) of this section. 1754

Sec. 5709.632. (A)(1) The legislative authority of a 1755
municipal corporation defined by the United States office of 1756
management and budget as a ~~central~~ principal city of a 1757
metropolitan statistical area or designated as an urban cluster in 1758
a rural statistical area may, in the manner set forth in section 1759
5709.62 of the Revised Code, designate one or more areas in the 1760
municipal corporation as a proposed enterprise zone. 1761

(2) With the consent of the legislative authority of each 1762
affected municipal corporation or of a board of township trustees, 1763
a board of county commissioners may, in the manner set forth in 1764

section 5709.62 of the Revised Code, designate one or more areas 1765
in one or more municipal corporations or in unincorporated areas 1766
of the county as proposed urban jobs and enterprise zones, except 1767
that a board of county commissioners may designate no more than 1768
one area within a township, or within adjacent townships, as a 1769
proposed urban jobs and enterprise zone. 1770

(3)(a) The legislative authority or board of county 1771
commissioners may petition the director of development for 1772
certification of the area as having the characteristics set forth 1773
in division (A)(3) of section 5709.61 of the Revised Code. Within 1774
sixty days after receiving such a petition, the director shall 1775
determine whether the area has the characteristics set forth in 1776
that division and forward the findings to the legislative 1777
authority or board of county commissioners. If the director 1778
certifies the area as having those characteristics and thereby 1779
certifies it as a zone, the legislative authority or board may 1780
enter into agreements with enterprises under division (B) of this 1781
section. Any enterprise wishing to enter into an agreement with a 1782
legislative authority or board of commissioners under this section 1783
and satisfying one of the criteria described in divisions (B)(1) 1784
to (5) of this section shall submit a proposal to the legislative 1785
authority or board on the form prescribed under division (B) of 1786
section 5709.62 of the Revised Code and shall review and update 1787
the estimates and listings required by the form in the manner 1788
required under that division. The legislative authority or board 1789
may, on a separate form and at any time, require any additional 1790
information necessary to determine whether an enterprise is in 1791
compliance with an agreement and to collect the information 1792
required to be reported under section 5709.68 of the Revised Code. 1793

(b) The legislative authority of a city designated as an 1794
urban cluster in a rural statistical area that has, pursuant to 1795
this section, as amended by Am. Sub. H.B. 95 of the 125th general 1796

assembly, designated one or more areas in the city as a proposed 1797
enterprise zone, shall not enter into an agreement under this 1798
section unless it has petitioned the director and the director has 1799
certified the proposed enterprise zone under division (A)(3)(a) of 1800
this section. 1801

(B) Prior to entering into an agreement with an enterprise, 1802
the legislative authority or board of county commissioners shall 1803
determine whether the enterprise submitting the proposal is 1804
qualified by financial responsibility and business experience to 1805
create and preserve employment opportunities in the zone and to 1806
improve the economic climate of the municipal corporation or 1807
municipal corporations or the unincorporated areas in which the 1808
zone is located and to which the proposal applies, and whether the 1809
enterprise satisfies one of the following criteria: 1810

(1) The enterprise currently has no operations in this state 1811
and, subject to approval of the agreement, intends to establish 1812
operations in the zone; 1813

(2) The enterprise currently has operations in this state 1814
and, subject to approval of the agreement, intends to establish 1815
operations at a new location in the zone that would not result in 1816
a reduction in the number of employee positions at any of the 1817
enterprise's other locations in this state; 1818

(3) The enterprise, subject to approval of the agreement, 1819
intends to relocate operations, currently located in another 1820
state, to the zone; 1821

(4) The enterprise, subject to approval of the agreement, 1822
intends to expand operations at an existing site in the zone that 1823
the enterprise currently operates; 1824

(5) The enterprise, subject to approval of the agreement, 1825
intends to relocate operations, currently located in this state, 1826
to the zone, and the director of development has issued a waiver 1827

for the enterprise under division (B) of section 5709.633 of the Revised Code. 1828
1829

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and on or before October 15, 2009, and, in the case of a board of commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives: 1830
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(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section; 1842
1843
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(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b), (B)(2), and (B)(3) of section 5709.63 of the Revised Code, subject to division (C) of that section. 1847
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(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement. 1852
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(E) Except as otherwise provided in this division, an 1860
agreement entered into under this section shall require that the 1861
enterprise pay an annual fee equal to the greater of one per cent 1862
of the dollar value of incentives offered under the agreement or 1863
five hundred dollars; provided, however, that if the value of the 1864
incentives exceeds two hundred fifty thousand dollars, the fee 1865
shall not exceed two thousand five hundred dollars. The fee shall 1866
be payable to the legislative authority or board of commissioners 1867
once per year for each year the agreement is effective on the days 1868
and in the form specified in the agreement. Fees paid shall be 1869
deposited in a special fund created for such purpose by the 1870
legislative authority or board and shall be used by the 1871
legislative authority or board exclusively for the purpose of 1872
complying with section 5709.68 of the Revised Code and by the tax 1873
incentive review council created under section 5709.85 of the 1874
Revised Code exclusively for the purposes of performing the duties 1875
prescribed under that section. The legislative authority or board 1876
may waive or reduce the amount of the fee charged against an 1877
enterprise, but such waiver or reduction does not affect the 1878
obligations of the legislative authority or board or the tax 1879
incentive review council to comply with section 5709.68 or 5709.85 1880
of the Revised Code, respectively. 1881

(F) With the approval of the legislative authority of a 1882
municipal corporation or the board of township trustees of a 1883
township in which a zone is designated under division (A)(2) of 1884
this section, the board of county commissioners may delegate to 1885
that legislative authority or board any powers and duties of the 1886
board to negotiate and administer agreements with regard to that 1887
zone under this section. 1888

(G) When an agreement is entered into pursuant to this 1889
section, the legislative authority or board of commissioners 1890
authorizing the agreement shall forward a copy of the agreement to 1891

the director of development and to the tax commissioner within 1892
fifteen days after the agreement is entered into. If any agreement 1893
includes terms not provided for in section 5709.631 of the Revised 1894
Code affecting the revenue of a city, local, or exempted village 1895
school district or causing revenue to be foregone by the district, 1896
including any compensation to be paid to the school district 1897
pursuant to section 5709.82 of the Revised Code, those terms also 1898
shall be forwarded in writing to the director of development along 1899
with the copy of the agreement forwarded under this division. 1900

(H) After an agreement is entered into, the enterprise shall 1901
file with each personal property tax return required to be filed 1902
while the agreement is in effect, an informational return, on a 1903
form prescribed by the tax commissioner for that purpose, setting 1904
forth separately the property, and related costs and values, 1905
exempted from taxation under the agreement. 1906

(I) An agreement entered into under this section may include 1907
a provision requiring the enterprise to create one or more 1908
temporary internship positions for students enrolled in a course 1909
of study at a school or other educational institution in the 1910
vicinity, and to create a scholarship or provide another form of 1911
educational financial assistance for students holding such a 1912
position in exchange for the student's commitment to work for the 1913
enterprise at the completion of the internship. 1914

Sec. 5709.73. (A) As used in this section and section 5709.74 1915
of the Revised Code: 1916

(1) "Business day" means a day of the week excluding 1917
Saturday, Sunday, and a legal holiday as defined in section 1.14 1918
of the Revised Code. 1919

(2) "Further improvements" or "improvements" means the 1920
increase in the true value of ~~a parcel of~~ real property that would 1921
first appear on the tax list and duplicate of real and public 1922

utility property after the effective date of a resolution adopted 1923
under this section were it not for the exemption granted by that 1924
resolution. For purposes of division (B) of this section, 1925
"improvements" do not include any property used or to be used for 1926
residential purposes. 1927

(3) "Housing renovation" means a project carried out for 1928
residential purposes. 1929

(4) "Incentive district" has the same meaning as in section 1930
5709.40 of the Revised Code, except that a blighted area is in the 1931
unincorporated area of a township. 1932

(5) "Project" and "public infrastructure improvement" have 1933
the same meanings as in section 5709.40 of the Revised Code. 1934

(B) A board of township trustees may, by unanimous vote, 1935
adopt a resolution that declares to be a public purpose any public 1936
infrastructure improvements made that are necessary for the 1937
development of certain parcels of land located in the 1938
unincorporated area of the township. Except as otherwise provided 1939
in division (D) of this section, the resolution may exempt from 1940
real property taxation not more than seventy-five per cent of 1941
further improvements to a parcel of land which directly benefits 1942
from such public infrastructure improvements; the percentage 1943
exempted shall not, except as otherwise provided in division (D) 1944
of this section, exceed the estimated percentage of the 1945
incremental demand placed on the public infrastructure 1946
improvements that is directly attributable to the exempted 1947
improvement. For the purposes of this division, a public 1948
infrastructure improvement directly benefits a parcel of land only 1949
if a project on the parcel places direct, additional demand on the 1950
public infrastructure improvement, or, if the public 1951
infrastructure improvement has not yet been constructed, will 1952
place direct, additional demand on the public infrastructure 1953
improvement when completed. The resolution shall specify the 1954

percentage of the further improvements to be exempted. 1955

(C) A board of township trustees may adopt, by unanimous 1956
vote, a resolution creating an incentive district and declaring 1957
improvements to parcels within the district to be a public purpose 1958
and exempt from taxation as provided in this section. The district 1959
shall be located within the unincorporated area of the township 1960
and shall not include any territory that is included within a 1961
district created under division (B) of section 5709.78 of the 1962
Revised Code. The resolution shall delineate the boundary of the 1963
district and specifically identify each parcel within the 1964
district. A district may not include any parcel that is or has 1965
been exempted from taxation under division (B) of this section or 1966
that is or has been within another district created under this 1967
division. A resolution may create more than one such district, and 1968
more than one resolution may be adopted under this division. 1969

Not later than thirty days prior to adopting a resolution 1970
under this division, if the township intends to apply for 1971
exemptions from taxation under section 5709.911 of the Revised 1972
Code on behalf of owners of real property located within the 1973
proposed incentive district, the board shall conduct a public 1974
hearing on the proposed resolution. Not later than thirty days 1975
prior to the public hearing, the board shall give notice of the 1976
public hearing and the proposed resolution by first class mail to 1977
every real property owner whose property is located within the 1978
boundaries of the proposed incentive district that is the subject 1979
of the proposed resolution. 1980

A resolution under this division shall specify the life of 1981
the district and the percentage of the improvements to be exempted 1982
and shall designate the public infrastructure improvements made or 1983
to be made that benefit or serve parcels in the district. 1984

A resolution adopted under this division may authorize the 1985
use of service payments provided for in section 5709.74 of the 1986

Revised Code for the purpose of housing renovations within the 1987
district, provided that the resolution also designates public 1988
infrastructure improvements that benefit or serve the district, 1989
and that a project within the district places real property in use 1990
for commercial or industrial purposes. Service payments may be 1991
used to finance or support loans, deferred loans, and grants to 1992
persons for the purpose of housing renovations within the 1993
district. The resolution shall designate the parcels within the 1994
district that are eligible for housing renovations. The resolution 1995
shall state separately the amount or the percentages of the 1996
expected aggregate service payments that are designated for each 1997
public infrastructure improvement and for the purpose of housing 1998
renovations. 1999

Except with the approval of the board of education of each 2000
city, local, or exempted village school district within the 2001
territory of which the district is or will be located, the life of 2002
a district shall not exceed ten years, and the percentage of 2003
improvements to be exempted shall not exceed seventy-five per 2004
cent. With such approval, the life of a district may be not more 2005
than thirty years, and the percentage of improvements to be 2006
exempted may be not more than one hundred per cent. 2007

Approval of a board of education shall be obtained in the 2008
manner provided in division (D) of this section for exemptions 2009
under division (B) of this section, except that the notice to the 2010
board of education shall delineate the boundaries of the district, 2011
specifically identify each parcel within the district, identify 2012
each anticipated improvement in the district, provide an estimate 2013
of the true value in money of each such improvement, specify the 2014
life of the district and the percentage of improvements that would 2015
be exempted, and indicate the date on which the board of township 2016
trustees intends to adopt the resolution. 2017

A board of township trustees shall not adopt a resolution 2018

under this division after June 30, 2007. 2019

(D) Improvements with respect to a parcel may be exempted 2020
from taxation under division (B) of this section for up to ten 2021
years or, with the approval of the board of education of the city, 2022
local, or exempted village school district within which the parcel 2023
is located, for up to thirty years. The percentage of the 2024
improvements exempted from taxation may, with such approval, 2025
exceed seventy-five per cent, but shall not exceed one hundred per 2026
cent. Not later than forty-five business days prior to adopting a 2027
resolution under this section declaring improvements to be a 2028
public purpose, the board of trustees shall deliver to the board 2029
of education a notice stating its intent to adopt a resolution 2030
making that declaration. The notice shall identify the parcels for 2031
which improvements are to be exempted from taxation, provide an 2032
estimate of the true value in money of the improvements, specify 2033
the period for which the improvements would be exempted from 2034
taxation and the percentage of the improvements that would be 2035
exempted, and indicate the date on which the board of trustees 2036
intends to adopt the resolution. The board of education, by 2037
resolution adopted by a majority of the board, may approve the 2038
exemption for the period or for the exemption percentage specified 2039
in the notice, may disapprove the exemption for the number of 2040
years in excess of ten, may disapprove the exemption for the 2041
percentage of the improvements to be exempted in excess of 2042
seventy-five per cent, or both, or may approve the exemption on 2043
the condition that the board of trustees and the board of 2044
education negotiate an agreement providing for compensation to the 2045
school district equal in value to a percentage of the amount of 2046
taxes exempted in the eleventh and subsequent years of the 2047
exemption period or, in the case of exemption percentages in 2048
excess of seventy-five per cent, compensation equal in value to a 2049
percentage of the taxes that would be payable on the portion of 2050
the improvements in excess of seventy-five per cent were that 2051

portion to be subject to taxation. The board of education shall 2052
certify its resolution to the board of trustees not later than 2053
fourteen days prior to the date the board of trustees intends to 2054
adopt the resolution as indicated in the notice. If the board of 2055
education approves the exemption on the condition that a 2056
compensation agreement be negotiated, the board of education in 2057
its resolution shall propose a compensation percentage. If the 2058
board of education and the board of trustees negotiate a mutually 2059
acceptable compensation agreement, the resolution may declare the 2060
improvements a public purpose for the number of years specified in 2061
the resolution or, in the case of exemption percentages in excess 2062
of seventy-five per cent, for the exemption percentage specified 2063
in the resolution. In either case, if the board of education and 2064
the board of trustees fail to negotiate a mutually acceptable 2065
compensation agreement, the resolution may declare the 2066
improvements a public purpose for not more than ten years, but 2067
shall not exempt more than seventy-five per cent of the 2068
improvements from taxation, or, in the case of a resolution 2069
adopted under division (B) of this section, not more than the 2070
estimated percentage of the incremental demand as otherwise 2071
prescribed by division (B) of this section if that percentage is 2072
less than seventy-five per cent. If the board of education fails 2073
to certify a resolution to the board of trustees within the time 2074
prescribed by this section, the board of trustees thereupon may 2075
adopt the resolution and may declare the improvements a public 2076
purpose for up to thirty years or, in the case of exemption 2077
percentages proposed in excess of seventy-five per cent, for the 2078
exemption percentage specified in the resolution. The board of 2079
township trustees may adopt the resolution at any time after the 2080
board of education certifies its resolution approving the 2081
exemption to the board of township trustees, or, if the board of 2082
education approves the exemption on the condition that a mutually 2083
acceptable compensation agreement be negotiated, at any time after 2084

the compensation agreement is agreed to by the board of education 2085
and the board of township trustees. 2086

If a board of education has adopted a resolution waiving its 2087
right to approve exemptions from taxation and the resolution 2088
remains in effect, approval of such exemptions by the board of 2089
education is not required under this division. If a board of 2090
education has adopted a resolution allowing a board of township 2091
trustees to deliver the notice required under this division fewer 2092
than forty-five business days prior to adoption of the resolution 2093
by the board of township trustees, the board of township trustees 2094
shall deliver the notice to the board of education not later than 2095
the number of days prior to such adoption as prescribed by the 2096
board of education in its resolution. If a board of education 2097
adopts a resolution waiving its right to approve exemptions or 2098
shortening the notification period, the board of education shall 2099
certify a copy of the resolution to the board of township 2100
trustees. If the board of education rescinds such a resolution, it 2101
shall certify notice of the rescission to the board of township 2102
trustees. 2103

If the board of trustees is not required by this division to 2104
notify the board of education of the board of trustees' intent to 2105
declare improvements to be a public purpose, the board of trustees 2106
shall comply with the notice requirements imposed under section 2107
5709.83 of the Revised Code before taking formal action to adopt 2108
the resolution making that declaration, unless the board of 2109
education has adopted a resolution under that section waiving its 2110
right to receive such a notice. 2111

(E) An exemption from taxation granted under this section 2112
commences with the tax year in which an improvement first appears 2113
on the tax list and duplicate of real and public utility property 2114
and that begins after the effective date of the resolution. Except 2115
as otherwise provided in this division, the exemption ends on the 2116

date specified in the resolution as the date the improvement 2117
ceases to be a public purpose or the incentive district expires, 2118
or ends on the date on which the public infrastructure 2119
improvements and housing renovations are paid in full from the 2120
township public improvement tax increment equivalent fund 2121
established under section 5709.75 of the Revised Code, whichever 2122
occurs first. The exemption of an improvement with respect to a 2123
parcel may end on a later date, as specified in the resolution, if 2124
the board of township trustees and the board of education of the 2125
city, local, or exempted village school district within which the 2126
parcel is located have entered into a compensation agreement under 2127
section 5709.82 of the Revised Code with respect to the 2128
improvement or district and the board of education has approved 2129
the term of the exemption under division (D) of this section, but 2130
in no case shall the improvement be exempted from taxation for 2131
more than thirty years. The board of township trustees may, by 2132
majority vote, adopt a resolution permitting the township to enter 2133
into such agreements as the board finds necessary or appropriate 2134
to provide for the construction or undertaking of public 2135
infrastructure improvements and housing renovations. Any exemption 2136
shall be claimed and allowed in the same or a similar manner as in 2137
the case of other real property exemptions. If an exemption status 2138
changes during a tax year, the procedure for the apportionment of 2139
the taxes for that year is the same as in the case of other 2140
changes in tax exemption status during the year. 2141

(F) The board of township trustees may issue the notes of the 2142
township to finance all costs pertaining to the construction or 2143
undertaking of public infrastructure improvements and housing 2144
renovations made pursuant to this section. The notes shall be 2145
signed by the board and attested by the signature of the township 2146
clerk, shall bear interest not to exceed the rate provided in 2147
section 9.95 of the Revised Code, and are not subject to Chapter 2148
133. of the Revised Code. The resolution authorizing the issuance 2149

of the notes shall pledge the funds of the township public 2150
improvement tax increment equivalent fund established pursuant to 2151
section 5709.75 of the Revised Code to pay the interest on and 2152
principal of the notes. The notes, which may contain a clause 2153
permitting prepayment at the option of the board, shall be offered 2154
for sale on the open market or given to the vendor or contractor 2155
if no sale is made. 2156

(G) The township, not later than fifteen days after the 2157
adoption of a resolution under this section, shall submit to the 2158
director of development a copy of the resolution. On or before the 2159
thirty-first day of March of each year, the township shall submit 2160
a status report to the director of development. The report shall 2161
indicate, in the manner prescribed by the director, the progress 2162
of the project during each year that the exemption remains in 2163
effect, including a summary of the receipts from service payments 2164
in lieu of taxes; expenditures of money from funds created under 2165
section 5709.75 of the Revised Code; a description of the public 2166
infrastructure improvements and housing renovations financed with 2167
such expenditures; and a quantitative summary of changes in 2168
~~employment and~~ private investment resulting from each project. 2169

(H) Nothing in this section shall be construed to prohibit a 2170
board of township trustees from declaring to be a public purpose 2171
improvements with respect to more than one parcel. 2172

(I) A board of township trustees that adopted a resolution 2173
under this section prior to July 21, 1994, may amend that 2174
resolution to include any additional public infrastructure 2175
improvement. A board of township trustees that seeks by such an 2176
amendment to utilize money from its township public improvement 2177
tax increment equivalent fund for land acquisition in aid of 2178
industry, commerce, distribution, or research, demolition on 2179
private property, or stormwater and flood remediation projects may 2180
do so provided that the board currently is a party to a 2181

hold-harmless agreement with the board of education of the city, 2182
local, or exempted village school district within the territory of 2183
which are located the parcels that are subject to an exemption. 2184
For the purposes of this division, a "hold-harmless agreement" 2185
means an agreement under which the board of township trustees 2186
agrees to compensate the school district for one hundred per cent 2187
of the tax revenue that the school district would have received 2188
from further improvements to parcels designated in the resolution 2189
were it not for the exemption granted by the resolution. 2190

Sec. 5709.74. A township that has declared an improvement to 2191
be a public purpose under section 5709.73 of the Revised Code may 2192
require the owner of the parcel to make annual service payments in 2193
lieu of taxes to the county treasurer on or before the final dates 2194
for payment of real property taxes. Each payment shall be charged 2195
and collected in the same manner and in the same amount as the 2196
real property taxes that would have been charged and payable 2197
against any improvement made on the parcel if it were not exempt 2198
from taxation. If any reduction in the levies otherwise applicable 2199
to the exempt property is made by the county budget commission 2200
under section 5705.31 of the Revised Code, the amount of the 2201
service payment in lieu of taxes shall be calculated as if a 2202
reduction in levies had not been made. A township shall not 2203
require an owner to make annual service payments in lieu of taxes 2204
pursuant to this section after the date on which the township has 2205
been paid back in full for the public infrastructure improvements 2206
made pursuant to sections 5709.73 to 5709.75 of the Revised Code. 2207

Moneys collected as service payments in lieu of taxes shall 2208
be distributed at the same time and in the same manner as real 2209
property tax payments ~~except that.~~ However, subject to section 2210
5709.913 of the Revised Code, the entire amount so collected shall 2211
be distributed to the township in which the improvement is 2212
located. If a parcel upon which moneys are collected as service 2213

payments in lieu of taxes is annexed to a municipal corporation, 2214
the service payments shall continue to be collected and 2215
distributed to the township in which the parcel was located before 2216
its annexation until the township is paid back in full for the 2217
cost of any public infrastructure improvements it made on the 2218
parcel. The treasurer shall maintain a record of the service 2219
payments in lieu of taxes made from property in each township. 2220

Nothing in this section or section 5709.73 of the Revised 2221
Code affects the taxes levied against that portion of the value of 2222
any parcel of property that is not exempt from taxation. 2223

Sec. 5709.77. As used in sections 5709.77 to 5709.81 of the 2224
Revised Code: 2225

(A) "Business day" means a day of the week excluding 2226
Saturday, Sunday, and a legal holiday as defined in section 1.14 2227
of the Revised Code. 2228

(B) "Fund" means to provide for the payment of the debt 2229
service on and the expenses relating to an outstanding obligation 2230
of the county. 2231

(C) "Housing renovation" means a project carried out for 2232
residential purposes. 2233

(D) "Improvement" means the increase in the true value of a 2234
~~parcel of~~ real property that would first appear on the tax list 2235
and duplicate of real and public utility property after the 2236
effective date of a resolution adopted under section 5709.78 of 2237
the Revised Code were it not for the exemption granted by that 2238
resolution. "Improvement" does not include a public infrastructure 2239
improvement. For purposes of division (A) of section 5709.78 of 2240
the Revised Code, "improvement" does not include any property used 2241
or to be used for residential purposes. 2242

(E) "Incentive district" has the same meaning as in section 2243

5709.40 of the Revised Code, except that a blighted area is in the 2244
unincorporated territory of a county. 2245

(F) "Refund" means to fund and retire an outstanding 2246
obligation of the county. 2247

(G) "Project" and "public infrastructure improvement" have 2248
the same meanings as in section 5709.40 of the Revised Code. 2249

Sec. 5709.78. (A) A board of county commissioners may, by 2250
resolution, declare improvements to certain parcels of real 2251
property located in the unincorporated territory of the county to 2252
be a public purpose. Except as otherwise provided in division (C) 2253
of this section, not more than seventy-five per cent of an 2254
improvement thus declared to be a public purpose may be exempted 2255
from real property taxation; the percentage exempted shall not, 2256
except as otherwise provided in those divisions, exceed the 2257
estimated percentage of the incremental demand placed on the 2258
public infrastructure improvements that is directly attributable 2259
to the exempted improvement. The resolution shall specify the 2260
percentage of the improvement to be exempted. 2261

A resolution adopted under this division shall designate the 2262
specific public infrastructure improvements made, to be made, or 2263
in the process of being made by the county that directly benefit, 2264
or that once made will directly benefit, the parcels for which 2265
improvements are declared to be a public purpose. For the purposes 2266
of this division, a public infrastructure improvement directly 2267
benefits such a parcel only if a project on the parcel places 2268
direct, additional demand on the public infrastructure improvement 2269
or, if the public infrastructure improvement has not yet been 2270
completed, will place direct, additional demand on the public 2271
infrastructure improvement once it is completed. The service 2272
payments provided for in section 5709.79 of the Revised Code shall 2273
be used to finance the public infrastructure improvements 2274

designated in the resolution. 2275

(B) A board of county commissioners may adopt a resolution 2276
creating an incentive district and declaring improvements to 2277
parcels within the district to be a public purpose and exempt from 2278
taxation as provided in this section. The district shall be 2279
located within the unincorporated territory of the county and 2280
shall not include any territory that is included within a district 2281
created under division (C) of section 5709.73 of the Revised Code. 2282
The resolution shall delineate the boundary of the district and 2283
specifically identify each parcel within the district. A district 2284
may not include any parcel that is or has been exempted from 2285
taxation under division (A) of this section or that is or has been 2286
within another district created under this division. A resolution 2287
may create more than one such district, and more than one 2288
resolution may be adopted under this division. 2289

Not later than thirty days prior to adopting a resolution 2290
under this division, if the county intends to apply for exemptions 2291
from taxation under section 5709.911 of the Revised Code on behalf 2292
of owners of real property located within the proposed incentive 2293
district, the board of county commissioners shall conduct a public 2294
hearing on the proposed resolution. Not later than thirty days 2295
prior to the public hearing, the board shall give notice of the 2296
public hearing and the proposed resolution by first class mail to 2297
every real property owner whose property is located within the 2298
boundaries of the proposed incentive district that is the subject 2299
of the proposed resolution. The board also shall provide the 2300
notice by first class mail to the clerk of each township in which 2301
the proposed incentive district will be located. 2302

A resolution under this division shall specify the life of 2303
the district and the percentage of the improvements to be exempted 2304
and shall designate the public infrastructure improvements made or 2305
to be made that benefit or serve parcels in the district. 2306

A resolution adopted under this division may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the district is or will be located, the life of a district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With such approval, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent.

Approval of a board of education shall be obtained in the manner provided in division (C) of this section for exemptions under division (A) of this section, except that the notice to the board of education shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of county

commissioners intends to adopt the resolution. 2339

A board of county commissioners shall not adopt a resolution 2340
under this division after June 30, 2007. 2341

(C)(1) Improvements with respect to a parcel may be exempted 2342
from taxation under division (A) of this section for up to ten 2343
years or, with the approval of the board of education of the city, 2344
local, or exempted village school district within which the parcel 2345
is located, for up to thirty years. The percentage of the 2346
improvements exempted from taxation may, with such approval, 2347
exceed seventy-five per cent, but shall not exceed one hundred per 2348
cent. Not later than forty-five business days prior to adopting a 2349
resolution under this section declaring improvements to be a 2350
public purpose, the board of county commissioners shall deliver to 2351
the board of education a notice stating its intent to adopt a 2352
resolution making that declaration. The notice shall identify the 2353
parcels for which improvements are to be exempted from taxation, 2354
provide an estimate of the true value in money of the 2355
improvements, specify the period for which the improvements would 2356
be exempted from taxation and the percentage of the improvements 2357
that would be exempted, and indicate the date on which the board 2358
of county commissioners intends to adopt the resolution. The board 2359
of education, by resolution adopted by a majority of the board, 2360
may approve the exemption for the period or for the exemption 2361
percentage specified in the notice, may disapprove the exemption 2362
for the number of years in excess of ten, may disapprove the 2363
exemption for the percentage of the improvements to be exempted in 2364
excess of seventy-five per cent, or both, or may approve the 2365
exemption on the condition that the board of county commissioners 2366
and the board of education negotiate an agreement providing for 2367
compensation to the school district equal in value to a percentage 2368
of the amount of taxes exempted in the eleventh and subsequent 2369
years of the exemption period or, in the case of exemption 2370

percentages in excess of seventy-five per cent, compensation equal 2371
in value to a percentage of the taxes that would be payable on the 2372
portion of the improvements in excess of seventy-five per cent 2373
were that portion to be subject to taxation. The board of 2374
education shall certify its resolution to the board of county 2375
commissioners not later than fourteen days prior to the date the 2376
board of county commissioners intends to adopt its resolution as 2377
indicated in the notice. If the board of education approves the 2378
exemption on the condition that a compensation agreement be 2379
negotiated, the board of education in its resolution shall propose 2380
a compensation percentage. If the board of education and the board 2381
of county commissioners negotiate a mutually acceptable 2382
compensation agreement, the resolution of the board of county 2383
commissioners may declare the improvements a public purpose for 2384
the number of years specified in that resolution or, in the case 2385
of exemption percentages in excess of seventy-five per cent, for 2386
the exemption percentage specified in the resolution. In either 2387
case, if the board of education and the board of county 2388
commissioners fail to negotiate a mutually acceptable compensation 2389
agreement, the resolution may declare the improvements a public 2390
purpose for not more than ten years, but shall not exempt more 2391
than seventy-five per cent of the improvements from taxation, or, 2392
in the case of a resolution adopted under division (A) of this 2393
section, not more than the estimated percentage of the incremental 2394
demand as otherwise prescribed by division (A) of this section if 2395
that percentage is less than seventy-five per cent. If the board 2396
of education fails to certify a resolution to the board of county 2397
commissioners within the time prescribed by this section, the 2398
board of county commissioners thereupon may adopt the resolution 2399
and may declare the improvements a public purpose for up to thirty 2400
years or, in the case of exemption percentages proposed in excess 2401
of seventy-five per cent, for the exemption percentage specified 2402
in the resolution. The board of county commissioners may adopt the 2403

resolution at any time after the board of education certifies its 2404
resolution approving the exemption to the board of county 2405
commissioners, or, if the board of education approves the 2406
exemption on the condition that a mutually acceptable compensation 2407
agreement be negotiated, at any time after the compensation 2408
agreement is agreed to by the board of education and the board of 2409
county commissioners. 2410

(2) If a board of education has adopted a resolution waiving 2411
its right to approve exemptions from taxation and the resolution 2412
remains in effect, approval of such exemptions by the board of 2413
education is not required under division (C)(1) of this section. 2414
If a board of education has adopted a resolution allowing a board 2415
of county commissioners to deliver the notice required under 2416
division (C)(1) of this section fewer than forty-five business 2417
days prior to approval of the resolution by the board of county 2418
commissioners, the board of county commissioners shall deliver the 2419
notice to the board of education not later than the number of days 2420
prior to such approval as prescribed by the board of education in 2421
its resolution. If a board of education adopts a resolution 2422
waiving its right to approve exemptions or shortening the 2423
notification period, the board of education shall certify a copy 2424
of the resolution to the board of county commissioners. If the 2425
board of education rescinds such a resolution, it shall certify 2426
notice of the rescission to the board of county commissioners. 2427

(D) An exemption from taxation granted under this section 2428
commences with the tax year in which an improvement first appears 2429
on the tax list and duplicate of real and public utility property 2430
and that begins after the effective date of the resolution. Except 2431
as otherwise provided in this division, the exemption ends on the 2432
date specified in the resolution as the date the improvement 2433
ceases to be a public purpose or the incentive district expires, 2434
or ends on the date on which the county can no longer require 2435

annual service payments in lieu of taxes under section 5709.79 of 2436
the Revised Code, whichever occurs first. The exemption of an 2437
improvement with respect to a parcel may end on a later date, as 2438
specified in the resolution, if the board of commissioners and the 2439
board of education of the city, local, or exempted village school 2440
district within which the parcel is located have entered into a 2441
compensation agreement under section 5709.82 of the Revised Code 2442
with respect to the improvement or district and the board of 2443
education has approved the term of the exemption under division 2444
(C)(1) of this section, but in no case shall the improvement be 2445
exempted from taxation for more than thirty years. Exemptions 2446
shall be claimed and allowed in the same or a similar manner as in 2447
the case of other real property exemptions. If an exemption status 2448
changes during a tax year, the procedure for the apportionment of 2449
the taxes for that year is the same as in the case of other 2450
changes in tax exemption status during the year. 2451

(E) If the board of county commissioners is not required by 2452
this section to notify the board of education of the board of 2453
county commissioners' intent to declare improvements to be a 2454
public purpose, the board of county commissioners shall comply 2455
with the notice requirements imposed under section 5709.83 of the 2456
Revised Code before taking formal action to adopt the resolution 2457
making that declaration, unless the board of education has adopted 2458
a resolution under that section waiving its right to receive such 2459
a notice. 2460

(F) The county, not later than fifteen days after the 2461
adoption of a resolution under this section, shall submit to the 2462
director of development a copy of the resolution. On or before the 2463
thirty-first day of March of each year, the county shall submit a 2464
status report to the director of development. The report shall 2465
indicate, in the manner prescribed by the director, the progress 2466
of the project during each year that an exemption remains in 2467

effect, including a summary of the receipts from service payments 2468
in lieu of taxes; expenditures of money from funds created under 2469
section 5709.75 of the Revised Code; a description of the public 2470
infrastructure improvements and housing renovations financed with 2471
such expenditures; and a quantitative summary of changes in 2472
employment and private investment resulting from each project. 2473

(G) Nothing in this section shall be construed to prohibit a 2474
board of county commissioners from declaring to be a public 2475
purpose improvements with respect to more than one parcel. 2476

Sec. 5709.79. A board of county commissioners that adopts a 2477
resolution under section 5709.78 of the Revised Code shall in the 2478
resolution require that the owner of the improvement make annual 2479
service payments in lieu of taxes to the county treasurer on or 2480
before the final dates for payment of real property taxes. Each 2481
such payment shall be charged and collected in the same manner and 2482
in the same amount as the real property taxes that would have been 2483
charged and payable against the improvement if its value were not 2484
exempt from taxation. If any reduction in the levies otherwise 2485
applicable to the improvement is made by the county budget 2486
commission under section 5705.31 of the Revised Code, the amount 2487
of the service payment in lieu of taxes shall be calculated as if 2488
the reduction in levies had not been made. 2489

The county shall not require the owner to make annual service 2490
payments in lieu of taxes pursuant to this section after the date 2491
on which one of the following occurs: 2492

(A) If bonds or notes were not issued under section 307.082 2493
or 5709.81 of the Revised Code for any public infrastructure 2494
improvements benefiting the parcel on which the improvement is 2495
located, or for any housing renovations within an incentive 2496
district, and if service payments were not pledged pursuant to 2497
division (B) of section 5709.81 of the Revised Code, the date the 2498

county has collected sufficient money in the applicable account of 2499
the redevelopment tax equivalent fund to pay the cost of 2500
constructing or repairing the public infrastructure improvements 2501
designated in, or the housing renovations authorized by, the 2502
resolution adopted under section 5709.78 of the Revised Code; 2503

(B) If service payments were pledged under division (B) of 2504
section 5709.81 of the Revised Code to secure payment of any 2505
obligation issued to finance the public infrastructure improvement 2506
and housing renovations, the date the purposes for which the 2507
payments were pledged are paid in full; 2508

(C) If bonds or notes were issued under section 307.082 or 2509
5709.81 of the Revised Code, the date the interest on and 2510
principal of such bonds and notes have been paid in full. 2511

Money collected as service payments in lieu of taxes shall be 2512
distributed at the same time and in the same manner as real 2513
property tax payments ~~except that.~~ However, subject to section 2514
5709.914 of the Revised Code, the entire amount so collected shall 2515
be distributed to the county in which the parcel is located. The 2516
county treasurer shall maintain a record of the service payments 2517
in lieu of taxes made for each parcel. If a parcel upon which 2518
moneys are collected as service payments in lieu of taxes is 2519
annexed to a municipal corporation, the service payments shall 2520
continue to be collected and distributed to the county until the 2521
date described in division (A), (B), or (C) of this section. 2522

Nothing in this section or section 5709.78 of the Revised 2523
Code affects the taxes levied against that portion of the value of 2524
any parcel that is not exempt from taxation. 2525

Sec. 5709.91. Service payments in lieu of taxes required 2526
under sections 725.04, 5709.42, 5709.74, and 5709.79 of the 2527
Revised Code, and service charges in lieu of taxes required under 2528
sections 1728.11 and 1728.111 of the Revised Code, shall be 2529

treated in the same manner as taxes for all purposes of the lien 2530
described in section 323.11 of the Revised Code, including but not 2531
limited to, the priority and enforcement of the lien and the 2532
collection of the service payments or service charges secured by 2533
the lien. 2534

Sec. 5709.911. (A)(1) A municipal corporation, township, or 2535
county that has enacted an ordinance or resolution under section 2536
5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code or that 2537
has entered into an agreement referred to in section 725.02 or 2538
1728.07 of the Revised Code may file an application for exemption 2539
under those sections in the same manner as other real property tax 2540
exemptions, notwithstanding the indication in division (A) of 2541
section 5715.27 of the Revised Code that the owner of the property 2542
may file the application. 2543

(2) Except as provided in division (B) of this section, if 2544
the application for exemption under section 725.02, 1728.10, 2545
5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code is filed 2546
by a municipal corporation, township, or county and more than one 2547
real property tax exemption applies by law to the property or a 2548
portion of the property, both of the following apply: 2549

(a) An exemption granted under section 725.02, 1728.10, 2550
5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code shall be 2551
subordinate to an exemption with respect to the property or 2552
portion of the property granted under any other provision of the 2553
Revised Code. 2554

(b) Neither service payments in lieu of taxes under section 2555
725.04, 5709.42, 5709.74, or 5709.79 of the Revised Code, nor 2556
service charges in lieu of taxes under section 1728.11 or 1728.111 2557
of the Revised Code, shall be required with respect to the 2558
property or portion of the property that is exempt from real 2559

property taxes under that other provision of the Revised Code 2560
during the effective period of the exemption. 2561

(B)(1) If the application for exemption under section 725.02, 2562
1728.10, 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code 2563
is filed by the owner of the property or by a municipal 2564
corporation, township, or county with the owner's written consent 2565
attached to the application, and if more than one real property 2566
tax exemption applies by law to the property or a portion of the 2567
property, no other exemption shall be granted for the portion of 2568
the property already exempt under section 725.02, 1728.10, 2569
5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code unless 2570
the municipal corporation, township, or county that enacted the 2571
authorizing ordinance or resolution for the earlier exemption 2572
provides its duly authorized written consent to the subsequent 2573
exemption by means of a duly enacted ordinance or resolution. 2574

(2) If the application for exemption under section 725.02, 2575
1728.10, 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code 2576
is filed by a municipal corporation, township, or county and 2577
approved by the tax commissioner, if the owner of the property 2578
subsequently provides written consent to the exemption and the 2579
consent is filed with the tax commissioner, and if more than one 2580
real property tax exemption applies by law to the property or a 2581
portion of the property, no other exemption shall be granted for 2582
the portion of the property already exempt under section 725.02, 2583
1728.10, 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code 2584
unless the municipal corporation, township, or county that enacted 2585
the authorizing ordinance or resolution for the earlier exemption 2586
provides its duly authorized written consent to the subsequent 2587
exemption by means of a duly enacted ordinance or resolution. 2588

(C)(1) After the tax commissioner has approved or partially 2589
approved an application for exemption filed by or with the consent 2590
of a property owner under the circumstances described in division 2591

(B)(1) of this section, the municipal corporation, township, county, or property owner shall file a notice with the county recorder for the county in which the property is located that clearly identifies the property and the owner of the property and states that the property, regardless of future use or ownership, remains liable for any service payments or service charges required by the exemption until the terms of the exemption have been satisfied, unless the municipal corporation, township, or county consents to the subsequent exemption and relinquishes its right to collect the service payments or service charges as provided in division (B)(1) of this section. The county recorder's office shall charge a fee of fourteen dollars to record the notice, the proceeds of which shall be retained by the county.

(2) If a property owner subsequently provides written consent to an exemption under the circumstances described in division (B)(2) of this section, the municipal corporation, township, county, or property owner shall file notice with the county recorder for the county in which the property is located that clearly identifies the property and the owner of the property and states that the property, regardless of future use or ownership, remains liable for any service payments or service charges required by the exemption until the terms of the exemption have been satisfied, unless the municipal corporation, township, or county consents to the subsequent exemption and relinquishes its right to collect the service payments or service charges as provided in division (B)(2) of this section. The county recorder's office shall charge a fee of fourteen dollars to record the notice, the proceeds of which shall be retained by the county.

(D) Upon filing of the notice with the county recorder, the provisions of division (B) of this section are binding on all future owners of the property or portion of the property, regardless of how the property is used. Failure to file the notice

with the county recorder relieves future owners of the property 2624
from the obligation to make service payments in lieu of taxes 2625
under section 725.04, 5709.42, 5709.74, or 5709.79 of the Revised 2626
Code or service charges in lieu of taxes under section 1728.11 or 2627
1728.111 of the Revised Code, if the property or a portion of the 2628
property later qualifies for exemption under any other provision 2629
of the Revised Code. Failure to file the notice does not, however, 2630
relieve the owner of the property, at the time the application for 2631
exemption is filed, from making those payments or charges. 2632

Sec. 5709.912. The tax commissioner may, in accordance with 2633
section 5703.14 of the Revised Code, adopt rules to implement 2634
sections 5709.91 and 5709.911 of the Revised Code. 2635

Sec. 5709.913. (A) As used in this section: 2636

(1) "Base real property" means the land, structures and 2637
buildings, or portions of structures and buildings, that existed, 2638
and in the condition in which they existed, for the tax year in 2639
which the ordinance or resolution creating the incentive district 2640
referred to in division (B) of this section was enacted or 2641
adopted, as reflected in the exempt tax list or the general tax 2642
list and duplicate of real and public utility property. 2643

(2) "Sexennial reappraisal and triennial update" means the 2644
reappraisal and update referred to in section 5715.24 of the 2645
Revised Code. 2646

(B) This section applies to any parcel of real property that 2647
is located within an incentive district created by a municipal 2648
corporation or township under section 5709.40 or 5709.73 of the 2649
Revised Code and concerning which the municipal corporation or 2650
township applied for an exemption from taxation on behalf of the 2651
property owner under section 5709.911 of the Revised Code. 2652

(C) Each time a county auditor's sexennial reappraisal or 2653

triennial update of the assessed value of a parcel of real 2654
property to which this section applies results in an increase in 2655
such assessed value, the county auditor shall determine the 2656
following amounts: 2657

(1) The amount of the increase in assessed value that is 2658
attributable to the base real property; 2659

(2) The amount determined under division (C)(1) of this 2660
section multiplied by the percentage of improvements in the 2661
incentive district to be exempted from taxation under section 2662
5709.40 or 5709.73 of the Revised Code, as applicable; 2663

(3) The product of the amount calculated under division 2664
(C)(2) of this section multiplied by the rate of the taxes levied 2665
by the county within the ten-mill limitation the proceeds of which 2666
are deposited in the county general fund; 2667

(4) The product of the amount calculated under division 2668
(C)(3) of this section multiplied by one-half. 2669

(D) For any tax year that the owner of a parcel of real 2670
property referred to in division (B) of this section is required 2671
to make service payments in lieu of taxes under section 5709.42 or 2672
5709.74 of the Revised Code, a portion of the total amount of 2673
payments made for the year equal to the amount calculated under 2674
division (C)(4) of this section shall be distributed to the county 2675
treasury to the credit of the county general fund in lieu of 2676
distribution to the municipal public improvement tax increment 2677
equivalent fund or the township public improvement tax increment 2678
equivalent fund, as applicable. If the service payments for the 2679
year are paid in two installments, the required distribution to 2680
the county treasury also shall be made in two installments. 2681

(E)(1) Division (D) of this section does not apply if the 2682
municipal corporation or township enters into an agreement with 2683
the county that provides that such division does not apply. The 2684

agreement may provide for payments to the county by the municipal corporation or township. 2685
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(2) Upon entering into an agreement under division (E)(1) of this section, the municipal corporation or township shall provide written notice of it to the county auditor of the county that is a party to the agreement and the tax commissioner. 2687
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(F) With respect to a parcel of real property to which this section applies, the tax commissioner shall notify the county auditor of the county in which the parcel is located when a municipal corporation or township has applied for an exemption from taxation on behalf of the property owner and the exemption has been granted under section 5715.27 of the Revised Code. 2691
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Sec. 5709.914. (A) As used in this section: 2697

(1) "Base real property" means the land, structures and buildings, or portions of structures and buildings, that existed, and in the condition in which they existed, for the tax year in which the resolution creating the incentive district referred to in division (B) of this section was adopted, as reflected in the exempt tax list or the general tax list and duplicate of real and public utility property. 2698
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(2) "Sexennial reappraisal and triennial update" means the reappraisal and update referred to in section 5715.24 of the Revised Code. 2705
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(B) This section applies to any parcel of real property that is located within an incentive district created by a county under section 5709.78 of the Revised Code and concerning which the county applied for an exemption from taxation on behalf of the property owner under section 5709.911 of the Revised Code. 2708
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(C) Each time a county auditor's sexennial reappraisal or triennial update of the assessed value of a parcel of real 2713
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property to which this section applies results in an increase in 2715
such assessed value, the county auditor shall determine the 2716
following amounts: 2717

(1) The amount of the increase in assessed value that is 2718
attributable to the base real property; 2719

(2) The amount determined under division (C)(1) of this 2720
section multiplied by the percentage of improvements in the 2721
incentive district to be exempted from taxation under section 2722
5709.78 of the Revised Code; 2723

(3) The product of the amount calculated under division 2724
(C)(2) of this section multiplied by the rate of the taxes levied 2725
within the ten-mill limitation by the township in which the parcel 2726
is located the proceeds of which are deposited in the general fund 2727
of the township; 2728

(4) The product of the amount calculated under division 2729
(C)(3) of this section multiplied by one-half. 2730

(D) For any tax year that the owner of a parcel of real 2731
property referred to in division (B) of this section is required 2732
to make service payments in lieu of taxes under section 5709.79 of 2733
the Revised Code, a portion of the total amount of payments made 2734
for the year equal to the amount calculated under division (C)(4) 2735
of this section shall be distributed to the general fund of the 2736
township in which the parcel is located in lieu of distribution to 2737
the county redevelopment tax equivalent fund. If the service 2738
payments for the year are paid in two installments, the required 2739
distribution to the general fund of the township also shall be 2740
made in two installments. 2741

(E)(1) Division (D) of this section does not apply if the 2742
county enters into an agreement with the township that provides 2743
that such division does not apply. The agreement may provide for 2744
payments to the township by the county. 2745

(2) Upon entering into an agreement under division (E)(1) of this section, the board of county commissioners of the county shall provide written notice of it to the county auditor and the tax commissioner.

(F) With respect to a parcel of real property to which this section applies, the tax commissioner shall notify the county auditor of the county in which the parcel is located when the county has applied for an exemption from taxation on behalf of the property owner and the exemption has been granted under section 5715.27 of the Revised Code.

Section 2. That existing sections 109.42, 122.18, 122.65, 5709.40, 5709.42, 5709.62, 5709.63, 5709.631, 5709.632, 5709.73, 5709.74, 5709.77, 5709.78, and 5709.79 of the Revised Code are hereby repealed.

Section 3. That Section 2 of Sub. S.B. 186 of the 123rd General Assembly is hereby repealed.

Section 4. It is the intent of Section 3 of this act to prevent the repeal of sections 122.13, 122.131, 122.132, 122.133, 122.134, 122.135, and 122.136 of the Revised Code that was to have taken effect December 31, 2004, and thereby to remove the limitation imposed by such repeal upon the continued existence of those sections. This intent is not affected by the rule of statutory interpretation contained in section 1.57 of the Revised Code.

Section 5. That Sections 38, 38.18, and 38.20 of Am. Sub. H.B. 95 of the 125th General Assembly be amended to read as follows:

Sec. 38. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund				2774
GRF 195-321	Operating Expenses	\$ 2,695,236	\$ 3,020,115	2775
GRF 195-401	Thomas Edison Program	\$ 16,634,934	\$ 16,334,934	2776
GRF 195-404	Small Business Development	\$ 1,740,722	\$ 1,740,722	2777
GRF 195-405	Minority Business Development Division	\$ 1,620,755	\$ 1,669,378	2778
GRF 195-407	Travel and Tourism	\$ 6,049,345	\$ 7,049,345	2779
GRF 195-410	Defense Conversion Assistance	\$ 1,500,000	\$ 0	2780
GRF 195-412	Business Development Grants	\$ 8,905,530	\$ 8,905,530	2781
GRF 195-414	First Frontier Match	\$ 389,987	\$ 389,987	2782
GRF 195-415	Economic Development Division and Regional Offices	\$ 5,594,975	\$ 5,594,975	2783
GRF 195-416	Governor's Office of Appalachia	\$ 4,372,324	\$ 4,372,324	2784
GRF 195-417	Urban/Rural Initiative	\$ 589,390	\$ 589,390	2785
GRF 195-422	Third Frontier Action Fund	\$ 16,790,000	\$ 16,790,000	2786
GRF 195-426	Clean Ohio Administration	\$ 518,730	\$ 518,730	2787
GRF 195-432	International Trade	\$ 4,492,713	\$ 4,492,713	2788
GRF 195-434	Investment in Training Grants	\$ 12,227,500	\$ 12,227,500	2789
GRF 195-436	Labor/Management Cooperation	\$ 811,869	\$ 811,869	2790
GRF 195-497	CDBG Operating Match	\$ 1,107,400	\$ 1,107,400	2791
GRF 195-498	State Energy Match	\$ 100,000	\$ 100,000	2792
GRF 195-501	Appalachian Local Development Districts	\$ 380,080	\$ 380,080	2793
GRF 195-502	Appalachian Regional	\$ 238,274	\$ 246,803	2794

		Commission Dues					
GRF	195-507	Travel and Tourism	\$	1,025,000	\$	1,025,000	2795
		Grants					
GRF	195-515	Economic Development	\$	10,000,000	\$	10,000,000	2796
		Contingency					
GRF	195-516	Shovel Ready Sites	\$	2,500,000	\$	2,500,000	2797
GRF	195-905	Third Frontier	\$	0	\$	7,360,000	2798
		Research & Commercialization General Obligation Debt Service					
TOTAL GRF		General Revenue Fund	\$	100,284,764	\$	107,226,795	2799
		General Services Fund Group					2800
135	195-605	Supportive Services	\$	7,417,068	\$	7,539,686	2801
136	195-621	International Trade	\$	24,915	\$	24,915	2802
685	195-636	General Reimbursements	\$	1,316,012	\$	1,232,530	2803
TOTAL GSF		General Services Fund					2804
Group			\$	8,757,995	\$	8,797,131	2805
		Federal Special Revenue Fund Group					2806
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	2807
		Block Grant					
3K9	195-611	Home Energy Assistance	\$	85,036,000	\$	85,036,000	2808
		Block Grant					
3K9	195-614	HEAP Weatherization	\$	16,219,479	\$	16,219,479	2809
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	2810
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	2811
308	195-602	Appalachian Regional	\$	350,200	\$	350,200	2812
		Commission					
308	195-603	Housing and Urban	\$	5,000,000	\$	5,000,000	2813
		Development					
308	195-605	Federal Projects	\$	15,300,248	\$	15,300,248	2814

308	195-609	Small Business Administration	\$	4,196,381	\$	4,296,381	2815
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	2816
335	195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000	2817
380	195-622	Housing Development Operating	\$	5,606,080	\$	5,667,627	2818
TOTAL FED Federal Special Revenue							2819
Fund Group			\$	273,841,047	\$	274,002,594	2820
State Special Revenue Fund Group							2821
4F2	195-639	State Special Projects	\$	540,183	\$	290,183	2822
4H4	195-641	First Frontier	\$	500,000	\$	500,000	2823
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	2824
4S1	195-634	Job Creation Tax Credit Operating	\$	375,800	\$	375,800	2825
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	2826
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	2827
445	195-617	Housing Finance Operating	\$	5,040,843	\$	4,983,738	2828
450	195-624	Minority Business Bonding Program Administration	\$	13,563	\$	13,563	2829
451	195-625	Economic Development Financing Operating	\$	2,358,310	\$	2,358,310	2830
<u>5AR</u>	<u>195-674</u>	<u>Industrial Site Improvements</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u>	2831
5M4	195-659	Universal Service	\$	170,000,000	\$	170,000,000	2832
5M5	195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000	2833
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	2834

617	195-654	Volume Cap	\$	200,000	\$	200,000	2835
		Administration					
646	195-638	Low and Moderate	\$	40,000,000	\$	40,000,000	2836
		Income Housing Trust					
		Fund					
TOTAL SSR State Special Revenue							2837
Fund Group			\$	234,360,684	\$	234,053,579	2838
						<u>239,053,579</u>	
Facilities Establishment Fund Group							2839
009	195-664	Innovation Ohio	\$	50,000,000	\$	55,000,000	2840
037	195-615	Facilities	\$	63,931,149	\$	63,931,149	2841
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	2842
		Loan					
5D2	195-650	Urban Redevelopment	\$	10,475,000	\$	10,475,000	2843
		Loans					
5H1	195-652	Family Farm Loan	\$	1,500,000	\$	1,500,000	2844
		Guarantee					
5S8	195-627	Rural Development	\$	5,000,000	\$	5,000,000	2845
		Initiative					
5S9	195-628	Capital Access Loan	\$	3,000,000	\$	3,000,000	2846
		Program					
TOTAL 037 Facilities							2847
Establishment Fund Group			\$	138,906,149	\$	143,906,149	2848
Clean Ohio Revitalization Fund							2849
003	195-663	Clean Ohio Operating	\$	150,000	\$	150,000	2850
TOTAL 003 Clean Ohio Revitalization							2851
Fund			\$	150,000	\$	150,000	
<u>Job Development Initiatives Fund</u>							2852
<u>5AD</u>	<u>195-667</u>	<u>Investment in Training</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>12,800,000</u>	2853
		<u>Expansion</u>					
<u>5AD</u>	<u>195-668</u>	<u>Worker Guarantee</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	2854

<u>Program</u>				
5AD 195-669	<u>Wright Operating</u>	\$ 0	\$ <u>10,000,000</u>	2855
<u>Grants</u>				
TOTAL 5AD	<u>Job Development</u>	\$ 0	\$ <u>25,800,000</u>	2856
<u>Initiatives Fund</u>				
TOTAL ALL BUDGET FUND GROUPS		\$ 756,300,639	\$ 768,136,248	2857
			<u>798,936,248</u>	2858

Sec. 38.18. ECONOMIC DEVELOPMENT FINANCING OPERATING 2860

The foregoing appropriation item 195-625, Economic 2861
Development Financing Operating, shall be used for the operating 2862
expenses of financial assistance programs authorized under Chapter 2863
166. of the Revised Code and under sections 122.43 and 122.45 of 2864
the Revised Code. 2865

VOLUME CAP ADMINISTRATION 2866

The foregoing appropriation item 195-654, Volume Cap 2867
Administration, shall be used for expenses related to the 2868
administration of the Volume Cap Program. Revenues received by the 2869
Volume Cap Administration Fund (Fund 617) shall consist of 2870
application fees, forfeited deposits, and interest earned from the 2871
custodial account held by the Treasurer of State. 2872

UNIVERSAL SERVICE FUND 2873

The foregoing appropriation item 195-659, Universal Service, 2874
shall be used to provide payments to regulated electric utility 2875
companies for low-income customers enrolled in Percentage of 2876
Income Payment Plan (PIPP) electric accounts, to fund targeted 2877
energy efficiency and customer education services to PIPP 2878
customers, and to cover the department's administrative costs 2879
related to the Universal Service Fund Programs. 2880

ENERGY EFFICIENCY REVOLVING LOAN FUND 2881

The foregoing appropriation item 195-660, Energy Efficiency 2882

Revolving Loan, shall be used to provide financial assistance to 2883
customers for eligible energy efficiency projects for residential, 2884
commercial and industrial business, local government, educational 2885
institution, nonprofit, and agriculture customers, and to pay for 2886
the program's administrative costs as provided in the Revised Code 2887
and rules adopted by the Director of Development. 2888

INDUSTRIAL SITE IMPROVEMENTS 2889

Notwithstanding Chapter 122. of the Revised Code, \$5,000,000 2890
in cash shall be transferred in fiscal year 2005 from the Liquor 2891
Control Fund (Fund 043) to the Industrial Site Improvement Fund 2892
(Fund 5AR). Moneys in appropriation item 195-674, Industrial Site 2893
Improvements, shall be used to make grants to eligible counties 2894
for the improvement of commercial or industrial areas within those 2895
counties under section 122.951 of the Revised Code. 2896

The Department of Development's use of the profits from the 2897
sale of spirituous liquor for the Industrial Site Improvements 2898
appropriation item is in addition to the Department's use of up to 2899
\$45 million of those moneys pursuant to section 166.11 of the 2900
Revised Code. 2901

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 2902

All payments received by the state pursuant to a series of 2903
settlements with ten brokerage firms reached with the United 2904
States Securities and Exchange Commission, the National 2905
Association of Securities Dealers, the New York Stock Exchange, 2906
the New York Attorney General, and other state regulators, 2907
(henceforth referred to as the "Global Analysts Settlement 2908
Agreements"), shall be deposited into the state treasury to the 2909
credit of the Economic Development Contingency Fund (Fund 5Y6), 2910
which is hereby created in the state treasury. The fund shall be 2911
used by the Director of Development to support economic 2912
development projects for which appropriations would not otherwise 2913

be available, and shall be subject to the submission of a request 2914
to the Controlling Board by the Director outlining the planned use 2915
of the funds, and the subsequent approval of the request by the 2916
Controlling Board. 2917

Sec. 38.20. CLEAN OHIO OPERATING EXPENSES 2918

The foregoing appropriation item 195-663, Clean Ohio 2919
Operating, shall be used by the Department of Development in 2920
administering sections 122.65 to 122.658 of the Revised Code. 2921

INVESTMENT IN TRAINING EXPANSION 2922

The foregoing appropriation item 195-667, Investment in 2923
Training Expansion, shall be used for the same purposes and in the 2924
same manner as specified in Section 38.09 of Am. Sub. H.B. 95 of 2925
the 125th General Assembly. 2926

WORKER GUARANTEE PROGRAM 2927

The foregoing appropriation item 195-668, Worker Guarantee 2928
Program, shall be used for the Worker Guarantee Program. 2929

Benefited employers must create at least 100 high-paying, 2930
full-time jobs over a three-year period and must demonstrate prior 2931
to the commitment of state funds that the availability of those 2932
skilled workers is a major factor in the employer's decision to 2933
locate or expand in Ohio. Activities eligible for funding through 2934
the Worker Guarantee Program include job assessment services, 2935
screening and testing of potential employees, customized training 2936
activities, and any other training or related service determined 2937
by the Director. 2938

A local workforce development service provider may include, 2939
but is not limited to, a community college, technical or 2940
vocational school, one-stop center, or any other entity designated 2941
by the Director of Development, to provide services under the 2942
program. 2943

State matching funds totaling one-third of a project's cost shall be provided for each approved project when an employer and any local workforce development service provider, in conjunction with the local community, contracts with the Department of Development to provide services under the program. The employer and the local community each shall provide matching funds totaling one-third of a project's cost, and each portion of the matching funds shall be equal to state funding, which also shall be one-third of a project's cost.

The state shall count in-kind contributions when determining a contribution from entities associated with the local community.

The Director of Development, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules the Director finds necessary for the implementation and successful operation of the Worker Guarantee Program.

WRIGHT OPERATING GRANTS

The foregoing appropriation item 195-669, Wright Operating Grants, shall be used to provide support to the nonbioscience-oriented Wright Centers and Wright Capital Projects funded by the Board of Regents appropriation item CAP-068, Third Frontier, created by Am. Sub. S.B. 261 of the 124th General Assembly. Funding shall be awarded based on criteria established by the Department of Development consistent with the intent of the program. Prior to release of funds from appropriation item 195-669, Wright Operating Grants, each grant award shall have been recommended for funding by the Third Frontier Commission and shall have obtained approval from the Controlling Board.

Section 6. That existing Sections 38, 38.18, and 38.20 of Am. Sub. H.B. 95 of the 125th General Assembly are hereby repealed.

Section 7. (A) Notwithstanding division (A) of section 169.05

of the Revised Code, upon the request of the Director of Budget 2974
and Management, the Director of Commerce, prior to June 30, 2005, 2975
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 2976
up to \$25,800,000 of the unclaimed funds that have been reported 2977
by the holders of unclaimed funds as provided by section 169.05 of 2978
the Revised Code, irrespective of the allocation of the unclaimed 2979
funds under that section. 2980

(B) On July 1, 2004, or as soon thereafter as possible, upon 2981
the request of the Director of Budget and Management, the Director 2982
of Commerce shall transfer \$5,000,000 from the Liquor Control Fund 2983
(Fund 043) to the Industrial Site Improvement Fund (Fund 5AR). 2984
These transfers are to be made in addition to the specified 2985
allocations of the liquor profits under Chapter 4301. of the 2986
Revised Code. 2987

Section 8. (A) The Governor is hereby authorized to execute a 2988
deed in the name of the state, conveying to the Board of County 2989
Commissioners of Hamilton County and its successors and assigns 2990
all of the state's right, title, and interest in the following 2991
described real estate: 2992

1916 Central Parkway, Cincinnati, Ohio. 2993

(B) Consideration for the conveyance of the real estate 2994
described in division (A) of this section is the purchase price of 2995
three hundred thousand dollars. 2996

(C) Upon payment of the purchase price, the Auditor of State, 2997
with the assistance of the Attorney General, shall prepare a deed 2998
to the real estate described in division (A) of this section. The 2999
deed shall state the consideration. The deed shall be executed by 3000
the Governor in the name of the state, countersigned by the 3001
Secretary of State, sealed with the Great Seal of the State, 3002
presented in the Office of the Auditor of State for recording, and 3003

delivered to the Board of County Commissioners of Hamilton County. 3004
The Board of Commissioners of Hamilton County shall present the 3005
deed for recording in the office of the Hamilton County Recorder. 3006

(D) Notwithstanding sections 4141.11 and 4141.31 of the 3007
Revised Code, the net proceeds of the conveyance of the real 3008
estate described in division (A) of this section shall be 3009
deposited to the credit of the Unemployment Compensation Fund 3010
created by division (A) of section 4141.09 of the Revised Code. 3011

(E) The Hamilton County Board of County Commissioners shall 3012
pay the costs of the conveyance of the real estate described in 3013
division (A) of this section. 3014

(F) This section shall expire one year after its effective 3015
date. 3016

Section 9. The amendment made to section 122.18 of the 3017
Revised Code by this act is in support of Ohio's effort to attract 3018
the NASA Shared Services Facility to this state. It is expected 3019
that appropriations in support of the payments to be made under 3020
division (D)(3) of section 122.18 of the Revised Code, as amended 3021
by this act, with respect to that facility will be necessary 3022
commencing in state fiscal year 2006 and will be made from moneys 3023
of this state that were not raised by taxation, including profits 3024
on the sale of spirituous liquor. 3025

Section 10. (A) Sections 5709.91, 5709.911, and 5709.912 of 3026
the Revised Code, as enacted by this act, apply to applications 3027
for exemption that are pending on, or are filed on or after, the 3028
effective date of this section. 3029

(B) Any application for exemption under section 725.02, 3030
1728.10, 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code 3031
that was approved prior to the effective date of this section 3032
shall be considered to have been granted subject to the 3033

limitations set forth in division (A) of section 5709.911 of the Revised Code, as enacted by this act. These applications may, but are not required to, be re-filed with the tax commissioner within ninety days after the effective date of this section, although the failure to re-file an application does not affect the continuing validity of the exemption. Upon receipt of any such application, the tax commissioner shall expeditiously approve the application in accordance with sections 5709.91, 5709.911, and 5709.912 of the Revised Code, as enacted by this act. The tax commissioner's review of these applications shall be ministerial and shall have the same effect and effective date as the original approval, subject to divisions (A)(2), (B), (C), and (D) of section 5709.911 of the Revised Code, as enacted by this act.

If an application for exemption under section 725.02, 1728.10, 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code was filed by the owner of the property and approved prior to the effective date of this section, the municipal corporation, township, county, or current owner of the property may file the notice described in division (C) of section 5709.911 of the Revised Code, as enacted by this act. Upon filing of the notice with the county recorder, the property remains liable for any service payments or service charges required by the exemption until the terms of the exemption have been satisfied, unless the municipal corporation, township, or county consents to a subsequent exemption and relinquishes its right to collect the service payments or service charges as provided in division (B)(1) of section 5709.911 of the Revised Code, as enacted by this act.

Section 11. (A) Until June 30, 2005, a single county shall be designated a local area for purposes of Chapter 6301. of the Revised Code if the county satisfies all of the following criteria:

(1) The board of county commissioners requests designation as a local area under Chapter 6301. of the Revised Code. 3065
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(2) The county has a minimum population of one hundred seventy-five thousand, based on the most recent decennial census. 3067
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(3) Prior to the effective date of this section, the county had not entered into partnership with another political subdivision for the purpose of being designated a local area under Chapter 6301. of the Revised Code. 3069
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(B) The Department of Job and Family Services and the State Workforce Policy Board shall make adjustments as necessary in order to effectuate the provisions of this section. 3073
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Section 12. Section 5709.913 of the Revised Code does not apply with respect to a parcel of real property to which all of the following apply: 3076
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(A) The parcel is located in an incentive district created by a municipal corporation under section 5709.40 of the Revised Code before the effective date of this section; 3079
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(B) Not less than ninety per cent of the area comprising the incentive district is or will be devoted exclusively for residential use; 3082
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(C) Prior to the creation of the incentive district in which the parcel is located but not earlier than 1999, the land comprising the incentive district was valued for real property tax purposes at its current agricultural use valuation under section 5713.31 of the Revised Code. 3085
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Section 13. The notification and hearing requirements with respect to incentive districts established in sections 5709.40, 5709.73, and 5709.78 of the Revised Code by this act do not apply to any ordinance or resolution establishing an incentive district 3090
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that was enacted or adopted prior to the effective date of this 3094
act. 3095

Section 14. Section 109.42 of the Revised Code is presented 3096
in this act as a composite of the section as amended by Am. Sub. 3097
H.B. 490 of the 124th General Assembly and Section 3 of Am. Sub. 3098
S.B. 5 and Section 1 of Sub. S.B. 50, both of the 125th General 3099
Assembly. Sections 5709.62 and 5709.63 of the Revised Code are 3100
presented in this act as a composite of those sections as amended 3101
by both Sub. H.B. 127 and Am. Sub. S.B. 82 of the 125th General 3102
Assembly. The General Assembly, applying the principle stated in 3103
division (B) of section 1.52 of the Revised Code that amendments 3104
are to be harmonized if reasonably capable of simultaneous 3105
operation, finds that the composites are the resulting versions of 3106
the sections in effect prior to the effective date of the sections 3107
as presented in this act. 3108

Section 15. This act is hereby declared to be an emergency 3109
measure necessary for the immediate preservation of the public 3110
peace, health, and safety. The reason for such necessity is that 3111
immediate action is required to promote and ensure a positive 3112
economy for the citizens of this state. Therefore this act shall 3113
go into immediate effect. 3114