

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Sub. H. B. No. 251

**Representatives Uecker, Kearns, Raga, McGregor, J., Martin, Schneider,
Collier, Wagoner, Bubp, Law, Brown, Williams, Mason, Hagan, Stewart, J.,
Hartnett, Barrett, Blessing, Calvert, Carano, Cassell, Chandler, Domenick,
Evans, C., Faber, Fende, Flowers, Garrison, Hughes, Miller, Mitchell,
Oelslager, Otterman, Patton, T., Raussen, Reidelbach, Schlichter, Seitz,
Setzer, Skindell, Smith, G., Stewart, D., Strahorn, Webster, Yates, Yuko
Senators Niehaus, Goodman, Schuler, Wilson, Gardner, Kearney, Padgett,
Fedor, Fingerhut**

—

A B I L L

To amend sections 122.075, 123.011, 125.15, 125.834, 1
1510.04, 4905.90, 4928.01, 4928.57, 4928.58, 2
4928.61, 4928.62, and 4928.63 and to enact section 3
3345.69 of the Revised Code; to amend Section 4
203.99 of Am. Sub. H.B. 66 of the 126th General 5
Assembly, as subsequently amended; to amend 6
Section 203.99.45 of Am. Sub. H.B. 66 of the 126th 7
General Assembly, as subsequently amended; and to 8
amend Section 235.30 of Am. Sub. H.B. 530 of the 9
126th General Assembly to specify certain energy 10
efficiency and conservation standards relating to 11
facility construction and leasing that the Office 12
of Energy Services in the Department of 13
Administrative Services must promulgate and with 14
which state agencies must comply; to require 15
certain additional duties, and additional 16
cooperation between the Office and the Office of 17

Energy Efficiency of the Department of 18
Development, relating to state purchasing; to 19
require boards of trustees of state institutions 20
of higher education to adopt rules to carry out 21
on- and off-campus building, energy efficiency and 22
conservation guidelines developed by a committee 23
of those institutions in consultation with the 24
Office of Energy Services; to make other changes 25
relative to energy programs; to increase the 26
maximum amount that can be assessed to fund the 27
Oil and Natural Gas Marketing Program; to change 28
the Energy Efficiency Revolving Loan Program into 29
an Advanced Energy Program; and to make an 30
appropriation. 31

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

Section 1. That sections 122.075, 123.011, 125.15, 125.834, 32
1510.04, 4905.90, 4928.01, 4928.57, 4928.58, 4928.61, 4928.62, and 33
4928.63 be amended and section 3345.69 of the Revised Code be 34
enacted to read as follows: 35

Sec. 122.075. (A) As used in this section: 36

(1) "Alternative fuel" means blended biodiesel or blended 37
gasoline. 38

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 39
fuel that is derived from vegetable oils or animal fats, or any 40
combination of those reagents, and that meets American society for 41
testing and materials specification D6751-03a for biodiesel fuel 42
(B100) blend stock distillate fuels. 43

(3) "Diesel fuel" and "gasoline" have the same meanings as in 44
section 5735.01 of the Revised Code. 45

(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code. 46
47

(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 48
49

(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 50
51

(7) "Incremental cost" means either of the following: 52

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased; 53
54
55

(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased. 56
57
58

(B) For the purpose of improving the air quality in this state, the director of development shall establish an alternative fuel transportation grant program under which the director may make grants to businesses, nonprofit organizations, public school systems, or local governments for the purchase and installation of alternative fuel refueling facilities and for the purchase and use of alternative fuel. 59
60
61
62
63
64
65

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the alternative fuel transportation grant program. The rules shall establish at least all of the following: 66
67
68
69

(1) An application form and procedures governing the application process for a grant under the program; 70
71

(2) A procedure for prioritizing the award of grants under the program; 72
73

(3) A requirement that the maximum grant for the purchase and installation of an alternative fuel refueling facility be no more 74
75

than fifty per cent of the cost of the facility; 76

(4) A requirement that the maximum grant for the purchase of 77
alternative fuel be no more than fifty per cent of the incremental 78
cost of the fuel; 79

(5) Any other criteria, procedures, or guidelines that the 80
director determines are necessary to administer the program. 81

(D) There is hereby created in the state treasury the 82
alternative fuel transportation grant fund. The fund shall consist 83
of money as may be specified by the general assembly from the 84
advanced energy efficiency revolving loan fund created by section 85
4928.61 of the Revised Code. Money in the fund shall be used to 86
make grants under the alternative fuel transportation grant 87
program and by the director in the administration of that program. 88

Sec. 123.011. (A) There As used in this section: 89

(1) "Construct" includes reconstruct, improve, renovate, 90
enlarge, or otherwise alter. 91

(2) "Energy consumption analysis" means the evaluation of all 92
energy consuming systems, components, and equipment by demand and 93
type of energy, including the internal energy load imposed on a 94
facility by its occupants and the external energy load imposed by 95
climatic conditions. 96

(3) "Energy performance index" means a number describing the 97
energy requirements of a facility per square foot of floor space 98
or per cubic foot of occupied volume as appropriate under defined 99
internal and external ambient conditions over an entire seasonal 100
cycle. 101

(4) "Facility" means a building or other structure, or part 102
of a building or other structure, that includes provision for a 103
heating, refrigeration, ventilation, cooling, lighting, hot water, 104
or other major energy consuming system, component, or equipment. 105

(5) "State funded" means funded in whole or in part through appropriation by the general assembly or through the use of any guarantee provided by this state. 106
107
108

(6) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 109
110

(B) There is hereby created within the department of 111
administrative services ~~an office to be known as~~ the office of 112
energy services. The office shall be under the supervision of a 113
manager, who shall be appointed by the director of administrative 114
services. The director shall assign to the office a such number of 115
employees and furnish such equipment and supplies ~~that the~~ 116
~~director considers as are~~ necessary for the ~~proper~~ performance of 117
the office's duties ~~assigned to the office.~~ 118

The office shall develop energy efficiency and conservation 119
programs in each of the following areas: 120

- (1) New construction design and review; 121
- (2) Existing building audit and retrofit; 122
- (3) Energy efficient procurement; 123
- (4) ~~Alternate~~ Alternative fuel vehicles. 124

The office may accept and administer grants from public and 125
private sources for carrying out any of its duties under this 126
section. 127

~~(B) In addition to its duties under division (A) of this~~ 128
~~section, the office shall assist the department in its~~ 129
~~responsibility for state-owned, assisted, and leased facilities by~~ 130
~~ensuring that energy conservation goals are observed in the~~ 131
~~design, construction, renovation, and utilization of these~~ 132
~~facilities in a manner that will minimize the consumption of~~ 133
~~energy used in the operation and maintenance of such facilities.~~ 134
~~This process shall include the use of life cycle costs, including~~ 135

~~construction, the costs of operation and maintenance of the~~ 136
~~facility as it affects energy consumption over the economic life~~ 137
~~of the facility, and energy consumption analyses of existing~~ 138
~~facilities in order to determine and require necessary changes in~~ 139
~~the operation and maintenance of such facilities.~~ 140

~~As used in this section:~~ 141

~~(1) "Facility" means a building or other structure that~~ 142
~~includes provision for a heating or cooling system, or both, or~~ 143
~~for a hot water system.~~ 144

~~(2) "State-assisted facility" means a facility constructed or~~ 145
~~renovated in whole or in part with state or federal funds or with~~ 146
~~funds guaranteed or provided by or through a state agency.~~ 147

~~(3) "Energy consumption analysis" means the evaluation of all~~ 148
~~energy consuming systems and components by demand and type of~~ 149
~~energy, including the internal energy load imposed on a facility~~ 150
~~by its occupants, equipment, and components and the external~~ 151
~~energy load imposed on a facility by climatic conditions.~~ 152

~~(4) "Energy performance index" means a number describing the~~ 153
~~energy requirements of a facility per square foot of floor space~~ 154
~~or per cubic foot of occupied volume as appropriate under defined~~ 155
~~internal and external ambient conditions over an entire seasonal~~ 156
~~cycle.~~ 157

~~(5) "Life cycle costs" means the cost of owning, operating,~~ 158
~~and maintaining a facility over the life of the structure. This~~ 159
~~may be expressed as an annual cost for each year of the facility's~~ 160
~~use.~~ 161

~~(C) No state agency, department, division, bureau, office,~~ 162
~~unit, board, commission, authority, quasi-governmental entity, or~~ 163
~~institution, including those agencies otherwise excluded from the~~ 164
~~jurisdiction of the department under division (A)(3) of section~~ 165

123.01 of the Revised Code, shall lease, construct, or ~~have cause~~ to be leased or constructed, within the limits prescribed in this section, a state-funded facility, without having secured from the office a proper ~~evaluation of life-cycle costs~~ cost analysis or, in the case of a lease, an energy consumption analysis, as computed or prepared by a qualified architect or engineer in accordance with the rules required by division (D) of this section. ~~Construction~~

Construction shall proceed only upon the disclosure to the office, for the facility chosen, of the life-cycle costs as determined in this section and the capitalization of the initial construction costs of the building. The results of life-cycle costs cost analysis shall be a primary consideration in the selection of a building design. ~~Such That~~ That analysis shall be required only for construction of buildings with an area of five thousand square feet or greater. ~~No such agency shall~~ An energy consumption analysis for the term of a proposed lease shall be required only for the leasing of an area of twenty thousand square feet or greater within a given building boundary, ~~without having secured from the office a proper evaluation of an energy consumption analysis for the term of the proposed lease. Such energy consumption.~~ That analysis shall be a primary consideration in the selection of a facility to be leased. ~~Nothing~~

Nothing in this section shall deprive or limit any state agency that has review authority over design ~~or~~, construction, or leasing plans from requiring a life-cycle cost analysis or energy consumption analysis.

Whenever any state ~~department~~, agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution requests release of capital improvement funds for any state-funded facility, it shall submit copies of all pertinent life-cycle cost analyses prepared

pursuant to this section and in accordance with rules adopted 198
under Chapters 3781. and 4101. of the Revised Code. 199

(D) ~~The~~ For the purposes of assisting the department in its 200
responsibility for state-funded facilities pursuant to section 201
123.01 of the Revised Code and of cost-effectively reducing the 202
energy consumption of those and any other state-funded facilities, 203
thereby promoting fiscal, economic, and environmental benefits to 204
this state, the office shall promulgate rules and procedures, 205
including energy conservation performance guidelines, for 206
conducting a life cycle cost analysis of alternative architectural 207
and engineering designs and for developing energy performance 208
indices to evaluate the efficiency of energy utilization of 209
competing designs in the construction of state financed and leased 210
facilities. The rules and procedures shall take effect February 3, 211
1979. 212

The specifying cost-effective, energy efficiency and 213
conservation standards that may govern the lease, design, 214
construction, operation, and maintenance of all state-funded 215
facilities except facilities of state institutions of higher 216
education. The office of energy efficiency in the department of 217
development shall cooperate in providing information and technical 218
expertise to the office of energy services to ensure promulgation 219
of rules of maximum effectiveness. The standards prescribed by 220
rules promulgated under this division may draw from or 221
incorporate, by reference or otherwise and in whole or in part, 222
standards already developed or implemented by any competent, 223
public or private standards organization or program. The rules 224
also may include any of the following: 225

(1) Specifications for a life-cycle cost analysis that shall 226
determine the reasonably expected fuel costs over, for the 227
economic life of the building that are required to maintain 228
illumination, power, temperature, humidity, ventilation such 229

~~state-funded facility, and all other energy consuming equipment in~~ 230
~~a facility and the reasonable reasonably expected costs of~~ 231
~~probable facility ownership, operation, and maintenance including~~ 232
~~labor, and materials, ~~and building operation. The life cycle cost~~ 233
~~analysis shall include, but not be limited. Life-cycle cost may be~~ 234
~~expressed as an annual cost for each year of the facility's use.~~ 235
~~Further, the life-cycle cost analysis may demonstrate for each~~ 236
~~design how the design contributes to energy efficiency and~~ 237
~~conservation with respect to, any of the following:~~ 238~~

~~(1)~~(a) The coordination, orientation, and positioning of the 239
facility on its physical site; 240

~~(2)~~(b) The amount and type of glass employed in the facility 241
and the directions of exposure; 242

~~(3)~~(c) Thermal characteristics of materials, ~~including the~~ 243
~~effect of insulation~~ incorporated into facility design, including 244
insulation; 245

~~(4)~~(d) Architectural features ~~which~~ that affect energy 246
consumption, including the ~~effect of solar utilization of the~~ 247
absorption and reflection properties of external surfaces; 248

~~(5)~~(e) The variable occupancy and operating conditions of the 249
facility and ~~subportions~~ portions of the facility, including 250
illumination levels; 251

~~(6)~~ ~~An~~ (f) Any other pertinent, physical characteristics of 252
the design. 253

A life-cycle cost analysis additionally may include an energy 254
consumption analysis that conforms to division (D)(2) of this 255
section. 256

(2) Specifications for an energy consumption analysis of the 257
facility's heating, refrigeration, ventilation, cooling, lighting, 258
hot water, and other major equipment of the facility's heating, 259

~~ventilating, and cooling system, lighting system, hot water~~ 260
~~system, and all other energy consuming systems, components, and~~ 261
~~equipment as appropriate. This analysis shall include both of the~~ 262
~~following:~~ 263

(a) The comparison of two or more system alternatives, one of 264
which may be a system using solar energy; 265

(b) The projection of the annual energy consumption of those 266
major energy consuming systems, components, and equipment ~~and~~ 267
~~systems,~~ for a range of operation of the facility over the 268
economic life of the facility; 269

~~(c) An evaluation of the energy consumption of component~~ 270
~~equipment in each system, and considering the their operation of~~ 271
~~such components at other than full or rated outputs.~~ 272

~~The rules~~ A life-cycle cost analysis and energy consumption 273
analysis shall be based on the best currently available methods of 274
~~analyses~~ analysis, including such as those of the national bureau 275
of standards, the department of housing and urban development, or 276
other federal agencies ~~and,~~ professional societies, and ~~materials~~
directions developed by the department. 278

~~The office shall promulgate rules~~ (3) Specifications for 279
energy performance indices, ~~as defined in division (B)(4) of this~~ 280
~~section,~~ to be used to audit and evaluate competing design 281
proposals submitted to the state. 282

(4) A requirement that, not later than two years after the 283
effective date of this amendment, each state-funded facility 284
except a facility of a state institution of higher education is 285
managed by at least one building operator certified under the 286
building operator certification program or any equivalent program 287
or standards as shall be prescribed in the rules and considered 288
reasonably equivalent. 289

(5) An application process by which a project manager, as to 290

a specified state-funded facility except a facility of a state 291
institution of higher education, may apply for a waiver of 292
compliance with any provision of the rules required by divisions 293
(D)(1) to (4) of this section. 294

~~(E) The office shall conduct studies of the state's purchase~~ 295
~~and use of supplies, automobiles, and equipment having a~~ 296
~~significant impact on energy use by government, in order to~~ 297
~~determine the potential for energy conservation. The department of~~ 298
~~development shall advise the office on the state of the art of~~ 299
~~energy efficiency, both generally and with reference to the cost~~ 300
~~of various levels of energy efficiency. The office of energy~~ 301
services shall promulgate rules to ensure that energy efficiency 302
and conservation will be considered in state purchasing the 303
purchase of products and equipment, except motor vehicles, by any 304
state agency, department, division, bureau, office, unit, board, 305
commission, authority, quasi-governmental entity, or institution. 306
~~Minimum energy efficiency standards ~~on~~ for purchased products and~~ 307
~~equipment shall ~~may~~ be required, based on federal testing and~~ 308
~~labeling where available or on standards developed by the~~ 309
~~department. Life cycle cost analysis office. The rules shall apply~~ 310
to the competitive selection of energy consuming systems, 311
components, and equipment and components shall be made part of the 312
~~competitive selection procedures of under Chapter 125. of the~~ 313
~~Revised Code where possible.~~ 314

~~Not later than January 1, 1979, the The office also shall~~ 315
~~take the initiative in implementing ensure energy efficient and~~ 316
~~energy conserving purchasing measures through practices by doing~~ 317
all of the following means: 318

(1) ~~Identifying~~ Cooperatively with the office of energy 319
efficiency, identifying available energy efficiency and 320
conservation opportunities available; 321

(2) Providing for interchange of information among state	322
<u>purchasing agencies;</u>	323
(3) Identifying laws, policies, rules, and procedures which	324
<u>that</u> need modification;	325
(4) Monitoring experience with energy conservation buying	326
<u>practices and the cost-effectiveness of this state's purchase and</u>	327
<u>use of motor vehicles and of major energy-consuming systems,</u>	328
<u>components, equipment, and products having a significant impact on</u>	329
<u>energy consumption by government;</u>	330
(5) Providing <u>Cooperatively with the office of energy</u>	331
<u>efficiency, providing technical assistance and training programs</u>	332
and workshops for <u>to</u> state employees involved in the purchasing	333
process.	334
The department of development shall make recommendations to	335
the office regarding planning and implementation of purchasing	336
policies and procedures supportive of energy <u>efficiency and</u>	337
conservation.	338
(F)(1) The office <u>of energy services</u> shall require all	339
departments, state agencies, state institutions, universities,	340
colleges <u>departments, divisions, bureaus, offices, units,</u>	341
<u>commissions, boards,</u> authorities, commissions, boards, and	342
<u>quasi-governmental entities, institutions, and state institutions</u>	343
<u>of higher education</u> to implement procedures ensuring that all	344
their passenger automobiles acquired in each fiscal year, except	345
for those passenger automobiles acquired for use in law	346
enforcement or emergency rescue work, achieve a fleet average fuel	347
economy of not less than twenty miles per gallon in fiscal year	348
1979, not less than twenty one miles per gallon in fiscal year	349
1980, and, in each fiscal year thereafter, not less than the fleet	350
average fuel economy prescribed, by rule, by the office for that	351
fiscal year in accordance with this division.	352

~~Prior as shall be prescribed by the office by rule. The~~ 353
~~office shall promulgate the rule prior to the beginning of fiscal~~ 354
~~year 1981 and each the fiscal year thereafter, the office shall~~ 355
~~adopt rules prescribing the fleet average fuel economy all~~ 356
~~passenger automobiles acquired by all departments, agencies, state~~ 357
~~institutions, universities, colleges, authorities, commissions,~~ 358
~~boards, and quasi-governmental entities of state government during~~ 359
~~the fiscal year covered by the rules must achieve, except for~~ 360
~~those passenger automobiles acquired for use in law enforcement or~~ 361
~~emergency rescue work. These rules shall not be less stringent~~ 362
~~than in accordance with~~ the average fuel economy standards 363
established pursuant to federal law for passenger automobiles 364
manufactured during the model year that begins during the fiscal 365
year. 366

~~(1)(2) Each department, state agency, state institution,~~ 367
~~university, college department, division, bureau, office, unit,~~ 368
~~commission, board, authority, commission, board, and~~ 369
~~quasi-governmental entity of state government, institution, and~~ 370
~~state institution of higher education shall determine its fleet~~ 371
average fuel economy by dividing: 372

(a) The total number of passenger vehicles acquired during 373
the fiscal year, except for those passenger vehicles acquired for 374
use in law enforcement or emergency rescue work, by 375

(b) A sum of terms, each of which is a fraction created by 376
dividing: 377

(i) The number of passenger vehicles of a given make, model, 378
and year, except for passenger vehicles acquired for use in law 379
enforcement or emergency rescue work, acquired during the fiscal 380
year, by 381

(ii) The fuel economy measured by the administrator of the 382
United States environmental protection agency, for the given make, 383

model, and year of vehicle, that constitutes an average fuel 384
economy for combined city and highway driving. 385

~~(2)~~ As used in division (F)~~(1)~~(2) of this section, "acquired" 386
means leased for a period of sixty continuous days or more, or 387
purchased. 388

(G) Each state agency, department, division, bureau, office, 389
unit, board, commission, authority, quasi-governmental entity, 390
institution, and state institution of higher education shall 391
comply with any applicable provision of this section or of a rule 392
promulgated pursuant to division (D) or (F) of this section. 393

Sec. 125.15. All state agencies required to secure any 394
equipment, materials, supplies, or services from the department of 395
administrative services shall make acquisition in the manner and 396
upon forms prescribed by the director of administrative services 397
and shall reimburse the department for the equipment, materials, 398
supplies, or services, including a reasonable sum to cover the 399
department's administrative costs and costs relating to energy 400
efficiency and conservation programs, whenever reimbursement is 401
required by the department. The money so paid shall be deposited 402
in the state treasury to the credit of the general services fund 403
or the information technology fund, as appropriate. Those funds 404
are hereby created. 405

Sec. 125.834. (A) The department of administrative services 406
shall ensure that all new motor vehicles acquired on and after 407
July 1, 2006, by the state for use by state agencies under section 408
125.832 of the Revised Code are capable of using alternative 409
fuels. A state agency that is acquiring new motor vehicles under 410
division (G)(1) of section 125.832 of the Revised Code shall 411
report annually, in a manner prescribed by the director of 412
administrative services, the number of new motor vehicles acquired 413

by the state agency and the number of those motor vehicles that 414
are capable of using alternative fuel. 415

(B) The department shall not purchase or lease, or authorize 416
the purchase or lease by a state agency of, any motor vehicles 417
that are incapable of using alternative fuels, unless one or more 418
of the following apply: 419

~~(a)(1)~~ The department or state agency is unable to acquire or 420
operate motor vehicles within the cost limitations described in 421
rules adopted under division (D) of this section. 422

~~(b)(2)~~ The use of alternative fuels would not meet the energy 423
conservation and exhaust emissions criteria described in rules 424
adopted under division (D) of this section. 425

~~(c)(3)~~ An emergency exists or exigent circumstances exist, as 426
determined by the department of administrative services. 427

(C) Not later than ninety days after ~~the effective date of~~ 428
~~this section~~ October 12, 2006, all motor vehicles owned or leased 429
by the state that are capable of using an alternative fuel shall 430
use an alternative fuel if the fuel is reasonably available at a 431
reasonable price. Subject to division (D) of this section, motor 432
vehicles owned or leased by the state shall use at least sixty 433
thousand gallons of E85 blend fuel per calendar year by January 1, 434
2007, with an increase of five thousand gallons per calendar year 435
each calendar year thereafter, and at least one million gallons of 436
blended biodiesel per calendar year by January 1, 2007, with an 437
increase of one hundred thousand gallons per calendar year each 438
calendar year thereafter. The director of administrative services, 439
under Chapter 119. of the Revised Code, shall adopt rules to 440
implement the fuel use requirement of this division, and the 441
directors and heads of all state departments and agencies shall 442
issue a directive to all state employees who use state motor 443
vehicles informing them of the fuel use requirement. The directive 444

shall instruct state employees to purchase alternative fuels at 445
retail fuel facilities whenever possible. 446

As used in this division, "motor vehicle" has the same 447
meaning as in section 125.831 of the Revised Code and also 448
includes all on-road and off-road vehicles powered by diesel fuel, 449
regardless of gross vehicle weight. 450

(D) The director of administrative services shall adopt and 451
may amend, under Chapter 119. of the Revised Code, rules that 452
include both of the following: 453

(1) Requirements for state agencies in the procurement of 454
alternative fuels and motor vehicles capable of using alternative 455
fuels, and cost limitations for the acquisition and operation of 456
such vehicles; 457

(2) Energy conservation and exhaust emissions criteria for 458
motor vehicles capable of using alternative fuels. 459

Sec. 1510.04. (A) Independent producers in this state may 460
present the technical advisory council with a petition signed by 461
the lesser of one hundred or ten per cent of all such producers 462
requesting that the council hold a referendum in accordance with 463
section 1510.05 of the Revised Code to establish a marketing 464
program for oil and natural gas or to amend an existing program. 465

(B) At the time of presentation of the petition to the 466
council under division (A) of this section, the petitioners also 467
shall present the proposed program or amendment, which shall 468
include all of the following: 469

(1) The rate of assessment to be made on the production of 470
oil and natural gas in this state, which shall not exceed ~~one cent~~ 471
five cents per each gross barrel of oil and ~~one-tenth of~~ one cent 472
per thousand cubic feet of natural gas; 473

(2) Terms, conditions, limitations, and other qualifications 474

for assessment ;	475
(3) Procedures to refund the assessment.	476
(C) Before making a decision under this division to approve or disapprove a proposed program or amendment, the council shall publish in at least two appropriate periodicals designated by the council a notice that the program or amendment has been proposed and informing interested persons of the procedures for submitting comments regarding the proposal. After publishing the notice, the council shall provide interested persons with a copy of the proposed program or amendment and an opportunity to comment on the proposed program or amendment for thirty days after the publication of the notice. The petitioners may make changes to the proposed program or amendment based upon the comments received. The council may make technical changes to the proposal to ensure compliance with this chapter. Subsequent to any changes made by the petitioners or any technical changes made by the council to a proposed program or amendment, the council may approve or disapprove the proposed program or amendment.	477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492
(D) If the council approves the proposed program or amendment, with any changes made under division (C) of this section, the council shall hold a referendum in accordance with section 1510.05 of the Revised Code to establish a marketing program for oil and natural gas or to amend an existing program.	493 494 495 496 497
<u>Sec. 3345.69.</u> (A) <u>As used in this section:</u>	498
(1) <u>"State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	499 500
(2) <u>"Board of trustees of a state institution of higher education" has the same meaning as in section 3345.61 of the Revised Code.</u>	501 502 503
(B) <u>The chairperson of the interuniversity council of Ohio</u>	504

and the secretary of the Ohio association of community colleges 505
shall assist in coordinating the organization and operation of a 506
committee to carry out this section. The committee shall be 507
comprised of the presidents of the state institutions of higher 508
education or their designees. The committee, in consultation with 509
the office of energy services of the department of administrative 510
services, shall develop guidelines for the board of trustees of 511
each state institution of higher education to use in ensuring 512
energy efficiency and conservation in on- and off-campus 513
buildings. Initial guidelines shall be adopted not later than 514
ninety days after the effective date of this section. At a 515
minimum, guidelines under this section shall do all of the 516
following: 517

(1) Include a goal to reduce on- and off-campus building 518
energy consumption by at least twenty per cent by 2014, using 519
calendar year 2004 as the benchmark year, while recognizing the 520
diverse nature and different energy demands and uses of such 521
buildings and measures already taken to increase building energy 522
efficiency and conservation; 523

(2) Prescribe minimum energy efficiency and conservation 524
standards for any new, on- or off-campus capital improvement 525
project with a construction cost of one hundred thousand dollars 526
or more, which standards shall be based on general building type 527
and cost-effectiveness; 528

(3) Prescribe minimum energy efficiency and conservation 529
standards for the leasing of an off-campus space of at least 530
twenty-thousand square feet; 531

(4) Incorporate best practices into energy efficiency and 532
conservation standards and plans; 533

(5) Provide that each board develop its own fifteen-year plan 534
for phasing in energy efficiency and conservation projects; 535

(6) Provide that project impact assessments include the 536
fiscal effects of energy efficiency and conservation 537
recommendations and plans; 538

(7) Establish mechanisms for each board to report 539
periodically to the committee on its progress relative to the 540
guidelines. 541

(C) The board of trustees of a state institution of higher 542
education shall adopt rules under section 111.15 of the Revised 543
Code to carry out the guidelines established pursuant to division 544
(B) of this section, including in the execution of the board's 545
authority under sections 3345.62 to 3345.66 of the Revised Code. 546

Sec. 4905.90. As used in sections 4905.90 to 4905.96 of the 547
Revised Code: 548

(A) "Contiguous property" includes, but is not limited to, a 549
manufactured home park as defined in section 3733.01 of the 550
Revised Code; a public or publicly subsidized housing project; an 551
apartment complex; a condominium complex; a college or university; 552
an office complex; a shopping center; a hotel; an industrial park; 553
and a race track. 554

(B) "Gas" means+ 555

~~(1) Natural natural gas, synthetic natural flammable gas, or~~ 556
~~a mixture of those gases;~~ 557

~~(2) Petroleum gas when used in the transmission or~~ 558
~~distribution system of a natural gas which is toxic or gas company~~ 559
~~corrosive.~~ 560

(C) "Gathering lines" and the "gathering of gas" have the 561
same meaning as in the Natural Gas Pipeline Safety Act and the 562
rules adopted by the United States department of transportation 563
pursuant to the Natural Gas Pipeline Safety Act, including 49 564
C.F.R. part 192, as amended. 565

(D) "Intrastate pipe-line transportation" has the same meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as amended, but excludes the gathering of gas exempted by the Natural Gas Pipeline Safety Act.

(E) "Master-meter system" means a pipe-line system that distributes gas within a contiguous property for which the system operator purchases gas for resale to consumers, including tenants. Such pipe-line system supplies consumers who purchase the gas directly through a meter, or by paying rent, or by other means. The term includes a master-meter system as defined in 49 C.F.R. 191.3, as amended. The term excludes a pipeline within a manufactured home, mobile home, or a building.

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 et seq., as amended.

(G) "Operator" means any of the following:

(1) A gas company or natural gas company as defined in section 4905.03 of the Revised Code, except that division (A)(6) of that section does not authorize the public utilities commission to relieve any producer of gas, as a gas company or natural gas company, of compliance with sections 4905.90 to 4905.96 of the Revised Code or the pipe-line safety code created under section 4905.91 of the Revised Code;

(2) A pipe-line company, as defined in section 4905.03 of the Revised Code, when engaged in the business of transporting gas by pipeline;

(3) A public utility that is excepted from the definition of "public utility" under division (B) or (C) of section 4905.02 of the Revised Code, when engaged in supplying or transporting gas by pipeline within this state;

(4) Any person that owns, operates, manages, controls, or leases any of the following:	596 597
(a) Intrastate pipe-line transportation facilities within this state;	598 599
(b) Gas gathering lines within this state which are not exempted by the Natural Gas Pipeline Safety Act;	600 601
(c) A master-meter system within this state.	602
"Operator" does not include an ultimate consumer who owns a service line, as defined in 49 C.F.R. 192.3, as amended, on the real property of that ultimate consumer.	603 604 605
(H) "Operator of a master-meter system" means a person described under division (F)(4)(c) of this section. An operator of a master-meter system is not a public utility under section 4905.02 or a gas or natural gas company under section 4905.03 of the Revised Code.	606 607 608 609 610
(I) "Person" means:	611
(1) In addition to those defined in division (C) of section 1.59 of the Revised Code, a joint venture or a municipal corporation;	612 613 614
(2) Any trustee, receiver, assignee, or personal representative of persons defined in division (H)(1) of this section.	615 616 617
(J) "Safety audit" means the public utilities commission's audit of the premises, pipe-line facilities, and the records, maps, and other relevant documents of a master-meter system to determine the operator's compliance with sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code.	618 619 620 621 622
(K) "Safety inspection" means any inspection, survey, or testing of a master-meter system which is authorized or required by sections 4905.90 to 4905.96 of the Revised Code and the	623 624 625

pipe-line safety code. The term includes, but is not limited to, 626
leak surveys, inspection of regulators and critical valves, and 627
monitoring of cathodic protection systems, where applicable. 628

(L) "Safety-related condition" means any safety-related 629
condition defined in 49 C.F.R. 191.23, as amended. 630

~~(M) "Synthetic natural gas" means gas formed from feedstocks 631
other than natural gas, including coal, oil, or naphtha. 632~~

~~(N) "Total Mcfs of gas it supplied or delivered" means the 633
sum of the following volumes of gas that an operator supplied or 634
delivered, measured in units per one thousand cubic feet: 635~~

~~(1) Residential sales; 636~~

~~(2) Commercial and industrial sales; 637~~

~~(3) Other sales to public authorities; 638~~

~~(4) Interdepartmental sales; 639~~

~~(5) Sales for resale; 640~~

~~(6) Transportation of gas. 641~~

Sec. 4928.01. (A) As used in this chapter: 642

(1) "Ancillary service" means any function necessary to the 643
provision of electric transmission or distribution service to a 644
retail customer and includes, but is not limited to, scheduling, 645
system control, and dispatch services; reactive supply from 646
generation resources and voltage control service; reactive supply 647
from transmission resources service; regulation service; frequency 648
response service; energy imbalance service; operating 649
reserve-spinning reserve service; operating reserve-supplemental 650
reserve service; load following; back-up supply service; 651
real-power loss replacement service; dynamic scheduling; system 652
black start capability; and network stability service. 653

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code as amended by Sub. S.B. No. 3 of the 123rd general assembly.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service.

(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent it consumes electricity it so produces or to the extent it sells for resale electricity it so produces.

(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.

(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.

(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code.

(11) "Electric utility" means an electric light company that is engaged on a for-profit basis in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent.

(12) "Firm electric service" means electric service other than nonfirm electric service.

(13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the Revised Code.

(14) A person acts "knowingly," regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(15) "Level of funding for low-income customer energy efficiency programs provided through electric utility rates" means the level of funds specifically included in an electric utility's

rates on the ~~effective date of this section~~ October 5, 1999, 716
pursuant to an order of the public utilities commission issued 717
under Chapter 4905. or 4909. of the Revised Code and in effect on 718
~~the day before the effective date of this section~~ October 4, 1999, 719
for the purpose of improving the energy efficiency of housing for 720
the utility's low-income customers. The term excludes the level of 721
any such funds committed to a specific nonprofit organization or 722
organizations pursuant to a stipulation or contract. 723

(16) "Low-income customer assistance programs" means the 724
percentage of income payment plan program ~~as prescribed in rules~~ 725
~~4901:1-18-02(B) to (C) and 4901:1-18-04(B) of the Ohio~~ 726
~~Administrative Code in effect on the effective date of this~~ 727
~~section or, if modified pursuant to authority under section~~ 728
~~4928.53 of the Revised Code, the program as modified;~~ the home 729
energy assistance program ~~as prescribed in section 5117.21 of the~~ 730
~~Revised Code and in executive order 97-1023-V or, if modified~~ 731
~~pursuant to authority under section 4928.53 of the Revised Code,~~ 732
~~the program as modified;~~ the home weatherization assistance 733
program ~~as prescribed in division (A)(6) of section 122.011 and in~~ 734
~~section 122.02 of the Revised Code or, if modified pursuant to~~ 735
~~authority under section 4928.53 of the Revised Code, the program~~ 736
~~as modified;~~ the Ohio energy credit program ~~as prescribed in~~ 737
~~sections 5117.01 to 5117.05, 5117.07 to 5117.12, and 5117.99 of~~ 738
~~the Revised Code or, if modified pursuant to authority under~~ 739
~~section 4928.53 of the Revised Code, the program as modified;~~ and 740
the targeted energy efficiency and weatherization program 741
established under ~~section 4928.55 of the Revised Code.~~ 742

(17) "Market development period" for an electric utility 743
means the period of time beginning on the starting date of 744
competitive retail electric service and ending on the applicable 745
date for that utility as specified in section 4928.40 of the 746
Revised Code, irrespective of whether the utility applies to 747

receive transition revenues under this chapter.	748
(18) "Market power" means the ability to impose on customers a sustained price for a product or service above the price that would prevail in a competitive market.	749 750 751
(19) "Mercantile commercial customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.	752 753 754 755 756
(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.	757 758 759
(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.	760 761 762
(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.	763 764 765 766 767 768 769
(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.	770 771 772
(24) "Person" has the same meaning as in section 1.59 of the Revised Code.	773 774
(25) " Project <u>Advanced energy project</u> " means any real or personal property connected with all or part of an <u>technologies, products, activities, or management practices or strategies that</u>	775 776 777

facilitate the generation or use of electricity and that reduce or 778
support the reduction of energy consumption or support the 779
production of clean, renewable energy for industrial, 780
distribution, commercial, ~~or institutional, governmental,~~ research 781
facility, not-for-profit facility, or residence that is to be 782
acquired, constructed, reconstructed, enlarged, improved, 783
furnished, or equipped, or any combination of those activities, 784
with aid furnished pursuant to sections 4928.61 to 4928.63 of the 785
Revised Code for the purposes of not for profit, industrial, 786
commercial, distribution, residential, and research development in 787
this state. "Project" includes, but is not limited to, any 788
~~small-scale renewables project~~ residential energy users. Such 789
energy includes, but is not limited to, wind power; geothermal 790
energy; solar thermal energy; and energy produced by micro 791
turbines in distributed generation applications with high electric 792
efficiencies, by combined heat and power applications, by fuel 793
cells powered by hydrogen derived from wind, solar, biomass, 794
hydroelectric, landfill gas, or geothermal sources, or by solar 795
electric generation, landfill gas, or hydroelectric generation. 796

(26) "Regulatory assets" means the unamortized net regulatory 797
assets that are capitalized or deferred on the regulatory books of 798
the electric utility, pursuant to an order or practice of the 799
public utilities commission or pursuant to generally accepted 800
accounting principles as a result of a prior commission 801
rate-making decision, and that would otherwise have been charged 802
to expense as incurred or would not have been capitalized or 803
otherwise deferred for future regulatory consideration absent 804
commission action. "Regulatory assets" includes, but is not 805
limited to, all deferred demand-side management costs; all 806
deferred percentage of income payment plan arrears; 807
post-in-service capitalized charges and assets recognized in 808
connection with statement of financial accounting standards no. 809
109 (receivables from customers for income taxes); future nuclear 810

decommissioning costs and fuel disposal costs as those costs have
been determined by the commission in the electric utility's most
recent rate or accounting application proceeding addressing such
costs; the ~~underpreciated~~ undepreciated costs of safety and
radiation control equipment on nuclear generating plants owned or
leased by an electric utility; and fuel costs currently deferred
pursuant to the terms of one or more settlement agreements
approved by the commission.

(27) "Retail electric service" means any service involved in
supplying or arranging for the supply of electricity to ultimate
consumers in this state, from the point of generation to the point
of consumption. For the purposes of this chapter, retail electric
service includes one or more of the following "service
components": generation service, aggregation service, power
marketing service, power brokerage service, transmission service,
distribution service, ancillary service, metering service, and
billing and collection service.

(28) "Small electric generation facility" means an electric
generation plant and associated facilities designed for, or
capable of, operation at a capacity of less than two megawatts.

(29) "Starting date of competitive retail electric service"
means January 1, 2001, except as provided in division (C) of this
section.

(30) "Customer-generator" means a user of a net metering
system.

(31) "Net metering" means measuring the difference in an
applicable billing period between the electricity supplied by an
electric service provider and the electricity generated by a
customer-generator ~~which~~ that is fed back to the electric service
provider.

(32) "Net metering system" means a facility for the

production of electrical energy that does all of the following: 842

(a) Uses as its fuel either solar, wind, biomass, landfill 843
gas, or hydropower, or uses a microturbine or a fuel cell; 844

(b) Is located on a customer-generator's premises; 845

(c) Operates in parallel with the electric utility's 846
transmission and distribution facilities; 847

(d) Is intended primarily to offset part or all of the 848
customer-generator's requirements for electricity. 849

(33) "Self-generator" means an entity in this state that owns 850
an electric generation facility that produces electricity 851
primarily for the owner's consumption and that may provide any 852
such excess electricity to retail electric service providers, 853
whether the facility is installed or operated by the owner or by 854
an agent under a contract. 855

(B) For the purposes of this chapter, a retail electric 856
service component shall be deemed a competitive retail electric 857
service if the service component is competitive pursuant to a 858
declaration by a provision of the Revised Code or pursuant to an 859
order of the public utilities commission authorized under division 860
(A) of section 4928.04 of the Revised Code. Otherwise, the service 861
component shall be deemed a noncompetitive retail electric 862
service. 863

(C) Prior to January 1, 2001, and after application by an 864
electric utility, notice, and an opportunity to be heard, the 865
public utilities commission may issue an order delaying the 866
January 1, 2001, starting date of competitive retail electric 867
service for the electric utility for a specified number of days 868
not to exceed six months, but only for extreme technical 869
conditions precluding the start of competitive retail electric 870
service on January 1, 2001. 871

Sec. 4928.57. On and after the starting date of competitive 872
retail electric service, the director of development shall provide 873
a report every two years until 2008 to the standing committees of 874
the general assembly that deal with public utility matters, 875
regarding the effectiveness of the low-income customer assistance 876
programs and the consumer education program, and the effectiveness 877
of the advanced energy ~~efficiency revolving loan~~ program created 878
under sections 4928.61 to 4928.63 of the Revised Code. 879

Sec. 4928.58. (A) There is hereby created the public benefits 880
advisory board, which has the purpose of ensuring that energy 881
services be provided to low-income consumers in this state in an 882
affordable manner consistent with the policy specified in section 883
4928.02 of the Revised Code. The advisory board shall consist of 884
twenty-one members as follows: the director of development, the 885
chairperson of the public utilities commission, the consumers' 886
counsel, and the director of the air quality development 887
authority, each serving ex officio and represented by a designee 888
at the official's discretion; two members of the house of 889
representatives appointed by the speaker of the house of 890
representatives, neither of the same political party, and two 891
members of the senate appointed by the president of the senate, 892
neither of the same political party; and thirteen members 893
appointed by the governor with the advice and consent of the 894
senate, consisting of one representative of suppliers of 895
competitive retail electric service; one representative of the 896
residential class of electric utility customers; one 897
representative of the industrial class of electric utility 898
customers; one representative of the commercial class of electric 899
utility customers; one representative of agricultural or rural 900
customers of an electric utility; two customers receiving 901
assistance under one or more of the low-income customer assistance 902

programs, to represent customers eligible for any such assistance, 903
including senior citizens; one representative of the general 904
public; one representative of local intake agencies; one 905
representative of a community-based organization serving 906
low-income customers; one representative of environmental 907
protection interests; one representative of lending institutions; 908
and one person considered an expert in energy efficiency or 909
renewables technology. Initial appointments shall be made not 910
later than November 1, 1999. 911

(B) Initial terms of six of the appointed members shall end 912
on June 30, 2003, and initial terms of the remaining seven 913
appointed members shall end on June 30, 2004. Thereafter, terms of 914
appointed members shall be for three years, with each term ending 915
on the same day of the same month as the term it succeeds. Each 916
member shall hold office from the date of the member's appointment 917
until the end of the term for which the member was appointed. 918
Members may be reappointed. 919

Vacancies shall be filled in the manner provided for original 920
appointments. Any member appointed to fill a vacancy occurring 921
prior to the expiration date of the term for which the member's 922
predecessor was appointed shall hold office as a member for the 923
remainder of that term. A member shall continue in office after 924
the expiration date of the member's term until the member's 925
successor takes office or until a period of sixty days has 926
elapsed, whichever occurs first. 927

(C) Board members shall be reimbursed for their actual and 928
necessary expenses incurred in the performance of board duties. 929
The reimbursements constitute, as applicable, administrative costs 930
of the low-income customer assistance programs for the purpose of 931
division (A) of section 4928.51 of the Revised Code or 932
administrative costs of the advanced energy efficiency revolving 933

~~loan~~ program for the purpose of division (A) of section 4528.61 of the Revised Code. 934
935

(D) The advisory board shall select a chairperson from among its members. Only board members appointed by the governor with the advice and consent of the senate shall be voting members of the board; each shall have one vote in all deliberations of the board. A majority of the voting members constitute a quorum. 936
937
938
939
940

(E) The duties of the advisory board shall be as follows: 941

(1) Advise the director in the administration of the universal service fund and the low-income customer assistance programs and advise the director on the director's recommendation to the commission regarding the appropriate level of the universal service rider; 942
943
944
945
946

(2) Advise the director on the administration of the advanced energy ~~efficiency revolving loan~~ program and the advanced energy ~~efficiency revolving loan program~~ fund under sections 4928.61 to 4928.63 of the Revised Code. 947
948
949
950

(F) The advisory board is not an agency for purposes of sections 101.82 to 101.87 of the Revised Code. 951
952

Sec. 4928.61. (A) There is hereby established in the state treasury ~~an~~ the advanced energy ~~efficiency revolving loan~~ fund, into which shall be deposited all advanced energy ~~efficiency~~ revenues remitted to the director of development under division (B) of this section, for the exclusive purposes of funding the advanced energy ~~efficiency revolving loan~~ program created under section 4928.62 of the Revised Code and paying the program's administrative costs. Interest on the fund shall be credited to the fund. 953
954
955
956
957
958
959
960
961

(B) ~~Energy efficiency~~ Advanced energy revenues shall include all of the following: 962
963

(1) Revenues remitted to the director after collection by 964
each electric distribution utility in this state of a temporary 965
rider on retail electric distribution service rates as such rates 966
are determined by the public utilities commission pursuant to this 967
chapter. The rider shall be a uniform amount statewide, determined 968
by the director of development, after consultation with the public 969
benefits advisory board created by section 4928.58 of the Revised 970
Code. The amount shall be determined by dividing an aggregate 971
revenue target for a given year as determined by the director, 972
after consultation with the advisory board, by the number of 973
customers of electric distribution utilities in this state in the 974
prior year. Such aggregate revenue target shall not exceed more 975
than fifteen million dollars in any year through 2005 and shall 976
not exceed more than five million dollars in any year after 2005. 977
The rider shall be imposed beginning on the ~~starting date of~~ 978
~~competitive retail electric service~~ effective date of the 979
amendment of this section by Sub. H.B. 251 of the 126th general 980
assembly and shall terminate at the end of ten years following 981
~~that the~~ starting date of competitive retail electric service or 982
until the advanced energy ~~efficiency revolving loan~~ fund, 983
including interest, reaches one hundred million dollars, whichever 984
is first. 985

(2) Revenues from ~~energy efficiency revolving loan program~~ 986
~~loan payments, repayments, and payments~~ collections under the 987
advanced energy program and from ~~energy efficiency revolving loan~~ 988
~~program loan collections pursuant to section 4928.62 of the~~ 989
~~Revised Code~~ income; 990

(3) ~~Adequate revenues~~ Revenues remitted to the director after 991
collection by a municipal electric utility or electric cooperative 992
in this state ~~not earlier than the starting date of competitive~~ 993
~~retail electric service~~ upon the utility's or cooperative's 994
decision to participate in the ~~energy efficiency revolving loan~~ 995

<u>program advanced energy fund;</u>	996
<u>(4) Interest earnings on the advanced energy fund.</u>	997
(C)(1) Each electric distribution utility in this state shall	998
remit to the director on a quarterly basis the revenues described	999
in divisions (B)(1) and (2) of this section. Such remittances	1000
shall begin with <u>occur within thirty days after the first end of</u>	1001
<u>each calendar</u> quarter following the starting date of competitive	1002
retail electric service.	1003
(2) Each participating electric cooperative and participating	1004
municipal electric utility shall remit to the director on a	1005
quarterly basis the revenues described in division (B)(3) of this	1006
section. Such remittances shall begin with <u>occur within thirty</u>	1007
<u>days after the first end of each calendar</u> quarter following the	1008
participating cooperative's or utility's decision to participate.	1009
<u>For the purpose of division (B)(3) of this section, the</u>	1010
<u>participation of an electric cooperative or municipal electric</u>	1011
<u>utility in the energy efficiency revolving loan program as it</u>	1012
<u>existed immediately prior to the effective date of the amendment</u>	1013
<u>of this section by Sub. H.B. 251 of the 126th general assembly</u>	1014
<u>does not constitute a decision to participate in the advanced</u>	1015
<u>energy fund under this section as so amended.</u>	1016
(3) All remittances under divisions (C)(1) and (2) of this	1017
section shall continue only until the end of ten years following	1018
that <u>the</u> starting date <u>of competitive retail electric service</u> or	1019
until the <u>advanced</u> energy efficiency revolving loan fund,	1020
including interest, reaches one hundred million dollars, whichever	1021
is first.	1022
(D) Any moneys collected in rates for non-low-income customer	1023
energy efficiency programs, as of the effective date of this	1024
section <u>October 5, 1999,</u> and not contributed to the energy	1025
efficiency revolving loan fund <u>authorized</u> under division (B)(1) of	1026

this section prior to the effective date of its amendment by Sub. 1027
H.B. 251 of the 126th general assembly, shall be used to continue 1028
to fund cost-effective, residential energy efficiency programs, be 1029
contributed into the universal service fund as a supplement to 1030
that required under section 4928.53 of the Revised Code, or be 1031
returned to ratepayers in the form of a rate reduction at the 1032
option of the affected electric distribution utility. 1033

Sec. 4928.62. (A) ~~Beginning on the starting date of~~ 1034
~~competitive retail electric service, there~~ There is hereby created 1035
the advanced energy ~~efficiency revolving loan~~ program, which shall 1036
be administered by the director of development. Under the program, 1037
the director may authorize the use of moneys in the advanced 1038
energy ~~efficiency revolving loan~~ fund for financial, technical, 1039
and related assistance for advanced energy projects in this state 1040
or for economic development assistance, in furtherance of the 1041
purposes set forth in section 4928.63 of the Revised Code. To the 1042
extent feasible given approved applications for assistance, the 1043
assistance shall be distributed among the certified territories of 1044
electric distribution utilities and participating electric 1045
cooperatives, and among the service areas of participating 1046
municipal electric utilities, in amounts proportionate to the 1047
remittances of each utility and cooperative under divisions (B)(1) 1048
and (3) of section 4928.61 of the Revised Code. ~~The assistance may~~ 1049
~~be provided by the director of development in the form of direct~~ 1050
~~loans or grants, or through lending institutions in the form of~~ 1051
~~loan participation agreements at below market rates or linked~~ 1052
~~deposits. The total of all grants provided in any one fiscal year~~ 1053
~~shall not exceed ten per cent of the revenues paid into the energy~~ 1054
~~efficiency revolving loan fund during the previous fiscal year.~~ 1055

The director shall not authorize financial assistance for an 1056
advanced energy project under the program unless the director 1057
first determines ~~all of the following:~~ 1058

~~(1) The project will include an investment in products, technologies, or services, including energy efficiency for low income housing, for residential, commercial and industrial business, local government, educational institution, nonprofit entity, or agricultural customers of an electric distribution utility in this state or a participating municipal electric utility or electric cooperative in this state.~~

~~(2) The project will improve energy efficiency in a cost-efficient manner by using both the most appropriate national, federal, or other standards for products as determined by the director, and the best practices for use of technology, products, or services in the context of the total facility or building.~~

~~(3) The project will benefit the economic and environmental welfare of the citizens of this state.~~

~~(4) The receipt of financial assistance is a major factor in the applicant's decision to proceed with or invest in that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.~~

(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following ~~for the purpose of~~ to further the public interest in advanced energy efficiency revolving loan program projects and economic development:

(1) Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

(2) Acquire in the name of the director any property of any kind or character in accordance with this section, by purchase, purchase at foreclosure, or exchange, on such terms and in such manner as the director considers proper;

~~(2)~~(3) Make and enter into all contracts and agreements

necessary or incidental to the performance of the director's 1089
duties and the exercise of the director's powers under ~~those~~ 1090
sections 4928.61 to 4928.63 of the Revised Code; 1091

~~(3)~~(4) Employ or enter into contracts with financial 1092
consultants, marketing consultants, consulting engineers, 1093
architects, managers, construction experts, attorneys, technical 1094
monitors, energy evaluators, or other employees or agents as the 1095
director considers necessary, and fix their compensation; 1096

~~(4)~~(5) Adopt rules prescribing the application procedures for 1097
financial assistance under the advanced energy program; the terms 1098
and conditions of any ~~loans~~, grants, contracts, loans, loan 1099
participation agreements, linked deposits, and ~~contracts~~ energy 1100
production incentives; criteria pertaining to the eligibility of 1101
participating lending institutions; and any other matters 1102
necessary for the implementation of the program; 1103

~~(5)~~(6) Do all things necessary and appropriate for the 1104
operation of the program. 1105

(C) The department of development may hold ownership to any 1106
unclaimed energy efficiency and renewable energy emission 1107
allowances provided for in Chapter 3745-14 of the Administrative 1108
Code or otherwise, that result from advanced energy projects that 1109
receive funding from the advanced energy fund, and it may use the 1110
allowances to further the public interest in advanced energy 1111
projects or for economic development. 1112

(D) Financial statements, financial data, and trade secrets 1113
submitted to or received by the director from an applicant or 1114
recipient of financial assistance under sections 4928.61 to 1115
4928.63 of the Revised Code, or any information taken from those 1116
statements, data, or trade secrets for any purpose, are not public 1117
records for the purpose of section 149.43 of the Revised Code. 1118

(E) Nothing in the amendments of sections 4928.61, 4928.62, 1119

and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th 1120
general assembly shall affect any pending or effected assistance, 1121
pending or effected purchases or exchanges of property made, or 1122
pending or effected contracts or agreements entered into pursuant 1123
to division (A) or (B) of this section as the section existed 1124
prior to the effective date of those amendments or shall affect 1125
the exemption provided under division (C) of this section as the 1126
section existed prior to that effective date. 1127

(F) Any assistance a school district receives for an advanced 1128
energy project, including a geothermal heating, ventilating, and 1129
air conditioning system, shall be in addition to any assistance 1130
provided under Chapter 3318. of the Revised Code and shall not be 1131
included as part of the district or state portion of the basic 1132
project cost under that chapter. 1133

Sec. 4928.63. The director of development and the public 1134
benefits advisory board have the powers and duties provided in 1135
sections 4928.61 and 4928.62 of the Revised Code, in order to 1136
promote the welfare of the people of this state, ~~to~~ stabilize the 1137
economy, ~~to~~ assist in the improvement and development within this 1138
state of not-for-profit entity, industrial, commercial, 1139
distribution, residential, and research buildings and activities 1140
required for the people of this state, ~~to~~ improve the economic 1141
welfare of the people of this state, by reducing energy costs and 1142
by reducing energy usage in a cost-efficient manner using, as 1143
determined by the director, both the most appropriate national, 1144
federal, or other standards for products and the best practices 1145
for the use of technology, products, or services in the context of 1146
a total facility or building; and ~~also to~~ assist in the 1147
~~improvement of~~ lowering of energy demand to reduce air, water, or 1148
~~thermal pollution control facilities and solid waste disposal~~ 1149
~~facilities.~~ It is hereby determined that the accomplishment of 1150

those purposes is essential so that the people of this state may 1151
maintain their present high standards in comparison with the 1152
people of other states and so that opportunities for improving the 1153
economic welfare of the people of this state, for improving the 1154
housing of residents of this state, and for favorable markets for 1155
the products of this state's natural resources, agriculture, and 1156
manufacturing shall be improved; and that it is necessary for this 1157
state to establish the program authorized pursuant to sections 1158
4928.61 and 4928.62 of the Revised Code. 1159

Section 2. That existing sections 122.075, 123.011, 125.15, 1160
125.834, 1510.04, 4905.90, 4928.01, 4928.57, 4928.58, 4928.61, 1161
4928.62, and 4928.63 of the Revised Code are hereby repealed. 1162

Section 3. That Section 203.99 of Am. Sub. H.B. 66 of the 1163
126th General Assembly, as most recently amended by Sub. H.B. 245 1164
of the 126th General Assembly, be amended to read as follows: 1165

Sec. 203.99. DEV DEPARTMENT OF DEVELOPMENT 1166

General Revenue Fund 1167

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 1168

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 1169

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 1170

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 1171

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 1172

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 1173

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 1174

Grants

GRF 195-415 Economic Development \$ 5,794,975 \$ 5,894,975 1175

Division and Regional

	Offices				
GRF 195-416	Governor's Office of	\$	4,122,372	\$	4,122,372
	Appalachia				1176
GRF 195-422	Third Frontier Action	\$	16,790,000	\$	16,790,000
	Fund				1177
GRF 195-426	Clean Ohio	\$	300,000	\$	300,000
	Implementation				1178
GRF 195-432	International Trade	\$	4,223,787	\$	4,223,787
GRF 195-434	Investment in Training	\$	12,227,500	\$	12,227,500
	Grants				1180
GRF 195-436	Labor/Management	\$	811,869	\$	811,869
	Cooperation				1181
GRF 195-497	CDBG Operating Match	\$	1,040,956	\$	1,040,956
GRF 195-498	State Match Energy	\$	94,000	\$	94,000
GRF 195-501	Appalachian Local	\$	380,080	\$	380,080
	Development Districts				1184
GRF 195-502	Appalachian Regional	\$	246,803	\$	246,803
	Commission Dues				1185
GRF 195-507	Travel and Tourism	\$	1,287,500	\$	1,162,500
	Grants				1186
GRF 195-515	Economic Development	\$	10,000,000	\$	0
	Contingency				1187
GRF 195-905	Third Frontier	\$	0	\$	13,910,000
	Research & Development				1188
	General Obligation				
	Debt Service				
GRF 195-912	Job Ready Site	\$	0	\$	4,124,400
	Development General				1189
	Obligation Debt				
	Service				
TOTAL GRF	General Revenue Fund	\$	99,797,446	\$	107,491,846
	General Services Fund Group				1190
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686
					1192

5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000	1193
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000	1194
5AD 195-677	Economic Development Contingency	\$	0	\$	10,000,000	1195
685 195-636	General Reimbursements	\$	1,000,000	\$	1,000,000	1196
TOTAL GSF General Services Fund						1197
Group		\$	16,450,000	\$	26,539,686	1198
Federal Special Revenue Fund Group						1199
3AE 195-643	Workforce Development Initiatives	\$	5,800,000	\$	5,800,000	1200
3K8 195-613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	1201
3K9 195-611	Home Energy Assistance Block Grant	\$	90,500,000	\$	90,500,000	1202
3K9 195-614	HEAP Weatherization	\$	16,219,478	\$	16,219,478	1203
3L0 195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	1204
3V1 195-601	HOME Program	\$	40,000,000	\$	40,000,000	1205
308 195-602	Appalachian Regional Commission	\$	600,660	\$	600,660	1206
308 195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000	1207
308 195-605	Federal Projects	\$	15,300,249	\$	15,300,249	1208
308 195-609	Small Business Administration	\$	4,296,381	\$	4,296,381	1209
308 195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	1210
335 195-610	Oil Overcharge	\$	3,000,000	\$	3,000,000	1211
TOTAL FED Federal Special Revenue						1212
Fund Group		\$	274,349,427	\$	274,349,427	1213
State Special Revenue Fund Group						1214

4F2	195-639	State Special Projects	\$	290,183	\$	290,183	1215
4F2	195-676	Promote Ohio	\$	5,228,210	\$	5,228,210	1216
4S0	195-630	Enterprise Zone Operating	\$	275,000	\$	275,000	1217
4S1	195-634	Job Creation Tax Credit Operating	\$	375,800	\$	375,800	1218
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	1219
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	1220
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	1221
451	195-625	Economic Development Financing Operating	\$	2,358,311	\$	2,358,311	1222
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$	5,000,000	1223
5CG	195-679	Alternative Fuel Transportation	\$	150,000	\$	1,150,000	1224
5CV	195-680	Defense Conversion Assistance	\$	1,000,000	\$	0	1225
5CY	195-682	Lung Cancer and Lung Disease Research	\$	10,000,000	\$	0	1226
5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000	1227
5M5	195-660	<u>Advanced</u> Energy Efficiency Loan and Grant Programs	\$	12,000,000	\$	12,000,000	1228
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	1229
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	1230
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	1231
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	1232

Income Housing Trust					
Fund					
TOTAL SSR State Special Revenue				1233	
Fund Group	\$	303,076,556	\$	293,076,556	1234
Facilities Establishment Fund Group				1235	
009 195-664 Innovation Ohio	\$	50,000,000	\$	50,000,000	1236
010 195-665 Research and	\$	50,000,000	\$	50,000,000	1237
Development					
037 195-615 Facilities	\$	63,931,149	\$	63,931,149	1238
Establishment					
4Z6 195-647 Rural Industrial Park	\$	3,000,000	\$	3,000,000	1239
Loan					
5D2 195-650 Urban Redevelopment	\$	5,475,000	\$	5,475,000	1240
Loans					
5H1 195-652 Family Farm Loan	\$	1,000,000	\$	1,000,000	1241
Guarantee					
5S8 195-627 Rural Development	\$	3,000,000	\$	3,000,000	1242
Initiative					
5S9 195-628 Capital Access Loan	\$	3,000,000	\$	3,000,000	1243
Program					
TOTAL 037 Facilities				1244	
Establishment Fund Group	\$	179,406,149	\$	179,406,149	1245
Clean Ohio Revitalization Fund				1246	
003 195-663 Clean Ohio Operating	\$	350,000	\$	350,000	1247
TOTAL 003 Clean Ohio Revitalization	\$	350,000	\$	350,000	1248
Fund					
Third Frontier Research & Development Fund Group				1249	
011 195-686 Third Frontier	\$	713,028	\$	1,932,056	1250
Operating					
011 195-687 Third Frontier	\$	100,000,000	\$	100,000,000	1251
Research & Development					
Projects					

TOTAL 011 Third Frontier Research & Development Fund Group	\$ 100,713,028	\$ 101,932,056	1252
Job Ready Site Development Fund Group			1253
012 195-688 Job Ready Site Operating	\$ 622,200	\$ 746,155	1254
TOTAL 012 Job Ready Site Development Fund Group	\$ 622,200	\$ 746,155	1255
TOTAL ALL BUDGET FUND GROUPS	\$ 974,764,806	\$ 983,891,875	1256

Section 4. That existing Section 203.99 of Am. Sub. H.B. 66 of the 126th General Assembly, as most recently amended by Sub. H.B. 245 of the 126th General Assembly, is hereby repealed. 1258
1259
1260

Section 5. That Section 203.99.45 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by Sub. H.B. 245 of the 126th General Assembly, be amended to read as follows: 1261
1262
1263

Sec. 203.99.45. ECONOMIC DEVELOPMENT FINANCING OPERATING 1264

The foregoing appropriation item 195-625, Economic Development Financing Operating, shall be used for the operating expenses of financial assistance programs authorized under Chapter 166. of the Revised Code and under sections 122.43 and 122.45 of the Revised Code. 1265
1266
1267
1268
1269

VOLUME CAP ADMINISTRATION 1270

The foregoing appropriation item 195-654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 617) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State. 1271
1272
1273
1274
1275
1276

UNIVERSAL SERVICE FUND 1277

The foregoing appropriation item 195-659, Universal Service, 1278
shall be used to provide payments to regulated electric utility 1279
companies for low-income customers enrolled in Percentage of 1280
Income Payment Plan (PIPP) electric accounts, to fund targeted 1281
energy efficiency and customer education services to PIPP 1282
customers, and to cover the department's administrative costs 1283
related to Universal Service Fund Programs. 1284

SHOVEL READY SITES 1285

The foregoing appropriation item 195-678, Shovel Ready Sites, 1286
shall be used to administer the Shovel Ready Sites Program under 1287
section 122.083 of the Revised Code. 1288

ALTERNATIVE FUEL TRANSPORTATION 1289

The foregoing appropriation item 195-679, Alternative Fuel 1290
Transportation, shall be used by the Director of Development to 1291
make grants under the Alternative Fuel Transportation Grant Fund 1292
Program in accordance with section 122.075 of the Revised Code, 1293
and for administrative costs associated with the program. 1294

TRANSFER OF UNCLAIMED FUNDS TO THE DEFENSE CONVERSION 1295
ASSISTANCE FUND FOR BASE REALIGNMENT AND CLOSURE GRANTS 1296

(A) There is hereby created in the State Treasury the Defense 1297
Conversion Assistance Fund (Fund 5CV). The fund shall consist of 1298
all cash deposited to it pursuant to division (C) of this section. 1299

(B) The foregoing appropriation item 195-680, Defense 1300
Conversion Assistance, shall be used by the Director of 1301
Development to provide grants to local communities for costs 1302
associated with the preparation and redevelopment of military 1303
installations in Ohio that are slated for realignment or closure 1304
under the United States Department of Defense Base Realignment and 1305
Closure Program. 1306

(C) Notwithstanding division (A) of section 169.05 of the 1307

Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2006, shall transfer to the Defense Conversion Assistance Fund (Fund 5CV) \$1,000,000 of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code regardless of the allocation of the unclaimed funds described in that section.

(D) On or before June 30, 2006, the unencumbered balance of the foregoing appropriation item 195-680, Defense Conversion Assistance, for fiscal year 2006 is hereby appropriated for the same purpose for fiscal year 2007.

LUNG CANCER AND LUNG DISEASE RESEARCH

The foregoing appropriation item 195-682, Lung Cancer and Lung Disease Research, shall be used by the Director of Development to promote lung cancer and lung disease research.

ADVANCED ENERGY EFFICIENCY REVOLVING LOAN FUND

The foregoing appropriation item 195-660, Advanced Energy Efficiency Loan and Grant Programs, shall be used to provide financial assistance to customers for eligible ~~energy efficiency~~ advanced energy projects for residential, commercial and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in the Revised Code and rules adopted by the Director of Development.

TRANSFER FROM THE ADVANCED ENERGY EFFICIENCY REVOLVING LOAN FUND TO THE INDUSTRIAL SITE IMPROVEMENTS FUND

Notwithstanding Chapters 122. and 4928. of the Revised Code and any other law to the contrary, the Director of Budget and Management shall transfer \$2,500,000 in cash in fiscal year 2006 and \$2,500,000 in cash in fiscal year 2007 from the Advanced

Energy ~~Efficiency Revolving Loan~~ Fund (Fund 5M5) to the Industrial 1338
Site Improvements Fund (Fund 5AR). 1339

Moneys in Fund 5AR, Industrial Site Improvements, shall be 1340
used by the Director of Development to make grants to eligible 1341
counties for the improvement of commercial or industrial areas 1342
within those counties under section 122.951 of the Revised Code. 1343

TRANSFER FROM THE ADVANCED ENERGY ~~EFFICIENCY REVOLVING LOAN~~ 1344
FUND TO THE RAIL TRANSLOAD FACILITIES FUND 1345

Notwithstanding Chapters 122. and 4928. of the Revised Code 1346
and any other law to the contrary, the Director of Budget and 1347
Management shall transfer \$500,000 in cash in fiscal year 2006 1348
from the Advanced Energy ~~Efficiency Revolving Loan~~ Fund (Fund 5M5) 1349
in the Department of Development to the Rail Transload Facilities 1350
Fund (Fund 5CF) in the Department of Transportation. 1351

TRANSFER FROM THE ADVANCED ENERGY ~~EFFICIENCY REVOLVING LOAN~~ 1352
FUND TO THE ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 1353

Notwithstanding Chapter 4928. of the Revised Code and any 1354
other law to the contrary, the Director of Budget and Management 1355
shall transfer \$150,000 in cash in fiscal year 2006 and \$1,150,000 1356
in cash in fiscal year 2007 from the Advanced Energy ~~Efficiency~~ 1357
~~Revolving Loan~~ Fund (Fund 5M5) to the Alternative Fuel 1358
Transportation Grant Fund (Fund 5CG). 1359

TRANSFER FROM THE ADVANCED ENERGY FUND TO THE ADMINISTRATIVE 1360
BUILDING FUND 1361

Notwithstanding Chapter 4928. of the Revised Code and any 1362
other law to the contrary, the Director of Budget and Management 1363
shall transfer \$3,600,000 in cash in fiscal year 2007 from the 1364
Advanced Energy Fund (Fund 5M5) in the Department of Development 1365
to the Administrative Building Fund (Fund 026). The cash shall 1366
thereafter be credited to appropriation item CAP-835, Energy 1367
Conservation Projects, under the budget of the Department of 1368

Administrative Services. 1369

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 1370

All payments received by the state pursuant to a series of 1371
settlements with ten brokerage firms reached with the United 1372
States Securities and Exchange Commission, the National 1373
Association of Securities Dealers, the New York Stock Exchange, 1374
the New York Attorney General, and other state regulators 1375
(henceforth referred to as the "Global Analysts Settlement 1376
Agreements"), shall be deposited into the state treasury to the 1377
credit of the Economic Development Contingency Fund (Fund 5Y6), 1378
which is hereby created in the state treasury. The fund shall be 1379
used by the Director of Development to support economic 1380
development projects for which appropriations would not otherwise 1381
be available, and shall be subject to the submission of a request 1382
to the Controlling Board by the Director outlining the planned use 1383
of the funds, and the subsequent approval of the request by the 1384
Controlling Board. 1385

Section 6. That existing Section 203.99.45 of Am. Sub. H.B. 1386
66 of the 126th General Assembly, as amended by Sub. H.B. 245 of 1387
the 126th General Assembly, is hereby repealed. 1388

Section 7. That Section 235.30 of Am. Sub. H.B. 530 of the 1389
126th General Assembly, be amended to read as follows: 1390

Reappropriations

Sec. 235.30. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			1391
CAP-809	Hazardous Substance Abatement	\$ 1,609,476	1392
CAP-811	Health/EPA Laboratory Facilities	\$ 1,116,354	1393
CAP-822	Americans with Disabilities Act	\$ 1,598,416	1394
CAP-826	Office Services Building Renovation	\$ 86,483	1395
CAP-827	Statewide Communications System	\$ 16,943,803	1396

CAP-834	Capital Project Management System	\$	1,157,600	1397
CAP-835	Energy Conservation Projects	\$	890,085	1398
			<u>4,490,085</u>	
CAP-837	Major Computer Purchases	\$	1,476,068	1399
CAP-838	SOCC Renovations	\$	1,399,122	1400
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	1401
CAP-849	Facility Planning and Development	\$	3,492,200	1402
CAP-850	Education Building Renovations	\$	14,649	1403
CAP-852	North High Building Complex Renovations	\$	11,534,496	1404
CAP-855	Office Space Planning	\$	5,274,502	1405
CAP-856	Governor's Residence Security Update	\$	6,433	1406
CAP-859	eSecure Ohio	\$	2,626,921	1407
CAP-860	Structured Cabling	\$	403,518	1408
CAP-864	eGovernment Infrastructure	\$	1,297,400	1409
CAP-865	DAS Building Security	\$	140,852	1410
CAP-866	OH*1 Network	\$	4,000,000	1411
CAP-867	Lausche Building Connector	\$	1,307,200	1412
CAP-868	Riversouth Development	\$	18,500,000	1413
	Total Department of Administrative Services	\$	74,933,078	1414
			<u>78,533,078</u>	

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 1415

The foregoing appropriation item CAP-809, Hazardous Substance 1416
Abatement, shall be used to fund the removal of asbestos, PCB, 1417
radon gas, and other contamination hazards from state facilities. 1418

Prior to the release of funds for asbestos abatement, the 1419
Department of Administrative Services shall review proposals from 1420
state agencies to use these funds for asbestos abatement projects 1421
based on criteria developed by the Department of Administrative 1422
Services. Upon a determination by the Department of Administrative 1423
Services that the requesting agency cannot fund the asbestos 1424
abatement project or other toxic materials removal through 1425

existing capital and operating appropriations, the Department may
request the release of funds for such projects by the Controlling
Board. State agencies intending to fund asbestos abatement or
other toxic materials removal through existing capital and
operating appropriations shall notify the Director of
Administrative Services of the nature and scope prior to
commencing the project.

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

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT

The foregoing appropriation item CAP-822, Americans with
Disabilities Act, shall be used to renovate state-owned facilities
to provide access for physically disabled persons in accordance
with Title II of the Americans with Disabilities Act.

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

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

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM

There is hereby continued a Multi-Agency Radio Communications
System (MARCS) Steering Committee consisting of the designees of

the Directors of the Office of Information Technology, Public
Safety, Natural Resources, Transportation, Rehabilitation and
Correction, and Budget and Management. The Director of the Office
of Information Technology or the Director's designee shall chair
the Committee. The Committee shall provide assistance to the
Director of the Office of Information Technology for effective and
efficient implementation of the MARCS system as well as develop
policies for the ongoing management of the system. Upon dates
prescribed by the Directors of the Office of Information
Technology and Budget and Management, the MARCS Steering Committee
shall report to the Directors on the progress of MARCS
implementation and the development of policies related to the
system.

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

The amount reappropriated for the foregoing appropriation
item CAP-827, Statewide Communications System, is the unencumbered
and unallotted balance as of June 30, 2006, in appropriation item
CAP-827, Statewide Communications System, plus \$623,665.11.

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

ENERGY CONSERVATION PROJECTS 1487

The foregoing appropriation item CAP-835, Energy Conservation 1488
Projects, shall be used to perform energy conservation 1489
renovations, including the United States Environmental Protection 1490
Agency's Energy Star Program, in state-owned facilities. Prior to 1491
the release of funds for renovation, state agencies shall have 1492
performed a comprehensive energy audit for each project. The 1493
Department of Administrative Services shall review and approve 1494
proposals from state agencies to use these funds for energy 1495
conservation. Public school districts and state-supported and 1496
state-assisted institutions of higher education are not eligible 1497
for funding from this item. 1498

The amount reappropriated for the foregoing appropriation 1499
item CAP-835, Energy Conservation Projects, is the unencumbered 1500
and unallotted balance as of June 30, 2006, in appropriation item 1501
CAP-835, Energy Conservation Projects, plus \$3,600,000. 1502

NORTH HIGH BUILDING COMPLEX RENOVATIONS 1503

The amount reappropriated for the foregoing appropriation 1504
item CAP-852, North High Building Complex Renovations, is the 1505
unencumbered and unallotted balance as of June 30, 2006, in 1506
appropriation item CAP-852, North High Building Complex 1507
Renovations, plus the sum of the unencumbered and unallotted 1508
balance for appropriation item CAP-813, Heer Building Renovation 1509
as of June 30, 2006. 1510

Section 8. That existing Section 235.30 of Am. Sub. H.B. 530 1511
of the 126th General Assembly is hereby repealed. 1512

Section 9. The Ohio School Facilities Commission shall study 1513
the U.S. Green Building Council's "LEED for Schools" Rating System 1514
and shall issue a written report to the General Assembly not later 1515
than October 1, 2007, comparing that system to applicable 1516

standards set forth in the Commission's most current Ohio School Design Manual. 1517
1518

Section 10. (A) Except as otherwise specifically provided in 1519
division (B) of this section, the amendment or enactment of the 1520
sections of law contained in this act, and the items of law of 1521
which the amendments or enactments are composed, are subject to 1522
the referendum. Therefore, under Ohio Constitution, Article II, 1523
Section 1c and section 1.471 of the Revised Code, the amendment or 1524
enactment of the sections of law contained in this act, and the 1525
items of law of which the amendments or enactments are composed, 1526
take effect on the ninety-first day after this act is filed with 1527
the Secretary of State. If, however, a referendum petition is 1528
filed against any such amendment or enactment, or against any item 1529
of law of which any such amendment or enactment is composed, the 1530
amendment or enactment, or item, unless rejected at the 1531
referendum, takes effect at the earliest time permitted by law. 1532

(B) The amendment or enactment by this act of the sections of 1533
law listed in this division, and the items of law of which the 1534
amendments or enactments are composed, are not subject to the 1535
referendum. Therefore, under Ohio Constitution, Article II, 1536
Section 1d and section 1.471 of the Revised Code, the amendments 1537
or enactments, and the items of law of which the amendments or 1538
enactments are composed, go into immediate effect when this act 1539
becomes law. 1540

Sections 122.075, 4928.01, 4928.57, 4928.58, 4928.61, 1541
4928.62, and 4928.63 of the Revised Code. 1542

Sections 3, 4, 5, 6, and 10 of this act. 1543