

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 236

Senator Carey

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A BILL

To amend sections 151.01, 151.02, 184.01, 184.02, and 1
184.03 and to enact sections 122.085, 122.086, 2
122.087, 122.088, 122.089, 122.0810, 122.0811, 3
122.0812, 122.0813, 122.0814, 122.0815, 122.0816, 4
122.0817, 122.0818, 122.0819, 122.0820, 151.10, 5
151.11, 184.10, 184.11, 184.111, 184.112, 184.113, 6
184.114, 184.115, 184.12, 184.13, 184.14, 184.15, 7
184.16, 184.17, 184.171, 184.172, 184.173, and 8
184.18 of the Revised Code, and to amend sections 9
203.99, 203.99.33, 203.99.51, and 209.99 of Am. 10
Sub. H.B. 66 of the 126th General Assembly to 11
implement certain provisions of Article VIII, 12
Section 2p of the Ohio Constitution regarding the 13
issuance of obligations to support research and 14
development projects and the development of 15
certain sites and facilities and to make an 16
appropriation. 17

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

Section 1. That sections 151.01, 151.02, 184.01, 184.02, and 18
184.03 be amended and sections 122.085, 122.086, 122.087, 122.088, 19
122.089, 122.0810, 122.0811, 122.0812, 122.0813, 122.0814, 20
122.0815, 122.0816, 122.0817, 122.0818, 122.0819, 122.0820, 21

151.10, 151.11, 184.10, 184.11, 184.111, 184.112, 184.113, 22
184.114, 184.115, 184.12, 184.13, 184.14, 184.15, 184.16, 184.17, 23
184.171, 184.172, 184.173, and 184.18 of the Revised Code be 24
enacted to read as follows: 25

Sec. 122.085. As used in sections 122.085 to 122.0820 of the 26
Revised Code: 27

(A)(1) "Allowable costs" includes costs related to the 28
following: 29

(a) Acquisition of land and buildings; 30

(b) Building construction; 31

(c) Making improvements to land and buildings, including the 32
following: 33

(i) Expanding, remodeling, renovating, and modernizing 34
buildings and structures, including leasehold improvements; 35

(ii) Site preparation, including wetland mitigation. 36

(d) Remediation, in compliance with state and federal 37
environmental protection laws, of environmentally contaminated 38
property on which hazardous substances exist under conditions that 39
have caused or would likely cause the property to be identified as 40
contaminated by the Ohio environmental protection agency or the 41
United States environmental protection agency; 42

(e) Infrastructure improvements, including the following: 43

(i) Demolition of buildings and other structures; 44

(ii) Installation or relocation of water, storm water and 45
sanitary sewer lines, water and waste water treatment facilities, 46
pump stations, and water storage mechanisms and other similar 47
equipment or facilities; 48

(iii) Construction of roads, bridges, traffic control 49
devices, and parking lots and facilities; 50

(iv) Construction of utility infrastructure such as natural gas, electric, and telecommunications, including broadband and hookups; 51
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(v) Water and railway access improvements; 54

(vi) Costs of professional services. 55

(2) "Allowable costs" do not include administrative costs assessed by or fees paid to the recipient of a grant. 56
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(B) "District public works integrating committees" means those committees established under section 164.04 of the Revised Code. 58
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(C) "Eligible applicant" includes any political subdivision or non-profit economic development organization, and, with prior approval of the director of development, private, for-profit entities. 61
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(D) "Eligible project" includes projects that, upon completion, will be sites and facilities primarily intended for commercial, industrial, or manufacturing use. "Eligible projects" do not include sites and facilities intended primarily for residential, retail, or government use. 65
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(E) "Professional services" includes legal, environmental, archeological, engineering, or other similar services performed in conjunction with an eligible project. 70
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Sec. 122.086. There is hereby created the job ready site program to provide grants to pay for allowable costs of eligible applicants for eligible projects. The program shall be administered by the department of development pursuant to guidelines established for it by the director of development. All grants shall be awarded through one of the following two processes: 73
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(A) The annual competitive process under sections 122.087 to 122.0811 and 122.0814 of the Revised Code; 80
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(B) The discretionary process under sections 122.0812, 122.0813, and 122.0814 of the Revised Code. 82
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Sec. 122.087. The director of development shall establish an annual competitive process for making grants described in section 122.086 of the Revised Code. At least two-thirds of the amounts that may be distributed as grants each year under the job ready site program shall be distributed under the annual competitive process. 84
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Sec. 122.088. In order to be considered for a grant under the annual competitive process, an eligible applicant shall fill out an application provided by the department of development and shall file it with the district public works integrating committee with jurisdiction over the area in which the eligible project is located. 90
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Sec. 122.089. An eligible applicant shall provide all of the following on the annual competitive process application: 96
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(A) Contact information for the eligible applicant; 98

(B) A legal description of the property for which the grant is requested; 99
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(C) A summary of the proposed eligible project that includes all of the following: 101
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(1) A general description of the eligible project, including individuals, organizations, or other entities that will play a critical role in the implementation of the project; 103
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(2) An explanation of the need for the eligible project, and the predicted economic impact; 106
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<u>(3) An explanation of the need for a grant from the job ready site program;</u>	108
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<u>(4) The commitments required pursuant to division (A)(3) of section 122.0815 of the Revised Code.</u>	110
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<u>(D) A detailed summary of costs for the eligible project, including supporting documents for cost estimates;</u>	112
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<u>(E) Sources of funding for the eligible project, including documentation verifying the status of those funds;</u>	114
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<u>(F) Summary results of preliminary engineering studies and environmental reviews, if any have been conducted;</u>	116
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<u>(G) A comprehensive marketing plan detailing how the eligible project will be marketed upon completion, if appropriate;</u>	118
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<u>(H) Copies of resolutions or ordinances related to the eligible project, including resolutions or ordinances adopted by the political subdivision with jurisdiction over the geographic area in which the eligible project is located;</u>	120
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<u>(I) Any other information the director requests on the application form.</u>	124
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<u>Sec. 122.0810. (A) Each application for a grant pursuant to the annual competitive process received by a district public works integrating committee shall be evaluated by the executive committee of the district committee. In conducting the evaluation, the executive committee shall determine whether the application for the proposed eligible project is complete and whether the project meets the requirements of section 122.0815 of the Revised Code. If the application is complete and the eligible project meets the requirements of section 122.0815 of the Revised Code, the executive committee shall prioritize the eligible project pursuant to section 122.0816 of the Revised Code and pursuant to local priorities, as those priorities are determined by the</u>	126
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executive committee, with all other eligible projects with 138
complete applications that meet the requirements of section 139
122.0815 of the Revised Code. If the application is incomplete or 140
the project does not meet the requirements of section 122.0815 of 141
the Revised Code, the executive committee shall notify the 142
applicant of the deficiencies and the period of time the applicant 143
has to correct the deficiencies and submit the corrections to the 144
executive committee. Failure to correct deficiencies within the 145
time designated by the executive committee shall disqualify the 146
project from consideration for a grant during the annual 147
competitive process for that year. 148

The executive committee, by the affirmative vote of a 149
majority of all its members, shall select three eligible projects 150
from the projects it has prioritized each year pursuant to the 151
annual competitive process. The executive committee shall forward 152
the applications and any accompanying information for each of the 153
selected eligible projects to the department of development in the 154
time and manner required by the guidelines governing the job ready 155
site program. 156

(B) For a district public works integrating committee that 157
does not have an executive committee, the full committee shall 158
perform the functions assigned to the executive committee under 159
section 122.0816 of the Revised Code and division (A) of this 160
section. 161

(C) An executive committee, or a district committee that does 162
not have an executive committee, may appoint a working group of 163
committee members and staff to perform the functions of those 164
committees as provided in this section. 165

Sec. 122.0811. The department of development shall evaluate 166
each eligible project selected pursuant to section 122.0810 of the 167

Revised Code to determine whether the application for the proposed 168
eligible project is complete and whether it meets the requirements 169
of section 122.0815 of the Revised Code. If the application is 170
complete and the project meets the requirements of section 171
122.0815 of the Revised Code, the department shall notify the 172
eligible applicant that the application is complete and shall 173
prioritize the eligible project pursuant to section 122.0816 of 174
the Revised Code with all other eligible projects with complete 175
applications that meet the requirements. If the application is 176
incomplete or the project does not meet the requirements of 177
section 122.0815 of the Revised Code, the department shall notify 178
the applicant of the deficiencies and the period of time the 179
applicant has to correct the deficiencies and submit the 180
corrections to the department. Failure to correct deficiencies 181
within the time designated by the department shall disqualify the 182
project from consideration for a grant during the annual 183
competitive process for that year. 184

The director, on completion of the evaluations and 185
prioritization, shall make a recommendation to the controlling 186
board asking for approval to make grants for the eligible projects 187
selected by the director. The director shall take into 188
consideration the geographic diversity of awards when making the 189
selection of eligible projects to receive grants. 190

Sec. 122.0812. The director of development shall establish a 191
discretionary process that permits the director to make grants 192
described in section 122.086 of the Revised Code in situations 193
that include those in which the timing of a proposed eligible 194
project is such that the annual competitive process is not 195
suitable. The director, as part of the guidelines established for 196
the job ready site program, shall establish all the procedures and 197
requirements governing application for the discretionary grants. 198

Sec. 122.0813. On receipt of an application for a 199
discretionary grant for an eligible project, the director of 200
development shall evaluate it to determine whether the application 201
for the proposed eligible project is complete and whether the 202
eligible project meets the requirements of section 122.0815 of the 203
Revised Code. If the application is complete and the project meets 204
the requirements of section 122.0815 of the Revised Code, the 205
director may make a recommendation to the controlling board asking 206
for approval to make the discretionary grant for the eligible 207
project. If the application is incomplete or the project does not 208
meet the requirements of section 122.0815 of the Revised Code, the 209
department shall notify the applicant of the deficiencies and work 210
with the applicant to correct the deficiencies. If the 211
deficiencies are corrected, the director may make a recommendation 212
to the controlling board asking for approval to make the 213
discretionary grant for the eligible project. 214

Sec. 122.0814. If the controlling board approves a grant for 215
an eligible project pursuant to the annual competitive process or 216
the discretionary process, the director of development shall enter 217
into an agreement with the eligible applicant to provide the grant 218
for the project. The agreement shall be executed prior to the 219
payment or disbursement of any funds under the grant and shall 220
contain the following provisions: 221

(A) A designation of a single officer or employee of the 222
eligible applicant who will serve as the manager of the eligible 223
project; 224

(B) A detailed description of the scope of the work required 225
under the eligible project, including anticipated sources and uses 226
of funds; 227

(C) A designation of the percentage of the estimated total 228

<u>cost of the project for which the grant will provide funding,</u>	229
<u>which shall not exceed seventy-five per cent of the cost;</u>	230
<u>(D) Provisions for the recovery by the department of grant</u>	231
<u>funds for failure to meet the terms of the agreement;</u>	232
<u>(E) A requirement that annual reports be made by the eligible</u>	233
<u>applicant on the progress of the eligible project and any other</u>	234
<u>information about the status of the project as required by the</u>	235
<u>guidelines established for the job ready site program;</u>	236
<u>(F) Any other provisions the director determines necessary.</u>	237
<u>Sec. 122.0815.</u> <u>(A) A project shall meet the following</u>	238
<u>requirements in order to be considered for a grant under the</u>	239
<u>annual competitive process:</u>	240
<u>(1) The application for the grant is made by an eligible</u>	241
<u>applicant.</u>	242
<u>(2) The project for which the application is made is an</u>	243
<u>eligible project.</u>	244
<u>(3) The eligible applicant commits to all the following:</u>	245
<u>(a) To use the grant to pay only allowable costs for the</u>	246
<u>eligible project;</u>	247
<u>(b) Not to use the grant to fund more than seventy-five per</u>	248
<u>cent of the total cost of the eligible project;</u>	249
<u>(c) Not to use more than ten per cent of the grant amount to</u>	250
<u>pay the costs of professional services under the eligible project.</u>	251
<u>(4) The grant amount requested does not exceed five million</u>	252
<u>dollars.</u>	253
<u>(5) The eligible applicant and the eligible project comply</u>	254
<u>with any other criteria the director of development determines is</u>	255
<u>necessary.</u>	256

(B) A project shall meet the requirements described in 257
divisions (A)(1) to (3) of this section in order to be considered 258
for a grant under the discretionary process. 259

Sec. 122.0816. The department of development and the 260
executive committees of district public works integrating 261
committees shall apply the following factors to eligible projects 262
under the annual competitive process to determine a priority order 263
for the eligible projects subject to that process: 264

(A) The potential economic impact of the eligible project; 265

(B) The amount of local, federal, and private funding 266
available for the eligible project; 267

(C) The demonstrated need for the eligible project; 268

(D) The strength of the eligible project's marketing plan, if 269
appropriate; 270

(E) The level of financial need; 271

(F) Any other factor the director of development determines 272
should be considered. 273

Sec. 122.0817. In accordance with the guidelines established 274
to govern the job ready site program, the director of development 275
shall publish an annual report that includes details on each grant 276
awarded pursuant to the program and the status of projects funded 277
in previous years. 278

Sec. 122.0818. Eligible projects that receive a grant 279
pursuant to the job ready site program are public improvements 280
pursuant to section 4115.03 of the Revised Code and shall be 281
subject to the prevailing wage requirements of section 4115.04 of 282
the Revised Code. 283

Sec. 122.0819. The guidelines established to govern the job 284
ready site program may provide for recovery of the costs, or a 285
portion thereof, incurred by district public works integrating 286
committees and executive committees in conducting their duties 287
under the program. 288

Sec. 122.0820. The job ready site development fund is hereby 289
created in the state treasury. The fund shall consist of the net 290
proceeds of obligations issued and sold by the issuing authority 291
pursuant to sections 151.01 and 151.11 of the Revised Code. 292
Investment earnings of the fund shall be credited to the fund. 293
Moneys in the fund shall be used to make grants for eligible 294
projects pursuant to sections 122.085 to 122.0820 of the Revised 295
Code and associated administrative expenses. 296

Sec. 151.01. (A) As used in sections 151.01 to ~~151.09~~ 151.11 297
and 151.40 of the Revised Code and in the applicable bond 298
proceedings unless otherwise provided: 299

(1) "Bond proceedings" means the resolutions, orders, 300
agreements, and credit enhancement facilities, and amendments and 301
supplements to them, or any one or more or combination of them, 302
authorizing, awarding, or providing for the terms and conditions 303
applicable to or providing for the security or liquidity of, the 304
particular obligations, and the provisions contained in those 305
obligations. 306

(2) "Bond service fund" means the respective bond service 307
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 308
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 309
any accounts in that fund, including all moneys and investments, 310
and earnings from investments, credited and to be credited to that 311
fund and accounts as and to the extent provided in the applicable 312
bond proceedings. 313

(3) "Capital facilities" means capital facilities or projects 314
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 315
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 316

(4) "Costs of capital facilities" means the costs of 317
acquiring, constructing, reconstructing, rehabilitating, 318
remodeling, renovating, enlarging, improving, equipping, or 319
furnishing capital facilities, and of the financing of those 320
costs. "Costs of capital facilities" includes, without limitation, 321
and in addition to costs referred to in section 151.03, 151.04, 322
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 323
of the Revised Code, the cost of clearance and preparation of the 324
site and of any land to be used in connection with capital 325
facilities, the cost of any indemnity and surety bonds and 326
premiums on insurance, all related direct administrative expenses 327
and allocable portions of direct costs of the issuing authority, 328
costs of engineering and architectural services, designs, plans, 329
specifications, surveys, and estimates of cost, financing costs, 330
interest on obligations from their date to the time when interest 331
is to be paid from sources other than proceeds of obligations, 332
amounts necessary to establish any reserves as required by the 333
bond proceedings, the reimbursement of all moneys advanced or 334
applied by or borrowed from any person or governmental agency or 335
entity for the payment of any item of costs of capital facilities, 336
and all other expenses necessary or incident to planning or 337
determining feasibility or practicability with respect to capital 338
facilities, and such other expenses as may be necessary or 339
incident to the acquisition, construction, reconstruction, 340
rehabilitation, remodeling, renovation, enlargement, improvement, 341
equipment, and furnishing of capital facilities, the financing of 342
those costs, and the placing of the capital facilities in use and 343
operation, including any one, part of, or combination of those 344
classes of costs and expenses. 345

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

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

(7) "Issuing authority" means the Ohio public facilities commission created in section 151.02 of the Revised Code for obligations issued under section 151.03, 151.04, 151.05, 151.07, 151.08, ~~or 151.09~~, 151.10, or 151.11 of the Revised Code, or the treasurer of state, or the officer who by law performs the functions of that office, for obligations issued under section 151.06 or 151.40 of the Revised Code.

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

(9) "Obligations" means bonds, notes, or other evidences of obligation of the state, including any appertaining interest coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of Article VIII, Ohio Constitution, and pursuant to sections 151.01 to ~~151.09~~ 151.11 or 151.40 of the Revised Code or other general assembly authorization.

(10) "Principal amount" means the aggregate of the amount as stated or provided for in the applicable bond proceedings as the

amount on which interest or interest equivalent on particular 377
obligations is initially calculated. Principal amount does not 378
include any premium paid to the state by the initial purchaser of 379
the obligations. "Principal amount" of a capital appreciation 380
bond, as defined in division (C) of section 3334.01 of the Revised 381
Code, means its face amount, and "principal amount" of a zero 382
coupon bond, as defined in division (J) of section 3334.01 of the 383
Revised Code, means the discounted offering price at which the 384
bond is initially sold to the public, disregarding any purchase 385
price discount to the original purchaser, if provided for pursuant 386
to the bond proceedings. 387

(11) "Special funds" or "funds," unless the context indicates 388
otherwise, means the bond service fund, and any other funds, 389
including any reserve funds, created under the bond proceedings 390
and stated to be special funds in those proceedings, including 391
moneys and investments, and earnings from investments, credited 392
and to be credited to the particular fund. Special funds do not 393
include the school building program assistance fund created by 394
section 3318.25 of the Revised Code, the higher education 395
improvement fund created by division (F) of section 154.21 of the 396
Revised Code, the highway capital improvement bond fund created by 397
section 5528.53 of the Revised Code, the state parks and natural 398
resources fund created by section 1557.02 of the Revised Code, the 399
coal research and development fund created by section 1555.15 of 400
the Revised Code, the clean Ohio conservation fund created by 401
section 164.27 of the Revised Code, the clean Ohio revitalization 402
fund created by section 122.658 of the Revised Code, the job ready 403
site development fund created by section 122.0820 of the Revised 404
Code, the third frontier research and development fund created by 405
section 184.18 of the Revised Code, or other funds created by the 406
bond proceedings that are not stated by those proceedings to be 407
special funds. 408

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, or 15, and Section 409
17, of Article VIII, Ohio Constitution, the state, by the issuing 410
authority, is authorized to issue and sell, as provided in 411
sections 151.03 to ~~151.09~~ 151.11 or 151.40 of the Revised Code, 412
and in respective aggregate principal amounts as from time to time 413
provided or authorized by the general assembly, general 414
obligations of this state for the purpose of paying costs of 415
capital facilities or projects identified by or pursuant to 416
general assembly action. 417

(C) Each issue of obligations shall be authorized by 418
resolution or order of the issuing authority. The bond proceedings 419
shall provide for or authorize the manner for determining the 420
principal amount or maximum principal amount of obligations of an 421
issue, the principal maturity or maturities, the interest rate or 422
rates, the date of and the dates of payment of interest on the 423
obligations, their denominations, and the place or places of 424
payment of debt service which may be within or outside the state. 425
Unless otherwise provided by law, the latest principal maturity 426
may not be later than the earlier of the thirty-first day of 427
December of the twenty-fifth calendar year after the year of 428
issuance of the particular obligations or of the twenty-fifth 429
calendar year after the year in which the original obligation to 430
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 431
and 9.983 of the Revised Code apply to obligations. The purpose of 432
the obligations may be stated in the bond proceedings in general 433
terms, such as, as applicable, "financing or assisting in the 434
financing of projects as provided in Section 2l of Article VIII, 435
Ohio Constitution," "financing or assisting in the financing of 436
highway capital improvement projects as provided in Section 2m of 437
Article VIII, Ohio Constitution," "paying costs of capital 438
facilities for a system of common schools throughout the state as 439
authorized by Section 2n of Article VIII, Ohio Constitution," 440

"paying costs of capital facilities for state-supported and 441
state-assisted institutions of higher education as authorized by 442
Section 2n of Article VIII, Ohio Constitution," "paying costs of 443
coal research and development as authorized by Section 15 of 444
Article VIII, Ohio Constitution," "financing or assisting in the 445
financing of local subdivision capital improvement projects as 446
authorized by Section 2m of Article VIII, Ohio Constitution," 447
"paying costs of conservation projects as authorized by Section 2o 448
of Article VIII, Ohio Constitution," ~~or~~ "paying costs of 449
revitalization projects as authorized by Section 2o of Article 450
VIII, Ohio Constitution," "paying costs of preparing sites for 451
industry, commerce, distribution, or research and development as 452
authorized by Section 2p of Article VIII, Ohio Constitution," or 453
"paying costs of research and development as authorized by Section 454
2p of Article VIII, Ohio Constitution." 455

(D) The issuing authority may appoint or provide for the 456
appointment of paying agents, bond registrars, securities 457
depositories, clearing corporations, and transfer agents, and may 458
without need for any other approval retain or contract for the 459
services of underwriters, investment bankers, financial advisers, 460
accounting experts, marketing, remarketing, indexing, and 461
administrative agents, other consultants, and independent 462
contractors, including printing services, as are necessary in the 463
judgment of the issuing authority to carry out the issuing 464
authority's functions under this chapter. When the issuing 465
authority is the Ohio public facilities commission, the issuing 466
authority also may without need for any other approval retain or 467
contract for the services of attorneys and other professionals for 468
that purpose. Financing costs are payable, as may be provided in 469
the bond proceedings, from the proceeds of the obligations, from 470
special funds, or from other moneys available for the purpose. 471

(E) The bond proceedings may contain additional provisions 472

customary or appropriate to the financing or to the obligations or 473
to particular obligations including, but not limited to, 474
provisions for: 475

(1) The redemption of obligations prior to maturity at the 476
option of the state or of the holder or upon the occurrence of 477
certain conditions, and at particular price or prices and under 478
particular terms and conditions; 479

(2) The form of and other terms of the obligations; 480

(3) The establishment, deposit, investment, and application 481
of special funds, and the safeguarding of moneys on hand or on 482
deposit, in lieu of the applicability of provisions of Chapter 483
131. or 135. of the Revised Code, but subject to any special 484
provisions of sections 151.01 to ~~151.09~~ 151.11 or 151.40 of the 485
Revised Code with respect to the application of particular funds 486
or moneys. Any financial institution that acts as a depository of 487
any moneys in special funds or other funds under the bond 488
proceedings may furnish indemnifying bonds or pledge securities as 489
required by the issuing authority. 490

(4) Any or every provision of the bond proceedings being 491
binding upon the issuing authority and upon such governmental 492
agency or entity, officer, board, commission, authority, agency, 493
department, institution, district, or other person or body as may 494
from time to time be authorized to take actions as may be 495
necessary to perform all or any part of the duty required by the 496
provision; 497

(5) The maintenance of each pledge or instrument comprising 498
part of the bond proceedings until the state has fully paid or 499
provided for the payment of the debt service on the obligations or 500
met other stated conditions; 501

(6) In the event of default in any payments required to be 502
made by the bond proceedings, or by any other agreement of the 503

issuing authority made as part of a contract under which the obligations were issued or secured, including a credit enhancement facility, the enforcement of those payments by mandamus, a suit in equity, an action at law, or any combination of those remedial actions;

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

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

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

(10) Amendment of the bond proceedings;

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

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

sufficient for all purposes as if that individual had remained the
authorized signer until delivery.

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

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

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

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members or officers of the issuing authority, or those members' 567
designees acting pursuant to section ~~154.02~~ 151.02 of the Revised 568
Code, or the issuing authority's officers, staff, or employees, 569
are not liable in their personal capacities on any obligations or 570
otherwise under the bond proceedings. 571

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, or 15, and 572
Section 17, of Article VIII, Ohio Constitution and sections 151.01 573
to ~~151.09~~ 151.11 or 151.40 of the Revised Code, the issuing 574
authority may, in addition to the authority referred to in 575
division (B) of this section, authorize and provide for the 576
issuance of: 577

(a) Obligations in the form of bond anticipation notes, and 578
may provide for the renewal of those notes from time to time by 579
the issuance of new notes. The holders of notes or appertaining 580
interest coupons have the right to have debt service on those 581
notes paid solely from the moneys and special funds that are or 582
may be pledged to that payment, including the proceeds of bonds or 583
renewal notes or both, as the issuing authority provides in the 584
bond proceedings authorizing the notes. Notes may be additionally 585
secured by covenants of the issuing authority to the effect that 586
the issuing authority and the state will do all things necessary 587
for the issuance of bonds or renewal notes in such principal 588
amount and upon such terms as may be necessary to provide moneys 589
to pay when due the debt service on the notes, and apply their 590
proceeds to the extent necessary, to make full and timely payment 591
of debt service on the notes as provided in the applicable bond 592
proceedings. In the bond proceedings authorizing the issuance of 593
bond anticipation notes the issuing authority shall set forth for 594
the bonds anticipated an estimated schedule of annual principal 595
payments the latest of which shall be no later than provided in 596
division (C) of this section. While the notes are outstanding 597
there shall be deposited, as shall be provided in the bond 598

proceedings for those notes, from the sources authorized for 599
payment of debt service on the bonds, amounts sufficient to pay 600
the principal of the bonds anticipated as set forth in that 601
estimated schedule during the time the notes are outstanding, 602
which amounts shall be used solely to pay the principal of those 603
notes or of the bonds anticipated. 604

(b) Obligations for the refunding, including funding and 605
retirement, and advance refunding with or without payment or 606
redemption prior to maturity, of any obligations previously 607
issued. Refunding obligations may be issued in amounts sufficient 608
to pay or to provide for repayment of the principal amount, 609
including principal amounts maturing prior to the redemption of 610
the remaining prior obligations, any redemption premium, and 611
interest accrued or to accrue to the maturity or redemption date 612
or dates, payable on the prior obligations, and related financing 613
costs and any expenses incurred or to be incurred in connection 614
with that issuance and refunding. Subject to the applicable bond 615
proceedings, the portion of the proceeds of the sale of refunding 616
obligations issued under division (J)(1)(b) of this section to be 617
applied to debt service on the prior obligations shall be credited 618
to an appropriate separate account in the bond service fund and 619
held in trust for the purpose by the issuing authority or by a 620
corporate trustee. Obligations authorized under this division 621
shall be considered to be issued for those purposes for which the 622
prior obligations were issued. 623

(2) Except as otherwise provided in sections 151.01 to ~~151.09~~ 624
151.11 or 151.40 of the Revised Code, bonds or notes authorized 625
pursuant to division (J) of this section are subject to the 626
provisions of those sections pertaining to obligations generally. 627

(3) The principal amount of refunding or renewal obligations 628
issued pursuant to division (J) of this section shall be in 629
addition to the amount authorized by the general assembly as 630

referred to in division (B) of the following sections: section 631
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 632
151.11, or 151.40 of the Revised Code. 633

(K) Obligations are lawful investments for banks, savings and 634
loan associations, credit union share guaranty corporations, trust 635
companies, trustees, fiduciaries, insurance companies, including 636
domestic for life and domestic not for life, trustees or other 637
officers having charge of sinking and bond retirement or other 638
special funds of the state and political subdivisions and taxing 639
districts of this state, the sinking fund, the administrator of 640
workers' compensation subject to the approval of the workers' 641
compensation board, the state teachers retirement system, the 642
public employees retirement system, the school employees 643
retirement system, and the Ohio police and fire pension fund, 644
notwithstanding any other provisions of the Revised Code or rules 645
adopted pursuant to those provisions by any state agency with 646
respect to investments by them, and are also acceptable as 647
security for the repayment of the deposit of public moneys. The 648
exemptions from taxation in Ohio as provided for in particular 649
sections of the Ohio Constitution and section 5709.76 of the 650
Revised Code apply to the obligations. 651

(L)(1) Unless otherwise provided or provided for in any 652
applicable bond proceedings, moneys to the credit of or in a 653
special fund shall be disbursed on the order of the issuing 654
authority. No such order is required for the payment, from the 655
bond service fund or other special fund, when due of debt service 656
or required payments under credit enhancement facilities. 657

(2) Payments received by the state under interest rate hedges 658
entered into as credit enhancement facilities under this chapter 659
shall be deposited to the credit of the bond service fund for the 660
obligations to which those credit enhancement facilities relate. 661

(M) The full faith and credit, revenue, and taxing power of 662
the state are and shall be pledged to the timely payment of debt 663
service on outstanding obligations as it comes due, all in 664
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of Article 665
VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 666
151.06, 151.07, 151.08, ~~151.09~~, 151.10, or 151.11 of the 667
Revised Code. Moneys referred to in Section 5a of Article XII, 668
Ohio Constitution, may not be pledged or used for the payment of 669
debt service except on obligations referred to in section 151.06 670
of the Revised Code. Net state lottery proceeds, as provided for 671
and referred to in section 3770.06 of the Revised Code, may not be 672
pledged or used for the payment of debt service except on 673
obligations referred to in section 151.03 of the Revised Code. The 674
state covenants, and that covenant shall be controlling 675
notwithstanding any other provision of law, that the state and the 676
applicable officers and agencies of the state, including the 677
general assembly, shall, so long as any obligations are 678
outstanding in accordance with their terms, maintain statutory 679
authority for and cause to be levied, collected and applied 680
sufficient pledged excises, taxes, and revenues of the state so 681
that the revenues shall be sufficient in amounts to pay debt 682
service when due, to establish and maintain any reserves and other 683
requirements, and to pay financing costs, including costs of or 684
relating to credit enhancement facilities, all as provided for in 685
the bond proceedings. Those excises, taxes, and revenues are and 686
shall be deemed to be levied and collected, in addition to the 687
purposes otherwise provided for by law, to provide for the payment 688
of debt service and financing costs in accordance with sections 689
151.01 to ~~151.09~~ 151.11 of the Revised Code and the bond 690
proceedings. 691

(N) The general assembly may from time to time repeal or 692
reduce any excise, tax, or other source of revenue pledged to the 693

payment of the debt service pursuant to Section 2k, 2l, 2m, 2n,
2o, 2p, or 15 of Article VIII, Ohio Constitution, and sections
151.01 to ~~151.09~~ 151.11 or 151.40 of the Revised Code, and may
levy, collect and apply any new or increased excise, tax, or
revenue to meet the pledge, to the payment of debt service on
outstanding obligations, of the state's full faith and credit,
revenue and taxing power, or of designated revenues and receipts,
except fees, excises or taxes referred to in Section 5a of Article
XII, Ohio Constitution, for other than obligations referred to in
section 151.06 of the Revised Code and except net state lottery
proceeds for other than obligations referred to in section 151.03
of the Revised Code. Nothing in division (N) of this section
authorizes any impairment of the obligation of this state to levy
and collect sufficient excises, taxes, and revenues to pay debt
service on obligations outstanding in accordance with their terms.

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

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

(Q) The issuing authority shall by the fifteenth day of July 726
of each fiscal year, certify or cause to be certified to the 727
office of budget and management the total amount of moneys 728
required during the current fiscal year to meet in full all debt 729
service on the respective obligations and any related financing 730
costs payable from the applicable bond service fund and not from 731
the proceeds of refunding or renewal obligations. The issuing 732
authority shall make or cause to be made supplemental 733
certifications to the office of budget and management for each 734
debt service payment date and at such other times during each 735
fiscal year as may be provided in the bond proceedings or 736
requested by that office. Debt service, costs of credit 737
enhancement facilities, and other financing costs shall be set 738
forth separately in each certification. If and so long as the 739
moneys to the credit of the bond service fund, together with any 740
other moneys available for the purpose, are insufficient to meet 741
in full all payments when due of the amount required as stated in 742
the certificate or otherwise, the office of budget and management 743
shall at the times as provided in the bond proceedings, and 744
consistent with any particular provisions in sections 151.03 to 745
~~151.09~~ 151.11 and 151.40 of the Revised Code, transfer a 746
sufficient amount to the bond service fund from the pledged 747
revenues in the case of obligations issued pursuant to section 748
151.40 of the Revised Code, and in the case of other obligations 749
from the revenues derived from excises, taxes, and other revenues, 750
including net state lottery proceeds in the case of obligations 751
referred to in section 151.03 of the Revised Code. 752

(R) Unless otherwise provided in any applicable bond 753
proceedings, moneys to the credit of special funds may be invested 754
by or on behalf of the state only in one or more of the following: 755

(1) Notes, bonds, or other direct obligations of the United 756
States or of any agency or instrumentality of the United States, 757

or in no-front-end-load money market mutual funds consisting 758
exclusively of those obligations, or in repurchase agreements, 759
including those issued by any fiduciary, secured by those 760
obligations, or in collective investment funds consisting 761
exclusively of those obligations; 762

(2) Obligations of this state or any political subdivision of 763
this state; 764

(3) Certificates of deposit of any national bank located in 765
this state and any bank, as defined in section 1101.01 of the 766
Revised Code, subject to inspection by the superintendent of 767
financial institutions; 768

(4) The treasurer of state's pooled investment program under 769
section 135.45 of the Revised Code. 770

The income from investments referred to in division (R) of 771
this section shall, unless otherwise provided in sections 151.01 772
to ~~151.09~~ 151.11 or 151.40 of the Revised Code, be credited to 773
special funds or otherwise as the issuing authority determines in 774
the bond proceedings. Those investments may be sold or exchanged 775
at times as the issuing authority determines, provides for, or 776
authorizes. 777

(S) The treasurer of state shall have responsibility for 778
keeping records, making reports, and making payments, relating to 779
any arbitrage rebate requirements under the applicable bond 780
proceedings. 781

Sec. 151.02. (A) Pursuant to the powers granted to the 782
general assembly under Article VIII, Ohio Constitution, to 783
authorize the issuance of obligations, and pursuant to other 784
authority vested in the general assembly, there is hereby created 785
a body, both corporate and politic, constituting an agency and 786
instrumentality of the state of Ohio and performing essential 787

functions of the state, to be known as the "Ohio public facilities 788
commission," which in that name may contract and be contracted 789
with, sue and be sued, and exercise all other authority vested in 790
that commission by sections 151.01 to 151.05 and 151.07 to 151.11 791
and Chapter 154. of the Revised Code. 792

(B) The commission shall consist of, in each case ex officio, 793
the governor, the treasurer of state, the auditor of state, the 794
secretary of state, the attorney general, and the director of 795
budget and management. The governor shall serve as the chairman of 796
the commission, the director of budget and management shall serve 797
as its secretary, and the commission shall have such other 798
officers as it determines, who may but need not be members of the 799
commission. Four members of the commission constitute a quorum and 800
the affirmative vote of four members is necessary for any action 801
taken by vote of the commission. No vacancy in the membership of 802
the commission shall impair the rights of a quorum by such vote to 803
exercise all the rights and perform all the duties of the 804
commission. Each of the state officers above identified may 805
designate an employee or officer of that officer's office to 806
attend meetings of the commission when that officer is absent or 807
unable for any reason to attend and that designee, when present, 808
shall be counted in determining whether a quorum is present at any 809
meeting and may vote and participate in all proceedings and 810
actions of the commission. A designee may not execute or cause a 811
facsimile signature to be placed on any obligation. That 812
designation shall be in writing, executed by the designating 813
member, and be filed with the secretary of the commission. A 814
designation may be changed from time to time by a similar written 815
designation. The commission may delegate to such of its members, 816
officers, or employees as it determines those powers and duties as 817
it deems appropriate. No member of the commission or designee 818
shall, by reason of being or serving as a member of the 819
commission, be required to abstain from action in any other 820

capacity as an incumbent of a state office or position or from any
action as a member of the commission in any matter affecting or in
any way pertaining to both that office or position and the
commission, or for any purpose be deemed to be disqualified from
either such office or position or as a member of the commission by
reason of so acting or to have violated any law by reason thereof.
The commission may adopt and alter bylaws and rules for the
conduct of its affairs, including provisions for meetings, and for
the manner, subject to this chapter and Chapter 154. of the
Revised Code, in which its powers and functions are to be
exercised and embodied and may adopt and alter at will an official
seal to be affixed to official documents, provided that the
failure to affix any such seal shall not affect the legality of
such documents. Members of the commission shall receive no added
compensation for their services as such members but may be
reimbursed, as determined by the commission, for their necessary
and actual expenses incurred in the conduct of the commission's
business.

(C) In connection with the exercise of its powers pursuant to
this chapter, the commission may enter into contracts and execute
all instruments necessary or incidental to the performance of the
commission's duties and the execution of the authority's powers
and do all other acts necessary or proper to the fulfillment of
the commission's purposes and to carry out the powers expressly
granted in this chapter.

Sec. 151.10. (A) As used in this section: 846

(1) "Costs of research and development projects" includes
related direct administrative expenses and allocable portions of
the direct costs of those projects, costs of capital facilities,
and working capital, all for the following:

(a) Attracting researchers and research teams by endowing

<u>research chairs or otherwise;</u>	852
<u>(b) Activities to develop and commercialize products and processes;</u>	853
<u>(c) Intellectual property matters such as copyrights and patents;</u>	854
<u>(d) Property interests including timesharing arrangements, capital formation, direct operating costs, and costs of research and facilities including interests in real property therefore; and</u>	855
<u>(e) Support for public and private institutions of higher education, research organizations or institutions, and private sector entities.</u>	856
<u>(2) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of projects for research and development purposes as referred to in division (A)(2) of Section 2p of Article VIII, Ohio Constitution.</u>	857
<u>(3) "Project" means any research and development project, as defined in section 184.10 of the Revised Code, or facility, including undivided or other interests, acquired or to be acquired, constructed or to be constructed, or operating or to be operated by a person doing business in this state or by an educational or scientific institution located in this state with all or part of the cost of the project being paid from a grant or loan from the third frontier research and development fund or a loan guaranteed under Chapter 184. of the Revised Code, including all buildings and facilities determined necessary for the operation of the project, together with all property, rights, easements, and interests that may be required for the operation of the project.</u>	858
<u>(B) The issuing authority shall issue general obligations of the state to pay costs of research and development projects</u>	859
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pursuant to division (B)(2) of Section 2p of Article VIII, Ohio 882
Constitution, section 151.01 of the Revised Code, and this 883
section. The issuing authority shall issue obligations in the 884
amount determined by the issuing authority to be required for 885
those purposes. The total principal amount of obligations issued 886
under this section shall not exceed five hundred million dollars. 887

(C) Net proceeds of obligations shall be deposited into the 888
third frontier research and development fund created by section 889
184.18 of the Revised Code. 890

(D) There is hereby created in the state treasury the third 891
frontier research and development projects bond service fund. All 892
moneys received by the state and required by the bond proceedings, 893
consistent with section 151.01 of the Revised Code and this 894
section, to be deposited, transferred, or credited to the bond 895
service fund, and all other moneys transferred or allocated to or 896
received for the purposes of that fund, shall be deposited and 897
credited to the bond service fund, subject to any applicable 898
provisions of the bond proceedings, but without necessity for any 899
act of appropriation. During the period beginning with the date of 900
the first issuance of obligations and continuing during the time 901
that any obligations are outstanding in accordance with their 902
terms, so long as moneys in the bond service fund are insufficient 903
to pay debt service when due on those obligations payable from 904
that fund, except the principal amounts of bond anticipation notes 905
payable from the proceeds of renewal notes or bonds anticipated, 906
and due in the particular fiscal year, a sufficient amount of 907
revenues of the state is committed and, without necessity for 908
further act of appropriation, shall be paid to the bond service 909
fund for the purpose of paying that debt service when due. 910

Sec. 151.11. (A) As used in this section: 911

(1) "Costs of sites and facilities" includes related direct 912

administrative expenses and allocable portions of the direct costs
of those projects.

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(2) "Obligations" means obligations as defined in section
151.01 of the Revised Code issued to pay costs of sites and
facilities in Ohio for and in support of industry, commerce,
distribution, and research and development purposes as referred to
in division (A)(3) of Section 2p of Article VIII, Ohio
Constitution.

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(B) The issuing authority shall issue general obligations of
the state to pay costs of sites and facilities pursuant to
division (B)(3) of Section 2p of Article VIII, Ohio Constitution,
section 151.01 of the Revised Code, and this section. The issuing
authority shall issue obligations in the amount determined by the
issuing authority to be required for those purposes. The total
principal amount of obligations issued under this section shall
not exceed one hundred fifty million dollars.

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(C) Net proceeds of obligations shall be deposited into the
job ready site development fund created by section 122.0820 of the
Revised Code.

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(D) There is hereby created in the state treasury the job
ready site development bond service fund. All moneys received by
the state and required by the bond proceedings, consistent with
section 151.01 of the Revised Code and this section, to be
deposited, transferred, or credited to the bond service fund, and
all other moneys transferred or allocated to or received for the
purposes of that fund, shall be deposited and credited to the bond
service fund, subject to any applicable provisions of the bond
proceedings, but without necessity for any act of appropriation.
During the period beginning with the date of the first issuance of
obligations and continuing during the time that any obligations
are outstanding in accordance with their terms, so long as moneys

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in the bond service fund are insufficient to pay debt service when 944
due on those obligations payable from that fund, except the 945
principal amounts of bond anticipation notes payable from the 946
proceeds of renewal notes or bonds anticipated, and due in the 947
particular fiscal year, a sufficient amount of revenues of the 948
state is committed and, without necessity for further act of 949
appropriation, shall be paid to the bond service fund for the 950
purpose of paying that debt service when due. 951

Sec. 184.01. (A) There is hereby created the third frontier 952
commission in the department of development. The purpose of the 953
commission is to coordinate and administer science and technology 954
programs to promote the welfare of the people of the state and to 955
maximize the economic growth of the state through expansion of 956
both of the following: 957

(1) The state's high technology research and development 958
capabilities; 959

(2) The state's product and process innovation and 960
commercialization. 961

(B)(1) The commission shall consist of nine members: the 962
director of development, the chancellor of the Ohio board of 963
regents, ~~and~~ the governor's science and technology advisor, and 964
six persons appointed by the governor. ~~The~~ 965

(2) Of the six persons appointed by the governor, one shall 966
represent the central region, which is composed of the counties of 967
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 968
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 969
one shall represent the west central region, which is composed of 970
the counties of Champaign, Clark, Darke, Greene, Miami, 971
Montgomery, Preble, and Shelby; one shall represent the northeast 972
region, which is composed of the counties of Ashland, Ashtabula, 973

Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 974
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 975
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 976
northwest region, which is composed of the counties of Allen, 977
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 978
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 979
Wood, and Wyandot; one shall represent the southeast region, which 980
shall represent the counties of Adams, Athens, Belmont, Coshocton, 981
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 982
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 983
Washington; and one shall represent the southwest region, which is 984
composed of the counties of Butler, Brown, Clermont, Clinton, 985
Hamilton, Highland, and Warren. Of the initial appointments, two 986
shall be for one year, two shall be for two years, and two shall 987
be for three years as assigned by the governor. Thereafter, 988
appointments shall be for three-year terms. Members may be 989
reappointed and vacancies shall be filled in the same manner as 990
appointments. A person must have a background in business or 991
research in order to be eligible for appointment to the 992
commission. 993

(3) The governor shall select a chairperson from among the 994
members, who shall serve in that role at the pleasure of the 995
governor. Sections 101.82 to 101.87 of the Revised Code do not 996
apply to the commission. 997

(C) The commission shall meet at least once during each 998
quarter of the calendar year or at the call of the chairperson. A 999
majority of all members of the commission constitutes a quorum, 1000
and no action shall be taken without the concurrence of a majority 1001
of the members. 1002

(D) The commission shall administer any money that may be 1003
appropriated to it by the general assembly. The commission may use 1004
such money for research and commercialization and for any other 1005

purposes that may be designated by the commission. 1006

(E) The department of development shall provide office space 1007
and facilities for the commission. Administrative costs associated 1008
with the operation of the commission or with any program or 1009
activity administered by the commission shall be paid from amounts 1010
appropriated to the commission or to the department of development 1011
for such purposes. 1012

(F) The attorney general shall serve as the legal 1013
representative for the commission and may appoint other counsel as 1014
necessary for that purpose in accordance with section 109.07 of 1015
the Revised Code. 1016

(G) Members of the commission shall serve without 1017
compensation, but shall receive their reasonable and necessary 1018
expenses incurred in the conduct of commission business. 1019

(H) Members of the commission shall file financial disclosure 1020
statements described in division (B) of section 102.02 of the 1021
Revised Code. 1022

Sec. 184.02. (A) The In addition to the powers and duties 1023
under sections 184.10 to 184.18 of the Revised Code, the third 1024
frontier commission may perform any act to ensure the performance 1025
of any function necessary or appropriate to carry out the purposes 1026
of, and exercise the powers granted under, sections 184.01 and 1027
184.02 of the Revised Code. In addition, the commission may do any 1028
of the following: 1029

(1) Adopt, amend, and rescind rules under section 111.15 of 1030
the Revised Code for the administration of any aspect of its 1031
operations; 1032

(2) Adopt bylaws governing its operations, including bylaws 1033
that establish procedures and set policies as may be necessary to 1034
assist with the furtherance of its purposes; 1035

(3) Appoint and set the compensation of employees needed to carry out its duties;	1036 1037
(4) Contract with, retain the services of, or designate, and fix the compensation of, such financial consultants, accountants, other consultants and advisors, and other independent contractors as may be necessary or desirable to carry out its duties;	1038 1039 1040 1041
(5) Solicit input and comments from the third frontier advisory board, and specialized industry, professional, and other relevant interest groups concerning its purposes;	1042 1043 1044
(6) Facilitate alignment of the state's science and technology programs and activities;	1045 1046
(7) Make grants and loans to individuals, public agencies, private companies or organizations, or joint ventures for any of the broad range of activities related to its purposes.	1047 1048 1049
(B) <u>The In addition to the powers and duties under sections 184.10 to 184.18 of the Revised Code, the commission shall do all of the following:</u>	1050 1051 1052
(1) Establish a competitive process for the award of grants and loans that is designed to fund the most meritorious proposals and, when appropriate, provide for peer review of proposals;	1053 1054 1055
(2) Within ninety days after the end of each fiscal year, submit to the governor and the general assembly a report of the activities of the commission during the preceding fiscal year;	1056 1057 1058
(3) With specific application to the biomedical research and technology transfer trust fund, periodically make strategic assessments of the types of state investments in biomedical research and biotechnology in the state that would likely create jobs and business opportunities in the state and produce the most beneficial long-term improvements to the public health of Ohioans, including, but not limited to, biomedical research and	1059 1060 1061 1062 1063 1064 1065

biotechnology initiatives that address tobacco-related illnesses 1066
as may be outlined in any master agreement. The commission shall 1067
award grants and loans from the fund pursuant to a process 1068
established under division (B)(1) of this section. 1069

Sec. 184.03. (A) There is hereby created the third frontier 1070
advisory board that, upon request of the third frontier 1071
commission, shall provide general advice to the commission on 1072
various items including, but not limited to, the following: 1073

(1) Strategic planning for programs administered by the 1074
commission; 1075

(2) Budget and funding priorities, funding processes, 1076
request-for-proposal criteria, and other aspects of the management 1077
and coordination of programs administered by the commission; 1078

(3) Metrics and methods of measuring the progress and impact 1079
of programs administered by the commission; 1080

(4) Studies to be conducted to collect and analyze data 1081
relevant to advancing the goals of programs administered by the 1082
commission; 1083

(5) The commission's powers and duties under sections 184.10 1084
to 184.18 of the Revised Code. 1085

(B) The board shall consist of sixteen members selected for 1086
their knowledge of and experience in science and technology 1087
matters that may affect the state in the near future. Of the 1088
sixteen members, fourteen shall be appointed by the governor, one 1089
shall be appointed by the speaker of the house of representatives, 1090
and one shall be appointed by the president of the senate. 1091

(1) Of the fourteen members appointed by the governor, nine 1092
shall be representative of or have experience with business 1093
matters that affect the state and five shall be representative of 1094
or have experience with matters affecting universities or 1095

nonprofit research institutions in the state. 1096

(2) Of the governor's initial appointees that are 1097
representative of or have experience with business matters that 1098
affect the state, three shall serve an initial term of one year, 1099
three shall serve an initial term of two years, and three shall 1100
serve an initial term of three years. All of the initial 1101
appointees that are representative of or have experience with 1102
matters affecting university or nonprofit research institutions 1103
shall serve an initial term of three years. Thereafter, each 1104
member appointed by the governor shall serve a three-year term. 1105

(3) All appointees to the board shall serve at the pleasure 1106
of their appointing authorities. 1107

(4) Not more than nine members of the board shall be of the 1108
same political party. 1109

(C) The governor shall appoint the chairperson of the board 1110
from among its members, and the chairperson shall serve in that 1111
role at the pleasure of the governor. 1112

(D) A majority of the members of the board constitutes a 1113
quorum, and no action shall be taken without the affirmative vote 1114
of a majority of the members. 1115

(E) Each member of the board shall hold office from the date 1116
of appointment until the end of the term for which the member was 1117
appointed. A member may be reappointed for an unlimited number of 1118
terms. A member appointed to fill a vacancy occurring prior to the 1119
expiration of the term for which the member's predecessor was 1120
appointed shall hold office for the remainder of such term. A 1121
vacancy in an unexpired term shall be filled in the same manner as 1122
the original appointment. A member of the board shall continue in 1123
office subsequent to the expiration date of the member's term 1124
until the member's successor takes office, or until a period of 1125
sixty days has elapsed, whichever occurs first. The governor may 1126

remove any member of the board for malfeasance, misfeasance, or
nonfeasance after a hearing in accordance with Chapter 119. of the
Revised Code.

(F) Members of the board shall not act as representatives of
any specific disciplinary, regional, or organizational interest.
Members shall represent a wide variety of experience valuable in
technology research and development, product process innovation
and commercialization, and creating and managing high-growth
technology-based companies.

(G) Members of the board shall file financial disclosure
statements described in division (B) of section 102.02 of the
Revised Code.

(H) Members of the board shall serve without compensation but
shall receive their reasonable and necessary expenses incurred in
the conduct of board business.

(I) Before entering upon duties as a member of the board,
each member shall take an oath as provided by Section 7 of Article
XV, Ohio Constitution.

(J) The department of development shall provide office space
and facilities for the board.

(K) Sections 101.82 to 101.87 of the Revised Code do not
apply to the board.

Sec. 184.10. As used in sections 184.10 to 184.18 of the
Revised Code:

(A) "In-state entity" includes individuals, public and
private entities, agencies, and institutions, private companies or
organizations, or research organizations that have substantial
presence in Ohio.

(B) "Research and development projects" means projects or

activities in support of Ohio industry, commerce, and business, 1156
which include, without limitation, research and product 1157
innovation, development, and commercialization through efforts by, 1158
and may include collaboration among, Ohio business and industry, 1159
state and local public entities and agencies, public and private 1160
institutions, or research organizations. Those projects and 1161
activities also include projects and activities supporting any and 1162
all matters related to research and development purposes 1163
including: attracting researchers and research teams by endowing 1164
chairs or otherwise; developing and commercializing products and 1165
processes; promoting, developing, and securing intellectual 1166
property matters and rights such as copyrights and patents; 1167
promoting, developing, and securing property interests, including 1168
time sharing arrangements; and promoting, developing, and securing 1169
financial rights and matters such as royalties, licensing, and 1170
other financial gain or sharing resulting from research and 1171
development. 1172

Sec. 184.11. The third frontier commission may award support 1173
to individuals, public and private entities, agencies, and 1174
institutions, private companies or organizations, research 1175
organizations, or combinations or consortiums of any of the 1176
foregoing for the purpose of supporting research and development 1177
projects. The support may be in such manner as the commission 1178
determines, including by any one or a combination of grants, 1179
loans, including loans to lenders or the purchase of loans, 1180
subsidies, contributions, advances, or guarantees, or by payment 1181
or reimbursement from available money, or by providing staffing or 1182
other support including computer or other technology capacity, or 1183
equipment or facilities, including interests in real property. 1184

Sec. 184.111. Except with respect to grants subject to an 1185
agreement under section 184.114 of the Revised Code, the third 1186

frontier commission may award the support described in section 1187
184.11 of the Revised Code only to in-state entities. If an entity 1188
awarded support is collaborating with any entity that is not an 1189
in-state entity on the research and development project for which 1190
the support was awarded, the in-state entity may provide any 1191
portion of that support to the other entity only if the 1192
commission, in its discretion and only under exceptional 1193
circumstances that the commission determines, permits it. 1194

Sec. 184.112. The third frontier commission shall establish a 1195
competitive process for making awards of the support described in 1196
section 184.11 of the Revised Code that is designed to fund the 1197
research and development projects that have the most merit. 1198

Sec. 184.113. The third frontier commission shall require 1199
each individual, public and private entity, agency, and 1200
institution, private company or organization, research 1201
organization, or combination or consortium of any of the foregoing 1202
that the commission selects to receive the support described in 1203
section 184.11 of the Revised Code to enter into an agreement 1204
governing the use of the support for the research and development 1205
project. The agreement shall contain terms the commission 1206
determines to be necessary, including provisions stating that any 1207
support given by the commission may be used to pay costs of or in 1208
support of or related to research and development purposes, 1209
including, without limitation, capital formation, direct operating 1210
costs, costs of research and facilities, including interests in 1211
real property, and support for public and private institutions of 1212
higher education, research organizations or institutions, and 1213
private sector entities. 1214

Sec. 184.114. If the third frontier commission intends to 1215

award a grant for a research and development project under section 1216
184.11 of the Revised Code to an individual or private entity, 1217
agency, institution, or organization, the agreement governing the 1218
use of the grant entered into under section 184.113 of the Revised 1219
Code shall require both of the following: 1220

(A) The project shall primarily benefit this state. 1221

(B) If the recipient of the grant is not an in-state entity, 1222
it shall become an in-state entity not later than six months after 1223
entering into the agreement. 1224

Sec. 184.115. An individual or private entity, agency, 1225
institution, or organization that has received a grant under 1226
section 184.11 of the Revised Code for a research and development 1227
project and that violates the requirements of section 184.114 of 1228
the Revised Code forfeits the grant and must repay the grant 1229
amount plus interest at the rate required by section 5703.47 of 1230
the Revised Code to the third frontier commission. 1231

Sec. 184.12. Individuals, Ohio businesses and industries, 1232
local public entities and agencies, public and private education 1233
institutions, including state-supported and state-assisted 1234
institutions of higher education, the state and state agencies, 1235
and research organizations and institutions may collaborate on 1236
research and development projects. 1237

Sec. 184.13. The state shall have no ownership interest in or 1238
operational control of any business or private entity, agency, 1239
institution, or organization that has received support for a 1240
research and development project under section 184.11 of the 1241
Revised Code, and shall assume no shared risk or shared liability. 1242

Sec. 184.14. The third frontier commission shall establish 1243

procedures that permit public inspection of all support awarded 1244
under section 184.11 of the Revised Code for research and 1245
development projects and the processes used to determine which 1246
projects shall receive support. 1247

Sec. 184.15. The third frontier commission shall publish a 1248
report twice each year detailing all support awarded under section 1249
184.11 of the Revised Code for research and development projects, 1250
including the amount or type of support and the progress and 1251
performance metrics for the projects. A copy of each report shall 1252
be delivered to the governor, speaker and minority leader of the 1253
house of representatives, and president and minority leader of the 1254
senate. 1255

Sec. 184.16. The department of development shall monitor each 1256
research and development project receiving support under section 1257
184.11 of the Revised Code to ensure the following: 1258

(A) Fiscal accountability, so that the support is used in 1259
accordance with the agreement entered into under section 184.113 1260
of the Revised Code; 1261

(B) Operating progress, so that the project is managed to 1262
achieve the requirements of the agreement entered into under 1263
section 184.113 of the Revised Code and so that problems may be 1264
promptly identified and remedied; 1265

(C) Desired outcomes, including job creation and other 1266
anticipated economic impacts. 1267

Sec. 184.17. As used in sections 184.171, 184.172, and 1268
184.173 of the Revised Code, "minority" means an individual who is 1269
a United States citizen and who is a member of one of the 1270
following economically disadvantaged groups: Blacks or African 1271

Americans, American Indians, Hispanics or Latinos, and Asians. 1272

Sec. 184.171. The third frontier commission shall conduct 1273
outreach activities described in section 184.172 of the Revised 1274
Code that seek to include minorities in the various projects and 1275
initiatives sponsored, funded, encouraged, or otherwise promoted 1276
by the commission. The commission shall direct the activities at 1277
faculty and students involved in science and engineering 1278
disciplines, professional scientists and engineers, technical 1279
assistance providers, the investment community, minority-owned 1280
businesses, and minority entrepreneurs. 1281

Sec. 184.172. The outreach activities the third frontier 1282
commission shall conduct under section 184.171 of the Revised Code 1283
shall include the following: 1284

(A) Identifying and partnering with historically black 1285
colleges and universities to solicit and implement a minority 1286
technology demonstration project funded by the national science 1287
foundation; 1288

(B) Working with all institutions of higher education in the 1289
state to support minority faculty and students involved in science 1290
and engineering; 1291

(C) Developing a plan to contact by telephone minority-owned 1292
businesses and entrepreneurs to notify them of and encourage them 1293
to participate in the various third frontier projects and 1294
initiatives; 1295

(D) Identifying minority professional and technical trade 1296
associations and economic development assistance organizations and 1297
notifying them of the various third frontier projects and 1298
initiatives; 1299

(E) Partnering with regional technology councils to foster 1300

local efforts to support minority-owned technology businesses or 1301
otherwise identify networks of minority-owned technology 1302
businesses, entrepreneurs, and individuals operating locally; 1303

(F) Identifying minority technology firms and marketing them 1304
to the investment community including the Ohio venture capital 1305
authority created under section 150.02 of the Revised Code and the 1306
managers of all investment funds receiving third frontier project 1307
support. 1308

Sec. 184.173. The third frontier commission shall conduct the 1309
outreach activities described in sections 184.171 and 184.172 of 1310
the Revised Code in conjunction with the EDGE program created 1311
under section 123.152 of the Revised Code. 1312

Sec. 184.18. The third frontier research and development fund 1313
is hereby created in the state treasury. The fund shall consist of 1314
the net proceeds of the obligations issued and sold by the issuing 1315
authority pursuant to sections 151.01 and 151.10 of the Revised 1316
Code. Investment earnings of the fund shall be credited to the 1317
fund. Moneys in the fund shall be used in accordance with sections 1318
184.10 to 184.173 of the Revised Code and for associated 1319
administrative expenses. 1320

Section 2. That existing sections 151.01, 151.02, 184.01, 1321
184.02, and 184.03 of the Revised Code are hereby repealed. 1322

Section 3. The Governor shall make the appointments to the 1323
Third Frontier Commission required under section 184.01 of the 1324
Revised Code not later than April 1, 2006. The Commission shall be 1325
officially expanded on that date and the initial terms of office 1326
of those persons appointed shall begin on that date. 1327

Section 4. That Sections 203.99, 203.99.33, 203.99.51, and 1328

209.99 of Am. Sub. H.B. 66 of the 126th General Assembly be 1329
amended to read as follows: 1330

Sec. 203.99. DEV DEPARTMENT OF DEVELOPMENT 1331

General Revenue Fund 1332

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 1333

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 1334

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 1335

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 1336

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 1337

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 1338

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 1339

Grants

GRF 195-415 Economic Development \$ 5,794,975 \$ 5,894,975 1340

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,122,372 \$ 4,122,372 1341

Appalachia

GRF 195-422 Third Frontier Action \$ 16,790,000 \$ 16,790,000 1342

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 300,000 1343

Implementation

GRF 195-432 International Trade \$ 4,223,787 \$ 4,223,787 1344

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,227,500 1345

Grants

GRF 195-436 Labor/Management \$ 811,869 \$ 811,869 1346

Cooperation

GRF 195-497 CDBG Operating Match \$ 1,040,956 \$ 1,040,956 1347

GRF 195-498 State Match Energy \$ 94,000 \$ 94,000 1348

GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	1349
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803	1350
GRF 195-507	Travel and Tourism Grants	\$	1,287,500	\$	1,162,500	1351
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0	1352
GRF 195-905	Third Frontier Research & <u>Commercialization</u> <u>Development</u> General Obligation Debt Service	\$	0	\$	13,910,000	1353
<u>GRF 195-912</u>	<u>Job Ready Site</u> <u>Development</u> General <u>Obligation Debt</u> <u>Service</u>	\$	0	\$	<u>4,124,400</u>	1354
TOTAL GRF General Revenue Fund		\$	99,797,446	\$	103,367,446 <u>107,491,846</u>	1355
General Services Fund Group						1356
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686	1357
5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000	1358
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000	1359
5AD 195-677	Economic Development Contingency	\$	0	\$	10,000,000	1360
685 195-636	General Reimbursements	\$	1,000,000	\$	1,000,000	1361
TOTAL GSF General Services Fund						1362
Group		\$	16,450,000	\$	26,539,686	1363
Federal Special Revenue Fund Group						1364

3AE	195-643	Workforce Development Initiatives	\$	5,800,000	\$	5,800,000	1365
3K8	195-613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	1366
3K9	195-611	Home Energy Assistance Block Grant	\$	90,500,000	\$	90,500,000	1367
3K9	195-614	HEAP Weatherization	\$	16,219,478	\$	16,219,478	1368
3L0	195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	1369
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	1370
308	195-602	Appalachian Regional Commission	\$	600,660	\$	600,660	1371
308	195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000	1372
308	195-605	Federal Projects	\$	15,300,249	\$	15,300,249	1373
308	195-609	Small Business Administration	\$	4,296,381	\$	4,296,381	1374
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	1375
335	195-610	Oil Overcharge	\$	3,000,000	\$	3,000,000	1376
TOTAL FED Federal Special Revenue							1377
Fund Group			\$	274,349,427	\$	274,349,427	1378
State Special Revenue Fund Group							1379
4F2	195-639	State Special Projects	\$	290,183	\$	290,183	1380
4F2	195-676	Promote Ohio	\$	5,228,210	\$	5,228,210	1381
4S0	195-630	Enterprise Zone Operating	\$	275,000	\$	275,000	1382
4S1	195-634	Job Creation Tax Credit Operating	\$	375,800	\$	375,800	1383
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	1384
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	1385
450	195-624	Minority Business	\$	53,967	\$	53,967	1386

		Bonding Program				
		Administration				
451	195-625	Economic Development	\$	2,358,311	\$	2,358,311 1387
		Financing Operating				
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$	5,000,000 1388
5CG	195-679	Alternative Fuel	\$	150,000	\$	150,000 1389
		Transportation				
5CV	195-680	Defense Conversion	\$	1,000,000	\$	0 1390
		Assistance				
5CY	195-682	Lung Cancer and Lung	\$	10,000,000	\$	0 1391
		Disease Research				
5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000 1392
5M5	195-660	Energy Efficiency Loan	\$	12,000,000	\$	12,000,000 1393
		and Grant				
5X1	195-651	Exempt Facility	\$	25,000	\$	25,000 1394
		Inspection				
611	195-631	Water and Sewer	\$	15,713	\$	15,713 1395
		Administration				
617	195-654	Volume Cap	\$	200,000	\$	200,000 1396
		Administration				
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000 1397
		Income Housing Trust				
		Fund				
TOTAL SSR State Special Revenue						1398
Fund Group			\$	303,076,556	\$	292,076,556 1399
Facilities Establishment Fund Group						1400
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000 1401
010	195-665	Research and	\$	50,000,000	\$	50,000,000 1402
		Development				
037	195-615	Facilities	\$	63,931,149	\$	63,931,149 1403
		Establishment				
4Z6	195-647	Rural Industrial Park	\$	3,000,000	\$	3,000,000 1404
		Loan				

5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	1405
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000	1406
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	1407
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	1408
TOTAL 037 Facilities							1409
Establishment Fund Group			\$	179,406,149	\$	179,406,149	1410
Clean Ohio Revitalization Fund							1411
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000	1412
TOTAL 003 Clean Ohio Revitalization Fund			\$	350,000	\$	350,000	1413
<u>Third Frontier Research & Development Fund Group</u>							1414
<u>011</u>	<u>195-686</u>	<u>Third Frontier Operating</u>	<u>\$</u>	<u>713,028</u>	<u>\$</u>	<u>1,932,056</u>	1415
<u>011</u>	<u>195-687</u>	<u>Third Frontier Research & Development Projects</u>	<u>\$</u>	<u>100,000,000</u>	<u>\$</u>	<u>100,000,000</u>	1416
<u>TOTAL 011 Third Frontier Research & Development Fund Group</u>			<u>\$</u>	<u>100,713,028</u>	<u>\$</u>	<u>101,932,056</u>	1417
<u>Job Ready Site Development Fund Group</u>							1418
<u>012</u>	<u>195-688</u>	<u>Job Ready Site Operating</u>	<u>\$</u>	<u>622,200</u>	<u>\$</u>	<u>746,155</u>	1419
<u>TOTAL 012 Job Ready Site Development Fund Group</u>			<u>\$</u>	<u>622,200</u>	<u>\$</u>	<u>746,155</u>	1420
TOTAL ALL BUDGET FUND GROUPS			\$	873,429,578	\$	876,089,264	1421
				<u>974,764,806</u>		<u>982,891,875</u>	
Sec. 203.99.33. THIRD FRONTIER RESEARCH & COMMERCIALIZATION							1423
<u>DEVELOPMENT</u> GENERAL OBLIGATION DEBT SERVICE							1424

The foregoing appropriation item 195-905, Third Frontier
Research & ~~Commercialization~~ Development General Obligation Debt
Service, shall be used to pay all debt service and related
financing costs during the period from July 1, 2005, to June 30,
2007, on obligations to be issued for research and development
purposes, ~~as authorized by the Ohio Constitution and implementing~~
~~statutes~~ under sections 151.01 and 151.10 of the Revised Code. The
Office of the Sinking Fund or the Director of Budget and
Management shall effectuate the required payments by intrastate
transfer voucher.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 1435

The foregoing appropriation item 195-912, Job Ready Site
Development General Obligation Debt Service, shall be used to pay
all debt service and related financing costs during the period
from July 1, 2005, to June 30, 2007, on obligations to be issued
for job ready site development purposes under sections 151.01 and
151.11 of the Revised Code. The Office of the Sinking Fund or the
Director of Budget and Management shall effectuate the required
payments by intrastate transfer voucher.

Sec. 203.99.51. CLEAN OHIO OPERATING EXPENSES 1444

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

THIRD FRONTIER OPERATING 1448

The foregoing appropriation item 195-686, Third Frontier
Operating, shall be used for operating expenses incurred by the
Department of Development in administering sections 184.10 to
184.18 of the Revised Code.

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS 1453

The foregoing appropriation item 195-687, Third Frontier 1454

Research & Development Projects, shall be used by the Department 1455
of Development to fund selected projects pursuant to sections 1456
184.10 to 184.18 of the Revised Code. 1457

On or before June 30, 2006, any unencumbered balance of the 1458
foregoing appropriation item 195-687, Third Frontier Research & 1459
Development Projects, for fiscal year 2006 is hereby appropriated 1460
for the same purpose for fiscal year 2007. 1461

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 1462

The Ohio Public Facilities Commission, upon request of the 1463
Department of Development, is hereby authorized to issue and sell, 1464
in accordance with Section 2p of Article VIII, Ohio Constitution, 1465
and particularly sections 151.01 and 151.10 of the Revised Code, 1466
original obligations of the State of Ohio in an aggregate amount 1467
not to exceed \$200,000,000. The authorized obligations shall be 1468
issued and sold from time to time and in amounts necessary to 1469
ensure sufficient moneys to the credit of the Third Frontier 1470
Research & Development Fund (Fund 011) to pay costs of research 1471
and development projects. 1472

JOB READY SITE OPERATING 1473

The foregoing appropriation item 195-688, Job Ready Site 1474
Operating, shall be used for operating expenses incurred by the 1475
Department of Development in administering sections 122.085 to 1476
122.0820 of the Revised Code. Operating expenses include, but are 1477
not limited to, certain expenses of the District Public Works 1478
Integrating Committees, audit and accountability activities, and 1479
costs associated with formal certifications verifying that site 1480
infrastructure is in place and is functional. 1481

Sec. 209.99. CSF COMMISSIONERS OF THE SINKING FUND 1482

Debt Service Fund Group 1483

070 155-905 Third Frontier \$ 0 \$ 13,910,000 1484

		<u>Research & Development</u>					
		<u>Projects Bond Service</u>					
		<u>Fund</u>					
072	155-902	Highway Capital	\$	180,620,600	\$	196,464,900	1485
		Improvements Bond					
		Retirement Fund					
073	155-903	Natural Resources Bond	\$	26,166,000	\$	24,659,100	1486
		Retirement Fund					
074	155-904	Conservation Projects	\$	14,687,300	\$	17,668,800	1487
		Bond Service Fund					
076	155-906	Coal Research and	\$	7,071,100	\$	8,980,800	1488
		Development Bond					
		Retirement Fund					
077	155-907	State Capital	\$	163,131,400	\$	174,545,100	1489
		Improvements Bond					
		Retirement Fund					
078	155-908	Common Schools Bond	\$	200,724,700	\$	236,911,500	1490
		Retirement Fund					
079	155-909	Higher Education Bond	\$	140,600,300	\$	158,114,100	1491
		Retirement Fund					
<u>090</u>	<u>155-912</u>	<u>Job Ready Site</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>4,124,400</u>	1492
		<u>Development Bond</u>					
		<u>Service Fund</u>					
TOTAL DSF Debt Service Fund Group			\$	733,001,400	\$	817,344,300	1493
						<u>835,378,700</u>	
TOTAL ALL BUDGET FUND GROUPS			\$	733,001,400	\$	817,344,300	1494
						<u>835,378,700</u>	

ADDITIONAL APPROPRIATIONS 1495

Appropriation items in this section are for the purpose of 1496
 paying debt service and financing costs on bonds or notes of the 1497
 state issued under the Ohio Constitution and acts of the General 1498
 Assembly. If it is determined that additional appropriations are 1499

necessary for this purpose, such amounts are appropriated. 1500

COMMISSIONER OF THE SINKING FUND HIGHWAY BOND TRANSFER 1501

AUTHORIZATION 1502

Notwithstanding any other provision of law to the contrary, 1503
the Commissioners of the Sinking Fund shall certify to the 1504
Director of Budget and Management, and the director shall then 1505
transfer, the cash balance remaining after provision for the 1506
payment of all outstanding bonds, notes, coupons, and charges from 1507
the Highway Obligation Bond Retirement Fund (Fund 071) to the 1508
Highway Capital Improvements Bond Service Fund (Fund 072), created 1509
by section 151.06 of the Revised Code, as expeditiously as 1510
possible after the effective date of this section. 1511

Section 5. That existing Sections 203.99, 203.99.33, 1512
203.99.51, and 209.99 of Am. Sub. H.B. 66 of the 126th General 1513
Assembly are hereby repealed. 1514

Section 6. All items set forth in this section are hereby 1515
appropriated out of any moneys in the state treasury to the credit 1516
of the Job Ready Site Development Fund (Fund 012) that are not 1517
otherwise appropriated. The appropriations made in this section 1518
are in addition to any other capital appropriations made for the 1519
2004-2006 biennium. 1520

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 1521

CAP-003 Job Ready Site Development \$ 30,000,000 1522

TOTAL Department of Development \$ 30,000,000 1523

TOTAL Job Ready Site Development Fund \$ 30,000,000 1524

JOB READY SITE DEVELOPMENT 1525

The foregoing appropriation item CAP-003, Job Ready Site 1526
Development, shall be used by the Department of Development in 1527
accordance with sections 122.085 to 122.0820 of the Revised Code 1528

and is subject to all provisions of Am. Sub. H.B. 16 of the 126th
General Assembly that are generally applicable to capital
appropriations.

Section 7. The Ohio Public Facilities Commission, upon
request of the Department of Development, is hereby authorized to
issue and sell, in accordance with Section 2p of Article VIII,
Ohio Constitution, and particularly sections 151.01 and 151.11 of
the Revised Code, original obligations of the State of Ohio in an
aggregate amount not to exceed \$30,000,000. The authorized
obligations shall be issued and sold from time to time and in
amounts necessary to ensure sufficient moneys to the credit of the
Job Ready Site Development Fund (Fund 012) to pay costs of sites
and facilities.

Section 8. Except as otherwise specifically provided in this
act, a codified or uncodified section of law contained in this act
is not subject to the referendum. Therefore, under Ohio
Constitution, Article II, Section 1d and section 1.471 of the
Revised Code, the codified and uncodified sections of law in this
act, except as otherwise specifically provided in this act, go
into immediate effect when this act becomes law.

Section 9. Sections 6 and 7 of this act are subject to the
referendum. Therefore, under Ohio Constitution, Article II,
Section 1c and section 1.471 of the Revised Code, those sections
take effect on the ninety-first day after this act is filed with
the Secretary of State. If, however, a referendum petition is
filed against the sections as enacted, those sections, unless
rejected at the referendum, take effect at the earliest time
permitted by law.