

**As Reported by the House Finance and Appropriations  
Committee**

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**Regular Session**

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**Am. Sub. S. B. No. 236**

**Senators Carey, Roberts, Zurz, Harris, Padgett, Kearney, Spada, Armbruster,  
Prentiss, Fingerhut, Wilson, Austria, Miller**

**Representatives Calvert, Trakas, McGregor, J., Schlichter, Wagoner, Flowers,  
Martin, Peterson, Yates, Evans, C., Stewart, J., Hartnett, Miller**

**—**

**A B I L L**

To amend sections 151.01, 151.02, 184.01, 184.02, and	1
184.03 and to enact sections 122.013, 122.085,	2
122.086, 122.087, 122.088, 122.089, 122.0810,	3
122.0811, 122.0812, 122.0813, 122.0814, 122.0815,	4
122.0816, 122.0817, 122.0818, 122.0819, 122.0820,	5
151.10, 151.11, 184.10, 184.11, 184.111, 184.112,	6
184.113, 184.114, 184.115, 184.116, 184.12,	7
184.13, 184.14, 184.15, 184.151, 184.16, 184.17,	8
184.171, 184.172, 184.173, 184.18, and 184.19 of	9
the Revised Code, and to amend sections 203.99,	10
203.99.33, 203.99.51, and 209.99 of Am. Sub. H.B.	11
66 of the 126th General Assembly to implement	12
certain provisions of Article VIII, Section 2p of	13
the Ohio Constitution regarding the issuance of	14
obligations to support research and development	15
projects and the development of certain sites and	16
facilities and to make an 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 122.013, 122.085, 122.086, 122.087,  
122.088, 122.089, 122.0810, 122.0811, 122.0812, 122.0813,  
122.0814, 122.0815, 122.0816, 122.0817, 122.0818, 122.0819,  
122.0820, 151.10, 151.11, 184.10, 184.11, 184.111, 184.112,  
184.113, 184.114, 184.115, 184.116, 184.12, 184.13, 184.14,  
184.15, 184.151, 184.16, 184.17, 184.171, 184.172, 184.173,  
184.18, and 184.19 of the Revised Code be enacted to read as  
follows:

**Sec. 122.013.** The department of development shall post the  
following on the official internet site of the department:

(A) Annual reports of the progress and status of eligible  
projects made as required under division (E) of section 122.0814  
of the Revised Code;

(B) The annual report made by the director of development  
under section 122.0817 of the Revised Code;

(C) Reports made by the third frontier commission under  
section 184.15 of the Revised Code;

(D) Information on all support awarded under section 184.11  
of the Revised Code.

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

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

(a) Acquisition of land and buildings;

(b) Building construction;

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

<u>(i) Expanding, reconstructing, rehabilitating, remodeling,</u>	46
<u>renovating, enlarging, modernizing, equipping, and furnishing</u>	47
<u>buildings and structures, including leasehold improvements;</u>	48
<u>(ii) Site preparation, including wetland mitigation.</u>	49
<u>(d) Planning or determining feasibility or practicability;</u>	50
<u>(e) Indemnity or surety bonds and premiums on insurance;</u>	51
<u>(f) Remediation, in compliance with state and federal</u>	52
<u>environmental protection laws, of environmentally contaminated</u>	53
<u>property on which hazardous substances exist under conditions that</u>	54
<u>have caused or would likely cause the property to be identified as</u>	55
<u>contaminated by the Ohio environmental protection agency or the</u>	56
<u>United States environmental protection agency;</u>	57
<u>(g) Infrastructure improvements, including the following:</u>	58
<u>(i) Demolition of buildings and other structures;</u>	59
<u>(ii) Installation or relocation of water, storm water and</u>	60
<u>sanitary sewer lines, water and waste water treatment facilities,</u>	61
<u>pump stations, and water storage mechanisms and other similar</u>	62
<u>equipment or facilities;</u>	63
<u>(iii) Construction of roads, bridges, traffic control</u>	64
<u>devices, and parking lots and facilities;</u>	65
<u>(iv) Construction of utility infrastructure such as natural</u>	66
<u>gas, electric, and telecommunications, including broadband and</u>	67
<u>hookups;</u>	68
<u>(v) Water and railway access improvements;</u>	69
<u>(vi) Costs of professional services.</u>	70
<u>(2) "Allowable costs" do not include administrative costs</u>	71
<u>assessed by or fees paid to the recipient of a grant.</u>	72
<u>(B) "District public works integrating committees" means</u>	73
<u>those committees established under section 164.04 of the Revised</u>	74

<u>Code.</u>	75
<u>(C) "Eligible applicant" includes any political subdivision</u>	76
<u>or non-profit economic development organization, and, with prior</u>	77
<u>approval of the director of development, private, for-profit</u>	78
<u>entities. "Eligible applicant" does not include public or private</u>	79
<u>institutions of higher education.</u>	80
<u>(D) "Eligible project" includes projects that, upon</u>	81
<u>completion, will be sites and facilities primarily intended for</u>	82
<u>commercial, industrial, or manufacturing use. "Eligible projects"</u>	83
<u>do not include sites and facilities intended primarily for</u>	84
<u>residential, retail, or government use.</u>	85
<u>(E) "Professional services" includes legal, environmental,</u>	86
<u>archeological, engineering, architectural, surveying, design, or</u>	87
<u>other similar services performed in conjunction with an eligible</u>	88
<u>project. "Professional services" also includes designs, plans,</u>	89
<u>specifications, surveys, estimates of costs, and other work</u>	90
<u>products.</u>	91
<u>Sec. 122.086. There is hereby created the job ready site</u>	92
<u>program to provide grants to pay for allowable costs of eligible</u>	93
<u>applicants for eligible projects. The program shall be</u>	94
<u>administered by the department of development pursuant to</u>	95
<u>guidelines established for it by the director of development. All</u>	96
<u>grants shall be awarded through one of the following two</u>	97
<u>processes:</u>	98
<u>(A) The annual competitive process under sections 122.087 to</u>	99
<u>122.0811 and 122.0814 of the Revised Code;</u>	100
<u>(B) The discretionary process under sections 122.0812,</u>	101
<u>122.0813, and 122.0814 of the Revised Code.</u>	102
<u>Sec. 122.087. The director of development shall establish an</u>	103

annual competitive process for making grants described in section 104  
122.086 of the Revised Code. At least two-thirds of the amounts 105  
that may be distributed as grants each year under the job ready 106  
site program shall be distributed under the annual competitive 107  
process. 108

Sec. 122.088. In order to be considered for a grant under the 109  
annual competitive process, an eligible applicant shall fill out 110  
an application provided by the department of development and shall 111  
file it with the district public works integrating committee with 112  
jurisdiction over the area in which the eligible project is 113  
located. 114

Sec. 122.089. An eligible applicant shall provide all of the 115  
following on the annual competitive process application: 116

(A) Contact information for the eligible applicant; 117

(B) A legal description of the property for which the grant 118  
is requested; 119

(C) A summary of the proposed eligible project that includes 120  
all of the following: 121

(1) A general description of the eligible project, including 122  
individuals, organizations, or other entities that will play a 123  
critical role in the implementation of the project; 124

(2) An explanation of the need for the eligible project, and 125  
the predicted economic impact; 126

(3) An explanation of the need for a grant from the job ready 127  
site program; 128

(4) The commitments required pursuant to division (A)(3) of 129  
section 122.0815 of the Revised Code. 130

(D) A detailed summary of costs for the eligible project, 131

<u>including supporting documents for cost estimates;</u>	132
<u>(E) Sources of funding for the eligible project, including</u>	133
<u>documentation verifying the status of those funds;</u>	134
<u>(F) Summary results of preliminary engineering studies and</u>	135
<u>environmental reviews, if any have been conducted;</u>	136
<u>(G) A comprehensive marketing plan detailing how the eligible</u>	137
<u>project will be marketed upon completion, if appropriate;</u>	138
<u>(H) Copies of resolutions or ordinances related to the</u>	139
<u>eligible project, including resolutions or ordinances adopted by</u>	140
<u>the political subdivision with jurisdiction over the geographic</u>	141
<u>area in which the eligible project is located;</u>	142
<u>(I) Any other information the director requests on the</u>	143
<u>application form.</u>	144
 <u>Sec. 122.0810. (A) Each application for a grant pursuant to</u>	145
<u>the annual competitive process received by a district public works</u>	146
<u>integrating committee shall be evaluated by the executive</u>	147
<u>committee of the district committee. In conducting the evaluation,</u>	148
<u>the executive committee shall determine whether the application</u>	149
<u>for the proposed eligible project is complete and whether the</u>	150
<u>project meets the requirements of section 122.0815 of the Revised</u>	151
<u>Code. If the application is complete and the eligible project</u>	152
<u>meets the requirements of section 122.0815 of the Revised Code,</u>	153
<u>the executive committee shall prioritize the eligible project</u>	154
<u>pursuant to section 122.0816 of the Revised Code and pursuant to</u>	155
<u>local priorities, as those priorities are determined by the</u>	156
<u>executive committee, with all other eligible projects with</u>	157
<u>complete applications that meet the requirements of section</u>	158
<u>122.0815 of the Revised Code. If the application is incomplete or</u>	159
<u>the project does not meet the requirements of section 122.0815 of</u>	160
<u>the Revised Code, the executive committee shall notify the</u>	161

applicant of the deficiencies and the period of time the applicant  
has to correct the deficiencies and submit the corrections to the  
executive committee. Failure to correct deficiencies within the  
time designated by the executive committee shall disqualify the  
project from consideration for a grant during the annual  
competitive process for that year.

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

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

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

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**Sec. 122.0811.** The department of development shall evaluate  
each eligible project selected pursuant to section 122.0810 of the  
Revised Code to determine whether the application for the proposed  
eligible project is complete and whether it meets the requirements  
of section 122.0815 of the Revised Code. If the application is  
complete and the project meets the requirements of section  
122.0815 of the Revised Code, the department shall notify the

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eligible applicant that the application is complete and shall 192  
prioritize the eligible project pursuant to section 122.0816 of 193  
the Revised Code with all other eligible projects with complete 194  
applications that meet the requirements. If the application is 195  
incomplete or the project does not meet the requirements of 196  
section 122.0815 of the Revised Code, the department shall notify 197  
the applicant of the deficiencies and the period of time the 198  
applicant has to correct the deficiencies and submit the 199  
corrections to the department. Failure to correct deficiencies 200  
within the time designated by the department shall disqualify the 201  
project from consideration for a grant during the annual 202  
competitive process for that year. 203

The director, on completion of the evaluations and 204  
prioritization, shall make a recommendation to the controlling 205  
board asking for approval to make grants for the eligible projects 206  
selected by the director. The director shall take into 207  
consideration the geographic diversity of awards when making the 208  
selection of eligible projects to receive grants. 209

**Sec. 122.0812.** The director of development shall establish a 210  
discretionary process that permits the director to make grants 211  
described in section 122.086 of the Revised Code in situations 212  
that include those in which the timing of a proposed eligible 213  
project is such that the annual competitive process is not 214  
suitable. The director, as part of the guidelines established for 215  
the job ready site program, shall establish all the procedures and 216  
requirements governing application for the discretionary grants. 217

**Sec. 122.0813.** On receipt of an application for a 218  
discretionary grant for an eligible project, the director of 219  
development shall evaluate it to determine whether the application 220  
for the proposed eligible project is complete and whether the 221



eligible project meets the requirements of section 122.0815 of the 222  
Revised Code. If the application is complete and the project meets 223  
the requirements of section 122.0815 of the Revised Code, the 224  
director shall make a recommendation to the controlling board 225  
asking for approval to make the discretionary grant for the 226  
eligible project. If the application is incomplete or the project 227  
does not meet the requirements of section 122.0815 of the Revised 228  
Code, the department shall notify the applicant of the 229  
deficiencies and work with the applicant to correct the 230  
deficiencies. If the deficiencies are corrected, the director 231  
shall make a recommendation to the controlling board asking for 232  
approval to make the discretionary grant for the eligible project. 233

**Sec. 122.0814.** If the controlling board approves a grant for 234  
an eligible project pursuant to the annual competitive process or 235  
the discretionary process, the director of development shall enter 236  
into an agreement with the eligible applicant to provide the grant 237  
for the project. The agreement shall be executed prior to the 238  
payment or disbursement of any funds under the grant and shall 239  
contain the following provisions: 240

(A) A designation of a single officer or employee of the 241  
eligible applicant who will serve as the manager of the eligible 242  
project; 243

(B) A detailed description of the scope of the work required 244  
under the eligible project, including anticipated sources and uses 245  
of funds; 246

(C) A designation of the percentage of the estimated total 247  
cost of the project for which the grant will provide funding, 248  
which shall not exceed seventy-five per cent of the cost; 249

(D) Provisions for the recovery by the department of grant 250  
funds for failure to meet the terms of the agreement; 251

(E) A requirement that annual reports be made by the eligible 252  
applicant on the progress of the eligible project and any other 253  
information about the status of the project as required by the 254  
guidelines established for the job ready site program; 255

(F) Any other provisions the director determines necessary. 256

**Sec. 122.0815.** (A) A project shall meet the following 257  
requirements in order to be considered for a grant under the 258  
annual competitive process: 259

(1) The application for the grant is made by an eligible 260  
applicant. 261

(2) The project for which the application is made is an 262  
eligible project. 263

(3) The eligible applicant commits to all the following: 264

(a) To use the grant to pay only allowable costs for the 265  
eligible project; 266

(b) Not to use the grant to fund more than seventy-five per 267  
cent of the total cost of the eligible project; 268

(c) Not to use more than ten per cent of the grant amount to 269  
pay the costs of professional services under the eligible project. 270

(4) The grant amount requested does not exceed five million 271  
dollars. 272

(5) The eligible applicant and the eligible project comply 273  
with any other criteria the director of development determines is 274  
necessary. 275

(B) A project shall meet the requirements described in 276  
divisions (A)(1) to (4) of this section in order to be considered 277  
for a grant under the discretionary process. 278

**Sec. 122.0816.** The department of development and the 279

executive committees of district public works integrating 280  
committees shall apply the following factors to eligible projects 281  
under the annual competitive process to determine a priority order 282  
for the eligible projects subject to that process: 283

(A) The potential economic impact of the eligible project; 284

(B) The potential impact of the eligible project on economic 285  
distress; 286

(C) The amount of local, federal, and private funding 287  
available for the eligible project; 288

(D) The demonstrated need for the eligible project; 289

(E) The strength of the eligible project's marketing plan, if 290  
appropriate; 291

(F) The level of financial need; 292

(G) Any other factor the director of development determines 293  
should be considered. 294

**Sec. 122.0817.** In accordance with the guidelines established 295  
to govern the job ready site program, the director of development 296  
shall publish an annual report that includes the following: 297

(A) Details on each grant awarded pursuant to the program; 298

(B) The status of projects funded in previous years; 299

(C) The amount of grants awarded for projects in economically 300  
distressed areas and, to the extent possible, the impact of those 301  
grants in those areas. 302

**Sec. 122.0818.** Eligible projects that receive a grant 303  
pursuant to the job ready site program are public improvements 304  
pursuant to section 4115.03 of the Revised Code and shall be 305  
subject to the prevailing wage requirements of section 4115.04 of 306

the Revised Code.

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

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

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

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

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(2) "Bond service fund" means the respective bond service  
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07,  
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and  
any accounts in that fund, including all moneys and investments,  
and earnings from investments, credited and to be credited to that

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fund and accounts as and to the extent provided in the applicable 336  
bond proceedings. 337

(3) "Capital facilities" means capital facilities or projects 338  
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 339  
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 340

(4) "Costs of capital facilities" means the costs of 341  
acquiring, constructing, reconstructing, rehabilitating, 342  
remodeling, renovating, enlarging, improving, equipping, or 343  
furnishing capital facilities, and of the financing of those 344  
costs. "Costs of capital facilities" includes, without limitation, 345  
and in addition to costs referred to in section 151.03, 151.04, 346  
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 347  
of the Revised Code, the cost of clearance and preparation of the 348  
site and of any land to be used in connection with capital 349  
facilities, the cost of any indemnity and surety bonds and 350  
premiums on insurance, all related direct administrative expenses 351  
and allocable portions of direct costs of the issuing authority, 352  
costs of engineering and architectural services, designs, plans, 353  
specifications, surveys, and estimates of cost, financing costs, 354  
interest on obligations from their date to the time when interest 355  
is to be paid from sources other than proceeds of obligations, 356  
amounts necessary to establish any reserves as required by the 357  
bond proceedings, the reimbursement of all moneys advanced or 358  
applied by or borrowed from any person or governmental agency or 359  
entity for the payment of any item of costs of capital facilities, 360  
and all other expenses necessary or incident to planning or 361  
determining feasibility or practicability with respect to capital 362  
facilities, and such other expenses as may be necessary or 363  
incident to the acquisition, construction, reconstruction, 364  
rehabilitation, remodeling, renovation, enlargement, improvement, 365  
equipment, and furnishing of capital facilities, the financing of 366  
those costs, and the placing of the capital facilities in use and 367

operation, including any one, part of, or combination of those 368  
classes of costs and expenses. For purposes of sections 122.085 to 369  
122.0820 of the Revised Code, "costs of capital facilities" 370  
includes "allowable costs" as defined in section 122.085 of the 371  
Revised Code. 372

(5) "Credit enhancement facilities," "financing costs," and 373  
"interest" or "interest equivalent" have the same meanings as in 374  
section 133.01 of the Revised Code. 375

(6) "Debt service" means principal, including any mandatory 376  
sinking fund or redemption requirements for retirement of 377  
obligations, interest and other accreted amounts, interest 378  
equivalent, and any redemption premium, payable on obligations. If 379  
not prohibited by the applicable bond proceedings, debt service 380  
may include costs relating to credit enhancement facilities that 381  
are related to and represent, or are intended to provide a source 382  
of payment of or limitation on, other debt service. 383

(7) "Issuing authority" means the Ohio public facilities 384  
commission created in section 151.02 of the Revised Code for 385  
obligations issued under section 151.03, 151.04, 151.05, 151.07, 386  
151.08, ~~or~~ 151.09, 151.10, or 151.11 of the Revised Code, or the 387  
treasurer of state, or the officer who by law performs the 388  
functions of that office, for obligations issued under section 389  
151.06 or 151.40 of the Revised Code. 390

(8) "Net proceeds" means amounts received from the sale of 391  
obligations, excluding amounts used to refund or retire 392  
outstanding obligations, amounts required to be deposited into 393  
special funds pursuant to the applicable bond proceedings, and 394  
amounts to be used to pay financing costs. 395

(9) "Obligations" means bonds, notes, or other evidences of 396  
obligation of the state, including any appertaining interest 397  
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of 398

Article VIII, Ohio Constitution, and pursuant to sections 151.01 399  
to ~~151.09~~ 151.11 or 151.40 of the Revised Code or other general 400  
assembly authorization. 401

(10) "Principal amount" means the aggregate of the amount as 402  
stated or provided for in the applicable bond proceedings as the 403  
amount on which interest or interest equivalent on particular 404  
obligations is initially calculated. Principal amount does not 405  
include any premium paid to the state by the initial purchaser of 406  
the obligations. "Principal amount" of a capital appreciation 407  
bond, as defined in division (C) of section 3334.01 of the Revised 408  
Code, means its face amount, and "principal amount" of a zero 409  
coupon bond, as defined in division (J) of section 3334.01 of the 410  
Revised Code, means the discounted offering price at which the 411  
bond is initially sold to the public, disregarding any purchase 412  
price discount to the original purchaser, if provided for pursuant 413  
to the bond proceedings. 414

(11) "Special funds" or "funds," unless the context indicates 415  
otherwise, means the bond service fund, and any other funds, 416  
including any reserve funds, created under the bond proceedings 417  
and stated to be special funds in those proceedings, including 418  
moneys and investments, and earnings from investments, credited 419  
and to be credited to the particular fund. Special funds do not 420  
include the school building program assistance fund created by 421  
section 3318.25 of the Revised Code, the higher education 422  
improvement fund created by division (F) of section 154.21 of the 423  
Revised Code, the highway capital improvement bond fund created by 424  
section 5528.53 of the Revised Code, the state parks and natural 425  
resources fund created by section 1557.02 of the Revised Code, the 426  
coal research and development fund created by section 1555.15 of 427  
the Revised Code, the clean Ohio conservation fund created by 428  
section 164.27 of the Revised Code, the clean Ohio revitalization 429  
fund created by section 122.658 of the Revised Code, the job ready 430

site development fund created by section 122.0820 of the Revised 431  
Code, the third frontier research and development fund created by 432  
section 184.19 of the Revised Code, or other funds created by the 433  
bond proceedings that are not stated by those proceedings to be 434  
special funds. 435

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, or 15, and Section 436  
17, of Article VIII, Ohio Constitution, the state, by the issuing 437  
authority, is authorized to issue and sell, as provided in 438  
sections 151.03 to ~~151.09~~ 151.11 or 151.40 of the Revised Code, 439  
and in respective aggregate principal amounts as from time to time 440  
provided or authorized by the general assembly, general 441  
obligations of this state for the purpose of paying costs of 442  
capital facilities or projects identified by or pursuant to 443  
general assembly action. 444

(C) Each issue of obligations shall be authorized by 445  
resolution or order of the issuing authority. The bond proceedings 446  
shall provide for or authorize the manner for determining the 447  
principal amount or maximum principal amount of obligations of an 448  
issue, the principal maturity or maturities, the interest rate or 449  
rates, the date of and the dates of payment of interest on the 450  
obligations, their denominations, and the place or places of 451  
payment of debt service which may be within or outside the state. 452  
Unless otherwise provided by law, the latest principal maturity 453  
may not be later than the earlier of the thirty-first day of 454  
December of the twenty-fifth calendar year after the year of 455  
issuance of the particular obligations or of the twenty-fifth 456  
calendar year after the year in which the original obligation to 457  
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 458  
and 9.983 of the Revised Code apply to obligations. The purpose of 459  
the obligations may be stated in the bond proceedings in general 460  
terms, such as, as applicable, "financing or assisting in the 461  
financing of projects as provided in Section 2l of Article VIII, 462



Ohio Constitution," "financing or assisting in the financing of  
highway capital improvement projects as provided in Section 2m of  
Article VIII, Ohio Constitution," "paying costs of capital  
facilities for a system of common schools throughout the state as  
authorized by Section 2n of Article VIII, Ohio Constitution,"  
"paying costs of capital facilities for state-supported and  
state-assisted institutions of higher education as authorized by  
Section 2n of Article VIII, Ohio Constitution," "paying costs of  
coal research and development as authorized by Section 15 of  
Article VIII, Ohio Constitution," "financing or assisting in the  
financing of local subdivision capital improvement projects as  
authorized by Section 2m of Article VIII, Ohio Constitution,"  
"paying costs of conservation projects as authorized by Section 2o  
of Article VIII, Ohio Constitution," ~~or~~ "paying costs of  
revitalization projects as authorized by Section 2o of Article  
VIII, Ohio Constitution," "paying costs of preparing sites for  
industry, commerce, distribution, or research and development as  
authorized by Section 2p of Article VIII, Ohio Constitution," or  
"paying costs of research and development as authorized by Section  
2p of Article VIII, Ohio Constitution."

(D) The issuing authority may appoint or provide for the  
appointment of paying agents, bond registrars, securities  
depositories, clearing corporations, and transfer agents, and may  
without need for any other approval retain or contract for the  
services of underwriters, investment bankers, financial advisers,  
accounting experts, marketing, remarketing, indexing, and  
administrative agents, other consultants, and independent  
contractors, including printing services, as are necessary in the  
judgment of the issuing authority to carry out the issuing  
authority's functions under this chapter. When the issuing  
authority is the Ohio public facilities commission, the issuing  
authority also may without need for any other approval retain or

contract for the services of attorneys and other professionals for 495  
that purpose. Financing costs are payable, as may be provided in 496  
the bond proceedings, from the proceeds of the obligations, from 497  
special funds, or from other moneys available for the purpose. 498

(E) The bond proceedings may contain additional provisions 499  
customary or appropriate to the financing or to the obligations or 500  
to particular obligations including, but not limited to, 501  
provisions for: 502

(1) The redemption of obligations prior to maturity at the 503  
option of the state or of the holder or upon the occurrence of 504  
certain conditions, and at particular price or prices and under 505  
particular terms and conditions; 506

(2) The form of and other terms of the obligations; 507

(3) The establishment, deposit, investment, and application 508  
of special funds, and the safeguarding of moneys on hand or on 509  
deposit, in lieu of the applicability of provisions of Chapter 510  
131. or 135. of the Revised Code, but subject to any special 511  
provisions of sections 151.01 to ~~151.09~~ 151.11 or 151.40 of the 512  
Revised Code with respect to the application of particular funds 513  
or moneys. Any financial institution that acts as a depository of 514  
any moneys in special funds or other funds under the bond 515  
proceedings may furnish indemnifying bonds or pledge securities as 516  
required by the issuing authority. 517

(4) Any or every provision of the bond proceedings being 518  
binding upon the issuing authority and upon such governmental 519  
agency or entity, officer, board, commission, authority, agency, 520  
department, institution, district, or other person or body as may 521  
from time to time be authorized to take actions as may be 522  
necessary to perform all or any part of the duty required by the 523  
provision; 524

(5) The maintenance of each pledge or instrument comprising 525

part of the bond proceedings until the state has fully paid or 526  
provided for the payment of the debt service on the obligations or 527  
met other stated conditions; 528

(6) In the event of default in any payments required to be 529  
made by the bond proceedings, or by any other agreement of the 530  
issuing authority made as part of a contract under which the 531  
obligations were issued or secured, including a credit enhancement 532  
facility, the enforcement of those payments by mandamus, a suit in 533  
equity, an action at law, or any combination of those remedial 534  
actions; 535

(7) The rights and remedies of the holders or owners of 536  
obligations or of book-entry interests in them, and of third 537  
parties under any credit enhancement facility, and provisions for 538  
protecting and enforcing those rights and remedies, including 539  
limitations on rights of individual holders or owners; 540

(8) The replacement of mutilated, destroyed, lost, or stolen 541  
obligations; 542

(9) The funding, refunding, or advance refunding, or other 543  
provision for payment, of obligations that will then no longer be 544  
outstanding for purposes of this section or of the applicable bond 545  
proceedings; 546

(10) Amendment of the bond proceedings; 547

(11) Any other or additional agreements with the owners of 548  
obligations, and such other provisions as the issuing authority 549  
determines, including limitations, conditions, or qualifications, 550  
relating to any of the foregoing. 551

(F) The great seal of the state or a facsimile of it may be 552  
affixed to or printed on the obligations. The obligations 553  
requiring execution by or for the issuing authority shall be 554  
signed as provided in the bond proceedings. Any obligations may be 555

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

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

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

(I) Except to the extent that rights are restricted by the  
bond proceedings, any owner of obligations or provider of a credit  
enhancement facility may by any suitable form of legal proceedings  
protect and enforce any rights relating to obligations or that  
facility under the laws of this state or granted by the bond  
proceedings. Those rights include the right to compel the  
performance of all applicable duties of the issuing authority and  
the state. Each duty of the issuing authority and that authority's  
officers, staff, and employees, and of each state entity or  
agency, or using district or using institution, and its officers,

members, staff, or employees, undertaken pursuant to the bond  
proceedings, is hereby established as a duty of the entity or  
individual having authority to perform that duty, specifically  
enjoined by law and resulting from an office, trust, or station  
within the meaning of section 2731.01 of the Revised Code. The  
individuals who are from time to time the issuing authority,  
members or officers of the issuing authority, or those members'  
designees acting pursuant to section ~~154.02~~ 151.02 of the Revised  
Code, or the issuing authority's officers, staff, or employees,  
are not liable in their personal capacities on any obligations or  
otherwise under the bond proceedings.

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

(a) Obligations in the form of bond anticipation notes, and  
may provide for the renewal of those notes from time to time by  
the issuance of new notes. The holders of notes or appertaining  
interest coupons have the right to have debt service on those  
notes paid solely from the moneys and special funds that are or  
may be pledged to that payment, including the proceeds of bonds or  
renewal notes or both, as the issuing authority provides in the  
bond proceedings authorizing the notes. Notes may be additionally  
secured by covenants of the issuing authority to the effect that  
the issuing authority and the state will do all things necessary  
for the issuance of bonds or renewal notes in such principal  
amount and upon such terms as may be necessary to provide moneys  
to pay when due the debt service on the notes, and apply their  
proceeds to the extent necessary, to make full and timely payment  
of debt service on the notes as provided in the applicable bond

proceedings. In the bond proceedings authorizing the issuance of  
bond anticipation notes the issuing authority shall set forth for  
the bonds anticipated an estimated schedule of annual principal  
payments the latest of which shall be no later than provided in  
division (C) of this section. While the notes are outstanding  
there shall be deposited, as shall be provided in the bond  
proceedings for those notes, from the sources authorized for  
payment of debt service on the bonds, amounts sufficient to pay  
the principal of the bonds anticipated as set forth in that  
estimated schedule during the time the notes are outstanding,  
which amounts shall be used solely to pay the principal of those  
notes or of the bonds anticipated.

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

(2) Except as otherwise provided in sections 151.01 to ~~151.09~~ 651

151.11 or 151.40 of the Revised Code, bonds or notes authorized 652  
pursuant to division (J) of this section are subject to the 653  
provisions of those sections pertaining to obligations generally. 654

(3) The principal amount of refunding or renewal obligations 655  
issued pursuant to division (J) of this section shall be in 656  
addition to the amount authorized by the general assembly as 657  
referred to in division (B) of the following sections: section 658  
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 659  
151.11, or 151.40 of the Revised Code. 660

(K) Obligations are lawful investments for banks, savings and 661  
loan associations, credit union share guaranty corporations, trust 662  
companies, trustees, fiduciaries, insurance companies, including 663  
domestic for life and domestic not for life, trustees or other 664  
officers having charge of sinking and bond retirement or other 665  
special funds of the state and political subdivisions and taxing 666  
districts of this state, the sinking fund, the administrator of 667  
workers' compensation subject to the approval of the workers' 668  
compensation board, the state teachers retirement system, the 669  
public employees retirement system, the school employees 670  
retirement system, and the Ohio police and fire pension fund, 671  
notwithstanding any other provisions of the Revised Code or rules 672  
adopted pursuant to those provisions by any state agency with 673  
respect to investments by them, and are also acceptable as 674  
security for the repayment of the deposit of public moneys. The 675  
exemptions from taxation in Ohio as provided for in particular 676  
sections of the Ohio Constitution and section 5709.76 of the 677  
Revised Code apply to the obligations. 678

(L)(1) Unless otherwise provided or provided for in any 679  
applicable bond proceedings, moneys to the credit of or in a 680  
special fund shall be disbursed on the order of the issuing 681  
authority. No such order is required for the payment, from the 682  
bond service fund or other special fund, when due of debt service 683

or required payments under credit enhancement facilities. 684

(2) Payments received by the state under interest rate hedges 685  
entered into as credit enhancement facilities under this chapter 686  
shall be deposited to the credit of the bond service fund for the 687  
obligations to which those credit enhancement facilities relate. 688

(M) The full faith and credit, revenue, and taxing power of 689  
the state are and shall be pledged to the timely payment of debt 690  
service on outstanding obligations as it comes due, all in 691  
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, or 15 of Article 692  
VIII, Ohio Constitution, and section 151.03, 151.04, 151.05, 693  
151.06, 151.07, 151.08, ~~or~~ 151.09, 151.10, or 151.11 of the 694  
Revised Code. Moneys referred to in Section 5a of Article XII, 695  
Ohio Constitution, may not be pledged or used for the payment of 696  
debt service except on obligations referred to in section 151.06 697  
of the Revised Code. Net state lottery proceeds, as provided for 698  
and referred to in section 3770.06 of the Revised Code, may not be 699  
pledged or used for the payment of debt service except on 700  
obligations referred to in section 151.03 of the Revised Code. The 701  
state covenants, and that covenant shall be controlling 702  
notwithstanding any other provision of law, that the state and the 703  
applicable officers and agencies of the state, including the 704  
general assembly, shall, so long as any obligations are 705  
outstanding in accordance with their terms, maintain statutory 706  
authority for and cause to be levied, collected and applied 707  
sufficient pledged excises, taxes, and revenues of the state so 708  
that the revenues shall be sufficient in amounts to pay debt 709  
service when due, to establish and maintain any reserves and other 710  
requirements, and to pay financing costs, including costs of or 711  
relating to credit enhancement facilities, all as provided for in 712  
the bond proceedings. Those excises, taxes, and revenues are and 713  
shall be deemed to be levied and collected, in addition to the 714  
purposes otherwise provided for by law, to provide for the payment 715



of debt service and financing costs in accordance with sections 716  
151.01 to ~~151.09~~ 151.11 of the Revised Code and the bond 717  
proceedings. 718

(N) The general assembly may from time to time repeal or 719  
reduce any excise, tax, or other source of revenue pledged to the 720  
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 721  
2o, 2p, or 15 of Article VIII, Ohio Constitution, and sections 722  
151.01 to ~~151.09~~ 151.11 or 151.40 of the Revised Code, and may 723  
levy, collect and apply any new or increased excise, tax, or 724  
revenue to meet the pledge, to the payment of debt service on 725  
outstanding obligations, of the state's full faith and credit, 726  
revenue and taxing power, or of designated revenues and receipts, 727  
except fees, excises or taxes referred to in Section 5a of Article 728  
XII, Ohio Constitution, for other than obligations referred to in 729  
section 151.06 of the Revised Code and except net state lottery 730  
proceeds for other than obligations referred to in section 151.03 731  
of the Revised Code. Nothing in division (N) of this section 732  
authorizes any impairment of the obligation of this state to levy 733  
and collect sufficient excises, taxes, and revenues to pay debt 734  
service on obligations outstanding in accordance with their terms. 735

(O) Each bond service fund is a trust fund and is hereby 736  
pledged to the payment of debt service on the applicable 737  
obligations. Payment of that debt service shall be made or 738  
provided for by the issuing authority in accordance with the bond 739  
proceedings without necessity for any act of appropriation. The 740  
bond proceedings may provide for the establishment of separate 741  
accounts in the bond service fund and for the application of those 742  
accounts only to debt service on specific obligations, and for 743  
other accounts in the bond service fund within the general 744  
purposes of that fund. 745

(P) Subject to the bond proceedings pertaining to any 746  
obligations then outstanding in accordance with their terms, the 747

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  
of each fiscal year, certify or cause to be certified to the  
office of budget and management the total amount of moneys  
required during the current fiscal year to meet in full all debt  
service on the respective obligations and any related financing  
costs payable from the applicable bond service fund and not from  
the proceeds of refunding or renewal obligations. The issuing  
authority shall make or cause to be made supplemental  
certifications to the office of budget and management for each  
debt service payment date and at such other times during each  
fiscal year as may be provided in the bond proceedings or  
requested by that office. Debt service, costs of credit  
enhancement facilities, and other financing costs shall be set  
forth separately in each certification. If and so long as the  
moneys to the credit of the bond service fund, together with any  
other moneys available for the purpose, are insufficient to meet  
in full all payments when due of the amount required as stated in  
the certificate or otherwise, the office of budget and management  
shall at the times as provided in the bond proceedings, and  
consistent with any particular provisions in sections 151.03 to  
~~151.09~~ 151.11 and 151.40 of the Revised Code, transfer a  
sufficient amount to the bond service fund from the pledged  
revenues in the case of obligations issued pursuant to section  
151.40 of the Revised Code, and in the case of other obligations  
from the revenues derived from excises, taxes, and other revenues,  
including net state lottery proceeds in the case of obligations  
referred to in section 151.03 of the Revised Code.

(R) Unless otherwise provided in any applicable bond 780  
proceedings, moneys to the credit of special funds may be invested 781  
by or on behalf of the state only in one or more of the following: 782

(1) Notes, bonds, or other direct obligations of the United 783  
States or of any agency or instrumentality of the United States, 784  
or in no-front-end-load money market mutual funds consisting 785  
exclusively of those obligations, or in repurchase agreements, 786  
including those issued by any fiduciary, secured by those 787  
obligations, or in collective investment funds consisting 788  
exclusively of those obligations; 789

(2) Obligations of this state or any political subdivision of 790  
this state; 791

(3) Certificates of deposit of any national bank located in 792  
this state and any bank, as defined in section 1101.01 of the 793  
Revised Code, subject to inspection by the superintendent of 794  
financial institutions; 795

(4) The treasurer of state's pooled investment program under 796  
section 135.45 of the Revised Code. 797

The income from investments referred to in division (R) of 798  
this section shall, unless otherwise provided in sections 151.01 799  
to ~~151.09~~ 151.11 or 151.40 of the Revised Code, be credited to 800  
special funds or otherwise as the issuing authority determines in 801  
the bond proceedings. Those investments may be sold or exchanged 802  
at times as the issuing authority determines, provides for, or 803  
authorizes. 804

(S) The treasurer of state shall have responsibility for 805  
keeping records, making reports, and making payments, relating to 806  
any arbitrage rebate requirements under the applicable bond 807  
proceedings. 808

**Sec. 151.02.** (A) Pursuant to the powers granted to the 809

general assembly under Article VIII, Ohio Constitution, to 810  
authorize the issuance of obligations, and pursuant to other 811  
authority vested in the general assembly, there is hereby created 812  
a body, both corporate and politic, constituting an agency and 813  
instrumentality of the state of Ohio and performing essential 814  
functions of the state, to be known as the "Ohio public facilities 815  
commission," which in that name may contract and be contracted 816  
with, sue and be sued, and exercise all other authority vested in 817  
that commission by sections 151.01 to 151.05 and 151.07 to 151.11 818  
and Chapter 154. of the Revised Code. 819

(B) The commission shall consist of, in each case ex officio, 820  
the governor, the treasurer of state, the auditor of state, the 821  
secretary of state, the attorney general, and the director of 822  
budget and management. The governor shall serve as the chairman of 823  
the commission, the director of budget and management shall serve 824  
as its secretary, and the commission shall have such other 825  
officers as it determines, who may but need not be members of the 826  
commission. Four members of the commission constitute a quorum and 827  
the affirmative vote of four members is necessary for any action 828  
taken by vote of the commission. No vacancy in the membership of 829  
the commission shall impair the rights of a quorum by such vote to 830  
exercise all the rights and perform all the duties of the 831  
commission. Each of the state officers above identified may 832  
designate an employee or officer of that officer's office to 833  
attend meetings of the commission when that officer is absent or 834  
unable for any reason to attend and that designee, when present, 835  
shall be counted in determining whether a quorum is present at any 836  
meeting and may vote and participate in all proceedings and 837  
actions of the commission. A designee may not execute or cause a 838  
facsimile signature to be placed on any obligation. That 839  
designation shall be in writing, executed by the designating 840  
member, and be filed with the secretary of the commission. A 841  
designation may be changed from time to time by a similar written 842

designation. The commission may delegate to such of its members, 843  
officers, or employees as it determines those powers and duties as 844  
it deems appropriate. No member of the commission or designee 845  
shall, by reason of being or serving as a member of the 846  
commission, be required to abstain from action in any other 847  
capacity as an incumbent of a state office or position or from any 848  
action as a member of the commission in any matter affecting or in 849  
any way pertaining to both that office or position and the 850  
commission, or for any purpose be deemed to be disqualified from 851  
either such office or position or as a member of the commission by 852  
reason of so acting or to have violated any law by reason thereof. 853  
The commission may adopt and alter bylaws and rules for the 854  
conduct of its affairs, including provisions for meetings, and for 855  
the manner, subject to this chapter and Chapter 154. of the 856  
Revised Code, in which its powers and functions are to be 857  
exercised and embodied and may adopt and alter at will an official 858  
seal to be affixed to official documents, provided that the 859  
failure to affix any such seal shall not affect the legality of 860  
such documents. Members of the commission shall receive no added 861  
compensation for their services as such members but may be 862  
reimbursed, as determined by the commission, for their necessary 863  
and actual expenses incurred in the conduct of the commission's 864  
business. 865

(C) In connection with the exercise of its powers pursuant to 866  
this chapter, the commission may enter into contracts and execute 867  
all instruments necessary or incidental to the performance of the 868  
commission's duties and the execution of the authority's powers 869  
and do all other acts necessary or proper to the fulfillment of 870  
the commission's purposes and to carry out the powers expressly 871  
granted in this chapter. 872

**Sec. 151.10. (A) As used in this section:** 873

(1) "Costs of research and development projects" includes 874  
related direct administrative expenses and allocable portions of 875  
the direct costs of those projects, costs of capital facilities, 876  
and working capital, all for the following: 877

(a) Attracting researchers and research teams by endowing 878  
research chairs or otherwise; 879

(b) Activities to develop and commercialize products and 880  
processes; 881

(c) Intellectual property matters such as copyrights and 882  
patents; 883

(d) Property interests including timesharing arrangements, 884  
capital formation, direct operating costs, and costs of research 885  
and facilities including interests in real property therefore; and 886

(e) Support for public and private institutions of higher 887  
education, research organizations or institutions, and private 888  
sector entities. 889

(2) "Obligations" means obligations as defined in section 890  
151.01 of the Revised Code issued to pay costs of projects for 891  
research and development purposes as referred to in division 892  
(A)(2) of Section 2p of Article VIII, Ohio Constitution. 893

(3) "Project" means any research and development project, as 894  
defined in section 184.10 of the Revised Code, or facility, 895  
including undivided or other interests, acquired or to be 896  
acquired, constructed or to be constructed, or operating or to be 897  
operated by a person doing business in this state or by an 898  
educational or scientific institution located in this state with 899  
all or part of the cost of the project being paid from a grant or 900  
loan from the third frontier research and development fund or a 901  
loan guaranteed under Chapter 184. of the Revised Code, including 902  
all buildings and facilities determined necessary for the 903

operation of the project, together with all property, rights, 904  
easements, and interests that may be required for the operation of 905  
the project. 906

(B) The issuing authority shall issue general obligations of 907  
the state to pay costs of research and development projects 908  
pursuant to division (B)(2) of Section 2p of Article VIII, Ohio 909  
Constitution, section 151.01 of the Revised Code, and this 910  
section. The issuing authority shall issue obligations in the 911  
amount determined by the issuing authority to be required for 912  
those purposes. The total principal amount of obligations issued 913  
under this section shall not exceed five hundred million dollars. 914

(C) Net proceeds of obligations shall be deposited into the 915  
third frontier research and development fund created by section 916  
184.19 of the Revised Code. 917

(D) There is hereby created in the state treasury the third 918  
frontier research and development projects bond service fund. All 919  
moneys received by the state and required by the bond proceedings, 920  
consistent with section 151.01 of the Revised Code and this 921  
section, to be deposited, transferred, or credited to the bond 922  
service fund, and all other moneys transferred or allocated to or 923  
received for the purposes of that fund, shall be deposited and 924  
credited to the bond service fund, subject to any applicable 925  
provisions of the bond proceedings, but without necessity for any 926  
act of appropriation. During the period beginning with the date of 927  
the first issuance of obligations and continuing during the time 928  
that any obligations are outstanding in accordance with their 929  
terms, so long as moneys in the bond service fund are insufficient 930  
to pay debt service when due on those obligations payable from 931  
that fund, except the principal amounts of bond anticipation notes 932  
payable from the proceeds of renewal notes or bonds anticipated, 933  
and due in the particular fiscal year, a sufficient amount of 934  
revenues of the state is committed and, without necessity for 935

further act of appropriation, shall be paid to the bond service 936  
fund for the purpose of paying that debt service when due. 937

Sec. 151.11. (A) As used in this section: 938

(1) "Costs of sites and facilities" includes related direct 939  
administrative expenses and allocable portions of the direct costs 940  
of those projects. "Costs of sites and facilities" includes 941  
"allowable costs" as defined in section 122.085 of the Revised 942  
Code. 943

(2) "Obligations" means obligations as defined in section 944  
151.01 of the Revised Code issued to pay costs of sites and 945  
facilities in Ohio for and in support of industry, commerce, 946  
distribution, and research and development purposes as referred to 947  
in division (A)(3) of Section 2p of Article VIII, Ohio 948  
Constitution. 949

(B) The issuing authority shall issue general obligations of 950  
the state to pay costs of sites and facilities pursuant to 951  
division (B)(3) of Section 2p of Article VIII, Ohio Constitution, 952  
section 151.01 of the Revised Code, and this section. The issuing 953  
authority shall issue obligations in the amount determined by the 954  
issuing authority to be required for those purposes. The total 955  
principal amount of obligations issued under this section shall 956  
not exceed one hundred fifty million dollars. 957

(C) Net proceeds of obligations shall be deposited into the 958  
job ready site development fund created by section 122.0820 of the 959  
Revised Code. 960

(D) There is hereby created in the state treasury the job 961  
ready site development bond service fund. All moneys received by 962  
the state and required by the bond proceedings, consistent with 963  
section 151.01 of the Revised Code and this section, to be 964  
deposited, transferred, or credited to the bond service fund, and 965



all other moneys transferred or allocated to or received for the 966  
purposes of that fund, shall be deposited and credited to the bond 967  
service fund, subject to any applicable provisions of the bond 968  
proceedings, but without necessity for any act of appropriation. 969  
During the period beginning with the date of the first issuance of 970  
obligations and continuing during the time that any obligations 971  
are outstanding in accordance with their terms, so long as moneys 972  
in the bond service fund are insufficient to pay debt service when 973  
due on those obligations payable from that fund, except the 974  
principal amounts of bond anticipation notes payable from the 975  
proceeds of renewal notes or bonds anticipated, and due in the 976  
particular fiscal year, a sufficient amount of revenues of the 977  
state is committed and, without necessity for further act of 978  
appropriation, shall be paid to the bond service fund for the 979  
purpose of paying that debt service when due. 980

**Sec. 184.01.** (A) There is hereby created the third frontier 981  
commission in the department of development. The purpose of the 982  
commission is to coordinate and administer science and technology 983  
programs to promote the welfare of the people of the state and to 984  
maximize the economic growth of the state through expansion of 985  
both of the following: 986

(1) The state's high technology research and development 987  
capabilities; 988

(2) The state's product and process innovation and 989  
commercialization. 990

(B)(1) The commission shall consist of nine members: the 991  
director of development, the chancellor of the Ohio board of 992  
regents, ~~and~~ the governor's science and technology advisor, and 993  
six persons appointed by the governor with the advice and consent 994  
of the senate. The 995

(2) Of the six persons appointed by the governor, one shall 996  
represent the central region, which is composed of the counties of 997  
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 998  
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 999  
one shall represent the west central region, which is composed of 1000  
the counties of Champaign, Clark, Darke, Greene, Miami, 1001  
Montgomery, Preble, and Shelby; one shall represent the northeast 1002  
region, which is composed of the counties of Ashland, Ashtabula, 1003  
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 1004  
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 1005  
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 1006  
northwest region, which is composed of the counties of Allen, 1007  
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 1008  
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 1009  
Wood, and Wyandot; one shall represent the southeast region, which 1010  
shall represent the counties of Adams, Athens, Belmont, Coshocton, 1011  
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 1012  
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 1013  
Washington; and one shall represent the southwest region, which is 1014  
composed of the counties of Butler, Brown, Clermont, Clinton, 1015  
Hamilton, Highland, and Warren. Of the initial appointments, two 1016  
shall be for one year, two shall be for two years, and two shall 1017  
be for three years as assigned by the governor. Thereafter, 1018  
appointments shall be for three-year terms. Members may be 1019  
reappointed and vacancies shall be filled in the same manner as 1020  
appointments. A person must have a background in business or 1021  
research in order to be eligible for appointment to the 1022  
commission. 1023

(3) The governor shall select a chairperson from among the 1024  
members, who shall serve in that role at the pleasure of the 1025  
governor. Sections 101.82 to 101.87 of the Revised Code do not 1026  
apply to the commission. 1027

(C) The commission shall meet at least once during each 1028  
quarter of the calendar year or at the call of the chairperson. A 1029  
majority of all members of the commission constitutes a quorum, 1030  
and no action shall be taken without the concurrence of a majority 1031  
of the members. 1032

(D) The commission shall administer any money that may be 1033  
appropriated to it by the general assembly. The commission may use 1034  
such money for research and commercialization and for any other 1035  
purposes that may be designated by the commission. 1036

(E) The department of development shall provide office space 1037  
and facilities for the commission. Administrative costs associated 1038  
with the operation of the commission or with any program or 1039  
activity administered by the commission shall be paid from amounts 1040  
appropriated to the commission or to the department of development 1041  
for such purposes. 1042

(F) The attorney general shall serve as the legal 1043  
representative for the commission and may appoint other counsel as 1044  
necessary for that purpose in accordance with section 109.07 of 1045  
the Revised Code. 1046

(G) Members of the commission shall serve without 1047  
compensation, but shall receive their reasonable and necessary 1048  
expenses incurred in the conduct of commission business. 1049

(H) Members of the commission shall file financial disclosure 1050  
statements described in division (B) of section 102.02 of the 1051  
Revised Code. 1052

**Sec. 184.02.** (A) The In addition to the powers and duties 1053  
under sections 184.10 to 184.19 of the Revised Code, the third 1054  
frontier commission may perform any act to ensure the performance 1055  
of any function necessary or appropriate to carry out the purposes 1056  
of, and exercise the powers granted under, sections 184.01 and 1057

184.02 of the Revised Code. In addition, the commission may do any 1058  
of the following: 1059

(1) Adopt, amend, and rescind rules under section 111.15 of 1060  
the Revised Code for the administration of any aspect of its 1061  
operations; 1062

(2) Adopt bylaws governing its operations, including bylaws 1063  
that establish procedures and set policies as may be necessary to 1064  
assist with the furtherance of its purposes; 1065

(3) Appoint and set the compensation of employees needed to 1066  
carry out its duties; 1067

(4) Contract with, retain the services of, or designate, and 1068  
fix the compensation of, such financial consultants, accountants, 1069  
other consultants and advisors, and other independent contractors 1070  
as may be necessary or desirable to carry out its duties; 1071

(5) Solicit input and comments from the third frontier 1072  
advisory board, and specialized industry, professional, and other 1073  
relevant interest groups concerning its purposes; 1074

(6) Facilitate alignment of the state's science and 1075  
technology programs and activities; 1076

(7) Make grants and loans to individuals, public agencies, 1077  
private companies or organizations, or joint ventures for any of 1078  
the broad range of activities related to its purposes. 1079

(B) The In addition to the powers and duties under sections 1080  
184.10 to 184.18 of the Revised Code, the commission shall do all 1081  
of the following: 1082

(1) Establish a competitive process for the award of grants 1083  
and loans that is designed to fund the most meritorious proposals 1084  
and, when appropriate, provide for peer review of proposals; 1085

(2) Within ninety days after the end of each fiscal year, 1086

submit to the governor and the general assembly a report of the 1087  
activities of the commission during the preceding fiscal year; 1088

(3) With specific application to the biomedical research and 1089  
technology transfer trust fund, periodically make strategic 1090  
assessments of the types of state investments in biomedical 1091  
research and biotechnology in the state that would likely create 1092  
jobs and business opportunities in the state and produce the most 1093  
beneficial long-term improvements to the public health of Ohioans, 1094  
including, but not limited to, biomedical research and 1095  
biotechnology initiatives that address tobacco-related illnesses 1096  
as may be outlined in any master agreement. The commission shall 1097  
award grants and loans from the fund pursuant to a process 1098  
established under division (B)(1) of this section. 1099

**Sec. 184.03.** (A) There is hereby created the third frontier 1100  
advisory board that, upon request of the third frontier 1101  
commission, shall provide general advice to the commission on 1102  
various items including, but not limited to, the following: 1103

(1) Strategic planning for programs administered by the 1104  
commission; 1105

(2) Budget and funding priorities, funding processes, 1106  
request-for-proposal criteria, and other aspects of the management 1107  
and coordination of programs administered by the commission; 1108

(3) Metrics and methods of measuring the progress and impact 1109  
of programs administered by the commission; 1110

(4) Studies to be conducted to collect and analyze data 1111  
relevant to advancing the goals of programs administered by the 1112  
commission; 1113

(5) The commission's powers and duties under sections 184.10 1114  
to 184.19 of the Revised Code. 1115

(B) The board shall consist of sixteen members selected for 1116

their knowledge of and experience in science and technology 1117  
matters that may affect the state in the near future. Of the 1118  
sixteen members, fourteen shall be appointed by the governor, one 1119  
shall be appointed by the speaker of the house of representatives, 1120  
and one shall be appointed by the president of the senate. 1121

(1) Of the fourteen members appointed by the governor, nine 1122  
shall be representative of or have experience with business 1123  
matters that affect the state and five shall be representative of 1124  
or have experience with matters affecting universities or 1125  
nonprofit research institutions in the state. 1126

(2) Of the governor's initial appointees that are 1127  
representative of or have experience with business matters that 1128  
affect the state, three shall serve an initial term of one year, 1129  
three shall serve an initial term of two years, and three shall 1130  
serve an initial term of three years. All of the initial 1131  
appointees that are representative of or have experience with 1132  
matters affecting university or nonprofit research institutions 1133  
shall serve an initial term of three years. Thereafter, each 1134  
member appointed by the governor shall serve a three-year term. 1135

(3) All appointees to the board shall serve at the pleasure 1136  
of their appointing authorities. 1137

(4) Not more than nine members of the board shall be of the 1138  
same political party. 1139

(C) The governor shall appoint the chairperson of the board 1140  
from among its members, and the chairperson shall serve in that 1141  
role at the pleasure of the governor. 1142

(D) A majority of the members of the board constitutes a 1143  
quorum, and no action shall be taken without the affirmative vote 1144  
of a majority of the members. 1145

(E) Each member of the board shall hold office from the date 1146

of appointment until the end of the term for which the member was 1147  
appointed. A member may be reappointed for an unlimited number of 1148  
terms. A member appointed to fill a vacancy occurring prior to the 1149  
expiration of the term for which the member's predecessor was 1150  
appointed shall hold office for the remainder of such term. A 1151  
vacancy in an unexpired term shall be filled in the same manner as 1152  
the original appointment. A member of the board shall continue in 1153  
office subsequent to the expiration date of the member's term 1154  
until the member's successor takes office, or until a period of 1155  
sixty days has elapsed, whichever occurs first. The governor may 1156  
remove any member of the board for malfeasance, misfeasance, or 1157  
nonfeasance after a hearing in accordance with Chapter 119. of the 1158  
Revised Code. 1159

(F) Members of the board shall not act as representatives of 1160  
any specific disciplinary, regional, or organizational interest. 1161  
Members shall represent a wide variety of experience valuable in 1162  
technology research and development, product process innovation 1163  
and commercialization, and creating and managing high-growth 1164  
technology-based companies. 1165

(G) Members of the board shall file financial disclosure 1166  
statements described in division (B) of section 102.02 of the 1167  
Revised Code. 1168

(H) Members of the board shall serve without compensation but 1169  
shall receive their reasonable and necessary expenses incurred in 1170  
the conduct of board business. 1171

(I) Before entering upon duties as a member of the board, 1172  
each member shall take an oath as provided by Section 7 of Article 1173  
XV, Ohio Constitution. 1174

(J) The department of development shall provide office space 1175  
and facilities for the board. 1176

(K) Sections 101.82 to 101.87 of the Revised Code do not 1177

apply to the board.

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Sec. 184.10. As used in sections 184.10 to 184.19 of the  
Revised Code:

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(A) "In-state entity" includes individuals, public and  
private entities, agencies, and institutions, private companies or  
organizations, partnerships, business trusts, or other business  
entities or ventures, or research organizations, whether for  
profit or not for profit, that have substantial presence in Ohio.

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(B) "Research and development projects" means projects or  
activities in support of Ohio industry, commerce, and business,  
which include, without limitation, research and product  
innovation, development, and commercialization through efforts by,  
and may include collaboration among, Ohio business and industry,  
state and local public entities and agencies, public and private  
institutions, or research organizations. Those projects and  
activities also include projects and activities supporting any and  
all matters related to research and development purposes  
including: attracting researchers and research teams by endowing  
chairs or otherwise; developing and commercializing products and  
processes; promoting, developing, and securing intellectual  
property matters and rights such as copyrights and patents;  
promoting, developing, and securing property interests, including  
time sharing arrangements; and promoting, developing, and securing  
financial rights and matters such as royalties, licensing, and  
other financial gain or sharing resulting from research and  
development.

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Sec. 184.11. The third frontier commission may award support  
to individuals, public and private entities, agencies, and  
institutions, private companies or organizations, partnerships,  
business trusts, or other business entities or ventures, research

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organizations, whether for profit or not for profit, or 1208  
combinations or consortiums of any of the foregoing for the 1209  
purpose of supporting research and development projects. The 1210  
support may be in such manner as the commission determines, 1211  
including by any one or a combination of grants, loans, including 1212  
loans to lenders or the purchase of loans, subsidies, 1213  
contributions, advances, or guarantees, or by payment or 1214  
reimbursement from available money, or by providing staffing or 1215  
other support including computer or other technology capacity, or 1216  
equipment or facilities, including interests in real property. 1217

Sec. 184.111. Except with respect to support subject to an 1218  
agreement under section 184.114 of the Revised Code, the third 1219  
frontier commission may award the support described in section 1220  
184.11 of the Revised Code only to in-state entities. If an entity 1221  
awarded support is collaborating with any entity that is not an 1222  
in-state entity on the research and development project for which 1223  
the support was awarded, the in-state entity may provide any 1224  
portion of that support to the other entity only if the 1225  
commission, in its discretion and only under exceptional 1226  
circumstances that the commission determines, permits it. 1227

Sec. 184.112. The third frontier commission shall establish a 1228  
competitive process for making awards of the support described in 1229  
section 184.11 of the Revised Code that is designed to fund the 1230  
research and development projects that have the most merit. The 1231  
commission, on completion of that process, shall make a 1232  
recommendation to the controlling board asking for approval to 1233  
award support for the research and development projects selected 1234  
by the commission. 1235

Sec. 184.113. The third frontier commission shall require 1236

each individual, public and private entity, agency, and 1237  
institution, private company or organization, partnership, 1238  
business trust, or other business entity or venture, research 1239  
organization, or combination or consortium of any of the foregoing 1240  
that the controlling board approves to receive the support 1241  
described in section 184.11 of the Revised Code to enter into an 1242  
agreement governing the use of the support for the research and 1243  
development project. The agreement shall contain terms the 1244  
commission determines to be necessary, including provisions 1245  
stating that any support given by the commission may be used to 1246  
pay costs of or in support of or related to research and 1247  
development purposes, including, without limitation, capital 1248  
formation, direct operating costs, costs of research and 1249  
facilities, including interests in real property, and support for 1250  
public and private institutions of higher education, research 1251  
organizations or institutions, and private sector entities. 1252

**Sec. 184.114.** If the third frontier commission intends to 1253  
award support for a research and development project under section 1254  
184.11 of the Revised Code to an individual or private entity, 1255  
agency, institution, company, partnership, business trust, or 1256  
other business entity or venture, or organization, the agreement 1257  
governing the use of the support entered into under section 1258  
184.113 of the Revised Code shall require both of the following: 1259

(A) The project shall primarily benefit this state. 1260

(B) If the recipient of the support is not an in-state 1261  
entity, it shall become an in-state entity not later than six 1262  
months after entering into the agreement. 1263

**Sec. 184.115.** An individual or private entity, agency, 1264  
institution, company, partnership, business trust, or other 1265  
business entity or venture, or organization that has received 1266

support under section 184.11 of the Revised Code for a research 1267  
and development project and that violates the requirements of 1268  
section 184.114 of the Revised Code forfeits the support and must 1269  
repay the support amount or the equivalent in money plus interest 1270  
at the rate required by section 5703.47 of the Revised Code to the 1271  
third frontier commission. If all or a portion of the support 1272  
forfeited is other than in the form of a grant, recovery of the 1273  
support shall be governed by the agreement entered into under 1274  
section 184.113 of the Revised Code. 1275

**Sec. 184.116.** If the third frontier commission utilizes 1276  
independent reviewers to review the merits of proposed research 1277  
and development projects and to make recommendations to the 1278  
commission concerning which projects should be awarded support 1279  
under section 184.11 of the Revised Code and the commission takes 1280  
one of the following actions, the commission shall provide a 1281  
written explanation of the reasons for its action and present the 1282  
explanation at one of the commission's regularly scheduled public 1283  
meetings: 1284

(A) Awards support for a project that the reviewers do not 1285  
recommend; 1286

(B) Refuses to award support for a project the reviewers do 1287  
recommend; 1288

(C) Makes a support award that varies substantially from the 1289  
reviewers' recommendation. 1290

The commission, pursuant to Chapter 119. of the Revised Code, 1291  
shall adopt rules necessary and proper to govern explanations 1292  
required under this section. 1293

**Sec. 184.12.** Individuals, Ohio businesses and industries, 1294  
local public entities and agencies, public and private education 1295

institutions, including state-supported and state-assisted 1296  
institutions of higher education, the state and state agencies, 1297  
and research organizations and institutions may collaborate on 1298  
research and development projects. 1299

Sec. 184.13. The state shall have no ownership interest in 1300  
any business or private entity, agency, institution, company, 1301  
partnership, business trust, venture, or organization that has 1302  
received support for a research and development project under 1303  
section 184.11 of the Revised Code, and shall assume no shared 1304  
risk or shared liability. 1305

Sec. 184.14. The third frontier commission shall establish 1306  
procedures that permit public inspection of all support awarded 1307  
under section 184.11 of the Revised Code for research and 1308  
development projects and the processes used to determine which 1309  
projects shall receive support. 1310

Sec. 184.15. The third frontier commission shall publish a 1311  
report twice each year detailing all support awarded under section 1312  
184.11 of the Revised Code for research and development projects, 1313  
including the amount or type of support and the progress and 1314  
performance metrics for the projects. A copy of each report shall 1315  
be delivered to the governor, speaker and minority leader of the 1316  
house of representatives, and president and minority leader of the 1317  
senate. 1318

Sec. 184.151. The third frontier commission shall conduct 1319  
public meetings twice each year at which a representative of the 1320  
department of development shall testify regarding the number of 1321  
applicants for support for research and development projects and 1322  
the other information contained in the most recent report made by 1323

the commission under section 184.15 of the Revised Code. The  
representative shall also testify regarding the monitoring  
activities of, and data obtained by, the department pursuant to  
section 184.16 of the Revised Code. In addition to oral testimony,  
the representative shall provide a written report of all the  
information for which testimony is required under this section.

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

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

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

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

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**Sec. 184.17.** As used in sections 184.171, 184.172, and  
184.173 of the Revised Code, "minority" means an individual who is  
a United States citizen and who is a member of one of the  
following economically disadvantaged groups: Blacks or African  
Americans, American Indians, Hispanics or Latinos, and Asians.

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**Sec. 184.171.** The third frontier commission shall conduct  
outreach activities described in section 184.172 of the Revised  
Code that seek to include minorities in the various projects and  
initiatives sponsored, funded, encouraged, or otherwise promoted  
by the commission. The commission shall direct the activities at

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faculty and students involved in science and engineering 1352  
disciplines, professional scientists and engineers, technical 1353  
assistance providers, the investment community, minority-owned 1354  
businesses, and minority entrepreneurs. 1355

Sec. 184.172. The outreach activities the third frontier 1356  
commission shall conduct under section 184.171 of the Revised Code 1357  
shall include the following: 1358

(A) Identifying and partnering with historically black 1359  
colleges and universities to solicit and implement a minority 1360  
technology demonstration project funded by the national science 1361  
foundation; 1362

(B) Working with all institutions of higher education in the 1363  
state to support minority faculty and students involved in science 1364  
and engineering; 1365

(C) Developing a plan to contact by telephone minority-owned 1366  
businesses and entrepreneurs to notify them of and encourage them 1367  
to participate in the various third frontier projects and 1368  
initiatives; 1369

(D) Identifying minority professional and technical trade 1370  
associations and economic development assistance organizations and 1371  
notifying them of the various third frontier projects and 1372  
initiatives; 1373

(E) Partnering with regional technology councils to foster 1374  
local efforts to support minority-owned technology businesses or 1375  
otherwise identify networks of minority-owned technology 1376  
businesses, entrepreneurs, and individuals operating locally; 1377

(F) Identifying minority technology firms and marketing them 1378  
to the investment community including the Ohio venture capital 1379  
authority created under section 150.02 of the Revised Code and the 1380

managers of all investment funds receiving third frontier project 1381  
support. 1382

Sec. 184.173. The third frontier commission shall conduct the 1383  
outreach activities described in sections 184.171 and 184.172 of 1384  
the Revised Code in conjunction with the EDGE program created 1385  
under section 123.152 of the Revised Code. 1386

Sec. 184.18. (A) As used in this section: 1388

(1) "Metropolitan statistical area" means an area of this 1389  
state that is designated a metropolitan statistical area or 1390  
primary metropolitan statistical area in United States office of 1391  
management and budget bulletin No. 04-03, February 18, 2004, and 1392  
its attachments, and the designated area is located entirely 1393  
within this state. An area of this state that is designated a 1394  
metropolitan statistical area or primary metropolitan statistical 1395  
area, but the designated area includes areas of one or more other 1396  
states, shall be considered a metropolitan statistical area only 1397  
if that area of this state could be designated a metropolitan 1398  
statistical area or primary metropolitan statistical area without 1399  
including the areas located in the other state or states. 1400

(2) "Rural area" means any area of this state not located 1401  
within a metropolitan statistical area. 1402

(B) The third frontier commission shall conduct outreach 1403  
activities that seek to include rural areas in the various 1404  
projects and initiatives sponsored, funded, encouraged, or 1405  
otherwise promoted by the commission. Those activities shall 1406  
include the following: 1407

(1) Working with all institutions of higher education in the 1408  
state to support faculty and students involved in science and 1409  
engineering who focus on third frontier projects and initiatives 1410

<u>in rural areas;</u>	1411
<u>(2) Developing a plan to contact by telephone businesses and</u>	1412
<u>entrepreneurs in rural areas to notify them of and encourage them</u>	1413
<u>to participate in the various third frontier projects and</u>	1414
<u>initiatives;</u>	1415
<u>(3) Identifying professional and technical trade associations</u>	1416
<u>and economic development assistance organizations in rural areas</u>	1417
<u>and notifying them of the various third frontier projects and</u>	1418
<u>initiatives;</u>	1419
<u>(4) Partnering with regional technology councils to foster</u>	1420
<u>local efforts to support technology businesses in rural areas or</u>	1421
<u>otherwise identify networks of technology businesses,</u>	1422
<u>entrepreneurs, and individuals operating in rural areas;</u>	1423
<u>(5) Identifying technology firms in rural areas and marketing</u>	1424
<u>them to the investment community including the Ohio venture</u>	1425
<u>capital authority created under section 150.02 of the Revised Code</u>	1426
<u>and the managers of all investment funds receiving third frontier</u>	1427
<u>project support.</u>	1428
<u><b>Sec. 184.19.</b> The third frontier research and development fund</u>	1429
<u>is hereby created in the state treasury. The fund shall consist of</u>	1430
<u>the net proceeds of the obligations issued and sold by the issuing</u>	1431
<u>authority pursuant to sections 151.01 and 151.10 of the Revised</u>	1432
<u>Code. Investment earnings of the fund shall be credited to the</u>	1433
<u>fund. Moneys in the fund shall be used in accordance with sections</u>	1434
<u>184.10 to 184.18 of the Revised Code and for associated</u>	1435
<u>administrative expenses.</u>	1436
<b>Section 2.</b> That existing sections 151.01, 151.02, 184.01,	1437
184.02, and 184.03 of the Revised Code are hereby repealed.	1438
<b>Section 3.</b> The Governor shall make the appointments to the	1439



Third Frontier Commission required under section 184.01 of the 1440  
Revised Code not later than April 1, 2006. The Commission shall be 1441  
officially expanded on that date and the initial terms of office 1442  
of those persons appointed shall begin on that date. 1443

**Section 4.** That Sections 203.99, 203.99.33, 203.99.51, and 1444  
209.99 of Am. Sub. H.B. 66 of the 126th General Assembly be 1445  
amended to read as follows: 1446

**Sec. 203.99.** DEV DEPARTMENT OF DEVELOPMENT 1447

General Revenue Fund 1448

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 1449

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 1450

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 1451

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 1452

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 1453

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 1454

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 1455

Grants

GRF 195-415 Economic Development \$ 5,794,975 \$ 5,894,975 1456

Division and Regional  
Offices

GRF 195-416 Governor's Office of \$ 4,122,372 \$ 4,122,372 1457

Appalachia

GRF 195-422 Third Frontier Action \$ 16,790,000 \$ 16,790,000 1458

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 300,000 1459

Implementation

GRF 195-432 International Trade \$ 4,223,787 \$ 4,223,787 1460

GRF 195-434	Investment in Training Grants	\$	12,227,500	\$	12,227,500	1461
GRF 195-436	Labor/Management Cooperation	\$	811,869	\$	811,869	1462
GRF 195-497	CDBG Operating Match	\$	1,040,956	\$	1,040,956	1463
GRF 195-498	State Match Energy	\$	94,000	\$	94,000	1464
GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	1465
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803	1466
GRF 195-507	Travel and Tourism Grants	\$	1,287,500	\$	1,162,500	1467
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0	1468
GRF 195-905	Third Frontier Research & Commercialization Development General Obligation Debt Service	\$	0	\$	13,910,000	1469
<u>GRF 195-912</u>	<u>Job Ready Site Development General Obligation Debt Service</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>4,124,400</u>	1470
TOTAL GRF General Revenue Fund		\$	99,797,446	\$	<del>103,367,446</del> 107,491,846	1471
General Services Fund Group						1472
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686	1473
5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000	1474
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000	1475
5AD 195-677	Economic Development	\$	0	\$	10,000,000	1476

Contingency				
685	195-636	General Reimbursements	\$ 1,000,000	\$ 1,000,000 1477
TOTAL GSF General Services Fund				1478
Group			\$ 16,450,000	\$ 26,539,686 1479
Federal Special Revenue Fund Group				1480
3AE	195-643	Workforce Development	\$ 5,800,000	\$ 5,800,000 1481
Initiatives				
3K8	195-613	Community Development	\$ 65,000,000	\$ 65,000,000 1482
Block Grant				
3K9	195-611	Home Energy Assistance	\$ 90,500,000	\$ 90,500,000 1483
Block Grant				
3K9	195-614	HEAP Weatherization	\$ 16,219,478	\$ 16,219,478 1484
3L0	195-612	Community Services	\$ 25,235,000	\$ 25,235,000 1485
Block Grant				
3V1	195-601	HOME Program	\$ 40,000,000	\$ 40,000,000 1486
308	195-602	Appalachian Regional	\$ 600,660	\$ 600,660 1487
Commission				
308	195-603	Housing and Urban	\$ 5,000,000	\$ 5,000,000 1488
Development				
308	195-605	Federal Projects	\$ 15,300,249	\$ 15,300,249 1489
308	195-609	Small Business	\$ 4,296,381	\$ 4,296,381 1490
Administration				
308	195-618	Energy Federal Grants	\$ 3,397,659	\$ 3,397,659 1491
335	195-610	Oil Overcharge	\$ 3,000,000	\$ 3,000,000 1492
TOTAL FED Federal Special Revenue				1493
Fund Group			\$ 274,349,427	\$ 274,349,427 1494
State Special Revenue Fund Group				1495
4F2	195-639	State Special Projects	\$ 290,183	\$ 290,183 1496
4F2	195-676	Promote Ohio	\$ 5,228,210	\$ 5,228,210 1497
4S0	195-630	Enterprise Zone	\$ 275,000	\$ 275,000 1498
Operating				
4S1	195-634	Job Creation Tax	\$ 375,800	\$ 375,800 1499

		Credit Operating					
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597	1500
		Enterprise Loan					
444	195-607	Water and Sewer	\$	523,775	\$	523,775	1501
		Commission Loans					
450	195-624	Minority Business	\$	53,967	\$	53,967	1502
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	2,358,311	\$	2,358,311	1503
		Financing Operating					
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$	5,000,000	1504
5CG	195-679	Alternative Fuel	\$	150,000	\$	150,000	1505
		Transportation					
5CV	195-680	Defense Conversion	\$	1,000,000	\$	0	1506
		Assistance					
5CY	195-682	Lung Cancer and Lung	\$	10,000,000	\$	0	1507
		Disease Research					
5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000	1508
5M5	195-660	Energy Efficiency Loan	\$	12,000,000	\$	12,000,000	1509
		and Grant					
5X1	195-651	Exempt Facility	\$	25,000	\$	25,000	1510
		Inspection					
611	195-631	Water and Sewer	\$	15,713	\$	15,713	1511
		Administration					
617	195-654	Volume Cap	\$	200,000	\$	200,000	1512
		Administration					
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	1513
		Income Housing Trust					
		Fund					
TOTAL	SSR	State Special Revenue					1514
Fund Group			\$	303,076,556	\$	292,076,556	1515
Facilities Establishment Fund Group							1516
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	1517

010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	1518
037	195-615	Facilities Establishment	\$	63,931,149	\$	63,931,149	1519
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	1520
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	1521
5H1	195-652	Family Farm Loan Guarantee	\$	1,000,000	\$	1,000,000	1522
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	1523
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	1524
TOTAL 037 Facilities Establishment Fund Group							1525
							1526
Clean Ohio Revitalization Fund							1527
003	195-663	Clean Ohio Operating	\$	350,000	\$	350,000	1528
TOTAL 003 Clean Ohio Revitalization Fund							1529
							1530
<u>Third Frontier Research &amp; Development Fund Group</u>							1531
<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>	1531
<u>011</u>	<u>195-687</u>	<u>Third Frontier Research &amp; Development Projects</u>	<u>\$</u>	<u>100,000,000</u>	<u>\$</u>	<u>100,000,000</u>	1532
<u>TOTAL 011 Third Frontier Research &amp; Development Fund Group</u>							1533
							1534
<u>Job Ready Site Development Fund Group</u>							1535
<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>	1535
TOTAL 012 Job Ready Site							1536

Development Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	<del>873,429,578</del>	\$	<del>876,089,264</del>	1537
		<u>974,764,806</u>		<u>982,891,875</u>	

**Sec. 203.99.33. THIRD FRONTIER RESEARCH & ~~COMMERCIALIZATION~~** 1539  
**DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE** 1540

The foregoing appropriation item 195-905, Third Frontier 1541  
Research & ~~Commercialization~~ Development General Obligation Debt 1542  
Service, shall be used to pay all debt service and related 1543  
financing costs during the period from July 1, 2005, to June 30, 1544  
2007, on obligations to be issued for research and development 1545  
purposes, ~~as authorized by the Ohio Constitution and implementing~~ 1546  
~~statutes~~ under sections 151.01 and 151.10 of the Revised Code. The 1547  
Office of the Sinking Fund or the Director of Budget and 1548  
Management shall effectuate the required payments by intrastate 1549  
transfer voucher. 1550

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 1551

The foregoing appropriation item 195-912, Job Ready Site 1552  
Development General Obligation Debt Service, shall be used to pay 1553  
all debt service and related financing costs during the period 1554  
from July 1, 2005, to June 30, 2007, on obligations to be issued 1555  
for job ready site development purposes under sections 151.01 and 1556  
151.11 of the Revised Code. The Office of the Sinking Fund or the 1557  
Director of Budget and Management shall effectuate the required 1558  
payments by intrastate transfer voucher. 1559

**Sec. 203.99.51. CLEAN OHIO OPERATING EXPENSES** 1560

The foregoing appropriation item 195-663, Clean Ohio 1561  
Operating, shall be used by the Department of Development in 1562  
administering sections 122.65 to 122.658 of the Revised Code. 1563

THIRD FRONTIER OPERATING 1564

The foregoing appropriation item 195-686, Third Frontier 1565  
Operating, shall be used for operating expenses incurred by the 1566  
Department of Development in administering sections 184.10 to 1567  
184.19 of the Revised Code. 1568

THIRD FRONTIER RESEARCH & DEVELOPMENT PROJECTS 1569

The foregoing appropriation item 195-687, Third Frontier 1570  
Research & Development Projects, shall be used by the Department 1571  
of Development to fund selected projects pursuant to sections 1572  
184.10 to 184.19 of the Revised Code. 1573

On or before June 30, 2006, any unencumbered balance of the 1574  
foregoing appropriation item 195-687, Third Frontier Research & 1575  
Development Projects, for fiscal year 2006 is hereby appropriated 1576  
for the same purpose for fiscal year 2007. 1577

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 1578

The Ohio Public Facilities Commission, upon request of the 1579  
Department of Development, is hereby authorized to issue and sell, 1580  
in accordance with Section 2p of Article VIII, Ohio Constitution, 1581  
and particularly sections 151.01 and 151.10 of the Revised Code, 1582  
original obligations of the State of Ohio in an aggregate amount 1583  
not to exceed \$200,000,000. The authorized obligations shall be 1584  
issued and sold from time to time and in amounts necessary to 1585  
ensure sufficient moneys to the credit of the Third Frontier 1586  
Research & Development Fund (Fund 011) to pay costs of research 1587  
and development projects. 1588

JOB READY SITE OPERATING 1589

The foregoing appropriation item 195-688, Job Ready Site 1590  
Operating, shall be used for operating expenses incurred by the 1591  
Department of Development in administering sections 122.085 to 1592  
122.0820 of the Revised Code. Operating expenses include, but are 1593  
not limited to, certain expenses of the District Public Works 1594

<u>Integrating Committees, audit and accountability activities, and</u>				1595
<u>costs associated with formal certifications verifying that site</u>				1596
<u>infrastructure is in place and is functional.</u>				1597
 <b>Sec. 209.99. CSF COMMISSIONERS OF THE SINKING FUND</b>				1598
Debt Service Fund Group				1599
<u>070 155-905 Third Frontier</u>	\$	0	\$ <u>13,910,000</u>	1600
<u>Research &amp; Development</u>				
<u>Projects Bond Service</u>				
<u>Fund</u>				
072 155-902 Highway Capital	\$	180,620,600	\$ 196,464,900	1601
Improvements Bond				
Retirement Fund				
073 155-903 Natural Resources Bond	\$	26,166,000	\$ 24,659,100	1602
Retirement Fund				
074 155-904 Conservation Projects	\$	14,687,300	\$ 17,668,800	1603
Bond Service Fund				
076 155-906 Coal Research and	\$	7,071,100	\$ 8,980,800	1604
Development Bond				
Retirement Fund				
077 155-907 State Capital	\$	163,131,400	\$ 174,545,100	1605
Improvements Bond				
Retirement Fund				
078 155-908 Common Schools Bond	\$	200,724,700	\$ 236,911,500	1606
Retirement Fund				
079 155-909 Higher Education Bond	\$	140,600,300	\$ 158,114,100	1607
Retirement Fund				
<u>090 155-912 Job Ready Site</u>	\$	0	\$ <u>4,124,400</u>	1608
<u>Development Bond</u>				
<u>Service Fund</u>				
TOTAL DSF Debt Service Fund Group	\$	733,001,400	\$ <del>817,344,300</del> <u>835,378,700</u>	1609





CAP-003	Job Ready Site Development	\$	30,000,000	1638
TOTAL	Department of Development	\$	30,000,000	1639
TOTAL	Job Ready Site Development Fund	\$	30,000,000	1640

JOB READY SITE DEVELOPMENT 1641

The foregoing appropriation item CAP-003, Job Ready Site 1642  
Development, shall be used by the Department of Development in 1643  
accordance with sections 122.085 to 122.0820 of the Revised Code 1644  
and is subject to all provisions of Am. Sub. H.B. 16 of the 126th 1645  
General Assembly that are generally applicable to capital 1646  
appropriations. 1647

**Section 7.** The Ohio Public Facilities Commission, upon 1648  
request of the Department of Development, is hereby authorized to 1649  
issue and sell, in accordance with Section 2p of Article VIII, 1650  
Ohio Constitution, and particularly sections 151.01 and 151.11 of 1651  
the Revised Code, original obligations of the State of Ohio in an 1652  
aggregate amount not to exceed \$30,000,000. The authorized 1653  
obligations shall be issued and sold from time to time and in 1654  
amounts necessary to ensure sufficient moneys to the credit of the 1655  
Job Ready Site Development Fund (Fund 012) to pay costs of sites 1656  
and facilities. 1657

**Section 8.** Except as otherwise specifically provided in this 1658  
act, a codified or uncoded section of law contained in this act 1659  
is not subject to the referendum. Therefore, under Ohio 1660  
Constitution, Article II, Section 1d and section 1.471 of the 1661  
Revised Code, the codified and uncoded sections of law in this 1662  
act, except as otherwise specifically provided in this act, go 1663  
into immediate effect when this act becomes law. 1664

**Section 9.** Sections 6 and 7 of this act are subject to the 1665  
referendum. Therefore, under Ohio Constitution, Article II, 1666  
Section 1c and section 1.471 of the Revised Code, those sections 1667

take effect on the ninety-first day after this act is filed with	1668
the Secretary of State. If, however, a referendum petition is	1669
filed against the sections as enacted, those sections, unless	1670
rejected at the referendum, take effect at the earliest time	1671
permitted by law.	1672