

As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

Am. Sub. H. B. No. 420

Representative Brinkman

Cosponsors: Representatives Evans, McGregor, J., Bulp, Raussen, Blessing, Uecker, Batchelder, Adams, Hughes, Collier, Combs, Patton, Yuko, Stebelton, Hite, Gibbs, Stewart, J., Jones, Webster, Bacon, Schindel, Huffman, Daniels, Dolan, Hagan, J., McGregor, R., Wachtmann, Wagner, Skindell, Fessler, Book, Peterson, Stewart, D., Coley, Goodwin, Domenick, Bolon, Boyd, Brown, Celeste, Core, DeBose, Dodd, Dyer, Flowers, Garrison, Gerberry, Goyal, Hagan, R., Letson, Luckie, Lundy, Mallory, Mecklenborg, Newcomb, Oelslager, Schneider, Setzer, Wolpert, Zehringer
Senators Amstutz, Buehrer, Carey, Faber, Goodman, Harris, Padgett, Schaffer, Schuler, Seitz, Stivers

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A B I L L

To amend sections 117.11, 133.20, 145.297, 717.02, 1
733.40, 1901.024, 1901.07, 1901.08, 1901.31, 2
1907.20, 2949.111, 3301.0715, 3302.04, 3302.10, 3
3313.97, 3314.03, 3326.17, 3333.375, 3375.49, 4
3375.50, 4513.35, 5111.89, 5111.891, 5111.894, 5
5709.75, and 5739.02; to amend, for the purpose of 6
adopting a new section number as indicated in 7
parentheses, section 3375.50 (307.515); to enact 8
sections 107.41, 113.41, 125.112, 125.901, 9
125.902, 307.51, 307.511, 307.512, 307.513, 10
307.514, 307.516, 1333.851, 3302.041, and 11
3375.481; to repeal sections 3375.48, 3375.51, 12
3375.52, 3375.53, 3375.54, 3375.55, and 3375.56; 13
to repeal on December 31, 2009, section 3375.49 of 14

the Revised Code, as amended by this act; to amend 15
Sections 309.30.50 and 309.30.53 of Am. Sub. H.B. 16
119 of the 127th General Assembly, to amend 17
Sections 201.60.20, 201.60.30, 301.40.10, and 18
301.60.50 of H.B. 496 of the 127th General 19
Assembly, and to amend Sections 227.10, 231.10.20, 20
231.20.30, 233.30.40, 233.40.10, 233.50.20, and 21
233.50.80 of Am. Sub. H.B. 562 of the 127th 22
General Assembly; and to amend Section 525.10 of 23
Am. Sub. H.B. 699 of the 126th General Assembly, 24
to promote transparency with respect to state 25
spending, state real property management, and 26
state program effectiveness by requiring certain 27
information to be posted on-line, to create a 28
county law library resources board in each county 29
and a statewide consortium of such boards, to 30
reconstitute the Task Force on Law Library 31
Associations, to specify the compensation of 32
certain Senate officers, to recalculate the local 33
share of a new classroom facilities project for 34
certain school districts that previously received 35
facilities assistance, to allow the Chancellor of 36
the Board of Regents to use money in the Ohio 37
Outstanding Scholarship and the Ohio Priority 38
Needs Fellowship programs payment funds to provide 39
state need-based financial aid for higher 40
education, to permit arbitration or alternative 41
dispute resolution provisions in a contract with 42
the Auditor of State for attest services to apply 43
to disputed services rendered by an independent 44
accountant, to expand the sales tax exemption for 45
aircraft repair services, to permanently authorize 46
eligible townships to use tax increment financing 47

revenue for current public safety expenses, to 48
modify municipal authority regarding the 49
procurement of energy conservation measures, to 50
remove the requirement that Portage County 51
municipal court judges be nominated only by 52
petition, to change the status of the judge of the 53
Hillsboro Municipal Court from part-time to 54
full-time, to require compensation of an alcoholic 55
beverage distributor before re-assigning the 56
distributor's product or brand territory and to 57
make changes to the law governing certain 58
franchise agreements between a successor 59
manufacturer and distributor, to authorize the 60
conveyance of certain state-owned real estate, to 61
specify how retirement incentive plan costs are to 62
be treated, to require certain school districts to 63
implement corrective actions specified in the 64
Department of Education's Model of Differentiated 65
Accountability, to create the Governor's Policy 66
Information Working Group, to make an 67
appropriation, and to declare an emergency. 68
69
70

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

Section 101.01. That sections 117.11, 133.20, 145.297, 71
717.02, 733.40, 1901.024, 1901.07, 1901.08, 1901.31, 1907.20, 72
2949.111, 3301.0715, 3302.04, 3302.10, 3313.97, 3314.03, 3326.17, 73
3333.375, 3375.49, 3375.50, 4513.35, 5111.89, 5111.891, 5111.894, 74
5709.75, and 5739.02 be amended; section 3375.50 (307.515) be 75
amended for the purpose of adopting a new section number as 76
indicated in parentheses; and sections 107.41, 113.41, 125.112, 77

125.901, 125.902, 307.51, 307.511, 307.512, 307.513, 307.514, 78
307.516, 1333.851, 3302.041, and 3375.481 of the Revised Code be 79
enacted to read as follows: 80

Sec. 107.41. (A) As used in this section, "department" has 81
the same meaning as in section 121.01 of the Revised Code. 82

(B) Whenever the governor finds necessary, the governor shall 83
direct each department to establish goals and metrics that, when 84
achieved, will further the governor's leadership agenda. 85

(C) To increase transparency, each department's performance 86
measures, which shall be determined by assessing the department's 87
adherence to the goals and metrics developed pursuant to this 88
section, shall be periodically posted on the governor's web site. 89

Sec. 113.41. (A) The treasurer of state shall develop and 90
maintain a comprehensive and descriptive database of all real 91
property under the custody and control of the state, except when 92
otherwise required for reasons of homeland security. The 93
information in the database shall be available to the public free 94
of charge through a searchable internet web site. The treasurer of 95
state shall allow for public comment on property owned by the 96
state. 97

(B) For purposes of the database, the Ohio geographically 98
referenced information program council established in section 99
125.901 of the Revised Code shall provide to the treasurer of 100
state, and the treasurer of state shall collect, information, in a 101
format prescribed by the treasurer of state, that adequately 102
describes, when known, the location, acreage, and use of 103
state-owned property. The council shall make its best efforts to 104
obtain the required information on the state-owned property and 105
shall submit updated information to the treasurer of state as it 106
becomes available. 107

(C) As used in this section, "state-owned property" does not 108
include state property owned or under the control of the general 109
assembly or any legislative agency, any court or judicial agency, 110
the secretary of state, auditor of state, treasurer of state, or 111
attorney general and their respective offices. 112

Sec. 117.11. (A) Except as otherwise provided in this 113
division and in sections 117.112 and 117.113 of the Revised Code, 114
the auditor of state shall audit each public office at least once 115
every two fiscal years. The auditor of state shall audit a public 116
office each fiscal year if that public office is required to be 117
audited on an annual basis pursuant to "The Single Audit Act of 118
1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the 119
annual or biennial audit, inquiry shall be made into the methods, 120
accuracy, and legality of the accounts, financial reports, 121
records, files, and reports of the office, whether the laws, 122
rules, ordinances, and orders pertaining to the office have been 123
observed, and whether the requirements and rules of the auditor of 124
state have been complied with. Except as otherwise provided in 125
this division or where auditing standards or procedures dictate 126
otherwise, each audit shall cover at least one fiscal year. If a 127
public office is audited only once every two fiscal years, the 128
audit shall cover both fiscal years. 129

(B) In addition to the annual or biennial audit provided for 130
in division (A) of this section, the auditor of state may conduct 131
an audit of a public office at any time when so requested by the 132
public office or upon the auditor of state's own initiative if the 133
auditor of state has reasonable cause to believe that an 134
additional audit is in the public interest. 135

(C)(1) The auditor of state shall identify any public office 136
in which the auditor of state will be unable to conduct an audit 137
at least once every two fiscal years as required by division (A) 138

of this section and shall provide immediate written notice to the 139
clerk of the legislative authority or governing board of the 140
public office so identified. Within six months of the receipt of 141
such notice, the legislative authority or governing board may 142
engage an independent certified public accountant to conduct an 143
audit pursuant to section 117.12 of the Revised Code. 144

(2) When the chief fiscal officer of a public office notifies 145
the auditor of state that an audit is required at a time prior to 146
the next regularly scheduled audit by the auditor of state, the 147
auditor of state shall either cause an earlier audit to be made by 148
the auditor of state or authorize the legislative authority or 149
governing board of the public office to engage an independent 150
certified public accountant to conduct the required audit. The 151
scope of the audit shall be as authorized by the auditor of state. 152

(3) The auditor of state shall approve the scope of an audit 153
under division (C)(1) or (2) of this section as set forth in the 154
contract for the proposed audit before the contract is executed on 155
behalf of the public office that is to be audited. The independent 156
accountant conducting an audit under division (C)(1) or (2) of 157
this section shall be paid by the public office. 158

(4) The contract for attest services with an independent 159
accountant employed pursuant to this section or section 115.56 of 160
the Revised Code may include binding arbitration provisions, 161
provisions of Chapter 2711. of the Revised Code, or any other 162
alternative dispute resolution procedures to be followed in the 163
event a dispute remains between the state or public office and the 164
independent accountant concerning the terms of or services under 165
the contract, or a breach of the contract, after the 166
administrative provisions of the contract have been exhausted. 167

(D) If a uniform accounting network is established under 168
section 117.101 of the Revised Code, the auditor of state or a 169
certified public accountant employed pursuant to this section or 170

section 115.56 or 117.112 of the Revised Code shall, to the extent 171
practicable, utilize services offered by the network in order to 172
conduct efficient and economical audits of public offices. 173

(E) The auditor of state shall, in accordance with division 174
(A)(3) of section 9.65 of the Revised Code and this section, audit 175
an annuity program for volunteer fire fighters established by a 176
political subdivision under section 9.65 of the Revised Code. As 177
used in this section, "volunteer fire fighters" and "political 178
subdivision" have the same meanings as in division (C) of section 179
9.65 of the Revised Code. 180

Sec. 125.112. (A) As used in this section: 181

(1) "Agency" means a department created under section 121.02 182
of the Revised Code. 183

(2) "Entity" means, whether for profit or nonprofit, a 184
corporation, association, partnership, limited liability company, 185
sole proprietorship, or other business entity. "Entity" does not 186
include an individual who receives state assistance that is not 187
related to the individual's business. 188

(3)(a) "State award" means a contract awarded by the state 189
costing over twenty-five thousand dollars. 190

(b) "State award" does not include compensation received as 191
an employee of the state or any state financial assistance and 192
expenditure received from the general assembly or any legislative 193
agency, any court or judicial agency, the secretary of state, 194
auditor of state, treasurer of state, or attorney general and 195
their respective offices. 196

(B) The department of administrative services shall establish 197
and maintain a single searchable web site, accessible by the 198
public at no cost, that includes all of the following information 199
for each state award: 200

<u>(1) The name of the entity receiving the award;</u>	201
<u>(2) The amount of the award;</u>	202
<u>(3) Information on the award, the agency or other</u>	203
<u>instrumentality of the state that is providing the award, and the</u>	204
<u>commodity code;</u>	205
<u>(4) Any other relevant information determined by the</u>	206
<u>department of administrative services.</u>	207
<u>(C) The department of administrative services may consult</u>	208
<u>with other state agencies in the development, establishment,</u>	209
<u>operation, and support of the web site required by division (B) of</u>	210
<u>this section. State awards shall be posted on the web site within</u>	211
<u>thirty days after being made. The department of administrative</u>	212
<u>services shall provide an opportunity for public comment as to the</u>	213
<u>utility of the web site required by division (B) of this section</u>	214
<u>and any suggested improvements.</u>	215
<u>(D) The web site required by division (B) of this section</u>	216
<u>shall be fully operational not later than one year after the</u>	217
<u>effective date of this section and shall include information on</u>	218
<u>state awards made in fiscal year 2008 and thereafter. It shall</u>	219
<u>also provide an electronic link to the daily journals of the</u>	220
<u>senate and house of representatives.</u>	221
<u>(E) The director of administrative services shall submit to</u>	222
<u>the general assembly an annual report regarding the implementation</u>	223
<u>of the web site established pursuant to division (B) of this</u>	224
<u>section. The report shall include data regarding the usage of the</u>	225
<u>web site and any public comments on the utility of the site,</u>	226
<u>including recommendations for improving data quality and</u>	227
<u>collection. The director shall post each report on the web site.</u>	228
	229
<u>(F) Each agency awarding a grant to an entity in fiscal year</u>	230
<u>2008 and thereafter shall establish and maintain a separate web</u>	231

site listing the name of the entity receiving each grant, the 232
grant amount, information on each grant, and any other relevant 233
information determined by the department of administrative 234
services. Each agency shall provide the link to such a web site to 235
the department of administrative services within a reasonable time 236
after the effective date of this section and shall thereafter 237
update its web site within thirty days of awarding a new grant. 238
Not later than one year after the effective date of this section, 239
the department of administrative services shall establish and 240
maintain a separate web site, accessible to the public at no cost, 241
which contains the links to the agency web sites required by this 242
division. 243

(G) The attorney general shall monitor the compliance of an 244
entity with the terms and conditions, including performance 245
metrics, if any, of a state award for economic development 246
received by that entity. As necessary, the agency that makes and 247
administers the state award for economic development shall assist 248
the attorney general with that monitoring. The attorney general 249
shall submit to the general assembly pursuant to section 101.68 of 250
the Revised Code an annual report regarding the level of 251
compliance of such entities with the terms and conditions, 252
including any performance metrics, of their state awards for 253
economic development. When the attorney general determines 254
appropriate and to the extent that an entity that receives or has 255
received a state award for economic development does not comply 256
with a performance metric that is specified in the terms and 257
conditions of the award, the attorney general shall pursue against 258
and from that entity such remedies and recoveries as are available 259
under law. For purposes of this division, "state award for 260
economic development" means state financial assistance and 261
expenditure in any of the following forms: grants, subgrants, 262
loans, awards, cooperative agreements, or other similar and 263
related forms of financial assistance and contracts, subcontracts, 264

purchase orders, task orders, delivery orders, or other similar 265
and related transactions. "State award for economic development" 266
does not include compensation received as an employee of the state 267
or any state financial assistance and expenditure received from 268
the general assembly or any legislative agency, any court or 269
judicial agency, the secretary of state, auditor of state, 270
treasurer of state, or attorney general and their respective 271
offices. 272

(H) Nothing in this section shall be construed as requiring 273
the disclosure of information that is not a public record under 274
section 149.43 of the Revised Code. 275

Sec. 125.901. (A) There is hereby established the Ohio 276
geographically referenced information program council within the 277
department of administrative services to coordinate the property 278
owned by the state. The department of administrative services 279
shall provide administrative support for the council. 280

(B) The council shall consist of the following fifteen 281
members: 282

(1) The state chief information officer, or the officer's 283
designee, who shall serve as the council chair; 284

(2) The director of the department of natural resources, or 285
the director's designee; 286

(3) The director of transportation, or the director's 287
designee; 288

(4) The director of environmental protection, or the 289
director's designee; 290

(5) The director of development, or the director's designee; 291

(6) The treasurer of state, or the treasurer of state's 292
designee; 293

<u>(7) An individual appointed by the governor from the</u>	294
<u>organization that represents the state's county auditors;</u>	295
<u>(8) An individual appointed by the governor from the</u>	296
<u>organization that represents the state's county commissioners;</u>	297
<u>(9) An individual appointed by the governor from the</u>	298
<u>organization that represents the state's county engineers;</u>	299
<u>(10) An individual appointed by the governor from the</u>	300
<u>organization that represents the state's regional councils;</u>	301
<u>(11) Two individuals appointed by the governor from the</u>	302
<u>organization that represents the state's municipal governments,</u>	303
<u>one of whom shall represent a municipality with a population of</u>	304
<u>fewer than one hundred thousand people and one of whom shall</u>	305
<u>represent a municipality with a population of one hundred thousand</u>	306
<u>or more people;</u>	307
<u>(12) An individual appointed by the governor representing the</u>	308
<u>interests of the regulated utilities in this state;</u>	309
<u>(13) An individual appointed by the governor representing the</u>	310
<u>interests of a public university;</u>	311
<u>(14) The attorney general, or the attorney general's</u>	312
<u>designee.</u>	313
<u>(C) The governor shall make initial appointments for the</u>	314
<u>members as provided in this section within a reasonable time. The</u>	315
<u>members appointed to the council by the governor pursuant to this</u>	316
<u>section shall serve two-year terms, with each term ending on the</u>	317
<u>same day of the same month as did the term that it succeeds. The</u>	318
<u>chair of the council shall appoint a new member to fill any</u>	319
<u>vacancy created by a member appointed by the governor before the</u>	320
<u>expiration of that member's term. Otherwise, vacancies shall be</u>	321
<u>filled in the same manner as provided in division (B) of this</u>	322
<u>section. Any member appointed to fill a vacancy occurring prior to</u>	323

the expiration date of the term for which a predecessor was 324
appointed shall hold office as a member for the remainder of that 325
term. A member shall continue in office subsequent to the 326
expiration date of the member's term until the member's successor 327
takes office or until a period of sixty days has elapsed, 328
whichever occurs first. All members may be reappointed. 329

Sec. 125.902. (A) As used in this section, "state agency" or 330
"agency" does not include the general assembly or any legislative 331
agency, any court or judicial agency, the secretary of state, 332
auditor of state, treasurer of state, or attorney general and 333
their respective offices. 334

(B) The Ohio geographically referenced information program 335
council shall develop and annually update a real property 336
management plan. Every state agency authorized to own or acquire 337
real property shall provide the council with information necessary 338
to develop and update the plan. 339

(C) The plan shall include the following: 340

(1) A comprehensive report on the total number of real 341
property assets the state owns; 342

(2) Information uniquely identifying each real property asset 343
of each state agency and associated characteristics of the real 344
property; 345

(3) Life-cycle cost estimations associated with the costs 346
relating to the acquisition of real property assets by purchase, 347
condemnation, exchange, lease, or otherwise; 348

(4) The cost and time required to dispose of state real 349
property assets and the financial recovery of the state investment 350
resulting from the disposal; 351

(5) The operating, maintenance, and security costs of state 352
properties, including the cost of utility services at unoccupied 353

<u>properties;</u>	354
<u>(6) The environmental costs associated with ownership of property, including the cost of environmental restoration and compliance activities;</u>	355 356 357
<u>(7) Changes in the amount of vacant state space;</u>	358
<u>(8) The realization of equity value in state real property assets;</u>	359 360
<u>(9) Opportunities for cooperative arrangements with the commercial real estate community;</u>	361 362
<u>(10) The enhancement of agency productivity through an improved working environment.</u>	363 364
<u>(D) The council shall develop and update a real property inventory. Every state agency authorized to own or acquire real property shall provide the council with information necessary to develop and update the inventory. For purposes of the inventory, each state agency shall provide to the council, and the council shall collect, information uniquely identifying each real property asset of each state agency and associated characteristics of the real property. Each agency shall make its best efforts to obtain the required information on the property it owns and shall submit updated information to the council as it becomes available.</u>	365 366 367 368 369 370 371 372 373 374
Sec. 133.20. (A) This section applies to bonds that are general obligation Chapter 133. securities. If the bonds are payable as to principal by provision for annual installments, the period of limitations on their last maturity, referred to as their maximum maturity, shall be measured from a date twelve months prior to the first date on which provision for payment of principal is made. If the bonds are payable as to principal by provision for semiannual installments, the period of limitations on their last maturity shall be measured from a date six months	375 376 377 378 379 380 381 382 383

prior to the first date on which provision for payment of 384
principal is made. 385

(B) Bonds issued for the following permanent improvements or 386
for permanent improvements for the following purposes shall have 387
maximum maturities not exceeding the number of years stated: 388

(1) Fifty years: 389

(a) The clearance and preparation of real property for 390
redevelopment as an urban redevelopment project; 391

(b) Acquiring, constructing, widening, relocating, enlarging, 392
extending, and improving a publicly owned railroad or line of 393
railway or a light or heavy rail rapid transit system, including 394
related bridges, overpasses, underpasses, and tunnels, but not 395
including rolling stock or equipment; 396

(c) Pursuant to section 307.675 of the Revised Code, 397
constructing or repairing a bridge using long life expectancy 398
material for the bridge deck, and purchasing, installing, and 399
maintaining any performance equipment to monitor the physical 400
condition of a bridge so constructed or repaired. Additionally, 401
the average maturity of the bonds shall not exceed the expected 402
useful life of the bridge deck as determined by the county 403
engineer under that section. 404

(2) Forty years: 405

(a) General waterworks or water system permanent 406
improvements, including buildings, water mains, or other 407
structures and facilities in connection therewith; 408

(b) Sewers or sewage treatment or disposal works or 409
facilities, including fireproof buildings or other structures in 410
connection therewith; 411

(c) Storm water drainage, surface water, and flood prevention 412
facilities. 413

(3) Thirty-five years:	414
(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	415 416 417
(b) Sports facilities.	418
(4) Thirty years:	419
(a) Municipal recreation, excluding recreational equipment;	420
(b) Urban redevelopment projects;	421
(c) Acquisition of real property;	422
(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.	423 424
(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.	425 426 427 428 429 430
(6) Fifteen years:	431
(a) Resurfacing roads, highways, streets, or alleys;	432
(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;	433 434
(c) Passenger buses used for mass transportation;	435
(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.	436 437
(7) Ten years:	438
(a) Water meters;	439
(b) Fire department apparatus and equipment;	440
(c) Road rollers and other road construction and servicing	441

vehicles;	442
(d) Furniture, equipment, and furnishings;	443
(e) Landscape planting and other site improvements;	444
(f) Playground, athletic, and recreational equipment and apparatus;	445 446
(g) Energy conservation measures as authorized by section 505.264 or 717.02 of the Revised Code.	447 448
(8) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.	449 450 451
(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have the maturities, not to exceed forty years, that the taxing authority shall specify. Bonds issued for energy conservation measures under section 307.041 of the Revised Code shall have maximum maturities not exceeding the lesser of the average life of the energy conservation measures as detailed in the energy conservation report prepared under that section or thirty years.	452 453 454 455 456 457 458 459 460 461 462 463 464
(D) Securities issued under section 505.265 or 717.07 of the Revised Code shall mature not later than December 31, 2035.	465 466
(E) A securities issue for one purpose may include permanent improvements within two or more categories under divisions (B) and (C) of this section. The maximum maturity of such a bond issue shall not exceed the average number of years of life or period of usefulness of the permanent improvements as measured by the	467 468 469 470 471

weighted average of the amounts expended or proposed to be 472
expended for the categories of permanent improvements. 473

Sec. 145.297. (A) As used in this section, "employing unit" 474
means: 475

(1) A municipal corporation, agency of a municipal 476
corporation designated by the legislative authority, park 477
district, conservancy district, sanitary district, health 478
district, township, department of a township designated by the 479
board of township trustees, metropolitan housing authority, public 480
library, county law library, union cemetery, joint hospital, or 481
other political subdivision or unit of local government. 482

(2) With respect to state employees, any entity of the state 483
including any department, agency, institution of higher education, 484
board, bureau, commission, council, office, or administrative body 485
or any part of such entity that is designated by the entity as an 486
employing unit. 487

(3)(a) With respect to employees of a board of alcohol, drug 488
addiction, and mental health services, that board. 489

(b) With respect to employees of a county board of mental 490
retardation and developmental disabilities, that board. 491

(c) With respect to other county employees, the county or any 492
county agency designated by the board of county commissioners. 493

(4) In the case of an employee whose employing unit is in 494
question, the employing unit is the unit through whose payroll the 495
employee is paid. 496

(B) An employing unit may establish a retirement incentive 497
plan for its eligible employees. In the case of a county or county 498
agency, decisions on whether to establish a retirement incentive 499
plan for any employees other than employees of a board of alcohol, 500
drug addiction, and mental health services or county board of 501

mental retardation and developmental disabilities and on the terms 502
of the plan shall be made by the board of county commissioners. In 503
the case of a municipal corporation or an agency of a municipal 504
corporation, decisions on whether to establish a retirement 505
incentive plan and on the terms of the plan shall be made by the 506
legislative authority. 507

All terms of a retirement incentive plan shall be in writing. 508

A retirement incentive plan shall provide for purchase by the 509
employing unit of service credit for eligible employees who elect 510
to participate in the plan and for payment by the employing unit 511
of the entire cost of the service credit purchased. 512

Every retirement incentive plan shall remain in effect for at 513
least one year. The employing unit shall give employees at least 514
thirty days' notice before terminating the plan. 515

Every retirement incentive plan shall include provisions for 516
the timely and impartial resolution of grievances and disputes 517
arising under the plan. 518

No employing unit shall have more than one retirement 519
incentive plan in effect at any time. 520

(C) Any classified or unclassified employee of the employing 521
unit who is a member of the public employees retirement system 522
shall be eligible to participate in the retirement incentive plan 523
established by the employee's employing unit if the employee meets 524
the following criteria: 525

(1) The employee is not any of the following: 526

(a) An elected official; 527

(b) A member of a board or commission; 528

(c) A person elected to serve a term of fixed length; 529

(d) A person appointed to serve a term of fixed length, other 530
than a person appointed and employed by the person's employing 531

unit. 532

(2) The employee is or will be eligible to retire under 533
section 145.32, 145.34, 145.37, or division (A) of section 145.33 534
of the Revised Code on or before the date of termination of the 535
retirement incentive plan. Service credit to be purchased for the 536
employee under the retirement incentive plan shall be included in 537
making such determination. 538

(3) The employee agrees to retire under section 145.32, 539
145.34, 145.37, or division (A) of section 145.33 of the Revised 540
Code within ninety days after receiving notice from the public 541
employees retirement system that service credit has been purchased 542
for the employee under this section. 543

Participation in the plan shall be available to all eligible 544
employees except that the employing unit may limit the number of 545
participants in the plan to a specified percentage of its 546
employees who are members of the public employees retirement 547
system on the date the plan goes into effect. The percentage shall 548
not be less than five per cent of such employees. If participation 549
is limited, employees with more total service credit have the 550
right to elect to participate before employees with less total 551
service credit. In the case of employees with the same total 552
service credit, employees with a greater length of service with 553
the employing unit have the right to elect to participate before 554
employees with less service with the employing unit. Employees 555
with less than eighteen months of service with the employing unit 556
have the right to elect to participate only after all other 557
eligible employees have been given the opportunity to elect to 558
participate. For the purpose of determining which employees may 559
participate in a plan, total service credit includes service 560
credit purchased by the employee under this chapter after the date 561
on which the plan is established. 562

A retirement incentive plan that limits participation may 563

provide that an employee who does not notify the employing unit of 564
the employee's decision to participate in the plan within a 565
specified period of time will lose priority to participate in the 566
plan ahead of other employees with less seniority. The time given 567
to an employee to elect to participate ahead of other employees 568
shall not be less than thirty days after the employee receives 569
written notice that the employee may participate in the plan. 570

(D) A retirement incentive plan shall provide for purchase of 571
the same amount of service credit for each participating employee, 572
except that the employer may not purchase more service credit for 573
any employee than the lesser of the following: 574

(1) Five years of service credit; 575

(2) An amount of service credit equal to one-fifth of the 576
total service credited to the participant under this chapter, 577
exclusive of service credit purchased under this section. 578

For each year of service credit purchased under this section, 579
the employing unit shall pay an amount equal to the additional 580
liability resulting from the purchase of that year of service 581
credit, as determined by an actuary employed by the public 582
employees retirement board. 583

(E) Upon the election by an eligible employee to participate 584
in the retirement incentive plan, the employee and the employing 585
unit shall agree upon a date for payment or contracting for 586
payment in installments to the public employees retirement system 587
of the cost of the service credit to be purchased. The employing 588
unit shall submit to the public employees retirement system a 589
written request for a determination of the cost of the service 590
credit, and within forty-five days after receiving the request, 591
the board shall give the employing unit written notice of the 592
cost. 593

The employing unit shall pay or contract to pay in 594

installments the cost of the service credit to be purchased to the 595
public employees retirement system on the date agreed to by the 596
employee and the employing unit. The payment shall be made in 597
accordance with rules adopted by the public employees retirement 598
board. The rules may provide for payment in installments and for 599
crediting the purchased credit to the employee's account upon the 600
employer's contracting to pay the cost in installments. The board 601
shall notify the member when the member is credited with service 602
purchased under this section. If the employee does not retire 603
within ninety days after receiving notice that the employee has 604
been credited with the purchased service credit, the system shall 605
refund to the employing unit the amount paid for the service 606
credit. 607

No payment made to the public employees retirement system 608
under this section shall affect any payment required by section 609
145.48 of the Revised Code. 610

(F) For the purpose of determining whether the cost of a 611
retirement incentive plan established by a county or county agency 612
under this section is an allowable cost for the purpose of federal 613
funding for any year, the cost shall be considered abnormal or 614
mass severance pay only if fifteen per cent or more of the county 615
or county agency's employees participate in the plan in that year. 616

Nothing in this division shall relieve a county or county 617
agency from seeking federal approval for any early retirement 618
incentive plan that uses federal dollars in accordance with 619
federal law. 620

Sec. 307.51. (A) As used in this section, "county office" 621
means any officer, department, board, commission, or agency of a 622
county. 623

(B) There is hereby created in each county a county law 624
library resources board. The board shall consist of five members 625

who shall be appointed and hold office as provided in section 626
307.511 of the Revised Code. Beginning on January 1, 2010, subject 627
to appropriation pursuant to section 307.513 of the Revised Code, 628
the board shall provide legal research, reference, and library 629
services to the county and to the municipal corporations, 630
townships, and courts within the county and shall manage the 631
coordination, acquisition, and utilization of legal resources. 632

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(C) The board shall employ a county law librarian who shall 634
be the chief administrator of the county law library resources 635
board and may employ additional staff to perform any functions as 636
determined by the board. The board shall fix the compensation of 637
the county law librarian and any additional employees. All 638
employees of the county law library resources board shall be in 639
the unclassified civil service of the county. 640

(D)(1) The board may adopt any rules it considers necessary 641
for its operation and shall adopt rules for the following: 642

(a) The expenditure of funds that are appropriated for its 643
use pursuant to division (B) of section 307.513 of the Revised 644
Code; 645

(b) Public access and hours of operation of the law library; 646

(c) Fees for services; 647

(d) The receipt of gifts to the county law library resources 648
fund. 649

(2) The board shall not charge any fee for any service 650
provided to any member of the general assembly or to any officer 651
or employee of a county, municipal, or township government or 652
court located within that county when the officer or employee is 653
acting within the scope of the officer's or employee's employment. 654

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(3) Fees for services do not include fees for access to the law library. The board shall not charge a fee for access to the law library. 656
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(4) The county law librarian or the librarian's designee shall deposit all fees collected pursuant to this section by any employee of the county law library resources board into the county law library resources fund established pursuant to section 307.514 of the Revised Code. 659
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(E) There is hereby established a transition advisory council that shall consist of those individuals serving as members of the board of trustees of the law library association of the county that, as of the effective date of this section, received fines, penalties, and moneys arising from forfeited bail under sections 3375.50 to 3375.53 of the Revised Code, as amended and repealed by this act. The transition advisory council shall exist from July 1, 2009 to December 31, 2010. After December 31, 2010, the board may create an advisory council that is comprised of persons engaged in the private practice of law and with expertise in the operation and funding of law libraries. 664
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(F) Subject to the approval of the board of county commissioners of the county, the county law library resources board may contract with other county law library resources boards, the statewide consortium of law library resources boards, private entities, or public agencies for the provision of any services that the county law library resources board considers necessary. 675
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(G) After January 1, 2010, no county office shall purchase, lease, rent, operate, or contract for the use of any legal research or reference materials available in print, audio, visual, or other medium or, notwithstanding section 307.842 of the Revised Code, any equipment necessary to support the utilization of that medium without prior approval of the board. If such approval is 681
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denied, the county office, notwithstanding section 307.842 of the 688
Revised Code, may purchase, lease, rent, operate, or contract for 689
the use of any legal research or reference materials available in 690
print, audio, visual, or other medium at its own expense. 691

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Sec. 307.511. (A) The five members of the county law library 693
resources board shall be residents of the county and shall be 694
appointed as follows: 695

(1) The prosecuting attorney of the county shall appoint one 696
member whose initial term shall expire on December 31, 2010. 697

(2) The administrative judges or presiding judges of all 698
municipal courts and county courts within the county shall meet to 699
appoint one member who is an attorney licensed to practice law in 700
the state and in good standing before the supreme court of Ohio 701
and whose initial term shall expire on December 31, 2011. 702

(3) The administrative judge or presiding judge of the court 703
of common pleas of the county shall appoint one member who is an 704
attorney licensed to practice law in the state and in good 705
standing before the supreme court of Ohio and whose initial term 706
shall expire on December 31, 2012. 707

(4) The board of county commissioners shall appoint one 708
member whose initial term shall expire on December 31, 2013. 709

(5) The board of county commissioners shall appoint one 710
member whose initial term shall expire on December 31, 2014. 711

(B) The member appointed pursuant to division (A)(5) of this 712
section shall serve as the chairperson of the county law library 713
resources board until December 31, 2010. After that date, the 714
board shall select a chairperson from among the members of the 715
board. 716

(C) During the period of July 1, 2009, through December 31, 717

2010, the county law library resources board shall consist of 718
seven members and shall include members appointed pursuant to 719
division (A) of this section and two members who are residents of 720
the county appointed for this period by the board of trustees of 721
the law library association within the county that, prior to the 722
effective date of this section, receives fines, penalties, and 723
moneys arising from forfeited bail pursuant to sections 3375.50 to 724
3375.53 of the Revised Code, as amended and repealed by this act. 725

(D) The initial appointments to the county law library 726
resources board as provided in divisions (A) and (B) of this 727
section shall be made on or before July 1, 2009, and for the term 728
specified. Thereafter, terms for all members appointed pursuant to 729
division (A) of this section shall be for five years, with each 730
term ending on the same day of the same month as did the term that 731
it succeeds. 732

(E) Each member of the board shall hold office from the date 733
of the member's appointment until the end of the term for which 734
the member was appointed. Vacancies shall be filled within sixty 735
days after the vacancy occurs and shall be filled in the manner 736
provided for original appointments. Any member appointed to fill a 737
vacancy occurring prior to the expiration date of the term for 738
which the member's predecessor was appointed shall hold office as 739
a member for the remainder of that term. A member shall continue 740
in office subsequent to the expiration date of the member's term 741
until the member's successor takes office or until a period of 742
sixty days has elapsed, whichever occurs first. 743

(F) A member of the board of trustees of a law library 744
association may serve as a member of a county law library 745
resources board if the member discloses each membership to the 746
board of trustees of the law library association and the county 747
law library resources board. 748

Sec. 307.512. Within fifteen days after July 1, 2009, the 749
county law library resources board shall hold its initial meeting 750
at the office of the board of county commissioners at a time that 751
the chairperson of the county law library resources board 752
determines. Thereafter, the board shall meet at least four times a 753
year, as determined by the chairperson or at any other time as 754
determined by a majority of the board. A majority of the members 755
of the county law library resources board constitutes a quorum at 756
any regular or special meeting. 757

Sec. 307.513. (A) The county law library resources board 758
shall prepare an annual estimate of the revenue and expenditures 759
of the board for the calendar year commencing January 1, 2010, and 760
for each year thereafter, and shall submit that estimate to the 761
board of county commissioners as provided in section 5705.28 of 762
the Revised Code. The estimate of expenses shall be sufficient to 763
provide for the operation of the county law library resources 764
board. The estimate of revenue shall clearly specify the source of 765
the revenue and shall include a specific request for monies to be 766
appropriated to the county law library resources fund established 767
pursuant to section 307.514 of the Revised Code from the county 768
general fund for the ensuing fiscal year. 769

(B) The board of county commissioners may appropriate funds 771
from the county general fund for the use of the county law library 772
resources board. Within fifteen days after the adoption of the 773
annual appropriation measure pursuant to section 5705.38 of the 774
Revised Code, the board of county commissioners shall transfer 775
fifty per cent of the annual general fund appropriation to the 776
county law library resources fund and shall transfer the remaining 777
fifty per cent of the annual general fund appropriation not later 778
than July 15 of each year. The funds appropriated by the board of 779

county commissioners from the county law library resources fund 780
shall be disbursed by the county auditor's warrant drawn on the 781
county treasury five days after receipt of a voucher approved by 782
the county law librarian pursuant to procedures established by the 783
county law library resources board. 784

Sec. 307.514. There is hereby created in each county treasury 785
a county law library resources fund, effective January 1, 2010. 786
The fund shall receive all revenue that is required to be 787
deposited into the fund pursuant to division (D)(1) of section 788
307.51 and section 307.515 of the Revised Code, appropriated to 789
the fund from the general fund by the board of county 790
commissioners pursuant to section 307.513 of the Revised Code, or 791
designated for deposit into the fund by gift or bequest from any 792
person, firm, or corporation. Expenditures from the fund shall be 793
made pursuant to the annual appropriation measure adopted by the 794
board of county commissioners under section 5705.38 of the Revised 795
Code. 796

Sec. ~~3375.50~~ 307.515. (A) All fines and penalties collected 797
by, and moneys arising from forfeited bail in, a municipal court 798
for offenses and misdemeanors brought for prosecution in the name 799
of a municipal corporation under one of its penal ordinances, 800
where there is in force a state statute under which the offense 801
might be prosecuted, or brought for prosecution in the name of the 802
state, except a portion of ~~such~~ those fines, penalties, and moneys 803
~~which~~ that, plus all costs collected monthly in ~~such~~ those state 804
cases, equal the compensation allowed by the board of county 805
commissioners to the judges of the municipal court, its clerk, and 806
the prosecuting attorney of ~~such~~ that court in state cases, shall 807
be retained by the clerk of ~~such~~ that municipal court, and shall 808
~~be paid deposited~~ by ~~him forthwith~~, the clerk each month, ~~to the~~ 809
~~board of trustees of the law library association in the county law~~ 810

library resources fund that is created under section 307.514 of 811
the Revised Code in the county in which ~~such~~ that municipal 812
corporation is located. The sum ~~so retained and paid by that~~ the 813
clerk of the municipal court ~~to the board of trustees of such law~~ 814
~~library association~~ deposits in the county law library resources 815
fund shall, in no month, be less than twenty-five per cent of the 816
amount of such fines, penalties, and moneys received in that 817
month, without deducting the amount of the allowance of the board 818
of county commissioners to the judges, clerk, and prosecuting 819
attorney. 820

The total amount paid under this section in any one calendar 821
year by the clerks of all municipal courts in any one county to 822
the ~~board of trustees of such law library association~~ county law 823
library resources fund shall in no event exceed the following 824
amounts: 825

~~(A)~~(1) In counties having a population of fifty thousand or 826
less, seventy-five hundred dollars and the maximum amount paid by 827
any of such courts shall not exceed four thousand dollars in any 828
calendar year. 829

~~(B)~~(2) In counties having a population in excess of fifty 830
thousand but not in excess of one hundred thousand, eight thousand 831
dollars and the maximum amount paid by any of such courts shall 832
not exceed five thousand five hundred dollars in any calendar 833
year. 834

~~(C)~~(3) In counties having a population in excess of one 835
hundred thousand but not in excess of one hundred fifty thousand, 836
ten thousand dollars and the maximum amount paid by any of such 837
courts shall not exceed seven thousand dollars in any calendar 838
year. 839

~~(D)~~(4) In counties having a population of in excess of one 840
hundred fifty thousand, fifteen thousand dollars in any calendar 841

year. The maximum amount to be paid by each ~~such~~ clerk shall be 842
determined by the county auditor in December of each year for the 843
next succeeding calendar year, and shall bear the same ratio to 844
the total amount payable under this section from the clerks of all 845
municipal courts in such county as the total fines, costs, and 846
forfeitures received by the corresponding municipal court, bear to 847
the total fines, costs, and forfeitures received by all the 848
municipal courts in the county, as shown for the last complete 849
year of actual receipts, on the latest available budgets of such 850
municipal courts. Payments in the full amounts provided in this 851
section shall be made monthly by each clerk in each calendar year 852
until the maximum amount for such year has been paid. When ~~such~~ 853
~~that~~ amount, so determined by the auditor, has been paid to the 854
~~board of trustees of such law library association~~ county law 855
library resources fund, then no further payments shall be required 856
in that calendar year from the clerk of ~~such~~ that court. 857

~~(E)~~(5) This section does not apply to fines collected by a 858
municipal court for violations of division (B) of section 4513.263 859
of the Revised Code, or for violations of any municipal ordinance 860
that is substantively comparable to that division, all of which 861
shall be forwarded to the treasurer of state as provided in 862
division (E) of section 4513.263 of the Revised Code. 863

(B) The county treasurer, upon the voucher of the county 864
auditor, shall deposit fifty per cent of all moneys collected by a 865
county court accruing from fines, penalties, and forfeited bail, 866
unless otherwise distributed by law, in the county law library 867
resources fund in that county that is created under section 868
307.514 of the Revised Code. The county treasurer shall deposit 869
those moneys into that fund within thirty days after those moneys 870
have been paid into the county treasury by the clerk of the county 871
court. 872

This section does not apply to fines collected by a county 873

court for violations of division (B) of section 4513.263 of the 874
Revised Code, or for violations of any municipal ordinance that is 875
substantively comparable to that division, all of which shall be 876
forwarded to the treasurer of state as provided in division (E) of 877
section 4513.263 of the Revised Code. 878

(C) In each county of the state, the clerk of the court of 879
common pleas and the clerk of the probate court shall retain all 880
finances and penalties collected by, and moneys arising from 881
forfeited bail in, the court of common pleas and the probate court 882
of that county for offenses and misdemeanors brought for 883
prosecution in those courts in the name of the state and monthly 884
shall deposit those moneys in the county law library resources 885
fund in that county that is created under section 307.514 of the 886
Revised Code. The total sums so deposited shall not exceed twelve 887
hundred fifty dollars per annum, and when that amount has been 888
deposited in the fund in accordance with this section then no 889
further payments shall be required under this section in that 890
calendar year from the clerks of those respective courts. 891

This section does not apply to fines collected by a court of 892
common pleas for violations of division (B) of section 4513.263 of 893
the Revised Code, all of which shall be forwarded to the treasurer 894
of state as provided in division (E) of that section. 895

(D) In each county, the treasurer of the county or the 896
treasurer of the municipal corporation shall deposit monthly fifty 897
per cent of all fines and penalties collected by, and fifty per 898
cent of moneys arising from forfeited bail in, any court in that 899
county for offenses brought for prosecution under Chapters 4301. 900
and 4303. of the Revised Code and the state traffic laws in the 901
county legal resources fund in that county that is created under 902
section 307.514 of the Revised Code. The sum so deposited in that 903
fund by each treasurer shall not exceed twelve hundred dollars per 904
annum under Chapters 4301. and 4303. of the Revised Code, and when 905

that amount has been deposited in that fund in accordance with 906
this section, then no further deposits shall be required under 907
this section in that calendar year from those treasurers. 908

As used in this section, "state traffic laws" does not 910
include division (B) of section 4513.263 of the Revised Code. 911

Sec. 307.516. (A) Upon the recommendation of the county law 912
library resources boards of two or more adjacent counties, the 913
boards of county commissioners of those counties may enter into a 914
contract to form a multi-county law library resources commission 915
for the purpose of collaborating on behalf of the member counties 916
in carrying out any or all of the duties and responsibilities 917
conferred upon a county law library resources board by sections 918
307.51 to 307.516 of the Revised Code. The commission shall 919
administer the contract. Members of the commission shall consist 920
of the chairperson of each participating county law library 921
resources board and one member from each of the county law library 922
resources boards, who shall be designated by the members of each 923
of the county law library resources boards. 924

(B) The contract shall do all of the following: 926

(1) Prescribe the structure, management, and responsibilities 927
of the commission; 928

(2) Provide for a process to establish the annual budget for 929
the commission that includes a requirement that the annual budget 930
be approved by all of the boards of county commissioners of the 931
member counties; 932

(3) Apportion the annual operating costs of the commission to 933
each member county; 934

(4) Designate the expenditure of funds from the county law 935

<u>library resources fund of each member county;</u>	936
<u>(5) Address amendments to the contract.</u>	937
<u>(C) The contract shall be for a period of not less than three</u>	938
<u>calendar years and not more than five calendar years.</u>	939
Sec. 717.02. (A) As used in this section, "energy:	940
<u>(1) "Energy conservation measure" means an the construction</u>	941
<u>of,</u> installation or modification of an installation in, or	942
remodeling of, an <u>a new or existing building or infrastructure,</u> to	943
reduce energy consumption. It includes:	944
(1) <u>(a)</u> Insulation of the building structure and of systems	945
within the building;	946
(2) <u>(b)</u> Storm windows and doors, multiglazed windows and	947
doors, heat-absorbing or heat-reflective glazed and coated window	948
and door systems, additional glazing, reductions in glass area,	949
and other window and door system modifications that reduce energy	950
consumption;	951
(3) <u>(c)</u> Automatic energy control systems;	952
(4) <u>(d)</u> Heating, ventilating, or air conditioning system	953
modifications or replacements;	954
(5) <u>(e)</u> Caulking and weatherstripping;	955
(6) <u>(f)</u> Replacement or modification of lighting fixtures to	956
increase the energy efficiency of the system without increasing	957
the overall illumination of a facility, unless such an increase in	958
illumination is necessary to conform to the applicable state or	959
local building code for the proposed lighting system;	960
(7) <u>(g)</u> Energy recovery systems;	961
(8) <u>(h)</u> Cogeneration systems that produce steam or forms of	962
energy such as heat, as well as electricity, for use primarily	963
within a building or complex of buildings;	964

(9)(i) Acquiring, constructing, furnishing, equipping, improving the site of, or otherwise improving a central utility plant to provide heating and cooling services to a building or building infrastructure together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building or building infrastructure; 965
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(j) Meter replacement, installation of an automatic meter reading system, or any other construction, modification, installation, or remodeling of water, electric, gas, or any other municipally supplied utility system; 972
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(k) Any other construction, modification, installation, or remodeling approved by the legislative authority of the municipal corporation as an energy conservation measure. 976
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(2) "Infrastructure" includes, but is not limited to, a water, gas, or electric utility, renewable energy system or technology, traffic control signal, or any other asset owned, operated, or maintained by a municipal corporation. 979
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(B) The For the purpose of evaluating buildings owned by a municipal corporation for energy conservation measures, a legislative authority of a municipal corporation may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report. The report shall include all of the following: 983
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(1) Analyses of the energy needs of the buildings owned by that municipal corporation and recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings; 991
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<u>(2) Estimates of all costs of the recommended installations,</u>	996
<u>modifications, or remodeling, including costs of design,</u>	997
<u>engineering, installation, maintenance, and repair;</u>	998
<u>(3) Estimates of the amounts by which energy consumption</u>	999
<u>could be reduced;</u>	1000
<u>(4) The interest rate used to estimate the costs of any</u>	1001
<u>energy conservation measures that are to be financed by the</u>	1002
<u>municipal corporation;</u>	1003
<u>(5) The average system life of the energy conservation</u>	1004
<u>measures;</u>	1005
<u>(6) Estimates of the likely savings that will result from the</u>	1006
<u>reduction in energy consumption over the average system life of</u>	1007
<u>the energy conservation measures, including the methods used to</u>	1008
<u>estimate the savings;</u>	1009
<u>(7) A certification under the seal of a registered</u>	1010
<u>professional engineer that the energy conservation report uses</u>	1011
<u>reasonable methods of analysis and estimation.</u>	1012
<u>(C)(1) A municipal corporation desiring to implement energy</u>	1013
<u>conservation measures may proceed under any of the following</u>	1014
<u>methods:</u>	1015
<u>(a) Procure the energy conservation measures in any manner</u>	1016
<u>authorized by the municipal corporation's charter, ordinances, or</u>	1017
<u>any other existing authority;</u>	1018
<u>(b) Advertise for bids using a report or any part of an</u>	1019
<u>energy conservation report prepared under division (B) of this</u>	1020
<u>section, and, except as otherwise provided in this section, comply</u>	1021
<u>with competitive bidding requirements;</u>	1022
<u>(c) Notwithstanding any requirement in the Revised Code that</u>	1023
<u>requires competitive bidding or specifies bidding procedures,</u>	1024
<u>request proposals from at least three vendors for the</u>	1025

implementation of energy conservation measures. A request for proposals shall require the vendor that is awarded a contract under division (C)(2)(b) of this section to prepare an energy conservation report in accordance with division (B) of this section. 1026
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Prior to sending any vendor a copy of any request for proposals, the legislative authority shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the municipal corporation once a week for two consecutive weeks. The notice shall state that the legislative authority intends to request proposals for the installation of energy conservation measures, indicate the date on which the request for proposals will be mailed to vendors, which shall be at least ten days after the second publication in the newspaper, and state that any vendor interested in receiving the request for proposals shall submit written notice to the legislative authority not later than noon of the day on which the request for proposals is to be mailed. 1031
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(2)(a) Upon receiving bids under division (C)(1)(b) of this section, the legislative authority shall analyze them and select the lowest and best bid or bids most likely to result in the greatest energy savings considering the cost of the project and the legislative authority's ability to pay for the improvements with current revenues or by financing the improvements. 1044
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(b) Upon receiving proposals under division (C)(1)(c) of this section, the legislative authority shall analyze the proposals and the vendors' qualifications and select the most qualified vendor to prepare an energy conservation report in accordance with division (B) of this section. After receipt and review of the energy conservation report, the legislative authority may award a contract to the selected vendor to install the energy conservation measures that are most likely to result in the greatest energy 1050
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savings considering the cost of the project and the legislative 1058
authority's ability to pay for the improvements with current 1059
revenues or by financing the improvements. 1060

(c) The awarding of a contract to install energy conservation 1061
measures under division (C)(2)(a) or (b) of this section shall be 1062
conditioned upon a finding by the contracting authority that the 1063
amount of money spent on energy conservation measures is not 1064
likely to exceed the amount of money the municipal corporation 1065
would save in energy, operating, maintenance, and avoided capital 1066
costs over the average system life of the energy conservation 1067
measures as specified in the energy conservation report. In making 1068
such a finding, the contracting authority may take into account 1069
the increased costs due to inflation as shown in the energy 1070
conservation report. Nothing in this division prohibits a 1071
municipal corporation from rejecting all bids or proposals under 1072
division (C)(1)(b) or (c) of this section or from selecting more 1073
than one bid or proposal. 1074

(D) The legislative authority of a municipal corporation may 1075
enter into an installment payment contract for the purchase and 1076
installation of energy conservation measures. The Provisions of 1077
installment payment contracts that deal with interest charges and 1078
financing terms shall not be subject to competitive bidding 1079
requirements and shall be on the following terms: 1080

(1) Not less than a specified percentage of the costs of the 1081
contract shall be paid within two years from the date of purchase, 1082
as determined and approved by the legislative authority of a 1083
municipal corporation. 1084

(2) The remaining balance of the costs of the contract shall 1085
be paid within the lesser of the average system life of the energy 1086
conservation measures as specified in the energy conservation 1087
report or thirty years. 1088

(E) The legislative authority of a municipal corporation may 1089
issue the notes of the municipal corporation specifying the terms 1090
of ~~the~~ a purchase of energy conservation measures under this 1091
section and securing ~~the~~ any deferred payments provided ~~in the~~ 1092
~~contract,~~ for in division (C) of this section. The notes shall be 1093
payable at the times provided and ~~bearing~~ bear interest at a rate 1094
not exceeding the rate determined as provided in section 9.95 of 1095
the Revised Code. The notes may contain an option for prepayment 1096
and shall not be subject to Chapter 133. of the Revised Code. 1097
Revenues derived from local taxes or otherwise, for the purpose of 1098
conserving energy or for defraying the current operating expenses 1099
of the municipal corporation, may be pledged and applied to the 1100
payment of interest and the retirement of ~~such~~ the notes. The 1101
notes may be sold at private sale or given to the contractor under 1102
~~the~~ an installment payment contract authorized by ~~this~~ division 1103
(C) of this section. 1104

~~(C)~~(F) Debt incurred under this section shall not be included 1105
in the calculation of the net indebtedness of a municipal 1106
corporation under section 133.05 of the Revised Code. 1107

Sec. 733.40. Except as otherwise provided in section 4511.193 1108
of the Revised Code, all fines, forfeitures, and costs in 1109
ordinance cases and all fees that are collected by the mayor, that 1110
in any manner come into the mayor's hands, or that are due the 1111
mayor or a marshal, chief of police, or other officer of the 1112
municipal corporation, any other fees and expenses that have been 1113
advanced out of the treasury of the municipal corporation, and all 1114
money received by the mayor for the use of the municipal 1115
corporation shall be paid by the mayor into the treasury of the 1116
municipal corporation on the first Monday of each month. At the 1117
first regular meeting of the legislative authority each month, the 1118
mayor shall submit a full statement of all money received, from 1119
whom and for what purposes received, and when paid into the 1120

treasury. Except as otherwise provided by ~~sections 3375.50 to~~ 1121
~~3375.52~~ section 307.515 or 4511.19 of the Revised Code, all fines, 1122
and forfeitures collected by the mayor in state cases, together 1123
with all fees and expenses collected that have been advanced out 1124
of the county treasury, shall be paid by the mayor to the county 1125
treasury on the first business day of each month. Except as 1126
otherwise provided by ~~sections 3375.50 to 3375.52~~ section 307.515 1127
or 4511.19 of the Revised Code, the mayor shall pay all court 1128
costs and fees collected by the mayor in state cases into the 1129
municipal treasury on the first business day of each month. 1130

This section does not apply to fines collected by a mayor's 1131
court for violations of division (B) of section 4513.263 of the 1132
Revised Code, or for violations of any municipal ordinance that is 1133
substantively comparable to that division, all of which shall be 1134
forwarded to the treasurer of state as provided in division (E) of 1135
section 4513.263 of the Revised Code. 1136

Sec. 1333.851. With respect to any merger, acquisition, 1137
purchase, or assignment under division (D) of section 1333.85 of 1138
the Revised Code, both of the following apply: 1139

(A) The territories for the particular product or brand of 1140
alcoholic beverage shall not be assigned to another distributor 1141
until the successor manufacturer compensates the terminated or 1142
nonrenewed distributor for the diminished value of the 1143
distributor's business; 1144

(B) When a distributor receives written notice of termination 1145
or nonrenewal of its franchise pursuant to division (D) of section 1146
1333.85 of the Revised Code, the distribution of beer or wine for 1147
ninety days or more without a written contract shall not 1148
constitute a franchise relationship between the successor 1149
manufacturer and the distributor under section 1333.83 of the 1150

Revised Code. 1151

Sec. 1901.024. (A) The board of county commissioners of 1152
Hamilton county shall pay all of the costs of operation of the 1153
Hamilton county municipal court. Subject to sections ~~3375.50,~~ 1154
~~3375.53~~ 307.515, 4511.19, 4511.193, and 5503.04 of the Revised 1155
Code and to any other section of the Revised Code that requires a 1156
specific manner of disbursement of any moneys received by a 1157
municipal court, the county shall receive all of the costs, fees, 1158
and other moneys, except fines collected for violations of 1159
municipal ordinances and for violations of township resolutions 1160
adopted pursuant to Chapter 504. of the Revised Code, that are 1161
received by the Hamilton county municipal court and shall receive 1162
fifty per cent of all of the fines for violations of municipal 1163
ordinances and for violations of township resolutions adopted 1164
pursuant to Chapter 504. of the Revised Code that are received by 1165
the court. 1166

(B) The board of county commissioners of Lawrence county 1167
shall pay all of the costs of operation of the Lawrence county 1168
municipal court. Subject to sections ~~3375.50,~~ ~~3375.53~~ 307.515, 1169
4511.19, 4511.193, and 5503.04 of the Revised Code and to any 1170
other section of the Revised Code that requires a specific manner 1171
of disbursement of any moneys received by a municipal court, the 1172
county shall receive all of the costs, fees, and other moneys, 1173
except fines collected for violations of municipal ordinances and 1174
for violations of township resolutions adopted pursuant to Chapter 1175
504. of the Revised Code, that are received by the Lawrence county 1176
municipal court and shall receive fifty per cent of all of the 1177
fines for violations of municipal ordinances and for violations of 1178
township resolutions adopted pursuant to Chapter 504. of the 1179
Revised Code that are received by the court. 1180

(C) The board of county commissioners of Ottawa county shall 1181

pay all of the costs of operation of the Ottawa county municipal 1182
court. Subject to sections ~~3375.50, 3375.53~~ 307.515, 4511.19, 1183
4511.193, and 5503.04 of the Revised Code and to any other section 1184
of the Revised Code that requires a specific manner of 1185
disbursement of any moneys received by a municipal court, the 1186
county shall receive all of the costs, fees, and other moneys, 1187
except fines collected for violations of municipal ordinances and 1188
for violations of township resolutions adopted pursuant to Chapter 1189
504. of the Revised Code, that are received by the Ottawa county 1190
municipal court and shall receive fifty per cent of all of the 1191
fines for violations of municipal ordinances and for violations of 1192
township resolutions adopted pursuant to Chapter 504. of the 1193
Revised Code that are received by the court. 1194

(D) The board of county commissioners of a county in which a 1195
county-operated municipal court is located shall pay all of the 1196
costs of operation of the municipal court. The county in which a 1197
county-operated municipal court that is not subject to division 1198
(A), (B), or (C) of this section is located shall receive all of 1199
the costs, fees, and other moneys, except fines collected for 1200
violations of municipal ordinances and for violations of township 1201
resolutions adopted pursuant to Chapter 504. of the Revised Code 1202
and except as provided in sections ~~3375.50, 3375.53~~, 307.515 and 1203
5503.04 of the Revised Code and in any other section of the 1204
Revised Code that requires a specific manner of disbursement of 1205
any moneys received by a municipal court, that are received by the 1206
court. 1207

Sec. 1901.07. (A) All municipal court judges shall be elected 1208
on the nonpartisan ballot for terms of six years. In a municipal 1209
court in which only one judge is to be elected in any one year, 1210
that judge's term commences on the first day of January after the 1211
election. In a municipal court in which two or more judges are to 1212
be elected in any one year, their terms commence on successive 1213

days beginning the first day of January, following the election, 1214
unless otherwise provided by section 1901.08 of the Revised Code. 1215

1216

(B) All candidates for municipal court judge may be nominated 1217
either by nominating petition or by primary election, except that 1218
if the jurisdiction of a municipal court extends only to the 1219
corporate limits of the municipal corporation in which the court 1220
is located and that municipal corporation operates under a 1221
charter, all candidates shall be nominated in the same manner 1222
provided in the charter for the office of municipal court judge 1223
or, if no specific provisions are made in the charter for the 1224
office of municipal court judge, in the same manner as the charter 1225
prescribes for the nomination and election of the legislative 1226
authority of the municipal corporation. 1227

If the jurisdiction of a municipal court extends beyond the 1228
corporate limits of the municipal corporation in which it is 1229
located or if the jurisdiction of the court does not extend beyond 1230
the corporate limits of the municipal corporation in which it is 1231
located and no charter provisions apply, all candidates for party 1232
nomination to the office of municipal court judge shall file a 1233
declaration of candidacy and petition not later than four p.m. of 1234
the seventy-fifth day before the day of the primary election, or 1235
if the primary election is a presidential primary election, not 1236
later than four p.m. of the sixtieth day before the day of the 1237
presidential primary election, in the form prescribed by section 1238
3513.07 of the Revised Code. The petition shall conform to the 1239
requirements provided for those petitions of candidacy contained 1240
in section 3513.05 of the Revised Code, except that the petition 1241
shall be signed by at least fifty electors of the territory of the 1242
court. If no valid declaration of candidacy is filed for 1243
nomination as a candidate of a political party for election to the 1244
office of municipal court judge, or if the number of persons 1245

filing the declarations of candidacy for nominations as candidates 1246
of one political party for election to the office does not exceed 1247
the number of candidates that that party is entitled to nominate 1248
as its candidates for election to the office, no primary election 1249
shall be held for the purpose of nominating candidates of that 1250
party for election to the office, and the candidates shall be 1251
issued certificates of nomination in the manner set forth in 1252
section 3513.02 of the Revised Code. 1253

If the jurisdiction of a municipal court extends beyond the 1254
corporate limits of the municipal corporation in which it is 1255
located or if the jurisdiction of the court does not extend beyond 1256
the corporate limits of the municipal corporation in which it is 1257
located and no charter provisions apply, nonpartisan candidates 1258
for the office of municipal court judge shall file nominating 1259
petitions not later than four p.m. of the day before the day of 1260
the primary election in the form prescribed by section 3513.261 of 1261
the Revised Code. The petition shall conform to the requirements 1262
provided for those petitions of candidacy contained in section 1263
3513.257 of the Revised Code, except that the petition shall be 1264
signed by at least fifty electors of the territory of the court. 1265

The nominating petition or declaration of candidacy for a 1266
municipal court judge shall contain a designation of the term for 1267
which the candidate seeks election. At the following regular 1268
municipal election, the candidacies of the judges nominated shall 1269
be submitted to the electors of the territory on a nonpartisan, 1270
judicial ballot in the same manner as provided for judges of the 1271
court of common pleas, except that, in a municipal corporation 1272
operating under a charter, all candidates for municipal court 1273
judge shall be elected in conformity with the charter if 1274
provisions are made in the charter for the election of municipal 1275
court judges. 1276

(C) Notwithstanding divisions (A) and (B) of this section, in 1277

the following municipal courts, the judges shall be nominated and 1278
elected as follows: 1279

(1) In the Cleveland municipal court, the judges shall be 1280
nominated only by petition. The petition shall be signed by at 1281
least fifty electors of the territory of the court. It shall be in 1282
the statutory form and shall be filed in the manner and within the 1283
time prescribed by the charter of the city of Cleveland for filing 1284
petitions of candidates for municipal offices. Each elector shall 1285
have the right to sign petitions for as many candidates as are to 1286
be elected, but no more. The judges shall be elected by the 1287
electors of the territory of the court in the manner provided by 1288
law for the election of judges of the court of common pleas. 1289

(2) In the Toledo municipal court, the judges shall be 1290
nominated only by petition. The petition shall be signed by at 1291
least fifty electors of the territory of the court. It shall be in 1292
the statutory form and shall be filed in the manner and within the 1293
time prescribed by the charter of the city of Toledo for filing 1294
nominating petitions for city council. Each elector shall have the 1295
right to sign petitions for as many candidates as are to be 1296
elected, but no more. The judges shall be elected by the electors 1297
of the territory of the court in the manner provided by law for 1298
the election of judges of the court of common pleas. 1299

(3) In the Akron municipal court, the judges shall be 1300
nominated only by petition. The petition shall be signed by at 1301
least fifty electors of the territory of the court. It shall be in 1302
statutory form and shall be filed in the manner and within the 1303
time prescribed by the charter of the city of Akron for filing 1304
nominating petitions of candidates for municipal offices. Each 1305
elector shall have the right to sign petitions for as many 1306
candidates as are to be elected, but no more. The judges shall be 1307
elected by the electors of the territory of the court in the 1308
manner provided by law for the election of judges of the court of 1309

common pleas. 1310

(4) In the Hamilton county municipal court, the judges shall 1311
be nominated only by petition. The petition shall be signed by at 1312
least fifty electors of the territory of the court, which 1313
petitions shall be signed, verified, and filed in the manner and 1314
within the time required by law for nominating petitions for 1315
members of council of the city of Cincinnati. The judges shall be 1316
elected by the electors of the territory of the court at the 1317
regular municipal election and in the manner provided by law for 1318
the election of judges of the court of common pleas. 1319

(5) In the Franklin county municipal court, the judges shall 1320
be nominated only by petition. The petition shall be signed by at 1321
least fifty electors of the territory of the court. The petition 1322
shall be in the statutory form and shall be filed in the manner 1323
and within the time prescribed by the charter of the city of 1324
Columbus for filing petitions of candidates for municipal offices. 1325
The judges shall be elected by the electors of the territory of 1326
the court in the manner provided by law for the election of judges 1327
of the court of common pleas. 1328

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 1329
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, ~~Portage~~, and 1330
Wayne county municipal courts, the judges shall be nominated only 1331
by petition. The petitions shall be signed by at least fifty 1332
electors of the territory of the court and shall conform to the 1333
provisions of this section. 1334

(D) In the Portage county municipal court, the judges shall 1335
be nominated either by nominating petition or by primary election, 1336
as provided in division (B) of this section. 1337

(E) As used in this section, as to an election for either a 1338
full or an unexpired term, "the territory within the jurisdiction 1339
of the court" means that territory as it will be on the first day 1340

of January after the election. 1341

Sec. 1901.08. The number of, and the time for election of, 1342
judges of the following municipal courts and the beginning of 1343
their terms shall be as follows: 1344

In the Akron municipal court, two full-time judges shall be 1345
elected in 1951, two full-time judges shall be elected in 1953, 1346
one full-time judge shall be elected in 1967, and one full-time 1347
judge shall be elected in 1975. 1348

In the Alliance municipal court, one full-time judge shall be 1349
elected in 1953. 1350

In the Ashland municipal court, one full-time judge shall be 1351
elected in 1951. 1352

In the Ashtabula municipal court, one full-time judge shall 1353
be elected in 1953. 1354

In the Athens county municipal court, one full-time judge 1355
shall be elected in 1967. 1356

In the Auglaize county municipal court, one full-time judge 1357
shall be elected in 1975. 1358

In the Avon Lake municipal court, one part-time judge shall 1359
be elected in 1957. 1360

In the Barberton municipal court, one full-time judge shall 1361
be elected in 1969, and one full-time judge shall be elected in 1362
1971. 1363

In the Bedford municipal court, one full-time judge shall be 1364
elected in 1975, and one full-time judge shall be elected in 1979. 1365

In the Bellefontaine municipal court, one full-time judge 1366
shall be elected in 1993. 1367

In the Bellevue municipal court, one part-time judge shall be 1368
elected in 1951. 1369

In the Berea municipal court, one full-time judge shall be elected in 2005.	1370 1371
In the Bowling Green municipal court, one full-time judge shall be elected in 1983.	1372 1373
In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county county court that existed prior to that date whose term commenced on January 2, 2001, shall serve as the full-time judge of the Brown county municipal court until December 31, 2005.	1374 1375 1376 1377 1378 1379
In the Bryan municipal court, one full-time judge shall be elected in 1965.	1380 1381
In the Cambridge municipal court, one full-time judge shall be elected in 1951.	1382 1383
In the Campbell municipal court, one part-time judge shall be elected in 1963.	1384 1385
In the Canton municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1969, and two full-time judges shall be elected in 1977.	1386 1387 1388
In the Carroll county municipal court, one full-time judge shall be elected in 2009. Beginning January 1, 2007, the judge elected in 2006 to the part-time judgeship of the Carroll county county court that existed prior to that date shall serve as the full-time judge of the Carroll county municipal court until December 31, 2009.	1389 1390 1391 1392 1393 1394
In the Celina municipal court, one full-time judge shall be elected in 1957.	1395 1396
In the Champaign county municipal court, one full-time judge shall be elected in 2001.	1397 1398
In the Chardon municipal court, one part-time judge shall be	1399

elected in 1963.	1400
In the Chillicothe municipal court, one full-time judge shall	1401
be elected in 1951, and one full-time judge shall be elected in	1402
1977.	1403
In the Circleville municipal court, one full-time judge shall	1404
be elected in 1953.	1405
In the Clark county municipal court, one full-time judge	1406
shall be elected in 1989, and two full-time judges shall be	1407
elected in 1991. The full-time judges of the Springfield municipal	1408
court who were elected in 1983 and 1985 shall serve as the judges	1409
of the Clark county municipal court from January 1, 1988, until	1410
the end of their respective terms.	1411
In the Clermont county municipal court, two full-time judges	1412
shall be elected in 1991, and one full-time judge shall be elected	1413
in 1999.	1414
In the Cleveland municipal court, six full-time judges shall	1415
be elected in 1975, three full-time judges shall be elected in	1416
1953, and four full-time judges shall be elected in 1955.	1417
In the Cleveland Heights municipal court, one full-time judge	1418
shall be elected in 1957.	1419
In the Clinton county municipal court, one full-time judge	1420
shall be elected in 1997. The full-time judge of the Wilmington	1421
municipal court who was elected in 1991 shall serve as the judge	1422
of the Clinton county municipal court from July 1, 1992, until the	1423
end of that judge's term on December 31, 1997.	1424
In the Columbiana county municipal court, two full-time	1425
judges shall be elected in 2001.	1426
In the Conneaut municipal court, one full-time judge shall be	1427
elected in 1953.	1428
In the Coshocton municipal court, one full-time judge shall	1429

be elected in 1951. 1430

In the Crawford county municipal court, one full-time judge 1431
shall be elected in 1977. 1432

In the Cuyahoga Falls municipal court, one full-time judge 1433
shall be elected in 1953, and one full-time judge shall be elected 1434
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 1435
court shall cease to exist; however, the judges of the Cuyahoga 1436
Falls municipal court who were elected pursuant to this section in 1437
2003 and 2007 for terms beginning on January 1, 2004, and January 1438
1, 2008, respectively, shall serve as full-time judges of the Stow 1439
municipal court until December 31, 2009, and December 31, 2013, 1440
respectively. 1441

In the Darke county municipal court, one full-time judge 1442
shall be elected in 2005. Beginning January 1, 2005, the part-time 1443
judge of the Darke county county court that existed prior to that 1444
date whose term began on January 1, 2001, shall serve as the 1445
full-time judge of the Darke county municipal court until December 1446
31, 2005. 1447

In the Dayton municipal court, three full-time judges shall 1448
be elected in 1987, their terms to commence on successive days 1449
beginning on the first day of January next after their election, 1450
and two full-time judges shall be elected in 1955, their terms to 1451
commence on successive days beginning on the second day of January 1452
next after their election. 1453

In the Defiance municipal court, one full-time judge shall be 1454
elected in 1957. 1455

In the Delaware municipal court, one full-time judge shall be 1456
elected in 1953, and one full-time judge shall be elected in 2007. 1457

In the East Cleveland municipal court, one full-time judge 1458
shall be elected in 1957. 1459

In the East Liverpool municipal court, one full-time judge shall be elected in 1953.	1460 1461
In the Eaton municipal court, one full-time judge shall be elected in 1973.	1462 1463
In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.	1464 1465
In the Erie county municipal court, one full-time judge shall be elected in 2007.	1466 1467
In the Euclid municipal court, one full-time judge shall be elected in 1951.	1468 1469
In the Fairborn municipal court, one full-time judge shall be elected in 1977.	1470 1471
In the Fairfield county municipal court, one full-time judge shall be elected in 2003, and one full-time judge shall be elected in 2005.	1472 1473 1474
In the Fairfield municipal court, one full-time judge shall be elected in 1989.	1475 1476
In the Findlay municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1993.	1477 1478
In the Fostoria municipal court, one full-time judge shall be elected in 1975.	1479 1480
In the Franklin municipal court, one part-time judge shall be elected in 1951.	1481 1482
In the Franklin county municipal court, two full-time judges shall be elected in 1969, three full-time judges shall be elected in 1971, seven full-time judges shall be elected in 1967, one full-time judge shall be elected in 1975, one full-time judge shall be elected in 1991, and one full-time judge shall be elected in 1997.	1483 1484 1485 1486 1487 1488

In the Fremont municipal court, one full-time judge shall be 1489
elected in 1975. 1490

In the Gallipolis municipal court, one full-time judge shall 1491
be elected in 1981. 1492

In the Garfield Heights municipal court, one full-time judge 1493
shall be elected in 1951, and one full-time judge shall be elected 1494
in 1981. 1495

In the Girard municipal court, one full-time judge shall be 1496
elected in 1963. 1497

In the Hamilton municipal court, one full-time judge shall be 1498
elected in 1953. 1499

In the Hamilton county municipal court, five full-time judges 1500
shall be elected in 1967, five full-time judges shall be elected 1501
in 1971, two full-time judges shall be elected in 1981, and two 1502
full-time judges shall be elected in 1983. All terms of judges of 1503
the Hamilton county municipal court shall commence on the first 1504
day of January next after their election, except that the terms of 1505
the additional judges to be elected in 1981 shall commence on 1506
January 2, 1982, and January 3, 1982, and that the terms of the 1507
additional judges to be elected in 1983 shall commence on January 1508
4, 1984, and January 5, 1984. 1509

In the Hardin county municipal court, one part-time judge 1510
shall be elected in 1989. 1511

In the Hillsboro municipal court, one ~~part-time~~ full-time 1512
judge shall be elected in ~~1957~~ 2011. On and after the effective 1513
date of this amendment, the part-time judge of the Hillsboro 1514
municipal court who was elected in 2005 shall serve as a full-time 1515
judge of the court until the end of that judge's term on December 1516
31, 2011. 1517

In the Hocking county municipal court, one full-time judge 1518

shall be elected in 1977. 1519

In the Holmes county municipal court, one full-time judge 1520
shall be elected in 2007. Beginning January 1, 2007, the part-time 1521
judge of the Holmes county county court that existed prior to that 1522
date whose term commenced on January 1, 2007, shall serve as the 1523
full-time judge of the Holmes county municipal court until 1524
December 31, 2007. 1525

In the Huron municipal court, one part-time judge shall be 1526
elected in 1967. 1527

In the Ironton municipal court, one full-time judge shall be 1528
elected in 1951. 1529

In the Jackson county municipal court, one full-time judge 1530
shall be elected in 2001. On and after March 31, 1997, the 1531
part-time judge of the Jackson county municipal court who was 1532
elected in 1995 shall serve as a full-time judge of the court 1533
until the end of that judge's term on December 31, 2001. 1534

In the Kettering municipal court, one full-time judge shall 1535
be elected in 1971, and one full-time judge shall be elected in 1536
1975. 1537

In the Lakewood municipal court, one full-time judge shall be 1538
elected in 1955. 1539

In the Lancaster municipal court, one full-time judge shall 1540
be elected in 1951, and one full-time judge shall be elected in 1541
1979. Beginning January 2, 2000, the full-time judges of the 1542
Lancaster municipal court who were elected in 1997 and 1999 shall 1543
serve as judges of the Fairfield county municipal court until the 1544
end of those judges' terms. 1545

In the Lawrence county municipal court, one part-time judge 1546
shall be elected in 1981. 1547

In the Lebanon municipal court, one part-time judge shall be 1548

elected in 1955.	1549
In the Licking county municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971.	1550 1551 1552
In the Lima municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1967.	1553 1554
In the Lorain municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1973.	1555 1556
In the Lyndhurst municipal court, one part-time judge shall be elected in 1957.	1557 1558
In the Madison county municipal court, one full-time judge shall be elected in 1981.	1559 1560
In the Mansfield municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1969.	1561 1562 1563
In the Marietta municipal court, one full-time judge shall be elected in 1957.	1564 1565
In the Marion municipal court, one full-time judge shall be elected in 1951.	1566 1567
In the Marysville municipal court, one full-time judge shall be elected in 2011. On and after January 18, 2007, the part-time judge of the Marysville municipal court who was elected in 2005 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2011.	1568 1569 1570 1571 1572
In the Mason municipal court, one part-time judge shall be elected in 1965.	1573 1574
In the Massillon municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1971.	1575 1576 1577

In the Maumee municipal court, one full-time judge shall be elected in 1963.	1578 1579
In the Medina municipal court, one full-time judge shall be elected in 1957.	1580 1581
In the Mentor municipal court, one full-time judge shall be elected in 1971.	1582 1583
In the Miami county municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.	1584 1585 1586
In the Miamisburg municipal court, one part-time judge shall be elected in 1951.	1587 1588
In the Middletown municipal court, one full-time judge shall be elected in 1953.	1589 1590
In the Morrow county municipal court, one full-time judge shall be elected in 2005. Beginning January 1, 2003, the part-time judge of the Morrow county county court that existed prior to that date shall serve as the full-time judge of the Morrow county municipal court until December 31, 2005.	1591 1592 1593 1594 1595
In the Mount Vernon municipal court, one full-time judge shall be elected in 1951.	1596 1597
In the Napoleon municipal court, one full-time judge shall be elected in 2005.	1598 1599
In the New Philadelphia municipal court, one full-time judge shall be elected in 1975.	1600 1601
In the Newton Falls municipal court, one full-time judge shall be elected in 1963.	1602 1603
In the Niles municipal court, one full-time judge shall be elected in 1951.	1604 1605
In the Norwalk municipal court, one full-time judge shall be	1606

elected in 1975.	1607
In the Oakwood municipal court, one part-time judge shall be elected in 1953.	1608 1609
In the Oberlin municipal court, one full-time judge shall be elected in 1989.	1610 1611
In the Oregon municipal court, one full-time judge shall be elected in 1963.	1612 1613
In the Ottawa county municipal court, one full-time judge shall be elected in 1995, and the full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.	1614 1615 1616 1617 1618
In the Painesville municipal court, one full-time judge shall be elected in 1951.	1619 1620
In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971.	1621 1622 1623
In the Perrysburg municipal court, one full-time judge shall be elected in 1977.	1624 1625
In the Portage county municipal court, two full-time judges shall be elected in 1979, and one full-time judge shall be elected in 1971.	1626 1627 1628
In the Port Clinton municipal court, one full-time judge shall be elected in 1953. The full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.	1629 1630 1631 1632 1633
In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985.	1634 1635 1636

In the Rocky River municipal court, one full-time judge shall 1637
be elected in 1957, and one full-time judge shall be elected in 1638
1971. 1639

In the Sandusky municipal court, one full-time judge shall be 1640
elected in 1953. 1641

In the Shaker Heights municipal court, one full-time judge 1642
shall be elected in 1957. 1643

In the Shelby municipal court, one part-time judge shall be 1644
elected in 1957. 1645

In the Sidney municipal court, one full-time judge shall be 1646
elected in 1995. 1647

In the South Euclid municipal court, one full-time judge 1648
shall be elected in 1999. The part-time judge elected in 1993, 1649
whose term commenced on January 1, 1994, shall serve until 1650
December 31, 1999, and the office of that judge is abolished on 1651
January 1, 2000. 1652

In the Springfield municipal court, two full-time judges 1653
shall be elected in 1985, and one full-time judge shall be elected 1654
in 1983, all of whom shall serve as the judges of the Springfield 1655
municipal court through December 31, 1987, and as the judges of 1656
the Clark county municipal court from January 1, 1988, until the 1657
end of their respective terms. 1658

In the Steubenville municipal court, one full-time judge 1659
shall be elected in 1953. 1660

In the Stow municipal court, one full-time judge shall be 1661
elected in 2009, and one full-time judge shall be elected in 2013. 1662
Beginning January 1, 2009, the judge of the Cuyahoga Falls 1663
municipal court that existed prior to that date whose term 1664
commenced on January 1, 2008, shall serve as a full-time judge of 1665
the Stow municipal court until December 31, 2013. Beginning 1666

January 1, 2009, the judge of the Cuyahoga Falls municipal court 1667
that existed prior to that date whose term commenced on January 1, 1668
2004, shall serve as a full-time judge of the Stow municipal court 1669
until December 31, 2009. 1670

In the Struthers municipal court, one part-time judge shall 1671
be elected in 1963. 1672

In the Sylvania municipal court, one full-time judge shall be 1673
elected in 1963. 1674

In the Tiffin municipal court, one full-time judge shall be 1675
elected in 1953. 1676

In the Toledo municipal court, two full-time judges shall be 1677
elected in 1971, four full-time judges shall be elected in 1975, 1678
and one full-time judge shall be elected in 1973. 1679

In the Upper Sandusky municipal court, one full-time judge 1680
shall be elected in 2011. The part-time judge elected in 2005, 1681
whose term commenced on January 1, 2006, shall serve as a 1682
full-time judge on and after January 1, 2008, until the expiration 1683
of that judge's term on December 31, 2011, and the office of that 1684
judge is abolished on January 1, 2012. 1685

In the Vandalia municipal court, one full-time judge shall be 1686
elected in 1959. 1687

In the Van Wert municipal court, one full-time judge shall be 1688
elected in 1957. 1689

In the Vermilion municipal court, one part-time judge shall 1690
be elected in 1965. 1691

In the Wadsworth municipal court, one full-time judge shall 1692
be elected in 1981. 1693

In the Warren municipal court, one full-time judge shall be 1694
elected in 1951, and one full-time judge shall be elected in 1971. 1695

In the Washington Court House municipal court, one full-time 1696

judge shall be elected in 1999. The part-time judge elected in 1697
1993, whose term commenced on January 1, 1994, shall serve until 1698
December 31, 1999, and the office of that judge is abolished on 1699
January 1, 2000. 1700

In the Wayne county municipal court, one full-time judge 1701
shall be elected in 1975, and one full-time judge shall be elected 1702
in 1979. 1703

In the Willoughby municipal court, one full-time judge shall 1704
be elected in 1951. 1705

In the Wilmington municipal court, one full-time judge shall 1706
be elected in 1991, who shall serve as the judge of the Wilmington 1707
municipal court through June 30, 1992, and as the judge of the 1708
Clinton county municipal court from July 1, 1992, until the end of 1709
that judge's term on December 31, 1997. 1710

In the Xenia municipal court, one full-time judge shall be 1711
elected in 1977. 1712

In the Youngstown municipal court, one full-time judge shall 1713
be elected in 1951, and two full-time judges shall be elected in 1714
1953. 1715

In the Zanesville municipal court, one full-time judge shall 1716
be elected in 1953. 1717

Sec. 1901.31. The clerk and deputy clerks of a municipal 1718
court shall be selected, be compensated, give bond, and have 1719
powers and duties as follows: 1720

(A) There shall be a clerk of the court who is appointed or 1721
elected as follows: 1722

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 1723
county, Portage county, and Wayne county municipal courts and 1724
through December 31, 2008, the Cuyahoga Falls municipal court, if 1725
the population of the territory equals or exceeds one hundred 1726

thousand at the regular municipal election immediately preceding 1727
the expiration of the term of the present clerk, the clerk shall 1728
be nominated and elected by the qualified electors of the 1729
territory in the manner that is provided for the nomination and 1730
election of judges in section 1901.07 of the Revised Code. 1731

The clerk so elected shall hold office for a term of six 1732
years, which term shall commence on the first day of January 1733
following the clerk's election and continue until the clerk's 1734
successor is elected and qualified. 1735

(b) In the Hamilton county municipal court, the clerk of 1736
courts of Hamilton county shall be the clerk of the municipal 1737
court and may appoint an assistant clerk who shall receive the 1738
compensation, payable out of the treasury of Hamilton county in 1739
semimonthly installments, that the board of county commissioners 1740
prescribes. The clerk of courts of Hamilton county, acting as the 1741
clerk of the Hamilton county municipal court and assuming the 1742
duties of that office, shall receive compensation at one-fourth 1743
the rate that is prescribed for the clerks of courts of common 1744
pleas as determined in accordance with the population of the 1745
county and the rates set forth in sections 325.08 and 325.18 of 1746
the Revised Code. This compensation shall be paid from the county 1747
treasury in semimonthly installments and is in addition to the 1748
annual compensation that is received for the performance of the 1749
duties of the clerk of courts of Hamilton county, as provided in 1750
sections 325.08 and 325.18 of the Revised Code. 1751

(c) In the Portage county and Wayne county municipal courts, 1752
the clerks of courts of Portage county and Wayne county shall be 1753
the clerks, respectively, of the Portage county and Wayne county 1754
municipal courts and may appoint a chief deputy clerk for each 1755
branch that is established pursuant to section 1901.311 of the 1756
Revised Code and assistant clerks as the judges of the municipal 1757
court determine are necessary, all of whom shall receive the 1758

compensation that the legislative authority prescribes. The clerks 1759
of courts of Portage county and Wayne county, acting as the clerks 1760
of the Portage county and Wayne county municipal courts and 1761
assuming the duties of these offices, shall receive compensation 1762
payable from the county treasury in semimonthly installments at 1763
one-fourth the rate that is prescribed for the clerks of courts of 1764
common pleas as determined in accordance with the population of 1765
the county and the rates set forth in sections 325.08 and 325.18 1766
of the Revised Code. 1767

(d) Except as otherwise provided in division (A)(1)(d) of 1768
this section, in the Akron municipal court, candidates for 1769
election to the office of clerk of the court shall be nominated by 1770
primary election. The primary election shall be held on the day 1771
specified in the charter of the city of Akron for the nomination 1772
of municipal officers. Notwithstanding any contrary provision of 1773
section 3513.05 or 3513.257 of the Revised Code, the declarations 1774
of candidacy and petitions of partisan candidates and the 1775
nominating petitions of independent candidates for the office of 1776
clerk of the Akron municipal court shall be signed by at least 1777
fifty qualified electors of the territory of the court. 1778

The candidates shall file a declaration of candidacy and 1779
petition, or a nominating petition, whichever is applicable, not 1780
later than four p.m. of the seventy-fifth day before the day of 1781
the primary election, in the form prescribed by section 3513.07 or 1782
3513.261 of the Revised Code. The declaration of candidacy and 1783
petition, or the nominating petition, shall conform to the 1784
applicable requirements of section 3513.05 or 3513.257 of the 1785
Revised Code. 1786

If no valid declaration of candidacy and petition is filed by 1787
any person for nomination as a candidate of a particular political 1788
party for election to the office of clerk of the Akron municipal 1789
court, a primary election shall not be held for the purpose of 1790

nominating a candidate of that party for election to that office. 1791
If only one person files a valid declaration of candidacy and 1792
petition for nomination as a candidate of a particular political 1793
party for election to that office, a primary election shall not be 1794
held for the purpose of nominating a candidate of that party for 1795
election to that office, and the candidate shall be issued a 1796
certificate of nomination in the manner set forth in section 1797
3513.02 of the Revised Code. 1798

Declarations of candidacy and petitions, nominating 1799
petitions, and certificates of nomination for the office of clerk 1800
of the Akron municipal court shall contain a designation of the 1801
term for which the candidate seeks election. At the following 1802
regular municipal election, all candidates for the office shall be 1803
submitted to the qualified electors of the territory of the court 1804
in the manner that is provided in section 1901.07 of the Revised 1805
Code for the election of the judges of the court. The clerk so 1806
elected shall hold office for a term of six years, which term 1807
shall commence on the first day of January following the clerk's 1808
election and continue until the clerk's successor is elected and 1809
qualified. 1810

(e) Except as otherwise provided in division (A)(1)(e) of 1811
this section, in the Barberton municipal court, candidates for 1812
election to the office of clerk of the court shall be nominated by 1813
primary election. The primary election shall be held on the day 1814
specified in the charter of the city of Barberton for the 1815
nomination of municipal officers. Notwithstanding any contrary 1816
provision of section 3513.05 or 3513.257 of the Revised Code, the 1817
declarations of candidacy and petitions of partisan candidates and 1818
the nominating petitions of independent candidates for the office 1819
of clerk of the Barberton municipal court shall be signed by at 1820
least fifty qualified electors of the territory of the court. 1821

The candidates shall file a declaration of candidacy and 1822

petition, or a nominating petition, whichever is applicable, not 1823
later than four p.m. of the seventy-fifth day before the day of 1824
the primary election, in the form prescribed by section 3513.07 or 1825
3513.261 of the Revised Code. The declaration of candidacy and 1826
petition, or the nominating petition, shall conform to the 1827
applicable requirements of section 3513.05 or 3513.257 of the 1828
Revised Code. 1829

If no valid declaration of candidacy and petition is filed by 1830
any person for nomination as a candidate of a particular political 1831
party for election to the office of clerk of the Barberton 1832
municipal court, a primary election shall not be held for the 1833
purpose of nominating a candidate of that party for election to 1834
that office. If only one person files a valid declaration of 1835
candidacy and petition for nomination as a candidate of a 1836
particular political party for election to that office, a primary 1837
election shall not be held for the purpose of nominating a 1838
candidate of that party for election to that office, and the 1839
candidate shall be issued a certificate of nomination in the 1840
manner set forth in section 3513.02 of the Revised Code. 1841

Declarations of candidacy and petitions, nominating 1842
petitions, and certificates of nomination for the office of clerk 1843
of the Barberton municipal court shall contain a designation of 1844
the term for which the candidate seeks election. At the following 1845
regular municipal election, all candidates for the office shall be 1846
submitted to the qualified electors of the territory of the court 1847
in the manner that is provided in section 1901.07 of the Revised 1848
Code for the election of the judges of the court. The clerk so 1849
elected shall hold office for a term of six years, which term 1850
shall commence on the first day of January following the clerk's 1851
election and continue until the clerk's successor is elected and 1852
qualified. 1853

(f)(i) Through December 31, 2008, except as otherwise 1854

provided in division (A)(1)(f)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the seventy-fifth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating

petitions, and certificates of nomination for the office of clerk 1887
of the Cuyahoga Falls municipal court shall contain a designation 1888
of the term for which the candidate seeks election. At the 1889
following regular municipal election, all candidates for the 1890
office shall be submitted to the qualified electors of the 1891
territory of the court in the manner that is provided in section 1892
1901.07 of the Revised Code for the election of the judges of the 1893
court. The clerk so elected shall hold office for a term of six 1894
years, which term shall commence on the first day of January 1895
following the clerk's election and continue until the clerk's 1896
successor is elected and qualified. 1897

(ii) Division (A)(1)(f)(i) of this section shall have no 1898
effect after December 31, 2008. 1899

(g) Except as otherwise provided in division (A)(1)(g) of 1900
this section, in the Toledo municipal court, candidates for 1901
election to the office of clerk of the court shall be nominated by 1902
primary election. The primary election shall be held on the day 1903
specified in the charter of the city of Toledo for the nomination 1904
of municipal officers. Notwithstanding any contrary provision of 1905
section 3513.05 or 3513.257 of the Revised Code, the declarations 1906
of candidacy and petitions of partisan candidates and the 1907
nominating petitions of independent candidates for the office of 1908
clerk of the Toledo municipal court shall be signed by at least 1909
fifty qualified electors of the territory of the court. 1910

The candidates shall file a declaration of candidacy and 1911
petition, or a nominating petition, whichever is applicable, not 1912
later than four p.m. of the seventy-fifth day before the day of 1913
the primary election, in the form prescribed by section 3513.07 or 1914
3513.261 of the Revised Code. The declaration of candidacy and 1915
petition, or the nominating petition, shall conform to the 1916
applicable requirements of section 3513.05 or 3513.257 of the 1917
Revised Code. 1918

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(2)(a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Holmes county, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of the territory is less than one hundred thousand, the clerk shall be appointed by the court, and the clerk shall hold office until the clerk's successor is appointed and qualified.

(b) In the Alliance, Lorain, Massillon, and Youngstown municipal courts, the clerk shall be elected for a term of office

as described in division (A)(1)(a) of this section. 1951

(c) In the Auglaize county, Brown county, and Holmes county 1952
municipal courts, the clerks of courts of Auglaize county, Brown 1953
county, and Holmes county shall be the clerks, respectively, of 1954
the Auglaize county, Brown county, and Holmes county municipal 1955
courts and may appoint a chief deputy clerk for each branch office 1956
that is established pursuant to section 1901.311 of the Revised 1957
Code, and assistant clerks as the judge of the court determines 1958
are necessary, all of whom shall receive the compensation that the 1959
legislative authority prescribes. The clerks of courts of Auglaize 1960
county, Brown county, and Holmes county, acting as the clerks of 1961
the Auglaize county, Brown county, and Holmes county municipal 1962
courts and assuming the duties of these offices, shall receive 1963
compensation payable from the county treasury in semimonthly 1964
installments at one-fourth the rate that is prescribed for the 1965
clerks of courts of common pleas as determined in accordance with 1966
the population of the county and the rates set forth in sections 1967
325.08 and 325.18 of the Revised Code. 1968

(d) In the Columbiana county municipal court, the clerk of 1969
courts of Columbiana county shall be the clerk of the municipal 1970
court, may appoint a chief deputy clerk for each branch office 1971
that is established pursuant to section 1901.311 of the Revised 1972
Code, and may appoint any assistant clerks that the judges of the 1973
court determine are necessary. All of the chief deputy clerks and 1974
assistant clerks shall receive the compensation that the 1975
legislative authority prescribes. The clerk of courts of 1976
Columbiana county, acting as the clerk of the Columbiana county 1977
municipal court and assuming the duties of that office, shall 1978
receive in either biweekly installments or semimonthly 1979
installments, as determined by the payroll administrator, 1980
compensation payable from the county treasury at one-fourth the 1981
rate that is prescribed for the clerks of courts of common pleas 1982

as determined in accordance with the population of the county and 1983
the rates set forth in sections 325.08 and 325.18 of the Revised 1984
Code. 1985

(3) During the temporary absence of the clerk due to illness, 1986
vacation, or other proper cause, the court may appoint a temporary 1987
clerk, who shall be paid the same compensation, have the same 1988
authority, and perform the same duties as the clerk. 1989

(B) Except in the Hamilton county, Portage county, and Wayne 1990
county municipal courts, if a vacancy occurs in the office of the 1991
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 1992
court or occurs in the office of the clerk of a municipal court 1993
for which the population of the territory equals or exceeds one 1994
hundred thousand because the clerk ceases to hold the office 1995
before the end of the clerk's term or because a clerk-elect fails 1996
to take office, the vacancy shall be filled, until a successor is 1997
elected and qualified, by a person chosen by the residents of the 1998
territory of the court who are members of the county central 1999
committee of the political party by which the last occupant of 2000
that office or the clerk-elect was nominated. Not less than five 2001
nor more than fifteen days after a vacancy occurs, those members 2002
of that county central committee shall meet to make an appointment 2003
to fill the vacancy. At least four days before the date of the 2004
meeting, the chairperson or a secretary of the county central 2005
committee shall notify each such member of that county central 2006
committee by first class mail of the date, time, and place of the 2007
meeting and its purpose. A majority of all such members of that 2008
county central committee constitutes a quorum, and a majority of 2009
the quorum is required to make the appointment. If the office so 2010
vacated was occupied or was to be occupied by a person not 2011
nominated at a primary election, or if the appointment was not 2012
made by the committee members in accordance with this division, 2013
the court shall make an appointment to fill the vacancy. A 2014

successor shall be elected to fill the office for the unexpired 2015
term at the first municipal election that is held more than one 2016
hundred twenty days after the vacancy occurred. 2017

(C)(1) In a municipal court, other than the Auglaize county, 2018
the Brown county, the Columbiana county, the Holmes county, and 2019
the Lorain municipal courts, for which the population of the 2020
territory is less than one hundred thousand, the clerk of the 2021
municipal court shall receive the annual compensation that the 2022
presiding judge of the court prescribes, if the revenue of the 2023
court for the preceding calendar year, as certified by the auditor 2024
or chief fiscal officer of the municipal corporation in which the 2025
court is located or, in the case of a county-operated municipal 2026
court, the county auditor, is equal to or greater than the 2027
expenditures, including any debt charges, for the operation of the 2028
court payable under this chapter from the city treasury or, in the 2029
case of a county-operated municipal court, the county treasury for 2030
that calendar year, as also certified by the auditor or chief 2031
fiscal officer. If the revenue of a municipal court, other than 2032
the Auglaize county, the Brown county, the Columbiana county, and 2033
the Lorain municipal courts, for which the population of the 2034
territory is less than one hundred thousand for the preceding 2035
calendar year as so certified is not equal to or greater than 2036
those expenditures for the operation of the court for that 2037
calendar year as so certified, the clerk of a municipal court 2038
shall receive the annual compensation that the legislative 2039
authority prescribes. As used in this division, "revenue" means 2040
the total of all costs and fees that are collected and paid to the 2041
city treasury or, in a county-operated municipal court, the county 2042
treasury by the clerk of the municipal court under division (F) of 2043
this section and all interest received and paid to the city 2044
treasury or, in a county-operated municipal court, the county 2045
treasury in relation to the costs and fees under division (G) of 2046
this section. 2047

(2) In a municipal court, other than the Hamilton county, 2048
Portage county, and Wayne county municipal courts, for which the 2049
population of the territory is one hundred thousand or more, and 2050
in the Lorain municipal court, the clerk of the municipal court 2051
shall receive annual compensation in a sum equal to eighty-five 2052
per cent of the salary of a judge of the court. 2053

(3) The compensation of a clerk described in division (C)(1) 2054
or (2) of this section is payable in semimonthly installments from 2055
the same sources and in the same manner as provided in section 2056
1901.11 of the Revised Code, except that the compensation of the 2057
clerk of the Carroll county municipal court is payable in biweekly 2058
installments. 2059

(D) Before entering upon the duties of the clerk's office, 2060
the clerk of a municipal court shall give bond of not less than 2061
six thousand dollars to be determined by the judges of the court, 2062
conditioned upon the faithful performance of the clerk's duties. 2063

(E) The clerk of a municipal court may do all of the 2064
following: administer oaths, take affidavits, and issue executions 2065
upon any judgment rendered in the court, including a judgment for 2066
unpaid costs; issue, sign, and attach the seal of the court to all 2067
writs, process, subpoenas, and papers issuing out of the court; 2068
and approve all bonds, sureties, recognizances, and undertakings 2069
fixed by any judge of the court or by law. The clerk may refuse to 2070
accept for filing any pleading or paper submitted for filing by a 2071
person who has been found to be a vexatious litigator under 2072
section 2323.52 of the Revised Code and who has failed to obtain 2073
leave to proceed under that section. The clerk shall do all of the 2074
following: file and safely keep all journals, records, books, and 2075
papers belonging or appertaining to the court; record the 2076
proceedings of the court; perform all other duties that the judges 2077
of the court may prescribe; and keep a book showing all receipts 2078
and disbursements, which book shall be open for public inspection 2079

at all times. 2080

The clerk shall prepare and maintain a general index, a 2081
docket, and other records that the court, by rule, requires, all 2082
of which shall be the public records of the court. In the docket, 2083
the clerk shall enter, at the time of the commencement of an 2084
action, the names of the parties in full, the names of the 2085
counsel, and the nature of the proceedings. Under proper dates, 2086
the clerk shall note the filing of the complaint, issuing of 2087
summons or other process, returns, and any subsequent pleadings. 2088
The clerk also shall enter all reports, verdicts, orders, 2089
judgments, and proceedings of the court, clearly specifying the 2090
relief granted or orders made in each action. The court may order 2091
an extended record of any of the above to be made and entered, 2092
under the proper action heading, upon the docket at the request of 2093
any party to the case, the expense of which record may be taxed as 2094
costs in the case or may be required to be prepaid by the party 2095
demanding the record, upon order of the court. 2096

(F) The clerk of a municipal court shall receive, collect, 2097
and issue receipts for all costs, fees, fines, bail, and other 2098
moneys payable to the office or to any officer of the court. The 2099
clerk shall each month disburse to the proper persons or officers, 2100
and take receipts for, all costs, fees, fines, bail, and other 2101
moneys that the clerk collects. Subject to sections ~~3375.50~~ 2102
307.515 and 4511.193 of the Revised Code and to any other section 2103
of the Revised Code that requires a specific manner of 2104
disbursement of any moneys received by a municipal court and 2105
except for the Hamilton county, Lawrence county, and Ottawa county 2106
municipal courts, the clerk shall pay all fines received for 2107
violation of municipal ordinances into the treasury of the 2108
municipal corporation the ordinance of which was violated and 2109
shall pay all fines received for violation of township resolutions 2110
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 2111

the Revised Code into the treasury of the township the resolution 2112
of which was violated. Subject to sections 1901.024 and 4511.193 2113
of the Revised Code, in the Hamilton county, Lawrence county, and 2114
Ottawa county municipal courts, the clerk shall pay fifty per cent 2115
of the fines received for violation of municipal ordinances and 2116
fifty per cent of the fines received for violation of township 2117
resolutions adopted pursuant to section 503.52 or 503.53 or 2118
Chapter 504. of the Revised Code into the treasury of the county. 2119
Subject to sections ~~3375.50, 3375.53~~ 307.515, 4511.19, and 5503.04 2120
of the Revised Code and to any other section of the Revised Code 2121
that requires a specific manner of disbursement of any moneys 2122
received by a municipal court, the clerk shall pay all fines 2123
collected for the violation of state laws into the county 2124
treasury. Except in a county-operated municipal court, the clerk 2125
shall pay all costs and fees the disbursement of which is not 2126
otherwise provided for in the Revised Code into the city treasury. 2127
The clerk of a county-operated municipal court shall pay the costs 2128
and fees the disbursement of which is not otherwise provided for 2129
in the Revised Code into the county treasury. Moneys deposited as 2130
security for costs shall be retained pending the litigation. The 2131
clerk shall keep a separate account of all receipts and 2132
disbursements in civil and criminal cases, which shall be a 2133
permanent public record of the office. On the expiration of the 2134
term of the clerk, the clerk shall deliver the records to the 2135
clerk's successor. The clerk shall have other powers and duties as 2136
are prescribed by rule or order of the court. 2137

(G) All moneys paid into a municipal court shall be noted on 2138
the record of the case in which they are paid and shall be 2139
deposited in a state or national bank, or a domestic savings and 2140
loan association, as defined in section 1151.01 of the Revised 2141
Code, that is selected by the clerk. Any interest received upon 2142
the deposits shall be paid into the city treasury, except that, in 2143
a county-operated municipal court, the interest shall be paid into 2144

the treasury of the county in which the court is located. 2145

On the first Monday in January of each year, the clerk shall 2146
make a list of the titles of all cases in the court that were 2147
finally determined more than one year past in which there remains 2148
unclaimed in the possession of the clerk any funds, or any part of 2149
a deposit for security of costs not consumed by the costs in the 2150
case. The clerk shall give notice of the moneys to the parties who 2151
are entitled to the moneys or to their attorneys of record. All 2152
the moneys remaining unclaimed on the first day of April of each 2153
year shall be paid by the clerk to the city treasurer, except 2154
that, in a county-operated municipal court, the moneys shall be 2155
paid to the treasurer of the county in which the court is located. 2156
The treasurer shall pay any part of the moneys at any time to the 2157
person who has the right to the moneys upon proper certification 2158
of the clerk. 2159

(H) Deputy clerks of a municipal court other than the Carroll 2160
county municipal court may be appointed by the clerk and shall 2161
receive the compensation, payable in either biweekly installments 2162
or semimonthly installments, as determined by the payroll 2163
administrator, out of the city treasury, that the clerk may 2164
prescribe, except that the compensation of any deputy clerk of a 2165
county-operated municipal court shall be paid out of the treasury 2166
of the county in which the court is located. The judge of the 2167
Carroll county municipal court may appoint deputy clerks for the 2168
court, and the deputy clerks shall receive the compensation, 2169
payable in biweekly installments out of the county treasury, that 2170
the judge may prescribe. Each deputy clerk shall take an oath of 2171
office before entering upon the duties of the deputy clerk's 2172
office and, when so qualified, may perform the duties appertaining 2173
to the office of the clerk. The clerk may require any of the 2174
deputy clerks to give bond of not less than three thousand 2175
dollars, conditioned for the faithful performance of the deputy 2176

clerk's duties. 2177

(I) For the purposes of this section, whenever the population 2178
of the territory of a municipal court falls below one hundred 2179
thousand but not below ninety thousand, and the population of the 2180
territory prior to the most recent regular federal census exceeded 2181
one hundred thousand, the legislative authority of the municipal 2182
corporation may declare, by resolution, that the territory shall 2183
be considered to have a population of at least one hundred 2184
thousand. 2185

(J) The clerk or a deputy clerk shall be in attendance at all 2186
sessions of the municipal court, although not necessarily in the 2187
courtroom, and may administer oaths to witnesses and jurors and 2188
receive verdicts. 2189

Sec. 1907.20. (A) The clerk of courts shall be the clerk of 2190
the county court, except that the board of county commissioners, 2191
with the concurrence of the county court judges, may appoint a 2192
clerk for each county court judge, who shall serve at the pleasure 2193
of the board and shall receive compensation as set by the board, 2194
payable in semimonthly installments from the treasury of the 2195
county. An appointed clerk, before entering upon the duties of the 2196
office, shall give bond of not less than five thousand dollars, as 2197
determined by the board of county commissioners, conditioned upon 2198
the faithful performance of the clerk's duties. 2199

The clerks of courts of common pleas, when acting as the 2200
clerks of county courts, and upon assuming their county court 2201
duties, shall receive compensation at one-fourth the rate 2202
prescribed for the clerks of courts of common pleas as determined 2203
in accordance with the population of the county and the rates set 2204
forth in sections 325.08 and 325.18 of the Revised Code. This 2205
compensation shall be paid from the county treasury in semimonthly 2206
installments and is in addition to the annual compensation 2207

received for the performance of the duties of the clerk of a court 2208
of common pleas as provided in sections 325.08 and 325.18 of the 2209
Revised Code. 2210

(B) The clerk of a county court shall have general powers to 2211
administer oaths, take affidavits, and issue executions upon any 2212
judgment rendered in the county court, including a judgment for 2213
unpaid costs, power to issue and sign all writs, process, 2214
subpoenas, and papers issuing out of the court, and to attach the 2215
seal of the court to them, and power to approve all bonds, 2216
sureties, recognizances, and undertakings fixed by any judge of 2217
the court or by law. The clerk shall file and safely keep all 2218
journals, records, books, and papers belonging or appertaining to 2219
the court, record its proceedings, perform all other duties that 2220
the judges of the court may prescribe, and keep a book showing all 2221
receipts and disbursements, which shall be open for public 2222
inspection at all times. The clerk may refuse to accept for filing 2223
any pleading or paper submitted for filing by a person who has 2224
been found to be a vexatious litigator under section 2323.52 of 2225
the Revised Code and who has failed to obtain leave to proceed 2226
under that section. 2227

The clerk shall prepare and maintain a general index, a 2228
docket as prescribed by the court, which shall be furnished by the 2229
board of county commissioners, and such other records as the 2230
court, by rule, requires, all of which shall be the public records 2231
of the court. In the docket, the clerk shall enter at times of the 2232
commencement of an action, the names of the parties in full, the 2233
names of the counsel, and the nature of the proceedings. Under 2234
proper dates, the clerk shall note the filing of the complaint, 2235
issuing of summons or other process, returns, and pleadings 2236
subsequent thereto. The clerk also shall enter all reports, 2237
verdicts, orders, judgments, and proceedings of the court, clearly 2238
specifying the relief granted or orders made in each action. The 2239

court may order an extended record of any of the above to be made 2240
and entered, under the proper action heading, upon the docket at 2241
the request of any party to the case, the expense of which may be 2242
taxed as costs in the case or may be required to be prepaid by the 2243
party demanding the extended record, upon order of the court. 2244

(C) The clerk of a county court shall receive and collect all 2245
costs, fees, fines, penalties, bail, and other moneys payable to 2246
the office or to any officer of the court and issue receipts 2247
therefor, and shall each month disburse the costs, fees, fines, 2248
penalties, bail, and other moneys to the proper persons or 2249
officers and take receipts therefor. Subject to sections ~~3375.51,~~ 2250
~~3375.53~~ 307.515, 4511.19, 4511.193, and 5503.04 of the Revised 2251
Code and all other statutes that require a different distribution 2252
of fines, fines received for violations of municipal ordinances 2253
shall be paid into the treasury of the municipal corporation whose 2254
ordinance was violated, fines received for violations of township 2255
resolutions adopted pursuant to section 503.52 or 503.53 or 2256
Chapter 504. of the Revised Code shall be paid into the treasury 2257
of the township whose resolution was violated, and fines collected 2258
for the violation of state laws shall be paid into the county 2259
treasury. Moneys deposited as security for costs shall be retained 2260
pending the litigation. 2261

The clerk shall keep a separate account of all receipts and 2262
disbursements in civil and criminal cases. The separate account 2263
shall be a permanent public record of the office. On the 2264
expiration of a clerk's term, those records shall be delivered to 2265
the clerk's successor. 2266

The clerk shall have such other powers and duties as are 2267
prescribed by rule or order of the court. 2268

(D) All moneys paid into a county court shall be noted on the 2269
record of the case in which they are paid and shall be deposited 2270
in a state or national bank selected by the clerk. On the first 2271

Monday in January of each year, the clerk shall make a list of the titles of all cases in the county court that were finally determined more than one year past in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security of costs not consumed by the costs in the case. The clerk shall give notice of the moneys to the parties entitled to them or to their attorneys of record. All the moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the county treasurer. Any part of the moneys shall be paid by the county treasurer at any time to the person having the right to them, upon proper certification of the clerk.

(E)(1) In county court districts having appointed clerks, deputy clerks may be appointed by the board of county commissioners. Clerks and deputy clerks shall receive such compensation payable in semimonthly installments out of the county treasury as the board may prescribe. Each deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(2) A clerk of courts acting as clerk of the county court may appoint deputy clerks to perform the duties pertaining to the office of clerk of the county court. Each deputy clerk shall take an oath of office before entering upon the deputy clerk's duties, and the clerk of courts may require the deputy clerk to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(3) The clerk or a deputy clerk of a county court shall be in attendance at all sessions of the court, although not necessarily

in the courtroom, and may administer oaths to witnesses and jurors 2304
and receive verdicts. 2305

(F)(1) In county court districts having appointed clerks, the 2306
board of county commissioners may order the establishment of one 2307
or more branch offices of the clerk and, with the concurrence of 2308
the county judges, may appoint a special deputy clerk to 2309
administer each branch office. Each special deputy clerk shall 2310
take an oath of office before entering upon the duties of the 2311
deputy clerk's office and, when so qualified, may perform any one 2312
or more of the duties appertaining to the office of clerk, as the 2313
board prescribes. Special deputy clerks shall receive such 2314
compensation payable in semimonthly installments out of the county 2315
treasury as the board may prescribe. The board may require any of 2316
the special deputy clerks to give bond of not less than three 2317
thousand dollars, conditioned for the faithful performance of the 2318
deputy clerk's duties. 2319

The board of county commissioners may authorize the clerk of 2320
the county court to operate one or more branch offices, to divide 2321
the clerk's time between the offices, and to perform duties 2322
appertaining to the office of clerk in locations that the board 2323
prescribes. 2324

(2) A clerk of courts acting as clerk of the county court may 2325
establish one or more branch offices for the clerk's duties as 2326
clerk of the county court and, with the concurrence of the county 2327
court judges, may appoint a special deputy clerk to administer 2328
each branch office. Each special deputy clerk shall take an oath 2329
of office before entering upon the deputy clerk's duties and, when 2330
so qualified, may perform any of the duties pertaining to the 2331
office of clerk, as the clerk of courts prescribes. The clerk of 2332
courts may require any of the special deputy clerks to give bond 2333
of not less than three thousand dollars, conditioned for the 2334
faithful performance of the deputy clerk's duties. 2335

(G) The clerk of courts of the county shall fix the 2336
compensation of deputy clerks and special deputy clerks appointed 2337
by the clerk pursuant to this section. Those personnel shall be 2338
paid and be subject to the same requirements as other employees of 2339
the clerk under the provisions of section 325.17 of the Revised 2340
Code insofar as that section is applicable. 2341

Sec. 2949.111. (A) As used in this section: 2342

(1) "Court costs" means any assessment that the court 2343
requires an offender to pay to defray the costs of operating the 2344
court. 2345

(2) "State fines or costs" means any costs imposed or 2346
forfeited bail collected by the court under section 2743.70 of the 2347
Revised Code for deposit into the reparations fund or under 2348
section 2949.091 of the Revised Code for deposit into the general 2349
revenue fund and all fines, penalties, and forfeited bail 2350
collected by the court and paid to a law library association under 2351
~~sections 3375.50 to 3375.53~~ section 307.515 of the Revised Code. 2352

(3) "Reimbursement" means any reimbursement for the costs of 2353
confinement that the court orders an offender to pay pursuant to 2354
section 2929.28 of the Revised Code, any supervision fee, any fee 2355
for the costs of house arrest with electronic monitoring that an 2356
offender agrees to pay, any reimbursement for the costs of an 2357
investigation or prosecution that the court orders an offender to 2358
pay pursuant to section 2929.71 of the Revised Code, or any other 2359
costs that the court orders an offender to pay. 2360

(4) "Supervision fees" means any fees that a court, pursuant 2361
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 2362
requires an offender who is under a community control sanction to 2363
pay for supervision services. 2364

(5) "Community control sanction" has the same meaning as in 2365

section 2929.01 of the Revised Code. 2366

(B) Unless the court, in accordance with division (C) of this 2367
section, enters in the record of the case a different method of 2368
assigning payments, if a person who is charged with a misdemeanor 2369
is convicted of or pleads guilty to the offense, if the court 2370
orders the offender to pay any combination of court costs, state 2371
fines or costs, restitution, a conventional fine, or any 2372
reimbursement, and if the offender makes any payment of any of 2373
them to a clerk of court, the clerk shall assign the offender's 2374
payment in the following manner: 2375

(1) If the court ordered the offender to pay any court costs, 2376
the offender's payment shall be assigned toward the satisfaction 2377
of those court costs until they have been entirely paid. 2378

(2) If the court ordered the offender to pay any state fines 2379
or costs and if all of the court costs that the court ordered the 2380
offender to pay have been paid, the remainder of the offender's 2381
payment shall be assigned on a pro rata basis toward the 2382
satisfaction of the state fines or costs until they have been 2383
entirely paid. 2384

(3) If the court ordered the offender to pay any restitution 2385
and if all of the court costs and state fines or costs that the 2386
court ordered the offender to pay have been paid, the remainder of 2387
the offender's payment shall be assigned toward the satisfaction 2388
of the restitution until it has been entirely paid. 2389

(4) If the court ordered the offender to pay any fine and if 2390
all of the court costs, state fines or costs, and restitution that 2391
the court ordered the offender to pay have been paid, the 2392
remainder of the offender's payment shall be assigned toward the 2393
satisfaction of the fine until it has been entirely paid. 2394

(5) If the court ordered the offender to pay any 2395
reimbursement and if all of the court costs, state fines or costs, 2396

restitution, and fines that the court ordered the offender to pay 2397
have been paid, the remainder of the offender's payment shall be 2398
assigned toward the satisfaction of the reimbursements until they 2399
have been entirely paid. 2400

(C) If a person who is charged with a misdemeanor is 2401
convicted of or pleads guilty to the offense and if the court 2402
orders the offender to pay any combination of court costs, state 2403
fines or costs, restitution, fines, or reimbursements, the court, 2404
at the time it orders the offender to make those payments, may 2405
prescribe an order of payments that differs from the order set 2406
forth in division (B) of this section by entering in the record of 2407
the case the order so prescribed. If a different order is entered 2408
in the record, on receipt of any payment, the clerk of the court 2409
shall assign the payment in the manner prescribed by the court. 2410

Sec. 3301.0715. (A) Except as provided in division (E) of 2411
this section, the board of education of each city, local, and 2412
exempted village school district shall administer each applicable 2413
diagnostic assessment developed and provided to the district in 2414
accordance with section 3301.079 of the Revised Code to the 2415
following: 2416

(1) Each student enrolled in a building ~~subject to division~~ 2417
~~(E) of section 3302.04 of the Revised Code~~ that has failed to make 2418
adequate yearly progress for two or more consecutive school years; 2419

(2) Any student who transfers into the district or to a 2420
different school within the district if each applicable diagnostic 2421
assessment was not administered by the district or school the 2422
student previously attended in the current school year, within 2423
thirty days after the date of transfer. If the district or school 2424
into which the student transfers cannot determine whether the 2425
student has taken any applicable diagnostic assessment in the 2426
current school year, the district or school may administer the 2427

diagnostic assessment to the student. 2428

(3) Each kindergarten student, not earlier than four weeks 2429
prior to the first day of school and not later than the first day 2430
of October. For the purpose of division (A)(3) of this section, 2431
the district shall administer the kindergarten readiness 2432
assessment provided by the department of education. In no case 2433
shall the results of the readiness assessment be used to prohibit 2434
a student from enrolling in kindergarten. 2435

(4) Each student enrolled in first or second grade. 2436

(B) Each district board shall administer each diagnostic 2437
assessment as the board deems appropriate. However, the board 2438
shall administer any diagnostic assessment at least once annually 2439
to all students in the appropriate grade level. A district board 2440
may administer any diagnostic assessment in the fall and spring of 2441
a school year to measure the amount of academic growth 2442
attributable to the instruction received by students during that 2443
school year. 2444

(C) Each district board shall utilize and score any 2445
diagnostic assessment administered under division (A) of this 2446
section in accordance with rules established by the department. 2447
Except as required by division (B)(1)(o) of section 3301.0714 of 2448
the Revised Code, neither the state board of education nor the 2449
department shall require school districts to report the results of 2450
diagnostic assessments for any students to the department or to 2451
make any such results available in any form to the public. After 2452
the administration of any diagnostic assessment, each district 2453
shall provide a student's completed diagnostic assessment, the 2454
results of such assessment, and any other accompanying documents 2455
used during the administration of the assessment to the parent of 2456
that student upon the parent's request. 2457

(D) Each district board shall provide intervention services 2458

to students whose diagnostic assessments show that they are 2459
failing to make satisfactory progress toward attaining the 2460
academic standards for their grade level. 2461

(E) Any district that made adequate yearly progress, ~~as~~ 2462
~~defined in section 3302.01 of the Revised Code,~~ in the immediately 2463
preceding school year may assess student progress in grades one 2464
through three using a diagnostic assessment other than the 2465
diagnostic assessment required by division (A) of this section. 2466

(F) A district board may administer the third grade writing 2467
diagnostic assessment provided to the district in accordance with 2468
section 3301.079 of the Revised Code to any student enrolled in a 2469
building that is not subject to division (A)(1) of this section. 2470
Any district electing to administer the diagnostic assessment to 2471
students under this division shall provide intervention services 2472
to any such student whose diagnostic assessment shows 2473
unsatisfactory progress toward attaining the academic standards 2474
for the student's grade level. 2475

(G) As used in this section, "adequate yearly progress" has 2476
the same meaning as in section 3302.01 of the Revised Code. 2477

Sec. 3302.04. (A) The department of education shall establish 2478
a system of intensive, ongoing support for the improvement of 2479
school districts and school buildings. ~~The~~ In accordance with the 2480
model of differentiated accountability described in section 2481
3302.041 of the Revised Code, the system shall give priority to 2482
districts and buildings that have been declared to be under an 2483
academic watch or in a state of academic emergency under section 2484
3302.03 of the Revised Code and shall include services provided to 2485
districts and buildings through regional service providers, such 2486
as educational service centers, ~~regional professional development~~ 2487
~~centers, and special education regional resource centers.~~ 2488

2489

(B) ~~When~~ This division does not apply to any school district 2490
after June 30, 2008. 2491

When a school district has been notified by the department 2492
pursuant to division (A) of section 3302.03 of the Revised Code 2493
that the district or a building within the district has failed to 2494
make adequate yearly progress for two consecutive school years, 2495
the district shall develop a three-year continuous improvement 2496
plan for the district or building containing each of the 2497
following: 2498

(1) An analysis of the reasons for the failure of the 2499
district or building to meet any of the applicable performance 2500
indicators established under section 3302.02 of the Revised Code 2501
that it did not meet and an analysis of the reasons for its 2502
failure to make adequate yearly progress; 2503

(2) Specific strategies that the district or building will 2504
use to address the problems in academic achievement identified in 2505
division (B)(1) of this section; 2506

(3) Identification of the resources that the district will 2507
allocate toward improving the academic achievement of the district 2508
or building; 2509

(4) A description of any progress that the district or 2510
building made in the preceding year toward improving its academic 2511
achievement; 2512

(5) An analysis of how the district is utilizing the 2513
professional development standards adopted by the state board 2514
pursuant to section 3319.61 of the Revised Code; 2515

(6) Strategies that the district or building will use to 2516
improve the cultural competency, as defined pursuant to section 2517
3319.61 of the Revised Code, of teachers and other educators. 2518

No three-year continuous improvement plan shall be developed 2519

or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C) When a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) ~~If Division (D)(2) of this section does not apply to any school district after June 30, 2008.~~

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with

minimum standards established by law or rule. 2552

(3) Site evaluations conducted under divisions (D)(1) and (2) 2553
of this section shall include, but not be limited to, the 2554
following: 2555

(a) Determining whether teachers are assigned to subject 2556
areas for which they are licensed or certified; 2557

(b) Determining pupil-teacher ratios; 2558

(c) Examination of compliance with minimum instruction time 2559
requirements for each school day and for each school year; 2560

(d) Determining whether materials and equipment necessary to 2561
implement the curriculum approved by the school district board are 2562
available; 2563

(e) Examination of whether the teacher and principal 2564
evaluation system reflects the evaluation system guidelines 2565
adopted by the state board of education under section 3319.112 of 2566
the Revised Code; 2567

(f) Examination of the adequacy of efforts to improve the 2568
cultural competency, as defined pursuant to section 3319.61 of the 2569
Revised Code, of teachers and other educators. 2570

(E) This division applies only to school districts that 2571
operate a school building that fails to make adequate yearly 2572
progress for two or more consecutive school years. It does not 2573
apply to any such district after June 30, 2008, except as provided 2574
in division (D)(2) of section 3313.97 of the Revised Code. 2575

(1) For any school building that fails to make adequate 2576
yearly progress for two consecutive school years, the district 2577
shall do all of the following: 2578

(a) Provide written notification of the academic issues that 2579
resulted in the building's failure to make adequate yearly 2580
progress to the parent or guardian of each student enrolled in the 2581

building. The notification shall also describe the actions being 2582
taken by the district or building to improve the academic 2583
performance of the building and any progress achieved toward that 2584
goal in the immediately preceding school year. 2585

(b) If the building receives funds under Title 1, Part A of 2586
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2587
6311 to 6339, from the district, in accordance with section 2588
3313.97 of the Revised Code, offer all students enrolled in the 2589
building the opportunity to enroll in an alternative building 2590
within the district that is not in school improvement status as 2591
defined by the "No Child Left Behind Act of 2001." Notwithstanding 2592
Chapter 3327. of the Revised Code, the district shall spend an 2593
amount equal to twenty per cent of the funds it receives under 2594
Title I, Part A of the "Elementary and Secondary Education Act of 2595
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 2596
students who enroll in alternative buildings under this division, 2597
unless the district can satisfy all demand for transportation with 2598
a lesser amount. If an amount equal to twenty per cent of the 2599
funds the district receives under Title I, Part A of the 2600
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2601
to 6339, is insufficient to satisfy all demand for transportation, 2602
the district shall grant priority over all other students to the 2603
lowest achieving students among the subgroup described in division 2604
(B)(3) of section 3302.01 of the Revised Code in providing 2605
transportation. Any district that does not receive funds under 2606
Title I, Part A of the "Elementary and Secondary Education Act of 2607
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 2608
transportation to any student who enrolls in an alternative 2609
building under this division. 2610

(2) For any school building that fails to make adequate 2611
yearly progress for three consecutive school years, the district 2612
shall do both of the following: 2613

(a) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, offer supplemental educational services to students who are enrolled in the building and who are in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section and to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can satisfy all demand for transportation and pay the costs of supplemental educational services for those students who request them with a lesser amount. In allocating funds between the requirements of divisions (E)(1)(b) and (E)(2)(a) and (b) of this section, the district shall spend at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide

transportation for students who enroll in alternative buildings 2646
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 2647
district can satisfy all demand for transportation with a lesser 2648
amount, and at least an amount equal to five per cent of the funds 2649
it receives under Title I, Part A of the "Elementary and Secondary 2650
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 2651
of the supplemental educational services provided to students 2652
under division (E)(2)(b) of this section, unless the district can 2653
pay the costs of such services for all students requesting them 2654
with a lesser amount. If an amount equal to twenty per cent of the 2655
funds the district receives under Title I, Part A of the 2656
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2657
to 6339, is insufficient to satisfy all demand for transportation 2658
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 2659
the costs of all of the supplemental educational services provided 2660
to students under division (E)(2)(b) of this section, the district 2661
shall grant priority over all other students in providing 2662
transportation and in paying the costs of supplemental educational 2663
services to the lowest achieving students among the subgroup 2664
described in division (B)(3) of section 3302.01 of the Revised 2665
Code. 2666

Any district that does not receive funds under Title I, Part 2667
A of the "Elementary and Secondary Education Act of 1965," 20 2668
U.S.C. 6311 to 6339, shall not be required to provide 2669
transportation to any student who enrolls in an alternative 2670
building under division (E)(2)(a) of this section or to pay the 2671
costs of supplemental educational services provided to any student 2672
under division (E)(2)(b) of this section. 2673

No student who enrolls in an alternative building under 2674
division (E)(2)(a) of this section shall be eligible for 2675
supplemental educational services under division (E)(2)(b) of this 2676
section. 2677

(3) For any school building that fails to make adequate 2678
yearly progress for four consecutive school years, the district 2679
shall continue to comply with division (E)(2) of this section and 2680
shall implement at least one of the following options with respect 2681
to the building: 2682

(a) Institute a new curriculum that is consistent with the 2683
statewide academic standards adopted pursuant to division (A) of 2684
section 3301.079 of the Revised Code; 2685

(b) Decrease the degree of authority the building has to 2686
manage its internal operations; 2687

(c) Appoint an outside expert to make recommendations for 2688
improving the academic performance of the building. The district 2689
may request the department to establish a state intervention team 2690
for this purpose pursuant to division (G) of this section. 2691

(d) Extend the length of the school day or year; 2692

(e) Replace the building principal or other key personnel; 2693

(f) Reorganize the administrative structure of the building. 2694

(4) For any school building that fails to make adequate 2695
yearly progress for five consecutive school years, the district 2696
shall continue to comply with division (E)(2) of this section and 2697
shall develop a plan during the next succeeding school year to 2698
improve the academic performance of the building, which shall 2699
include at least one of the following options: 2700

(a) Reopen the school as a community school under Chapter 2701
3314. of the Revised Code; 2702

(b) Replace personnel; 2703

(c) Contract with a nonprofit or for-profit entity to operate 2704
the building; 2705

(d) Turn operation of the building over to the department; 2706

(e) Other significant restructuring of the building's governance. 2707
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(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section. 2709
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(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years. 2714
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(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008. 2719
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(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district. 2723
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(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section. 2732
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(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at 2736
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least one of the following corrective actions with respect to the district: 2738
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(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 2740
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(b) Direct the district to replace key district personnel; 2743

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code; 2744
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(d) Establish alternative forms of governance for individual school buildings within the district; 2747
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(e) Appoint a trustee to manage the district in place of the district superintendent and board of education. 2749
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The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department. 2751
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(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district. 2754
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(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district. 2758
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(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource 2765
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allocation, and scheduling. Any such intervention team shall be 2768
appointed by the department and shall include teachers and 2769
administrators recognized as outstanding in their fields. The 2770
intervention team shall make recommendations regarding methods for 2771
improving the performance of the district or building. 2772

The department shall not approve a district's request for an 2773
intervention team under division (E)(3) of this section if the 2774
department cannot adequately fund the work of the team, unless the 2775
district agrees to pay for the expenses of the team. 2776

(H) The department shall conduct individual audits of a 2777
sampling of community schools established under Chapter 3314. of 2778
the Revised Code to determine compliance with this section. 2779

(I) The state board shall adopt rules for implementing this 2780
section. 2781

Sec. 3302.041. (A) On and after July 1, 2008, in accordance 2782
with the No Child Left Behind Act of 2001, school districts and 2783
school buildings shall continue to be identified for improvement 2784
for failing to make adequate yearly progress for two or more 2785
consecutive school years. 2786

(B) Beginning July 1, 2008, each school district that has 2787
been identified for improvement, or that contains a school 2788
building that has been identified for improvement, shall implement 2789
all corrective actions required by the model of differentiated 2790
accountability developed by the Ohio department of education and 2791
approved by the United States department of education. In any 2792
school year in which a district is subject to this division, the 2793
Ohio department of education shall notify the district, prior to 2794
the district's opening date, of the corrective actions it is 2795
required to implement in that school year. 2796

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 2797

of public instruction shall establish an academic distress 2798
commission for each school district that has been declared to be 2799
in a state of academic emergency pursuant to section 3302.03 of 2800
the Revised Code and has failed to make adequate yearly progress 2801
for four or more consecutive school years. Each commission shall 2802
assist the district for which it was established in improving the 2803
district's academic performance. 2804

Each commission is a body both corporate and politic, 2805
constituting an agency and instrumentality of the state and 2806
performing essential governmental functions of the state. A 2807
commission shall be known as the "academic distress commission for 2808
..... (name of school district)," and, in that name, may 2809
exercise all authority vested in such a commission by this 2810
section. A separate commission shall be established for each 2811
school district to which this division applies. 2812

(B) Each academic distress commission shall consist of five 2813
voting members, three of whom shall be appointed by the 2814
superintendent of public instruction and two of whom shall be 2815
residents of the applicable school district appointed by the 2816
president of the district board of education. When a school 2817
district becomes subject to this section, the superintendent of 2818
public instruction shall provide written notification of that fact 2819
to the district board of education and shall request the president 2820
of the district board to submit to the superintendent of public 2821
instruction, in writing, the names of the president's appointees 2822
to the commission. The superintendent of public instruction and 2823
the president of the district board shall make appointments to the 2824
commission within thirty days after the district is notified that 2825
it is subject to this section. 2826

Members of the commission shall serve at the pleasure of 2827
their appointing authority during the life of the commission. In 2828
the event of the death, resignation, incapacity, removal, or 2829

ineligibility to serve of a member, the appointing authority shall 2830
appoint a successor within fifteen days after the vacancy occurs. 2831
Members shall serve without compensation, but shall be paid by the 2832
commission their necessary and actual expenses incurred while 2833
engaged in the business of the commission. 2834

(C) Immediately after appointment of the initial members of 2835
an academic distress commission, the superintendent of public 2836
instruction shall call the first meeting of the commission and 2837
shall cause written notice of the time, date, and place of that 2838
meeting to be given to each member of the commission at least 2839
forty-eight hours in advance of the meeting. The first meeting 2840
shall include an overview of the commission's roles and 2841
responsibilities, the requirements of section 2921.42 and Chapter 2842
102. of the Revised Code as they pertain to commission members, 2843
the requirements of section 121.22 of the Revised Code, and the 2844
provisions of division (F) of this section. At its first meeting, 2845
the commission shall adopt temporary bylaws in accordance with 2846
division (D) of this section to govern its operations until the 2847
adoption of permanent bylaws. 2848

The superintendent of public instruction shall designate a 2849
chairperson for the commission from among the members appointed by 2850
the superintendent. The chairperson shall call and conduct 2851
meetings, set meeting agendas, and serve as a liaison between the 2852
commission and the district board of education. The chairperson 2853
also shall appoint a secretary, who shall not be a member of the 2854
commission. 2855

The department of education shall provide administrative 2856
support for the commission, provide data requested by the 2857
commission, and inform the commission of available state resources 2858
that could assist the commission in its work. 2859

(D) Each academic distress commission may adopt and alter 2860
bylaws and rules, which shall not be subject to section 111.15 or 2861

Chapter 119. of the Revised Code, for the conduct of its affairs 2862
and for the manner, subject to this section, in which its powers 2863
and functions shall be exercised and embodied. 2864

(E) Three members of an academic distress commission 2865
constitute a quorum of the commission. The affirmative vote of 2866
three members of the commission is necessary for any action taken 2867
by vote of the commission. No vacancy in the membership of the 2868
commission shall impair the rights of a quorum by such vote to 2869
exercise all the rights and perform all the duties of the 2870
commission. Members of the commission are not disqualified from 2871
voting by reason of the functions of any other office they hold 2872
and are not disqualified from exercising the functions of the 2873
other office with respect to the school district, its officers, or 2874
the commission. 2875

(F) The members of an academic distress commission, the 2876
superintendent of public instruction, and any person authorized to 2877
act on behalf of or assist them shall not be personally liable or 2878
subject to any suit, judgment, or claim for damages resulting from 2879
the exercise of or failure to exercise the powers, duties, and 2880
functions granted to them in regard to their functioning under 2881
this section, but the commission, superintendent of public 2882
instruction, and such other persons shall be subject to mandamus 2883
proceedings to compel performance of their duties under this 2884
section. 2885

(G) Each member of an academic distress commission shall file 2886
the statement described in section 102.02 of the Revised Code with 2887
the Ohio ethics commission. The statement shall be confidential, 2888
subject to review, as described in division (B) of that section. 2889

(H) Meetings of each academic distress commission shall be 2890
subject to section 121.22 of the Revised Code. 2891

(I)(1) Within one hundred twenty days after the first meeting 2892

of an academic distress commission, the commission shall adopt an 2893
academic recovery plan to improve academic performance in the 2894
school district. The plan shall address academic problems at both 2895
the district and school levels. The plan shall include the 2896
following: 2897

(a) Short-term and long-term actions to be taken to improve 2898
the district's academic performance, including any actions 2899
required by section 3302.04 or 3302.041 of the Revised Code; 2900

(b) The sequence and timing of the actions described in 2901
division (I)(1)(a) of this section and the persons responsible for 2902
implementing the actions; 2903

(c) Resources that will be applied toward improvement 2904
efforts; 2905

(d) Procedures for monitoring and evaluating improvement 2906
efforts; 2907

(e) Requirements for reporting to the commission and the 2908
district board of education on the status of improvement efforts. 2909

(2) The commission may amend the academic recovery plan 2910
subsequent to adoption. The commission shall update the plan at 2911
least annually. 2912

(3) The commission shall submit the academic recovery plan it 2913
adopts or updates to the superintendent of public instruction for 2914
approval immediately following its adoption or updating. The 2915
superintendent shall evaluate the plan and either approve or 2916
disapprove it within thirty days after its submission. If the plan 2917
is disapproved, the superintendent shall recommend modifications 2918
that will render it acceptable. No academic distress commission 2919
shall implement an academic recovery plan unless the 2920
superintendent has approved it. 2921

(4) County, state, and school district officers and employees 2922

shall assist the commission diligently and promptly in the 2923
implementation of the academic recovery plan. 2924

(J) Each academic distress commission shall seek input from 2925
the district board of education regarding ways to improve the 2926
district's academic performance, but any decision of the 2927
commission related to any authority granted to the commission 2928
under this section shall be final. 2929

The commission may do any of the following: 2930

(1) Appoint school building administrators and reassign 2931
administrative personnel; 2932

(2) Terminate the contracts of administrators or 2933
administrative personnel. The commission shall not be required to 2934
comply with section 3319.16 of the Revised Code with respect to 2935
any contract terminated under this division. 2936

(3) Contract with a private entity to perform school or 2937
district management functions; 2938

(4) Establish a budget for the district and approve district 2939
appropriations and expenditures, unless a financial planning and 2940
supervision commission has been established for the district 2941
pursuant to section 3316.05 of the Revised Code. 2942

(K) If the board of education of a district for which an 2943
academic distress commission has been established under this 2944
section renews any collective bargaining agreement under Chapter 2945
4117. of the Revised Code during the existence of the commission, 2946
the district board shall not enter into any agreement that would 2947
render any decision of the commission unenforceable. Section 2948
3302.08 of the Revised Code does not apply to this division. 2949

Notwithstanding any provision to the contrary in Chapter 2950
4117. of the Revised Code, if the board of education has entered 2951
into a collective bargaining agreement after September 29, 2005, 2952

that contains stipulations relinquishing one or more of the rights 2953
or responsibilities listed in division (C) of section 4117.08 of 2954
the Revised Code, those stipulations are not enforceable and the 2955
district board shall resume holding those rights or 2956
responsibilities as if it had not relinquished them in that 2957
agreement until such time as both the academic distress commission 2958
ceases to exist and the district board agrees to relinquish those 2959
rights or responsibilities in a new collective bargaining 2960
agreement. The provisions of this paragraph apply to a collective 2961
bargaining agreement entered into after September 29, 2005, and 2962
those provisions are deemed to be part of that agreement 2963
regardless of whether the district satisfied the conditions 2964
prescribed in division (A) of this section at the time the 2965
district entered into that agreement. 2966

(L) An academic distress commission shall cease to exist when 2967
the district for which it was established receives a performance 2968
rating under section 3302.03 of the Revised Code of in need of 2969
continuous improvement or better for two of the three prior school 2970
years; however, the superintendent of public instruction may 2971
dissolve the commission earlier if the superintendent determines 2972
that the district can perform adequately without the supervision 2973
of the commission. Upon termination of the commission, the 2974
department of education shall compile a final report of the 2975
commission's activities to assist other academic distress 2976
commissions in the conduct of their functions. 2977

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 2978
and division (D) of section 3311.52 of the Revised Code, this 2979
section does not apply to any joint vocational or cooperative 2980
education school district. 2981

(A) As used in this section: 2982

(1) "Parent" has the same meaning as in section 3313.64 of 2983

the Revised Code.	2984
(2) "Alternative school" means a school building other than	2985
the one to which a student is assigned by the district	2986
superintendent.	2987
(3) "IEP" has the same meaning as in section 3323.01 of the	2988
Revised Code.	2989
(B) The board of education of each city, local, and exempted	2990
village school district shall adopt an open enrollment policy	2991
allowing students entitled to attend school in the district	2992
pursuant to section 3313.64 or 3313.65 of the Revised Code to	2993
enroll in an alternative school. Each policy shall provide for the	2994
following:	2995
(1) Application procedures, including deadlines for	2996
application and for notification of students and principals of	2997
alternative schools whenever a student's application is accepted.	2998
The policy shall require a student to apply only if the student	2999
wishes to attend an alternative school.	3000
(2) The establishment of district capacity limits by grade	3001
level, school building, and education program;	3002
(3) A requirement that students enrolled in a school building	3003
or living in any attendance area of the school building	3004
established by the superintendent or board be given preference	3005
over applicants;	3006
(4) Procedures to ensure that an appropriate racial balance	3007
is maintained in the district schools.	3008
(C) Except as provided in section 3313.982 of the Revised	3009
Code, the procedures for admitting applicants to alternative	3010
schools shall not include:	3011
(1) Any requirement of academic ability, or any level of	3012
athletic, artistic, or other extracurricular skills;	3013

(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D)(2) of this section, a district board is not required to provide transportation to a nondisabled student enrolled in an alternative school unless such student can be picked up and dropped off at a regular school bus stop designated in accordance with the board's transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan.

(2) A district board shall provide transportation to any student ~~enrolled in an alternative school pursuant~~ described in 20 U.S.C. 6316(b)(1)(F) to the extent required by division (E) of section 3302.04 of the Revised Code ~~to the extent required by that division~~, except that no district board shall be required to provide transportation to any such student ~~enrolled in an alternative school pursuant to division (E) of section 3302.04 of the Revised Code after the date~~ the school in which the student was enrolled immediately prior to enrolling in the alternative school ~~ceases to be subject to that division~~ makes adequate yearly

progress, as defined in section 3302.01 of the Revised Code, for 3046
two consecutive school years. 3047

(E) Each school board shall provide information about the 3048
policy adopted under this section and the application procedures 3049
and deadlines to the parent of each student in the district and to 3050
the general public. 3051

(F) The state board of education shall monitor school 3052
districts to ensure compliance with this section and the 3053
districts' policies. 3054

Sec. 3314.03. A copy of every contract entered into under 3055
this section shall be filed with the superintendent of public 3056
instruction. 3057

(A) Each contract entered into between a sponsor and the 3058
governing authority of a community school shall specify the 3059
following: 3060

(1) That the school shall be established as either of the 3061
following: 3062

(a) A nonprofit corporation established under Chapter 1702. 3063
of the Revised Code, if established prior to April 8, 2003; 3064

(b) A public benefit corporation established under Chapter 3065
1702. of the Revised Code, if established after April 8, 2003; 3066

(2) The education program of the school, including the 3067
school's mission, the characteristics of the students the school 3068
is expected to attract, the ages and grades of students, and the 3069
focus of the curriculum; 3070

(3) The academic goals to be achieved and the method of 3071
measurement that will be used to determine progress toward those 3072
goals, which shall include the statewide achievement tests; 3073

(4) Performance standards by which the success of the school 3074

will be evaluated by the sponsor;	3075
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	3076 3077
(6)(a) Dismissal procedures;	3078
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	3079 3080 3081 3082 3083 3084
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	3085 3086
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.	3087 3088 3089 3090 3091 3092
(9) The facilities to be used and their locations;	3093
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	3094 3095 3096 3097 3098 3099
(11) That the school will comply with the following requirements:	3100 3101
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	3102 3103 3104

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the

first time on or after July 1, 2010, the requirement in sections 3137
3313.61 and 3313.611 of the Revised Code that a person must 3138
successfully complete the curriculum of a high school prior to 3139
receiving a high school diploma shall be met by completing the 3140
Ohio core curriculum prescribed in division (C) of section 3141
3313.603 of the Revised Code, unless the person qualifies under 3142
division (D) or (F) of that section. Each school shall comply with 3143
the plan for awarding high school credit based on demonstration of 3144
subject area competency, adopted by the state board of education 3145
under division (J) of section 3313.603 of the Revised Code. 3146

(g) The school governing authority will submit within four 3147
months after the end of each school year a report of its 3148
activities and progress in meeting the goals and standards of 3149
divisions (A)(3) and (4) of this section and its financial status 3150
to the sponsor and the parents of all students enrolled in the 3151
school. 3152

(h) The school, unless it is an internet- or computer-based 3153
community school, will comply with section 3313.801 of the Revised 3154
Code as if it were a school district. 3155

(12) Arrangements for providing health and other benefits to 3156
employees; 3157

(13) The length of the contract, which shall begin at the 3158
beginning of an academic year. No contract shall exceed five years 3159
unless such contract has been renewed pursuant to division (E) of 3160
this section. 3161

(14) The governing authority of the school, which shall be 3162
responsible for carrying out the provisions of the contract; 3163

(15) A financial plan detailing an estimated school budget 3164
for each year of the period of the contract and specifying the 3165
total estimated per pupil expenditure amount for each such year. 3166
The plan shall specify for each year the base formula amount that 3167

will be used for purposes of funding calculations under section 3168
3314.08 of the Revised Code. This base formula amount for any year 3169
shall not exceed the formula amount defined under section 3317.02 3170
of the Revised Code. The plan may also specify for any year a 3171
percentage figure to be used for reducing the per pupil amount of 3172
the subsidy calculated pursuant to section 3317.029 of the Revised 3173
Code the school is to receive that year under section 3314.08 of 3174
the Revised Code. 3175

(16) Requirements and procedures regarding the disposition of 3176
employees of the school in the event the contract is terminated or 3177
not renewed pursuant to section 3314.07 of the Revised Code; 3178

(17) Whether the school is to be created by converting all or 3179
part of an existing public school or educational service center 3180
building or is to be a new start-up school, and if it is a 3181
converted public school or service center building, specification 3182
of any duties or responsibilities of an employer that the board of 3183
education or service center governing board that operated the 3184
school or building before conversion is delegating to the 3185
governing authority of the community school with respect to all or 3186
any specified group of employees provided the delegation is not 3187
prohibited by a collective bargaining agreement applicable to such 3188
employees; 3189

(18) Provisions establishing procedures for resolving 3190
disputes or differences of opinion between the sponsor and the 3191
governing authority of the community school; 3192

(19) A provision requiring the governing authority to adopt a 3193
policy regarding the admission of students who reside outside the 3194
district in which the school is located. That policy shall comply 3195
with the admissions procedures specified in sections 3314.06 and 3196
3314.061 of the Revised Code and, at the sole discretion of the 3197
authority, shall do one of the following: 3198

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	3199 3200
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	3201 3202
(c) Permit the enrollment of students who reside in any other district in the state.	3203 3204
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	3205 3206 3207 3208
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	3209 3210 3211
(22) A provision recognizing both of the following:	3212
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	3213 3214 3215 3216
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;	3217 3218 3219 3220 3221 3222 3223
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised	3224 3225 3226 3227 3228

Code; 3229

(24) The school will comply with ~~section~~ sections 3302.04 and 3230
3302.041 of the Revised Code, ~~including division (E) of that~~ 3231
~~section to the extent possible~~, except that any action required to 3232
be taken by a school district pursuant to ~~that section~~ those 3233
sections shall be taken by the sponsor of the school. However, the 3234
sponsor shall not be required to take any action described in 3235
division (F) of ~~that~~ section 3302.04 of the Revised Code. 3236

(25) Beginning in the 2006-2007 school year, the school will 3237
open for operation not later than the thirtieth day of September 3238
each school year, unless the mission of the school as specified 3239
under division (A)(2) of this section is solely to serve dropouts. 3240
In its initial year of operation, if the school fails to open by 3241
the thirtieth day of September, or within one year after the 3242
adoption of the contract pursuant to division (D) of section 3243
3314.02 of the Revised Code if the mission of the school is solely 3244
to serve dropouts, the contract shall be void. 3245

(B) The community school shall also submit to the sponsor a 3246
comprehensive plan for the school. The plan shall specify the 3247
following: 3248

(1) The process by which the governing authority of the 3249
school will be selected in the future; 3250

(2) The management and administration of the school; 3251

(3) If the community school is a currently existing public 3252
school or educational service center building, alternative 3253
arrangements for current public school students who choose not to 3254
attend the converted school and for teachers who choose not to 3255
teach in the school or building after conversion; 3256

(4) The instructional program and educational philosophy of 3257
the school; 3258

(5) Internal financial controls.	3259
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	3260 3261 3262 3263 3264 3265 3266 3267 3268
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	3269 3270 3271 3272 3273
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	3274 3275
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	3276 3277 3278
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	3279 3280 3281 3282
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	3283 3284 3285
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant	3286 3287 3288 3289

to section 3314.072 of the Revised Code, or terminate the contract 3290
of the school pursuant to section 3314.07 of the Revised Code as 3291
determined necessary by the sponsor; 3292

(6) Have in place a plan of action to be undertaken in the 3293
event the community school experiences financial difficulties or 3294
closes prior to the end of a school year. 3295

(E) Upon the expiration of a contract entered into under this 3296
section, the sponsor of a community school may, with the approval 3297
of the governing authority of the school, renew that contract for 3298
a period of time determined by the sponsor, but not ending earlier 3299
than the end of any school year, if the sponsor finds that the 3300
school's compliance with applicable laws and terms of the contract 3301
and the school's progress in meeting the academic goals prescribed 3302
in the contract have been satisfactory. Any contract that is 3303
renewed under this division remains subject to the provisions of 3304
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 3305

(F) If a community school fails to open for operation within 3306
one year after the contract entered into under this section is 3307
adopted pursuant to division (D) of section 3314.02 of the Revised 3308
Code or permanently closes prior to the expiration of the 3309
contract, the contract shall be void and the school shall not 3310
enter into a contract with any other sponsor. A school shall not 3311
be considered permanently closed because the operations of the 3312
school have been suspended pursuant to section 3314.072 of the 3313
Revised Code. Any contract that becomes void under this division 3314
shall not count toward any statewide limit on the number of such 3315
contracts prescribed by section 3314.013 of the Revised Code. 3316

Sec. 3326.17. (A) The department of education shall issue an 3317
annual report card for each science, technology, engineering, and 3318
mathematics school that includes all information applicable to 3319
school buildings under section 3302.03 of the Revised Code. 3320

(B) For each student enrolled in a STEM school, the
department shall combine data regarding the academic performance
of that student with comparable data from the school district in
which the student is entitled to attend school pursuant to section
3313.64 or 3313.65 of the Revised Code for the purpose of
calculating the performance of the district as a whole on the
report card issued for the district under section 3302.03 of the
Revised Code.

(C) Each STEM school and its governing body shall comply with
~~section~~ sections 3302.04 and 3302.041 of the Revised Code,
~~including division (E) of that section to the extent possible,~~
except that any action required to be taken by a school district
pursuant to ~~that section~~ those sections shall be taken by the
school. However, the school shall not be required to take any
action described in division (F) of ~~that~~ section 3302.04 of the
Revised Code.

Sec. 3333.375. (A)(1) There are hereby created the Ohio
outstanding scholarship and the Ohio priority needs fellowship
programs payment funds, which shall be in the custody of the
treasurer of state, but shall not be a part of the state treasury.

(2) The payment funds shall consist solely of all moneys
returned to the treasurer of state, as issuer of certain
tax-exempt student loan revenue bonds, from all indentures of
trust, both presently existing and future, created as a result of
tax-exempt student loan revenue bonds issued under Chapter 3366.
of the Revised Code, and any moneys earned from allowable
investments of the payment funds under division (B) of this
section.

(3) ~~The~~ Except as provided in division (E) of this section,
the payment funds shall be used solely for scholarship and
fellowships awarded under sections 3333.37 to 3333.375 of the

Revised Code by the chancellor of the Ohio board of regents and 3352
for any necessary administrative expenses incurred by the 3353
chancellor in administering the scholarship and fellowship 3354
programs. 3355

(B) The treasurer of state may invest any moneys in the 3356
payment funds not currently needed for scholarship and fellowship 3357
payments in any kind of investments in which moneys of the public 3358
employees retirement system may be invested under Chapter 145. of 3359
the Revised Code. 3360

(C)(1) The instruments of title of all investments shall be 3361
delivered to the treasurer of state or to a qualified trustee 3362
designated by the treasurer of state as provided in section 135.18 3363
of the Revised Code. 3364

(2) The treasurer of state shall collect both principal and 3365
investment earnings on all investments as they become due and pay 3366
them into the payment funds. 3367

(3) All deposits to the payment funds shall be made in public 3368
depositories of this state and secured as provided in section 3369
135.18 of the Revised Code. 3370

(D) On or before March 1, 2001, and on or before the first 3371
day of March in each subsequent year, the treasurer of state shall 3372
provide to the chancellor of the Ohio board of regents a statement 3373
indicating the moneys in the Ohio outstanding scholarship and the 3374
Ohio priority needs fellowship programs payment funds that are 3375
available for the upcoming academic year to award scholarships and 3376
fellowships under sections 3333.37 to 3333.375 of the Revised 3377
Code. 3378

(E) The chancellor may use funds the treasurer has indicated 3379
as available pursuant to division (D) of this section to support 3380
distribution of state need-based financial aid in accordance with 3381
sections 3333.12 and 3333.122 of the Revised Code. 3382

Sec. 3375.481. (A) There is hereby created a statewide 3383
consortium of county law library resources boards. The statewide 3384
consortium shall be comprised of the county law library resources 3385
board of each county. 3386

(B) The statewide consortium board shall consist of five 3387
voting members, one of whom shall be the librarian of the supreme 3388
court of Ohio, or, if the librarian of the supreme court is 3389
unavailable, the chief justice's designee, and the other four 3390
members shall be appointed as follows: 3391

(1) The Ohio judicial conference shall appoint one member. 3392

(2) The county commissioners association of Ohio shall 3393
appoint two members, one of whom shall be the chief administrator 3394
of a county law library resources board. 3395

(3) The Ohio state bar association shall appoint one member. 3396

(C) Initial appointments to the statewide consortium board 3397
shall be made on or before July 1, 2010. Of the initial 3398
appointments, the initial term of the member appointed by the 3399
county commissioners association who is not the chief 3400
administrator of a county library resources board and the member 3401
appointed by the Ohio judicial conference shall be for a term 3402
ending December 31, 2014. The initial term of the member appointed 3403
by the Ohio state bar association and the member appointed by the 3404
county commissioners association who is the chief administrator of 3405
a county law library resources board shall be for a term ending 3406
December 31, 2016. Thereafter, terms for all members shall be for 3407
five years, with each term ending on the same day of the same 3408
month as did the term that it succeeds. 3409

Each member appointed pursuant to division (B) of this 3411
section shall hold office from the date of the member's 3412

appointment until the end of the term for which the member was 3413
appointed. Vacancies shall be filled within sixty days after the 3414
vacancy occurs and shall be filled in the manner provided for 3415
original appointments. Any member appointed to fill a vacancy 3416
occurring prior to the expiration date of the term for which the 3417
member's predecessor was appointed shall hold office as a member 3418
for the remainder of that term. A member shall continue in office 3419
subsequent to the expiration date of the member's term until the 3420
member's successor takes office or until a period of sixty days 3421
has elapsed, whichever occurs first. 3422

(D) The statewide consortium board shall do all of the 3423
following for the benefit of the members of the statewide 3424
consortium: 3425

(1) Negotiate contracts that each county law library 3426
resources board may use for purchasing or obtaining access to 3427
legal research and reference materials available in any medium; 3428

(2) Catalogue existing resources held by county law library 3429
resources boards and facilitate the sharing of those resources by 3430
the county law library resources boards; 3431

(3) Develop and recommend guidelines for the collection of or 3432
access to legal resources that ought to be provided by a county 3433
law library resources board; 3434

(4) Provide consultation and assistance to county law library 3435
resources boards; 3436

(5) Issue an annual report of its activities to each county 3437
law library resources board. 3438

(E)(1) There is hereby created in the state treasury the 3439
statewide consortium of county law library resources boards fund. 3440
Commencing in calendar year 2011, each county treasurer shall 3441
deposit on or before the fifteenth day of February of each 3442
calendar year two per cent of the funds deposited pursuant to 3443

section 307.515 of the Revised Code into the county law library 3444
resources fund of the treasurer's county, established under 3445
section 307.514 of the Revised Code, from the immediately 3446
preceding calendar year into the statewide consortium of county 3447
law library resources boards fund. The statewide consortium board 3448
may recommend in writing and submit to each county law library 3449
resources board an increase or decrease in the percentage of funds 3450
that must be deposited into the statewide consortium fund by 3451
county treasurers pursuant to the division. Upon the receipt of 3452
written approval of the recommendation from a majority of the 3453
county law library resources boards, the recommendation shall 3454
become effective on January 1 of the succeeding year. The 3455
statewide consortium board of the county law library resources 3456
boards shall make any recommendations not later than the first day 3457
of April for the proceeding fiscal year, and any action by a 3458
county law library resources board on the recommendation shall be 3459
certified to the statewide consortium board not later than the 3460
first day of June of that year. 3461

(2) The statewide consortium board may use the money 3463
deposited in the fund for the operation of the statewide 3464
consortium board and may provide grants to county law library 3465
resources boards. 3466

(F) The statewide consortium board may create an advisory 3467
council that is comprised of persons with expertise in the 3468
operation and funding of law libraries. 3469

(G) The statewide consortium board shall determine the 3470
necessary qualifications of staff and the facilities and equipment 3471
necessary for the operation of the statewide consortium. 3472

(H) The statewide consortium board shall elect a chairperson 3474
from its membership. The statewide consortium board shall meet at 3475

least four times per year and shall keep a record of its 3476
proceedings. The record of its proceedings shall be open to the 3477
public for inspection. The chairperson or the chairperson's 3478
designee shall send a written notice of the time and place of each 3479
meeting to each member. A majority of the members of the statewide 3480
consortium board shall constitute a quorum. 3481

Sec. 3375.49. (A) ~~Subject to divisions (B) and (D) of this~~ 3482
~~section, for~~ For the use of the law library referred to in section 3483
3375.48 of the Revised Code as repealed by this act, the board of 3484
county commissioners shall provide space in the county courthouse 3485
or in any other building located in the county seat, and utilities 3486
for that space. 3487

~~(B)(1) Subject to divisions (C) and (D) of this section,~~ 3488
~~through~~ During calendar year ~~2006~~ 2009, the board of county 3489
commissioners shall be responsible for paying the compensation of 3490
the librarian and up to two assistant librarians of the law 3491
library appointed by the board of trustees of the law library 3492
association under section 3375.48 of the Revised Code as repealed 3493
by this act and the costs of the space in the county courthouse or 3494
other building that the board provides for the use of the law 3495
library under division (A) of this section, and the utilities for 3496
that space, ~~and furniture and fixtures for the law library.~~ 3497

~~(2)(a) In calendar years 2007 through 2010, the board of~~ 3498
~~county commissioners and the board of trustees shall be~~ 3499
~~responsible for paying the compensation of the librarian and up to~~ 3500
~~two assistant librarians appointed under section 3375.48 of the~~ 3501
~~Revised Code as follows:~~ 3502

~~(i) In calendar year 2007, the board of county commissioners~~ 3503
~~shall pay eighty per cent, and the board of trustees shall pay~~ 3504
~~twenty per cent.~~ 3505

~~(ii) In calendar year 2008, the board of county commissioners~~ 3506

~~shall pay sixty per cent, and the board of trustees shall pay 3507
forty per cent. 3508~~

~~(iii) In calendar year 2009, the board of county 3509
commissioners shall pay forty per cent, and the board of trustees 3510
shall pay sixty per cent. 3511~~

~~(iv) In calendar year 2010, the board of county commissioners 3512
shall pay twenty per cent, and the board of trustees shall pay 3513
eighty per cent. 3514~~

~~(b) In calendar years 2008 through 2011, the board of county 3515
commissioners and the board of trustees shall be responsible for 3516
the costs of the space in the county courthouse or other building 3517
that the board of county commissioners provides for the use of the 3518
law library under division (A) of this section, the utilities for 3519
that space, and furniture and fixtures for the law library as 3520
follows: 3521~~

~~(i) In calendar year 2008, the board of county commissioners 3522
shall pay eighty per cent, and the board of trustees shall pay 3523
twenty per cent. 3524~~

~~(ii) In calendar year 2009, the board of county commissioners 3525
shall pay sixty per cent, and the board of trustees shall pay 3526
forty per cent. 3527~~

~~(iii) In calendar year 2010, the board of county 3528
commissioners shall pay forty per cent, and the board of trustees 3529
shall pay sixty per cent. 3530~~

~~(iv) In calendar year 2011, the board of county commissioners 3531
shall pay twenty per cent, and the board of trustees shall pay 3532
eighty per cent. 3533~~

~~(3)(a) Beginning in calendar year 2011 and thereafter, the 3534
board of trustees shall be responsible for paying the compensation 3535
of the librarian and all assistant librarians appointed under 3536~~

~~section 3375.48 of the Revised Code.~~ 3537

~~(b) Beginning in calendar year 2012 and thereafter, the board 3538
of trustees shall be responsible for the costs of the space in the 3539
county courthouse or other building that the board of county 3540
commissioners provides for the use of the law library under 3541
division (A) of this section, the utilities for that space, and 3542
the law library's furniture and fixtures.~~ 3543

~~(C) At any time prior to calendar year 2011, the board of 3544
trustees of a law library association referred to in section 3545
3375.48 of the Revised Code may elect to assume responsibility for 3546
paying the entire compensation of the librarian and all assistant 3547
librarians of the law library appointed under section 3375.48 of 3548
the Revised Code. If the board of trustees elects to assume that 3549
responsibility, the board of county commissioners of the county in 3550
which the association is located has no further obligation under 3551
division (B) of this section to make payments for the compensation 3552
of the law librarian and up to two assistant librarians.~~ 3553

~~(D)(1) Except as otherwise provided in division (D)(2) of 3554
this section, if the board of trustees of a law library 3555
association referred to in section 3375.48 of the Revised Code 3556
rents, leases, lease purchases, or otherwise acquires space to 3557
expand or enlarge the law library for the use of the law library, 3558
the board of county commissioners of the county in which the 3559
association is located has no further obligation under division 3560
(A) of this section to provide space in the county courthouse or 3561
any other building located in the county seat for the use of the 3562
law library and utilities for that space, and has no further 3563
obligation under division (B) of this section to make payments for 3564
the compensation of the librarian and up to two assistant 3565
librarians of the law library appointed under section 3375.48 of 3566
the Revised Code and for the costs of space in the county 3567
courthouse or any other building for the use of the law library,~~ 3568

~~the utilities for that space, and the law library's furniture and
fixtures.~~ 3569
3570

~~(2) Division (D)(1) of this section does not apply if the
board of trustees of a law library association referred to in
section 3375.48 of the Revised Code modifies the space used by the
law library in a manner that results in no change in that space or
in a reduction in that space and that results in no additional
costs to the board of county commissioners for fixtures or
furniture for the law library.~~ 3571
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~~(E)(C)~~ The librarian of the law library shall receive and 3578
safely keep in the law library the law reports and other books 3579
furnished by the state for use of the court and bar. 3580

~~(F)(D)~~ The books, computer communications console that is a 3581
means of access to a system of computerized legal research, 3582
microform materials and equipment, videotape materials and 3583
equipment, audio or visual materials and equipment, other 3584
materials and equipment utilized in conducting legal research, 3585
furniture, and fixtures of the law library association that are 3586
owned by, and used exclusively in, the law library are exempt from 3587
taxation. 3588

Sec. 4513.35. (A) All fines collected under sections 4511.01 3589
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 3590
shall be paid into the county treasury and, with the exception of 3591
that portion distributed under section ~~3375.53~~ 307.515 of the 3592
Revised Code, shall be placed to the credit of the fund for the 3593
maintenance and repair of the highways within that county, except 3594
that: 3595

(1) All fines for violations of division (B) of section 3596
4513.263 shall be delivered to the treasurer of state as provided 3597
in division (E) of section 4513.263 of the Revised Code. 3598

(2) All fines collected from, or moneys arising from bonds 3599
forfeited by, persons apprehended or arrested by state highway 3600
patrolmen shall be distributed as provided in section 5503.04 of 3601
the Revised Code. 3602

(3)(a) Subject to division (E) of section 4513.263 of the 3603
Revised Code and except as otherwise provided in division 3604
(A)(3)(b) of this section, one-half of all fines collected from, 3605
and one-half of all moneys arising from bonds forfeited by, 3606
persons apprehended or arrested by a township constable or other 3607
township police officer shall be paid to the township treasury to 3608
be placed to the credit of the general fund. 3609

(b) All fines collected from, and all moneys arising from 3610
bonds forfeited by, persons apprehended or arrested by a township 3611
constable or other township police officer pursuant to division 3612
(B)(2) of section 4513.39 of the Revised Code for a violation of 3613
section 4511.21 of the Revised Code or any other law, ordinance, 3614
or regulation pertaining to speed that occurred on a highway 3615
included as part of the interstate system, as defined in section 3616
5516.01 of the Revised Code, shall be paid into the county 3617
treasury and be credited as provided in the first paragraph of 3618
this section. 3619

(B) Notwithstanding any other provision of this section or of 3620
any other section of the Revised Code: 3621

(1) All fines collected from, and all moneys arising from 3622
bonds forfeited by, persons arrested under division (E)(1) or (2) 3623
of section 2935.03 of the Revised Code are deemed to be collected, 3624
and to arise, from arrests made within the jurisdiction in which 3625
the arresting officer is appointed, elected, or employed, for 3626
violations of one of the sections or chapters of the Revised Code 3627
listed in division (E)(1) of that section and shall be distributed 3628
accordingly. 3629

(2) All fines collected from, and all moneys arising from 3630
bonds forfeited by, persons arrested under division (E)(3) of 3631
section 2935.03 of the Revised Code are deemed to be collected, 3632
and to arise, from arrests made within the jurisdiction in which 3633
the arresting officer is appointed, elected, or employed, for 3634
violations of municipal ordinances that are substantially 3635
equivalent to one of the sections or one of the provisions of one 3636
of the chapters of the Revised Code listed in division (E)(1) of 3637
that section and for violations of one of the sections or one of 3638
the provisions of one of the chapters of the Revised Code listed 3639
in division (E)(1) of that section, and shall be distributed 3640
accordingly. 3641

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 3642
the Revised Code: 3643

"Area agency on aging" has the same meaning as in section 3644
173.14 of the Revised Code. 3645

"Assisted living program" means the medicaid waiver component 3646
for which the director of job and family services is authorized by 3647
this section to request a medicaid waiver. 3648

"Assisted living services" means the following home and 3649
community-based services: personal care, homemaker, chore, 3650
attendant care, companion, medication oversight, and therapeutic 3651
social and recreational programming. 3652

"County or district home" means a county or district home 3653
operated under Chapter 5155. of the Revised Code. 3654

"Long-term care consultation program" means the program the 3655
department of aging is required to develop under section 173.42 of 3656
the Revised Code. 3657

"Long-term care consultation program administrator" or 3658
"administrator" means the department of aging or, if the 3659

department contracts with an area agency on aging or other entity 3660
to administer the long-term care consultation program for a 3661
particular area, that agency or entity. 3662

"Medicaid waiver component" has the same meaning as in 3663
section 5111.85 of the Revised Code. 3664

"Nursing facility" has the same meaning as in section 5111.20 3665
of the Revised Code. 3666

"Residential care facility" has the same meaning as in 3667
section 3721.01 of the Revised Code. 3668

"State administrative agency" means the department of job and 3669
family services if the department of job and family services 3670
administers the assisted living program or the department of aging 3671
if the department of aging administers the assisted living 3672
program. 3673

(B) The director of job and family services may submit a 3674
request to the United States secretary of health and human 3675
services under 42 U.S.C. 1396n to obtain a waiver of federal 3676
medicaid requirements that would otherwise be violated in the 3677
creation and implementation of a program under which assisted 3678
living services are provided to not more than one thousand eight 3679
hundred individuals who meet the program's eligibility 3680
requirements established under section 5111.891 of the Revised 3681
Code. 3682

If the secretary approves the medicaid waiver requested under 3683
this section and the director of budget and management approves 3684
the contract, the department of job and family services shall 3685
enter into a contract with the department of aging under section 3686
5111.91 of the Revised Code that provides for the department of 3687
aging to administer the assisted living program. The contract 3688
shall include an estimate of the program's costs. 3689

The director of job and family services may adopt rules under 3690

section 5111.85 of the Revised Code regarding the assisted living 3691
program. The director of aging may adopt rules under Chapter 119. 3692
of the Revised Code regarding the program that the rules adopted 3693
by the director of job and family services authorize the director 3694
of aging to adopt. 3695

Sec. 5111.891. To be eligible for the assisted living 3696
program, an individual must meet all of the following 3697
requirements: 3698

(A) Need an intermediate level of care as determined under 3699
rule 5101:3-3-06 of the Administrative Code; 3700

(B) At the time the individual applies for the assisted 3701
living program, be one of the following: 3702

(1) A nursing facility resident who is seeking to move to a 3703
residential care facility and would remain in a nursing facility 3704
for long term care if not for the assisted living program; 3705

(2) A participant of any of the following medicaid waiver 3706
components who would move to a nursing facility if not for the 3707
assisted living program: 3708

(a) The PASSPORT program created under section 173.40 of the 3709
Revised Code; 3710

(b) The medicaid waiver component called the choices program 3711
that the department of aging administers; 3712

(c) A medicaid waiver component that the department of job 3713
and family services administers. 3714

(3) A resident of a residential care facility who has resided 3715
in a residential care facility for at least six months immediately 3716
before the date the individual applies for the assisted living 3717
program. 3718

(C) At the time the individual receives assisted living 3719

services under the assisted living program, reside in a 3720
residential care facility that is authorized by a valid medicaid 3721
provider agreement to participate in the assisted living program, 3722
including both of the following: 3723

(1) A residential care facility that is owned or operated by 3724
a metropolitan housing authority that has a contract with the 3725
United States department of housing and urban development to 3726
receive an operating subsidy or rental assistance for the 3727
residents of the facility; 3728

(2) A county or district home licensed as a residential care 3729
facility. 3730

(D) Meet all other eligibility requirements for the assisted 3731
living program established in rules adopted under section 5111.85 3732
of the Revised Code. 3733

Sec. 5111.894. ~~When~~ The state administrative agency may 3734
establish one or more waiting lists for the assisted living 3735
program. Only individuals eligible for the medicaid program may be 3736
placed on a waiting list. 3737

Each month, each area agency on aging shall determine whether 3738
any individual who resides in the area that the area agency on 3739
aging serves and is on a waiting list for the assisted living 3740
program has been admitted to a nursing facility. If an area agency 3741
on aging determines that such an individual ~~who is eligible for~~ 3742
~~the medicaid program and resides in the area that the area agency~~ 3743
~~on aging serves~~ has been admitted to a nursing facility and that 3744
there is a vacancy in a residential care facility participating in 3745
the assisted living program that is acceptable to the individual, 3746
the agency shall notify the long-term care consultation program 3747
administrator serving the area in which the individual resides 3748
about the determination. The administrator shall determine whether 3749
the assisted living program is appropriate for the individual and 3750

whether the individual would rather participate in the assisted 3751
living program than continue residing in the nursing facility. If 3752
the administrator determines that the assisted living program is 3753
appropriate for the individual and the individual would rather 3754
participate in the assisted living program than continue residing 3755
in the nursing facility, the administrator shall ~~provide the~~ 3756
~~individual or individual's representative information about how to~~ 3757
~~apply for the assisted living program and whether there is a~~ 3758
~~waiting list for the assisted living program~~ so notify the state 3759
administrative agency. 3760

On receipt of the notice from the administrator, the state 3762
administrative agency shall approve the individual's enrollment in 3763
the assisted living program regardless of any waiting list for the 3764
assisted living program, unless the enrollment would cause the 3765
assisted living program to exceed the limit on the number of 3766
individuals who may participate in the program as set by section 3767
5111.89 of the Revised Code. Each quarter, the state 3768
administrative agency shall certify to the director of budget and 3769
management the estimated increase in costs of the assisted living 3770
program resulting from enrollment of individuals in the assisted 3771
living program pursuant to this section. 3772

Not later than the last day of each calendar year, the 3773
director of job and family services shall submit to the general 3774
assembly a report regarding the number of individuals enrolled in 3775
the assisted living program pursuant to this section and the costs 3776
incurred and savings achieved as a result of the enrollments. 3777

Sec. 5709.75. (A) Any township that receives service payments 3778
in lieu of taxes under section 5709.74 of the Revised Code shall 3779
establish a township public improvement tax increment equivalent 3780
fund into which those payments shall be deposited. If the board of 3781

township trustees has adopted a resolution under division (C) of 3782
section 5709.73 of the Revised Code, the township shall establish 3783
at least one account in that fund with respect to resolutions 3784
adopted under division (B) of that section, and one account with 3785
respect to each incentive district created by a resolution adopted 3786
under division (C) of that section. If a resolution adopted under 3787
division (C) of section 5709.73 of the Revised Code also 3788
authorizes the use of service payments for housing renovations 3789
within the incentive district, the township shall establish 3790
separate accounts for the service payments designated for public 3791
infrastructure improvements and for the service payments 3792
authorized for the purpose of housing renovations. 3793

(B) Except as otherwise provided in division (C) or (D) of 3795
this section, money deposited in an account of the township public 3796
improvement tax increment equivalent fund shall be used by the 3797
township to pay the costs of public infrastructure improvements 3798
designated in or the housing renovations authorized by the 3799
resolution with respect to which the account is established, 3800
including any interest on and principal of the notes; in the case 3801
of an account established with respect to a resolution adopted 3802
under division (C) of that section, money in the account shall be 3803
used to finance the public infrastructure improvements designated, 3804
or the housing renovations authorized, for each incentive district 3805
created in the resolution. Money in an account shall not be used 3806
to finance or support housing renovations that take place after 3807
the incentive district has expired. 3808

(C)(1)(a) A township may distribute money in such an account 3809
to any school district in which the exempt property is located in 3810
an amount not to exceed the amount of real property taxes that 3811
such school district would have received from the improvement if 3812
it were not exempt from taxation. The resolution establishing the 3813

fund shall set forth the percentage of such maximum amount that 3814
will be distributed to any affected school district. 3815

(b) A township also may distribute money in such an account 3816
as follows: 3817

(i) To a board of county commissioners, in the amount that is 3818
owed to the board pursuant to division (E) of section 5709.73 of 3819
the Revised Code; 3820

(ii) To a county in accordance with section 5709.913 of the 3821
Revised Code. 3822

(2) Money from an account in a township public improvement 3823
tax increment equivalent fund may be distributed under division 3824
(C)(1)(b) of this section, regardless of the date a resolution was 3825
adopted under section 5709.73 of the Revised Code that prompted 3826
the establishment of the account, even if the resolution was 3827
adopted prior to ~~the effective date of this amendment~~ March 30, 3828
2006. 3829

(D) ~~On or before January 1, 2007,~~ a A board of township 3830
trustees that adopted a resolution under division (B) of section 3831
5709.73 of the Revised Code before January 1, 1995, and that, with 3832
respect to property exempted under such a resolution, is party to 3833
a hold-harmless agreement, may appropriate and expend unencumbered 3834
money in the fund to pay current public safety expenses of the 3835
township. A township appropriating and expending money under this 3836
division shall reimburse the fund for the sum so appropriated and 3837
expended not later than the day the exemption granted under the 3838
resolution expires. For the purposes of this division, a 3839
"hold-harmless agreement" is an agreement with the board of 3840
education of a city, local, or exempted village school district 3841
under which the board of township trustees agrees to compensate 3842
the school district for one hundred per cent of the tax revenue 3843
the school district would have received from improvements to 3844

parcels designated in the resolution were it not for the exemption 3845
granted by the resolution. 3846

(E) Any incidental surplus remaining in the township public 3847
improvement tax increment equivalent fund or an account of that 3848
fund upon dissolution of the account or fund shall be transferred 3849
to the general fund of the township. 3850

Sec. 5739.02. For the purpose of providing revenue with which 3851
to meet the needs of the state, for the use of the general revenue 3852
fund of the state, for the purpose of securing a thorough and 3853
efficient system of common schools throughout the state, for the 3854
purpose of affording revenues, in addition to those from general 3855
property taxes, permitted under constitutional limitations, and 3856
from other sources, for the support of local governmental 3857
functions, and for the purpose of reimbursing the state for the 3858
expense of administering this chapter, an excise tax is hereby 3859
levied on each retail sale made in this state. 3860

(A)(1) The tax shall be collected as provided in section 3861
5739.025 of the Revised Code. The rate of the tax shall be five 3862
and one-half per cent. The tax applies and is collectible when the 3863
sale is made, regardless of the time when the price is paid or 3864
delivered. 3865

(2) In the case of the lease or rental, with a fixed term of 3866
more than thirty days or an indefinite term with a minimum period 3867
of more than thirty days, of any motor vehicles designed by the 3868
manufacturer to carry a load of not more than one ton, watercraft, 3869
outboard motor, or aircraft, or of any tangible personal property, 3870
other than motor vehicles designed by the manufacturer to carry a 3871
load of more than one ton, to be used by the lessee or renter 3872
primarily for business purposes, the tax shall be collected by the 3873
vendor at the time the lease or rental is consummated and shall be 3874
calculated by the vendor on the basis of the total amount to be 3875

paid by the lessee or renter under the lease agreement. If the 3876
total amount of the consideration for the lease or rental includes 3877
amounts that are not calculated at the time the lease or rental is 3878
executed, the tax shall be calculated and collected by the vendor 3879
at the time such amounts are billed to the lessee or renter. In 3880
the case of an open-end lease or rental, the tax shall be 3881
calculated by the vendor on the basis of the total amount to be 3882
paid during the initial fixed term of the lease or rental, and for 3883
each subsequent renewal period as it comes due. As used in this 3884
division, "motor vehicle" has the same meaning as in section 3885
4501.01 of the Revised Code, and "watercraft" includes an outdrive 3886
unit attached to the watercraft. 3887

A lease with a renewal clause and a termination penalty or 3888
similar provision that applies if the renewal clause is not 3889
exercised is presumed to be a sham transaction. In such a case, 3890
the tax shall be calculated and paid on the basis of the entire 3891
length of the lease period, including any renewal periods, until 3892
the termination penalty or similar provision no longer applies. 3893
The taxpayer shall bear the burden, by a preponderance of the 3894
evidence, that the transaction or series of transactions is not a 3895
sham transaction. 3896

(3) Except as provided in division (A)(2) of this section, in 3897
the case of a sale, the price of which consists in whole or in 3898
part of the lease or rental of tangible personal property, the tax 3899
shall be measured by the installments of that lease or rental. 3900

(4) In the case of a sale of a physical fitness facility 3901
service or recreation and sports club service, the price of which 3902
consists in whole or in part of a membership for the receipt of 3903
the benefit of the service, the tax applicable to the sale shall 3904
be measured by the installments thereof. 3905

(B) The tax does not apply to the following: 3906

- (1) Sales to the state or any of its political subdivisions, 3907
or to any other state or its political subdivisions if the laws of 3908
that state exempt from taxation sales made to this state and its 3909
political subdivisions; 3910
- (2) Sales of food for human consumption off the premises 3911
where sold; 3912
- (3) Sales of food sold to students only in a cafeteria, 3913
dormitory, fraternity, or sorority maintained in a private, 3914
public, or parochial school, college, or university; 3915
- (4) Sales of newspapers and of magazine subscriptions and 3916
sales or transfers of magazines distributed as controlled 3917
circulation publications; 3918
- (5) The furnishing, preparing, or serving of meals without 3919
charge by an employer to an employee provided the employer records 3920
the meals as part compensation for services performed or work 3921
done; 3922
- (6) Sales of motor fuel upon receipt, use, distribution, or 3923
sale of which in this state a tax is imposed by the law of this 3924
state, but this exemption shall not apply to the sale of motor 3925
fuel on which a refund of the tax is allowable under division (A) 3926
of section 5735.14 of the Revised Code; and the tax commissioner 3927
may deduct the amount of tax levied by this section applicable to 3928
the price of motor fuel when granting a refund of motor fuel tax 3929
pursuant to division (A) of section 5735.14 of the Revised Code 3930
and shall cause the amount deducted to be paid into the general 3931
revenue fund of this state; 3932
- (7) Sales of natural gas by a natural gas company, of water 3933
by a water-works company, or of steam by a heating company, if in 3934
each case the thing sold is delivered to consumers through pipes 3935
or conduits, and all sales of communications services by a 3936
telegraph company, all terms as defined in section 5727.01 of the 3937

Revised Code, and sales of electricity delivered through wires; 3938

(8) Casual sales by a person, or auctioneer employed directly 3939
by the person to conduct such sales, except as to such sales of 3940
motor vehicles, watercraft or outboard motors required to be 3941
titled under section 1548.06 of the Revised Code, watercraft 3942
documented with the United States coast guard, snowmobiles, and 3943
all-purpose vehicles as defined in section 4519.01 of the Revised 3944
Code; 3945

(9)(a) Sales of services or tangible personal property, other 3946
than motor vehicles, mobile homes, and manufactured homes, by 3947
churches, organizations exempt from taxation under section 3948
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 3949
organizations operated exclusively for charitable purposes as 3950
defined in division (B)(12) of this section, provided that the 3951
number of days on which such tangible personal property or 3952
services, other than items never subject to the tax, are sold does 3953
not exceed six in any calendar year, except as otherwise provided 3954
in division (B)(9)(b) of this section. If the number of days on 3955
which such sales are made exceeds six in any calendar year, the 3956
church or organization shall be considered to be engaged in 3957
business and all subsequent sales by it shall be subject to the 3958
tax. In counting the number of days, all sales by groups within a 3959
church or within an organization shall be considered to be sales 3960
of that church or organization. 3961

(b) The limitation on the number of days on which tax-exempt 3962
sales may be made by a church or organization under division 3963
(B)(9)(a) of this section does not apply to sales made by student 3964
clubs and other groups of students of a primary or secondary 3965
school, or a parent-teacher association, booster group, or similar 3966
organization that raises money to support or fund curricular or 3967
extracurricular activities of a primary or secondary school. 3968

(c) Divisions (B)(9)(a) and (b) of this section do not apply 3969

to sales by a noncommercial educational radio or television 3970
broadcasting station. 3971

(10) Sales not within the taxing power of this state under 3972
the Constitution of the United States; 3973

(11) Except for transactions that are sales under division 3974
(B)(3)(r) of section 5739.01 of the Revised Code, the 3975
transportation of persons or property, unless the transportation 3976
is by a private investigation and security service; 3977

(12) Sales of tangible personal property or services to 3978
churches, to organizations exempt from taxation under section 3979
501(c)(3) of the Internal Revenue Code of 1986, and to any other 3980
nonprofit organizations operated exclusively for charitable 3981
purposes in this state, no part of the net income of which inures 3982
to the benefit of any private shareholder or individual, and no 3983
substantial part of the activities of which consists of carrying 3984
on propaganda or otherwise attempting to influence legislation; 3985
sales to offices administering one or more homes for the aged or 3986
one or more hospital facilities exempt under section 140.08 of the 3987
Revised Code; and sales to organizations described in division (D) 3988
of section 5709.12 of the Revised Code. 3989

"Charitable purposes" means the relief of poverty; the 3990
improvement of health through the alleviation of illness, disease, 3991
or injury; the operation of an organization exclusively for the 3992
provision of professional, laundry, printing, and purchasing 3993
services to hospitals or charitable institutions; the operation of 3994
a home for the aged, as defined in section 5701.13 of the Revised 3995
Code; the operation of a radio or television broadcasting station 3996
that is licensed by the federal communications commission as a 3997
noncommercial educational radio or television station; the 3998
operation of a nonprofit animal adoption service or a county 3999
humane society; the promotion of education by an institution of 4000
learning that maintains a faculty of qualified instructors, 4001

teaches regular continuous courses of study, and confers a 4002
recognized diploma upon completion of a specific curriculum; the 4003
operation of a parent-teacher association, booster group, or 4004
similar organization primarily engaged in the promotion and 4005
support of the curricular or extracurricular activities of a 4006
primary or secondary school; the operation of a community or area 4007
center in which presentations in music, dramatics, the arts, and 4008
related fields are made in order to foster public interest and 4009
education therein; the production of performances in music, 4010
dramatics, and the arts; or the promotion of education by an 4011
organization engaged in carrying on research in, or the 4012
dissemination of, scientific and technological knowledge and 4013
information primarily for the public. 4014

Nothing in this division shall be deemed to exempt sales to 4015
any organization for use in the operation or carrying on of a 4016
trade or business, or sales to a home for the aged for use in the 4017
operation of independent living facilities as defined in division 4018
(A) of section 5709.12 of the Revised Code. 4019

(13) Building and construction materials and services sold to 4020
construction contractors for incorporation into a structure or 4021
improvement to real property under a construction contract with 4022
this state or a political subdivision of this state, or with the 4023
United States government or any of its agencies; building and 4024
construction materials and services sold to construction 4025
contractors for incorporation into a structure or improvement to 4026
real property that are accepted for ownership by this state or any 4027
of its political subdivisions, or by the United States government 4028
or any of its agencies at the time of completion of the structures 4029
or improvements; building and construction materials sold to 4030
construction contractors for incorporation into a horticulture 4031
structure or livestock structure for a person engaged in the 4032
business of horticulture or producing livestock; building 4033

materials and services sold to a construction contractor for 4034
incorporation into a house of public worship or religious 4035
education, or a building used exclusively for charitable purposes 4036
under a construction contract with an organization whose purpose 4037
is as described in division (B)(12) of this section; building 4038
materials and services sold to a construction contractor for 4039
incorporation into a building under a construction contract with 4040
an organization exempt from taxation under section 501(c)(3) of 4041
the Internal Revenue Code of 1986 when the building is to be used 4042
exclusively for the organization's exempt purposes; building and 4043
construction materials sold for incorporation into the original 4044
construction of a sports facility under section 307.696 of the 4045
Revised Code; and building and construction materials and services 4046
sold to a construction contractor for incorporation into real 4047
property outside this state if such materials and services, when 4048
sold to a construction contractor in the state in which the real 4049
property is located for incorporation into real property in that 4050
state, would be exempt from a tax on sales levied by that state; 4051

(14) Sales of ships or vessels or rail rolling stock used or 4052
to be used principally in interstate or foreign commerce, and 4053
repairs, alterations, fuel, and lubricants for such ships or 4054
vessels or rail rolling stock; 4055

(15) Sales to persons primarily engaged in any of the 4056
activities mentioned in division (B)(42)(a) or (g) of this 4057
section, to persons engaged in making retail sales, or to persons 4058
who purchase for sale from a manufacturer tangible personal 4059
property that was produced by the manufacturer in accordance with 4060
specific designs provided by the purchaser, of packages, including 4061
material, labels, and parts for packages, and of machinery, 4062
equipment, and material for use primarily in packaging tangible 4063
personal property produced for sale, including any machinery, 4064
equipment, and supplies used to make labels or packages, to 4065

prepare packages or products for labeling, or to label packages or 4066
products, by or on the order of the person doing the packaging, or 4067
sold at retail. "Packages" includes bags, baskets, cartons, 4068
crates, boxes, cans, bottles, bindings, wrappings, and other 4069
similar devices and containers, but does not include motor 4070
vehicles or bulk tanks, trailers, or similar devices attached to 4071
motor vehicles. "Packaging" means placing in a package. Division 4072
(B)(15) of this section does not apply to persons engaged in 4073
highway transportation for hire. 4074

(16) Sales of food to persons using food stamp benefits to 4075
purchase the food. As used in this division, "food" has the same 4076
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 4077
2012, as amended, and federal regulations adopted pursuant to that 4078
act. 4079

(17) Sales to persons engaged in farming, agriculture, 4080
horticulture, or floriculture, of tangible personal property for 4081
use or consumption directly in the production by farming, 4082
agriculture, horticulture, or floriculture of other tangible 4083
personal property for use or consumption directly in the 4084
production of tangible personal property for sale by farming, 4085
agriculture, horticulture, or floriculture; or material and parts 4086
for incorporation into any such tangible personal property for use 4087
or consumption in production; and of tangible personal property 4088
for such use or consumption in the conditioning or holding of 4089
products produced by and for such use, consumption, or sale by 4090
persons engaged in farming, agriculture, horticulture, or 4091
floriculture, except where such property is incorporated into real 4092
property; 4093

(18) Sales of drugs for a human being that may be dispensed 4094
only pursuant to a prescription; insulin as recognized in the 4095
official United States pharmacopoeia; urine and blood testing 4096
materials when used by diabetics or persons with hypoglycemia to 4097

test for glucose or acetone; hypodermic syringes and needles when 4098
used by diabetics for insulin injections; epoetin alfa when 4099
purchased for use in the treatment of persons with medical 4100
disease; hospital beds when purchased by hospitals, nursing homes, 4101
or other medical facilities; and medical oxygen and medical 4102
oxygen-dispensing equipment when purchased by hospitals, nursing 4103
homes, or other medical facilities; 4104

(19) Sales of prosthetic devices, durable medical equipment 4105
for home use, or mobility enhancing equipment, when made pursuant 4106
to a prescription and when such devices or equipment are for use 4107
by a human being. 4108

(20) Sales of emergency and fire protection vehicles and 4109
equipment to nonprofit organizations for use solely in providing 4110
fire protection and emergency services, including trauma care and 4111
emergency medical services, for political subdivisions of the 4112
state; 4113

(21) Sales of tangible personal property manufactured in this 4114
state, if sold by the manufacturer in this state to a retailer for 4115
use in the retail business of the retailer outside of this state 4116
and if possession is taken from the manufacturer by the purchaser 4117
within this state for the sole purpose of immediately removing the 4118
same from this state in a vehicle owned by the purchaser; 4119

(22) Sales of services provided by the state or any of its 4120
political subdivisions, agencies, instrumentalities, institutions, 4121
or authorities, or by governmental entities of the state or any of 4122
its political subdivisions, agencies, instrumentalities, 4123
institutions, or authorities; 4124

(23) Sales of motor vehicles to nonresidents of this state 4125
under the circumstances described in division (B) of section 4126
5739.029 of the Revised Code; 4127

(24) Sales to persons engaged in the preparation of eggs for 4128

sale of tangible personal property used or consumed directly in 4129
such preparation, including such tangible personal property used 4130
for cleaning, sanitizing, preserving, grading, sorting, and 4131
classifying by size; packages, including material and parts for 4132
packages, and machinery, equipment, and material for use in 4133
packaging eggs for sale; and handling and transportation equipment 4134
and parts therefor, except motor vehicles licensed to operate on 4135
public highways, used in intraplant or interplant transfers or 4136
shipment of eggs in the process of preparation for sale, when the 4137
plant or plants within or between which such transfers or 4138
shipments occur are operated by the same person. "Packages" 4139
includes containers, cases, baskets, flats, fillers, filler flats, 4140
cartons, closure materials, labels, and labeling materials, and 4141
"packaging" means placing therein. 4142

(25)(a) Sales of water to a consumer for residential use, 4143
except the sale of bottled water, distilled water, mineral water, 4144
carbonated water, or ice; 4145

(b) Sales of water by a nonprofit corporation engaged 4146
exclusively in the treatment, distribution, and sale of water to 4147
consumers, if such water is delivered to consumers through pipes 4148
or tubing. 4149

(26) Fees charged for inspection or reinspection of motor 4150
vehicles under section 3704.14 of the Revised Code; 4151

(27) Sales to persons licensed to conduct a food service 4152
operation pursuant to section 3717.43 of the Revised Code, of 4153
tangible personal property primarily used directly for the 4154
following: 4155

(a) To prepare food for human consumption for sale; 4156

(b) To preserve food that has been or will be prepared for 4157
human consumption for sale by the food service operator, not 4158
including tangible personal property used to display food for 4159

selection by the consumer;	4160
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	4161 4162
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	4163 4164
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	4165 4166 4167 4168
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	4169 4170 4171
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	4172 4173 4174
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	4175 4176 4177 4178 4179 4180
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	4181 4182 4183 4184 4185
(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or	4186 4187 4188 4189

recording any interactive, one- or two-way electromagnetic 4190
communications, including voice, image, data, and information, 4191
through the use of any medium, including, but not limited to, 4192
poles, wires, cables, switching equipment, computers, and record 4193
storage devices and media, and component parts for the tangible 4194
personal property. The exemption provided in this division shall 4195
be in lieu of all other exemptions under division (B)(42)(a) of 4196
this section to which the vendor may otherwise be entitled, based 4197
upon the use of the thing purchased in providing the 4198
telecommunications, mobile telecommunications, or satellite 4199
broadcasting service. 4200

(35)(a) Sales where the purpose of the consumer is to use or 4201
consume the things transferred in making retail sales and 4202
consisting of newspaper inserts, catalogues, coupons, flyers, gift 4203
certificates, or other advertising material that prices and 4204
describes tangible personal property offered for retail sale. 4205

(b) Sales to direct marketing vendors of preliminary 4206
materials such as photographs, artwork, and typesetting that will 4207
be used in printing advertising material; of printed matter that 4208
offers free merchandise or chances to win sweepstake prizes and 4209
that is mailed to potential customers with advertising material 4210
described in division (B)(35)(a) of this section; and of equipment 4211
such as telephones, computers, facsimile machines, and similar 4212
tangible personal property primarily used to accept orders for 4213
direct marketing retail sales. 4214

(c) Sales of automatic food vending machines that preserve 4215
food with a shelf life of forty-five days or less by refrigeration 4216
and dispense it to the consumer. 4217

For purposes of division (B)(35) of this section, "direct 4218
marketing" means the method of selling where consumers order 4219
tangible personal property by United States mail, delivery 4220
service, or telecommunication and the vendor delivers or ships the 4221

tangible personal property sold to the consumer from a warehouse, 4222
catalogue distribution center, or similar fulfillment facility by 4223
means of the United States mail, delivery service, or common 4224
carrier. 4225

(36) Sales to a person engaged in the business of 4226
horticulture or producing livestock of materials to be 4227
incorporated into a horticulture structure or livestock structure; 4228

(37) Sales of personal computers, computer monitors, computer 4229
keyboards, modems, and other peripheral computer equipment to an 4230
individual who is licensed or certified to teach in an elementary 4231
or a secondary school in this state for use by that individual in 4232
preparation for teaching elementary or secondary school students; 4233

(38) Sales to a professional racing team of any of the 4234
following: 4235

(a) Motor racing vehicles; 4236

(b) Repair services for motor racing vehicles; 4237

(c) Items of property that are attached to or incorporated in 4238
motor racing vehicles, including engines, chassis, and all other 4239
components of the vehicles, and all spare, replacement, and 4240
rebuilt parts or components of the vehicles; except not including 4241
tires, consumable fluids, paint, and accessories consisting of 4242
instrumentation sensors and related items added to the vehicle to 4243
collect and transmit data by means of telemetry and other forms of 4244
communication. 4245

(39) Sales of used manufactured homes and used mobile homes, 4246
as defined in section 5739.0210 of the Revised Code, made on or 4247
after January 1, 2000; 4248

(40) Sales of tangible personal property and services to a 4249
provider of electricity used or consumed directly and primarily in 4250
generating, transmitting, or distributing electricity for use by 4251

others, including property that is or is to be incorporated into 4252
and will become a part of the consumer's production, transmission, 4253
or distribution system and that retains its classification as 4254
tangible personal property after incorporation; fuel or power used 4255
in the production, transmission, or distribution of electricity; 4256
and tangible personal property and services used in the repair and 4257
maintenance of the production, transmission, or distribution 4258
system, including only those motor vehicles as are specially 4259
designed and equipped for such use. The exemption provided in this 4260
division shall be in lieu of all other exemptions in division 4261
(B)(42)(a) of this section to which a provider of electricity may 4262
otherwise be entitled based on the use of the tangible personal 4263
property or service purchased in generating, transmitting, or 4264
distributing electricity. 4265

(41) Sales to a person providing services under division 4266
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 4267
personal property and services used directly and primarily in 4268
providing taxable services under that section. 4269

(42) Sales where the purpose of the purchaser is to do any of 4270
the following: 4271

(a) To incorporate the thing transferred as a material or a 4272
part into tangible personal property to be produced for sale by 4273
manufacturing, assembling, processing, or refining; or to use or 4274
consume the thing transferred directly in producing tangible 4275
personal property for sale by mining, including, without 4276
limitation, the extraction from the earth of all substances that 4277
are classed geologically as minerals, production of crude oil and 4278
natural gas, farming, agriculture, horticulture, or floriculture, 4279
or directly in the rendition of a public utility service, except 4280
that the sales tax levied by this section shall be collected upon 4281
all meals, drinks, and food for human consumption sold when 4282
transporting persons. Persons engaged in rendering farming, 4283

agricultural, horticultural, or floricultural services, and 4284
services in the exploration for, and production of, crude oil and 4285
natural gas, for others are deemed engaged directly in farming, 4286
agriculture, horticulture, and floriculture, or exploration for, 4287
and production of, crude oil and natural gas. This paragraph does 4288
not exempt from "retail sale" or "sales at retail" the sale of 4289
tangible personal property that is to be incorporated into a 4290
structure or improvement to real property. 4291

(b) To hold the thing transferred as security for the 4292
performance of an obligation of the vendor; 4293

(c) To resell, hold, use, or consume the thing transferred as 4294
evidence of a contract of insurance; 4295

(d) To use or consume the thing directly in commercial 4296
fishing; 4297

(e) To incorporate the thing transferred as a material or a 4298
part into, or to use or consume the thing transferred directly in 4299
the production of, magazines distributed as controlled circulation 4300
publications; 4301

(f) To use or consume the thing transferred in the production 4302
and preparation in suitable condition for market and sale of 4303
printed, imprinted, overprinted, lithographic, multilithic, 4304
blueprinted, photostatic, or other productions or reproductions of 4305
written or graphic matter; 4306

(g) To use the thing transferred, as described in section 4307
5739.011 of the Revised Code, primarily in a manufacturing 4308
operation to produce tangible personal property for sale; 4309

(h) To use the benefit of a warranty, maintenance or service 4310
contract, or similar agreement, as described in division (B)(7) of 4311
section 5739.01 of the Revised Code, to repair or maintain 4312
tangible personal property, if all of the property that is the 4313
subject of the warranty, contract, or agreement would not be 4314

subject to the tax imposed by this section; 4315

(i) To use the thing transferred as qualified research and 4316
development equipment; 4317

(j) To use or consume the thing transferred primarily in 4318
storing, transporting, mailing, or otherwise handling purchased 4319
sales inventory in a warehouse, distribution center, or similar 4320
facility when the inventory is primarily distributed outside this 4321
state to retail stores of the person who owns or controls the 4322
warehouse, distribution center, or similar facility, to retail 4323
stores of an affiliated group of which that person is a member, or 4324
by means of direct marketing. This division does not apply to 4325
motor vehicles registered for operation on the public highways. As 4326
used in this division, "affiliated group" has the same meaning as 4327
in division (B)(3)(e) of section 5739.01 of the Revised Code and 4328
"direct marketing" has the same meaning as in division (B)(35) of 4329
this section. 4330

(k) To use or consume the thing transferred to fulfill a 4331
contractual obligation incurred by a warrantor pursuant to a 4332
warranty provided as a part of the price of the tangible personal 4333
property sold or by a vendor of a warranty, maintenance or service 4334
contract, or similar agreement the provision of which is defined 4335
as a sale under division (B)(7) of section 5739.01 of the Revised 4336
Code; 4337

(l) To use or consume the thing transferred in the production 4338
of a newspaper for distribution to the public; 4339

(m) To use tangible personal property to perform a service 4340
listed in division (B)(3) of section 5739.01 of the Revised Code, 4341
if the property is or is to be permanently transferred to the 4342
consumer of the service as an integral part of the performance of 4343
the service; 4344

(n) To use or consume the thing transferred in acquiring, 4345

formatting, editing, storing, and disseminating data or 4346
information by electronic publishing. 4347

As used in division (B)(42) of this section, "thing" includes 4348
all transactions included in divisions (B)(3)(a), (b), and (e) of 4349
section 5739.01 of the Revised Code. 4350

(43) Sales conducted through a coin operated device that 4351
activates vacuum equipment or equipment that dispenses water, 4352
whether or not in combination with soap or other cleaning agents 4353
or wax, to the consumer for the consumer's use on the premises in 4354
washing, cleaning, or waxing a motor vehicle, provided no other 4355
personal property or personal service is provided as part of the 4356
transaction. 4357

(44) Sales of replacement and modification parts for engines, 4358
airframes, instruments, and interiors in, and paint for, aircraft 4359
used primarily in a fractional aircraft ownership program, and 4360
sales of services for the repair, modification, and maintenance of 4361
such aircraft, and machinery, equipment, and supplies primarily 4362
used to provide those services. 4363

(45) Sales of telecommunications service that is used 4364
directly and primarily to perform the functions of a call center. 4365
As used in this division, "call center" means any physical 4366
location where telephone calls are placed or received in high 4367
volume for the purpose of making sales, marketing, customer 4368
service, technical support, or other specialized business 4369
activity, and that employs at least fifty individuals that engage 4370
in call center activities on a full-time basis, or sufficient 4371
individuals to fill fifty full-time equivalent positions. 4372

(46) Sales by a telecommunications service vendor of 900 4373
service to a subscriber. This division does not apply to 4374
information services, as defined in division (FF) of section 4375
5739.01 of the Revised Code. 4376

(47) Sales of value-added non-voice data service. This 4377
division does not apply to any similar service that is not 4378
otherwise a telecommunications service. 4379

(48)(a) Sales of machinery, equipment, and software to a 4380
qualified direct selling entity for use in a warehouse or 4381
distribution center primarily for storing, transporting, or 4382
otherwise handling inventory that is held for sale to independent 4383
salespersons who operate as direct sellers and that is held 4384
primarily for distribution outside this state; 4385

(b) As used in division (B)(48)(a) of this section: 4386

(i) "Direct seller" means a person selling consumer products 4387
to individuals for personal or household use and not from a fixed 4388
retail location, including selling such product at in-home product 4389
demonstrations, parties, and other one-on-one selling. 4390

(ii) "Qualified direct selling entity" means an entity 4391
selling to direct sellers at the time the entity enters into a tax 4392
credit agreement with the tax credit authority pursuant to section 4393
122.17 of the Revised Code, provided that the agreement was 4394
entered into on or after January 1, 2007. Neither contingencies 4395
relevant to the granting of, nor later developments with respect 4396
to, the tax credit shall impair the status of the qualified direct 4397
selling entity under division (B)(48) of this section after 4398
execution of the tax credit agreement by the tax credit authority. 4399

(c) Division (B)(48) of this section is limited to machinery, 4400
equipment, and software first stored, used, or consumed in this 4401
state within the period commencing ~~with the effective date of the~~ 4402
~~amendment of this section by the capital appropriations act of the~~ 4403
~~127th general assembly June 24, 2008,~~ and ending on the date that 4404
is five years after that ~~effective~~ date. 4405

(49) Sales of materials, parts, equipment, or engines used in 4406
the repair or maintenance of aircraft or avionics systems of such 4407

aircraft, and sales of repair, remodeling, replacement, or 4408
maintenance services ~~at a federal aviation administration~~ 4409
~~certified repair station~~ in this state performed on aircraft or on 4410
an aircraft's avionics, engine, or component materials or parts. 4411
As used in division (B)(49) of this section, "aircraft" means 4412
aircraft of more than six thousand pounds maximum certified 4413
takeoff weight or used exclusively in general aviation. 4414

(50) Sales of full flight simulators that are used for pilot 4415
or flight-crew training, sales of repair or replacement parts or 4416
components, and sales of repair or maintenance services for such 4417
full flight simulators. "Full flight simulator" means a replica of 4418
a specific type, or make, model, and series of aircraft cockpit. 4419
It includes the assemblage of equipment and computer programs 4420
necessary to represent aircraft operations in ground and flight 4421
conditions, a visual system providing an out-of-the-cockpit view, 4422
and a system that provides cues at least equivalent to those of a 4423
three-degree-of-freedom motion system, and has the full range of 4424
capabilities of the systems installed in the device as described 4425
in appendices A and B of part 60 of chapter 1 of title 14 of the 4426
Code of Federal Regulations. 4427

(C) For the purpose of the proper administration of this 4428
chapter, and to prevent the evasion of the tax, it is presumed 4429
that all sales made in this state are subject to the tax until the 4430
contrary is established. 4431
4432

(D) The levy of this tax on retail sales of recreation and 4433
sports club service shall not prevent a municipal corporation from 4434
levying any tax on recreation and sports club dues or on any 4435
income generated by recreation and sports club dues. 4436

(E) The tax collected by the vendor from the consumer under 4437
this chapter is not part of the price, but is a tax collection for 4438
the benefit of the state, and of counties levying an additional 4439

sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Section 101.02. That existing sections 117.11, 133.20, 145.297, 717.02, 733.40, 1901.024, 1901.07, 1901.08, 1901.31, 1907.20, 2949.111, 3301.0715, 3302.04, 3302.10, 3313.97, 3314.03, 3326.17, 3333.375, 3375.49, 3375.50, 4513.35, 5111.89, 5111.891, 5111.894, 5709.75, and 5739.02 and sections 3375.48, 3375.51, 3375.52, 3375.53, 3375.54, 3375.55, and 3375.56 of the Revised Code are hereby repealed.

Section 101.03. That section 3375.49 of the Revised Code, as amended by this act, is hereby repealed effective December 31, 2009.

Section 201.01. That Sections 309.30.50 and 309.30.53 of Am. Sub. H.B. 119 of the 127th General Assembly be amended to read as follows:

Sec. 309.30.50. HOME FIRST PROGRAM - PASSPORT

(A) On a quarterly basis, on receipt of the certified expenditures related to section 173.401 of the Revised Code, the Director of Budget and Management shall do all of the following for fiscal years 2008 and 2009:

(1) Transfer the state share of the amount of the actual expenditures from GRF appropriation item 600-525, Health

Care/Medicaid, to GRF appropriation item 490-403, PASSPORT; 4469

(2) Increase the appropriation in Ohio Department of Aging 4470
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 4471
share of the amount of the actual expenditures; 4472

(3) Increase the appropriation in JFS Fund 3G5, appropriation 4473
item 600-655, Interagency Reimbursement, by the federal share of 4474
the amount of the actual expenditures. 4475

The funds that the Director of Budget and Management 4476
transfers and increases under this division are hereby 4477
appropriated. 4478

(B) The individuals placed in the PASSPORT program pursuant 4479
to this section shall be in addition to the individuals placed in 4480
the PASSPORT program during fiscal years 2008 and 2009 based on 4481
the amount of money that is in GRF appropriation item 490-403, 4482
PASSPORT; Fund 4J4, appropriation item 490-610, 4483
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 4484
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 4485
490-607, PASSPORT, before any transfers to GRF appropriation item 4486
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 4487
PASSPORT, are made under this section. 4488

**Sec. 309.30.53. HOME FIRST PROGRAM - RESIDENTIAL STATE 4489
SUPPLEMENT ~~TRANSFER~~ 4490**

On a quarterly basis, on receipt of the certified residential 4491
state supplement costs related to section 173.351 of the Revised 4492
Code, the Director of Budget and Management shall do the 4493
following: 4494

(A) Transfer the state share of the amount of the estimated 4495
costs from GRF appropriation item 600-525, Health Care/Medicaid, 4496
to GRF appropriation item 490-412, Residential State Supplement; 4497

(B) The Department of Aging may transfer cash by intrastate 4498

transfer vouchers from the foregoing appropriation item 490-412, 4499
Residential State Supplement, and 490-610, PASSPORT/Residential 4500
State Supplement, to the Department of Job and Family Services 4501
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 4502
funds shall be used to make benefit payments to Residential State 4503
Supplement recipients. 4504

The funds that the Director of Budget and Management 4505
transfers and increases under this division are hereby 4506
appropriated. 4507

Section 201.02. That existing Sections 309.30.50 and 4508
309.50.53 of Am. Sub. H.B. 119 of the 127th General Assembly are 4509
hereby repealed. 4510

Section 203.01. That Sections 201.60.20, 201.60.30, 4511
301.40.10, and 301.60.50 of H.B. 496 of the 127th General Assembly 4512
be amended to read as follows: 4513

Reappropriations

Sec. 201.60.20.	DMH DEPARTMENT OF MENTAL HEALTH		4514
	STATEWIDE AND CENTRAL OFFICE PROJECTS		4515
C58000	Hazardous Materials Abatement	\$ 254,808	4516
C58001	Community Assistance Projects	\$ 5,196,466	4517
		<u>4,696,466</u>	
C58002	Campus Consolidation - Automation	\$ 318,720	4518
C58004	Demolition	\$ 661,655	4519
C58005	Life Safety/Critical Plant Renovations	\$ 65,729	4520
C58006	Patient Care/Environment Improvement	\$ 998,268	4521
C58007	Infrastructure Renovations	\$ 12,635,238	4522
C58008	Emergency Improvements	\$ 2,843,566	4523
C58009	Patient Environment Improvement	\$ 176,853	4524
	Consolidation		
C58010	Campus Consolidation	\$ 8,664,798	4525

Total Department of Mental Health	\$ 31,816,101	4526
	<u>31,316,101</u>	

Of the foregoing appropriation item C58001, Community Assistance Projects, \$500,000 shall be used for the Mayerson Center, \$350,000 shall be used for the Chabad House, \$200,000 shall be used for the Talbert House, and \$250,000 shall be used for the Berea Children's Home.	4527
	4528
	4529
	4530
	4531

The amount reappropriated for the foregoing appropriation item C58001, Community Assistance Projects, is the unencumbered unallotted balance, as of June 30, 2008, in appropriation item C58001, Community Assistance Projects, minus \$250,000.	4532
	4533
	4534
	4535

Reappropriations

Sec. 201.60.30. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES	4536
	4537

STATEWIDE PROJECTS 4538

C59000 Asbestos Abatement	\$ 999,637	4539
C59004 Community Assistance Projects	\$ 1,202,040	4540
C59019 North Olmsted Welcome House	\$ 100,000	4541
C59020 Kamp Dovetail Project at Rocky Fork Lake State Park	\$ 100,000	4542
C59022 Razing of Buildings	\$ 80,595	4543
C59024 Telecommunications Systems Improvement	\$ 774,454	4544
C59029 Emergency Generator Replacement	\$ 1,049,606	4545
C59034 Statewide Developmental Centers	\$ 5,479,662	4546
C59050 Emergency Improvements	\$ 634,970	4547
Total Statewide and Central Office Projects	\$ 10,420,964	4548
	<u>10,320,964</u>	

COMMUNITY ASSISTANCE PROJECTS 4549

The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or	4550
	4551
	4552

residential programs that provide services to persons eligible for 4553
services from the Department of Mental Retardation and 4554
Developmental Disabilities or county boards of mental retardation 4555
and developmental disabilities. Any funds provided to nonprofit 4556
agencies for the construction or renovation of facilities for 4557
persons eligible for services from the Department of Mental 4558
Retardation and Developmental Disabilities and county boards of 4559
mental retardation and developmental disabilities are subject to 4560
the prevailing wage provisions in section 176.05 of the Revised 4561
Code. 4562

Notwithstanding any other provision of law to the contrary, 4563
of the foregoing appropriation item C59004, Community Assistance 4564
Projects, \$75,000 shall be used for the Hanson Home. 4565

STATEWIDE DEVELOPMENTAL CENTERS 4566

CAMBRIDGE DEVELOPMENTAL CENTER 4567

C59005	Residential Renovations - CAMDC	\$	41,398	4568
C59023	HVAC Renovations - Residential Buildings	\$	1,000	4569
C59025	Cambridge HVAC Upgrade - Activity Center	\$	3,538	4570
C59046	Utility Upgrade Centerwide	\$	5,960	4571
	Total Cambridge Developmental Center	\$	51,896	4572

COLUMBUS DEVELOPMENTAL CENTER 4573

C59036	Columbus Developmental Center	\$	8,162	4574
	Total Columbus Developmental Center	\$	8,162	4575

GALLIPOLIS DEVELOPMENTAL CENTER 4576

C59027	HVAC Replacements	\$	4,873	4577
C59037	Gallipolis Developmental Center	\$	21,849	4578
	Total Gallipolis Developmental Center	\$	26,722	4579

MONTGOMERY DEVELOPMENTAL CENTER 4580

C59038	Montgomery Developmental Center	\$	43,634	4581
	Total Montgomery Developmental Center	\$	43,634	4582

MOUNT VERNON DEVELOPMENTAL CENTER 4583

C59039	Mount Vernon Developmental Center	\$	160,353	4584
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Total Mount Vernon Developmental Center	\$	160,353	4585
NORTHWEST OHIO DEVELOPMENTAL CENTER			4586
C59030 Replace Chiller	\$	8,535	4587
C59040 Northwest Ohio Developmental Center	\$	11,171	4588
Total Northwest Ohio Developmental Center	\$	19,706	4589
SOUTHWEST OHIO DEVELOPMENTAL CENTER			4590
C59016 Residential Renovation - HVAC Upgrade	\$	23,075	4591
C59041 Southwest Ohio Developmental Center	\$	14,566	4592
C59048 Renovation Program and Support Services Building	\$	3,900	4593
Total Southwest Ohio Developmental Center	\$	41,541	4594
TIFFIN DEVELOPMENTAL CENTER			4595
C59026 Roof and Exterior Renovations	\$	19,666	4596
C59043 Tiffin Developmental Center	\$	20,696	4597
Total Tiffin Developmental Center	\$	40,362	4598
WARRENSVILLE DEVELOPMENTAL CENTER			4599
C59017 Residential Renovations - WDC	\$	5,057	4600
C59021 Water Line Replacement - WDC	\$	16,267	4601
C59031 ADA Compliance - WDC	\$	3,628	4602
C59044 Warrensville Developmental Center	\$	29,860	4603
Total Warrensville Developmental Center	\$	54,812	4604
YOUNGSTOWN DEVELOPMENTAL CENTER			4605
C59045 Youngstown Developmental Center	\$	24,400	4606
Total Youngstown Developmental Center	\$	24,400	4607
TOTAL Department of Mental Retardation			4608
and Developmental Disabilities	\$	10,892,552	4609
		<u>10,792,552</u>	
TOTAL Mental Health Facilities Improvement Fund	\$	43,684,415	4610
		<u>43,084,415</u>	
Reappropriations			
Sec. 301.40.10. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY			4612
COLLEGE			4613

C36100	Interior Renovations	\$	2,258	4614
C36101	Basic Renovations	\$	4,771	4615
C36102	Health Professions Building Planning	\$	1,468	4616
C36103	Instructional and Data Processing Equipment	\$	344,030	4617
C36109	Brick Repair and Weatherproofing	\$	225,359	4618
C36110	Energy Management-Motor Replacement	\$	377,899	4619
C36111	Roof Replacement	\$	661,573	4620
C36112	Neighborhood Health Care	\$	175,000	4621
C36113	Freestore Foodbank	\$	500,000	4622
<u>C36122</u>	<u>Mayerson Center</u>	<u>\$</u>	<u>500,000</u>	4623
Total Cincinnati State Community College		\$	2,292,358	4624
			<u>2,792,358</u>	

Reappropriations

Sec. 301.60.50.	STC STARK TECHNICAL COLLEGE			4626
C38900	Basic Renovations	\$	374,496	4627
C38901	Instructional and Data Processing Equipment	\$	22,356	4628
C38903	Timken Regional Campus Technology Project	\$	219,659	4629
C38912	Health and Science Building	\$	4,814,648	4630
Total Stark Technical College		\$	5,431,159	4631
TOTAL Higher Education Improvement Fund		\$	828,056,976	4632
			<u>828,556,976</u>	

Section 203.02. That existing Sections 201.60.20, 201.60.30, 4634
301.40.10, and 301.60.50 of H.B. 496 of the 127th General Assembly 4635
are hereby repealed. 4636

Section 205.01. That Sections 227.10, 231.10.20, 231.20.30, 4637
233.30.40, 233.40.10, 233.50.20, and 233.50.80 of Am. Sub. H.B. 4638
562 of the 127th General Assembly be amended to read as follows: 4639

Sec. 227.10. The items set forth in this section are hereby 4640
appropriated out of any moneys in the state treasury to the credit 4641
of the Cultural and Sports Facilities Building Fund (Fund 7030) 4642
that are not otherwise appropriated. 4643

Appropriations

AFC CULTURAL FACILITIES COMMISSION			4644
C37118	Statewide Site Repairs	\$ 650,000	4645
C37120	Cincinnati Museum Center	\$ 2,500,000	4646
C37122	Akron Art Museum	\$ 700,000	4647
C37123	Youngstown Symphony Orchestra	\$ 675,000	4648
C37127	Cedar Bog	\$ 50,000	4649
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000	4650
C37140	McKinley Museum Improvements	\$ 200,000	4651
C37142	Midland Theatre Improvements	\$ 300,000	4652
C37148	Hayes Presidential Center	\$ 150,000	4653
C37152	Zoar Village Building Restoration	\$ 90,000	4654
C37153	Basic Renovations and Emergency Repairs	\$ 850,000	4655
C37158	Rankin House Restoration and Development	\$ 242,000	4656
C37163	Harding Home and Tomb	\$ 340,000	4657
C37165	Ohio Historical Center Rehabilitation	\$ 514,000	4658
C37187	Renaissance Theatre	\$ 900,000	4659
C37188	Trumpet in the Land Facility	\$ 150,000	4660
C371A3	Voice of America Museum Facility	\$ 500,000	4661
C371A9	Western Reserve Historical Society	\$ 300,000	4662
C371C7	Music Hall Facility	\$ 1,100,000	4663
C371E5	Pro Football Hall of Fame	\$ 500,000	4664
C371F6	Colony Theater	\$ 250,000	4665
C371G4	Collections Storage Facility and Learning Center	\$ 1,240,000	4666
C371G6	Lockington Locks Stabilization	\$ 462,000	4667
C371H2	National Underground Railroad Freedom Center	\$ 850,000	4668

C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	4669
C371H7	COSI - Columbus	\$	500,000	4670
C371H8	Columbus Museum of Art	\$	1,500,000	4671
C371J3	Davis-Shai Historical Facility	\$	725,000	4672
C371J4	Massillon Museum Improvements	\$	150,000	4673
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	4674
C371J9	Stambaugh Auditorium	\$	675,000	4675
C371K3	Cincinnati Ballet	\$	250,000	4676
C371L3	Ukrainian Museum	\$	50,000	4677
C371L4	Gordon Square Arts District	\$	1,800,000	4678
C371M8	Hale Farm and Village	\$	200,000	4679
C371O9	Historic Site-Signage - Phase II	\$	50,000	4680
C371P4	Cleveland Playhouse	\$	150,000	4681
C371P9	Civil War Site Improvements	\$	475,000	4682
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	4683
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	4684
C371Q2	Ballpark Village project	\$	2,000,000	4685
C371Q5	Cincinnati Zoo	\$	1,500,000	4686
C371Q6	Cincinnati Art Museum	\$	1,500,000	4687
C371R0	King Arts Complex	\$	861,000	4688
C371R3	Loudonville Opera House	\$	600,000	4689
C371R4	Eagles Palace Theater	\$	410,000	4690
C371R6	Historic McCook House	\$	500,000	4691
C371R7	Jeffrey Mansion in Bexley	\$	475,000	4692
C371R8	Columbus Zoo and Aquarium	\$	500,000	4693
C371S0	Towpath Trail	\$	500,000	4694
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	4695
C371S2	Arts in Stark Cultural Center	\$	150,000	4696
C371S3	Ohio Genealogical Society	\$	350,000	4697
C371S5	The Fine Arts Association	\$	300,000	4698
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	4699

C371S8	Allen County Historical Society Museum Renovation	\$	280,000	4700
C371S9	Portsmouth Mural	\$	250,000	4701
C371T0	Mt. Vernon Nazarene University Arts Center	\$	300,000	4702
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	4703
C371T3	Boonshoft Museum of Discovery	\$	250,000	4704
C371T5	Cliffton Cultural Arts Center	\$	250,000	4705
C371T6	Baltimore Theatre	\$	50,000	4706
C371T7	Rock Mill Park Improvements	\$	150,000	4707
C371T9	Cozad-Bates House Historic Project	\$	100,000	4708
C371U3	Lake Erie Nature & Science Center	\$	200,000	4709
C371U4	Great Lakes Science Center	\$	300,000	4710
C371U5	Cleveland Zoological Society	\$	150,000	4711
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	4712
C371V0	Chesterhill Union Hall Theatre	\$	25,000	4713
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	4714
C371V2	Hallsville Historical Society	\$	100,000	4715
C371V3	Fayette County Historical Society	\$	150,000	4716
C371V4	Covedale Theatre	\$	100,000	4717
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	4718
C371V6	Madeira Historical Society/Miller House	\$	60,000	4719
C371V7	Sylvania Historic Village restoration	\$	200,000	4720
C371V9	Henry County Historical Society museum	\$	59,000	4721
C371W0	Antwerp Railroad Depot historic building	\$	106,000	4722
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	4723
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	4724
C371W3	North Ridgeville Historic Community	\$	175,000	4725

	Theater			
C371W4	Redbrick Center for the Arts	\$	200,000	4726
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	4727
C371W6	Preble County Historical Society	\$	250,000	4728
	Amphitheater			
C371W7	BalletTech	\$	200,000	4729
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	4730
C371W9	Rickenbacker Boyhood Home	\$	139,000	4731
C371X0	Rivers Edge Amphitheater project	\$	100,000	4732
C371X1	Variety Theater	\$	85,000	4733
C371X2	Morgan Township Historical Society	\$	80,000	4734
C371X3	Salem Community Theater	\$	53,000	4735
C371X4	Our House State Memorial	\$	50,000	4736
C371X5	Belle's Opera House Improvements	\$	50,000	4737
C371X6	Warren Veterans memorial	\$	50,000	4738
C371X7	Huntington Playhouse	\$	40,000	4739
C371X8	Cambridge Performing Arts Center	\$	37,500	4740
C371X9	Old Harvey Historic School Restoration	\$	25,000	4741
C371Y0	Dalton Community Historical Society	\$	10,000	4742
C371Y1	Mohawk Veterans' Memorial	\$	15,000	4743
C371Y2	Cleveland Museum of Natural History	\$	150,000	4744
C371Y3	Fire Museum	\$	83,334	4745
C371Y4	New Town Indian Artifact Museum	\$	300,000	4746
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	4747
C371Y6	Historic League Park Restoration	\$	150,000	4748
C371Y8	Madisonville Arts Center of Hamilton	\$	36,000	4749
	County			
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	4750
C371Z1	Great Lakes Historical Museum	\$	200,000	4751
C371Z3	Port of Lorain Foundation - Lorain	\$	190,000	4752
	Lighthouse Restoration			
	Total Cultural Facilities Commission	\$	43,059,834	4753
			<u>42,759,834</u>	

TOTAL Cultural and Sports Facilities Building Fund \$ 43,059,834 4754
42,759,834

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 4755
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 4756
Center project. 4757

Appropriations

Sec. 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH 4758

C58000	Hazardous Material Abatement	\$	500,000	4759
C58001	Community Assistance Projects	\$	9,160,000	4760
			<u>9,410,000</u>	
C58006	Patient Care Environment Improvement	\$	3,700,000	4761
C58007	Infrastructure Improvements	\$	4,600,000	4762
C58010	Campus Consolidation	\$	83,700,000	4763
C58017	Bellefaire Jewish Children's Bureau	\$	400,000	4764
C58018	Safety and Security Improvements	\$	1,460,000	4765
C58019	Energy Conservation Projects	\$	750,000	4766
C58020	Mandel Jewish Community Center	\$	210,000	4767
C58021	Providence House	\$	200,000	4768
Total Department of Mental Health		\$	104,680,000	4769
			<u>104,930,000</u>	

COMMUNITY ASSISTANCE PROJECTS 4770

Of the foregoing appropriation item C58001, Community 4771
Assistance Projects, \$260,000 shall be used for the Christian 4772
Children's Home, \$200,000 shall be used for the Michael's House 4773
Child Advocacy Center, \$100,000 shall be used for the Children's 4774
Home of Cincinnati, \$100,000 shall be used for the Achievement 4775
Centers for Children, \$100,000 shall be used for the Shaw JCC, 4776
\$100,000 shall be used for Someplace Safe, \$250,000 shall be used 4777
for Magnolia Clubhouse, and \$300,000 shall be used for the Berea 4778
Children's Home. 4779

		Appropriations	
Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND			4780
DEVELOPMENTAL DISABILITIES			4781
STATEWIDE AND CENTRAL OFFICE PROJECTS			4782
C59004	Community Assistance Projects	\$ 13,301,537	4783
		<u>13,551,537</u>	
C59022	Razing of Buildings	\$ 200,000	4784
C59024	Telecommunications	\$ 400,000	4785
C59029	Generator Replacement	\$ 1,000,000	4786
C59034	Statewide Developmental Centers	\$ 4,294,237	4787
C59050	Emergency Improvements	\$ 500,000	4788
C59051	Energy Conservation	\$ 500,000	4789
C59052	Guernsey County MRDD Boiler Replacement	\$ 275,000	4790
C59053	Magnolia Clubhouse	\$ 250,000	4791
C59054	Recreation Unlimited Life Center - Delaware	\$ 150,000	4792
C59055	Camp McKinley Improvements	\$ 30,000	4793
C59056	The Hope Learning Center	\$ 250,000	4794
C59057	North Olmstead Welcome House	\$ 150,000	4795
Total Statewide and Central Office Projects		\$ 21,300,774	4796
		<u>21,150,774</u>	
TOTAL Department of Mental Retardation and Developmental Disabilities		\$ 21,300,774	4797
		<u>21,150,774</u>	
TOTAL Mental Health Facilities Improvement Fund		\$ 127,330,774	4798
		<u>127,630,774</u>	
COMMUNITY ASSISTANCE PROJECTS			4799
The foregoing appropriation item C59004, Community Assistance			4800
Projects, may be used to provide community assistance funds for			4801
the development, purchase, construction, or renovation of			4802
facilities for day programs or residential programs that provide			4803
services to persons eligible for services from the Department of			4804
Mental Retardation and Developmental Disabilities or county boards			4805

of mental retardation and developmental disabilities. Any funds 4806
provided to nonprofit agencies for the construction or renovation 4807
of facilities for persons eligible for services from the 4808
Department of Mental Retardation and Developmental Disabilities 4809
and county boards of mental retardation and developmental 4810
disabilities shall be governed by the prevailing wage provisions 4811
in section 176.05 of the Revised Code. 4812

Of the foregoing appropriation item C59004, Community 4813
Assistance Projects, \$250,000 shall be used for North Olmsted 4814
Welcome House. Notwithstanding any provision of law to the 4815
contrary, North Olmsted Welcome House is not subject to the 4816
requirements of Chapter 153. of the Revised Code. 4817

Appropriations

Sec. 233.30.40.	UCN UNIVERSITY OF CINCINNATI		4818
C26500	Basic Renovations	\$ 10,720,621	4819
C26501	Basic Renovations - Clermont	\$ 326,112	4820
C26502	Raymond Walters Renovations	\$ 501,195	4821
C26530	Medical Science Building Renovation & Expansion	\$ 26,412,509	4822
C26607	Consolidated Communication Project of Clermont County	\$ 475,000	4823
C26612	Clermont Renovations	\$ 751,132	4824
C26613	New Building	\$ 1,582,233	4825
C26614	Barrett Cancer Center	\$ 1,500,000	4826
C26615	Beech Acres	\$ 125,000	4827
C26616	Forest Park Homeland Security Facility	\$ 50,000	4828
C26617	Health Care Connection - Lincoln Heights	\$ 150,000	4829
C26618	People Working Cooperatively	\$ 120,000	4830
C26619	Sharonville Convention Center	\$ 950,000	4831
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$ 100,000	4832

C26621	Mayerson Center	\$	200,000	4833
Total University of Cincinnati		\$	43,963,802	4834
			<u>43,763,802</u>	

Appropriations

Sec. 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE				4836
C36101	Basic Renovations	\$	1,255,923	4837
C36107	Classroom Upgrade Project	\$	270,000	4838
C36113	Freestore Food Bank	\$	100,000	4839
C36114	Lot C Parking Lot	\$	250,000	4840
C36115	Ceiling Replacement	\$	75,000	4841
C36116	Electrical Surge Protection	\$	100,000	4842
C36117	Campus Signage	\$	75,000	4843
C36118	Window and Garage Doors	\$	175,659	4844
C36119	Window Replacement	\$	100,000	4845
C36120	Blue Ash City Conference Center	\$	150,000	4846
C36121	Hebrew Union College Archives	\$	185,000	4847
<u>C36122</u>	<u>Mayerson Center</u>	<u>\$</u>	<u>200,000</u>	4848
Total Cincinnati State Community College		\$	2,736,582	4849
			<u>2,936,582</u>	

Appropriations

Sec. 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE				4851
C36900	Basic Renovations	\$	306,291	4852
C36905	Founders Hall and Hopewell Hall Renovations	\$	879,000	4853
C36907	COTC Expansion in Mt. Vernon	\$	700,000	4854
			<u>1,000,000</u>	
Total Central Ohio Technical College		\$	1,885,291	4855
			<u>2,185,291</u>	

Appropriations

Sec. 233.50.80. STC STARK TECHNICAL COLLEGE				4857
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C38900	Basic Renovations	\$	786,333	4858
C38913	Business Technologies Building	\$	2,034,537	4859
C38914	Corporate and Community Services Facility	\$	500,000	4860
Total Stark Technical College		\$	3,320,870	4861
Total Board of Regents and Institutions of Higher Education		\$	598,559,802	4862 4863
TOTAL Higher Education Improvement Fund		\$	608,809,802 <u>609,109,802</u>	4864

Section 205.02. That existing Sections 227.10, 231.10.20, 231.20.30, 233.30.40, 233.40.10, 233.50.20, and 233.50.80 of Am. Sub. H.B. 562 of the 127th General Assembly are hereby repealed.

Section 207.01. That Section 525.10 of Am. Sub. H.B. 699 of the 126th General Assembly be amended to read as follows:

Sec. 525.10. (A) Pursuant to section 5911.10 of the Revised Code, the Governor is hereby authorized to execute a deed in the name of the state conveying to a buyer or buyers to be determined in the manner provided in division (C) of this section, and the buyer's or buyers' successors and assigns or heirs and assigns, all of the state's right, title, and interest in the following described parcels of real estate that the Adjutant General has determined are no longer required for armory or military purposes:

Ashtabula Township. Ashtabula County. State of Ohio

~~Situated in Ashtabula Township, Ashtabula County, State of Ohio:~~

~~Known as being part of the Holmes Tract, and more particularly described as follows:~~

~~Being a parcel of land lying on the left side of the centerline of survey for State Route 46, Section 27.06, Ashtabula County, Ohio,~~

~~made by the Ohio State Department of Highways, and bounded and
described as follows:~~ 4886
4887

~~Beginning at a point on grantor's southerly property line 165 feet
left of station 1426/04.53; thence northwesterly to a point 160
feet left of station 1429/00; thence continuing northwesterly
parallel with the centerline of survey to a point 160 feet left of
station 1434/00; Thence westerly to a point 175 feet left of
station 1434/79.63; thence westerly to a point 184 feet left of
station 1435/09, said point being in the centerline of County
Highway No. 25 also known as State Road; thence south 0 degrees
16', west along the centerline of State Road a distance of 290
feet to the southwest corner of land conveyed to grantor by
Theodore E. Warren, Trustee, in deed dated January 2, 1952 and
recorded in the deed records of Ashtabula County in deed record
book 469, page 520; thence south 89 degrees 34' east along
grantor's south property line a distance of 532 feet to an iron
pin; thence south 0 degrees 16' west 140.24 feet to an iron pin;
thence south 89 degrees 34' east a distance of 264 feet to the
point of beginning; and containing 2.21 acres, more or less.~~ 4888
4889
4890
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4902
4903
4904

Known as lands of the State of Ohio (armory property) located in
the Holmes Tract, Ashtabula Township, (Ashtabula County, State of
Ohio), and further described as follows: 4905
4906
4907

BEGINNING at a point in the centerline of State Road where it
intersects with the north right-of-way line of State Route 11; 4908
4909

Course 1: thence NORTH 00°28'38" EAST along the centerline of
State Road, 280.47 feet to the southwest corner of the Advance
Land & Development Plat, as recorded in Plat Book 7, Page 50 of
the Ashtabula County Record of Plats; 4910
4911
4912
4913

Course 2: thence SOUTH 89°14'22" EAST along the south line of said
plat, 1027.77 feet to an iron pin (passing through a stone
monument in the east line of State Road); 4914
4915
4916

Course 3: thence SOUTH 01°17'38" WEST, 828.11 feet to an iron pin 4917
in the north right-of-way line of State Route 11; 4918

Course 4: thence along the following courses and along the north 4919
line of State Route 11 (a limited access highway); 4920

Course 5: thence NORTH 60°07'05" WEST 134.62 feet; 4921

Course 6: thence NORTH 60°33'58" WEST, 639.52 feet; 4922

Course 7: thence NORTH 64°19'13" WEST, 341.17 feet; 4923

Course 8: thence NORTH 43°23'19" WEST 43.89 feet to the Place of 4924
Beginning and containing 13.0054 acres. 4925

This description may be modified to a final form if modifications 4926
are needed to meet recordation standards in Ashtabula County, 4927
Ohio. 4928

Parcel Number: 03-015-00-003-00 4929

Prior Deed Reference: 46-5630 4930

Howey Road Armory 4931

~~Situate~~ Situated in the City of Columbus, Franklin County, State 4932
of Ohio, and being more fully described as follows: 4933

Said parcel being a part of 80.202 acres acquired from the 4934
Columbus and Southern Ohio Electric Company, December 7, 1951, and 4935
being recorded in Franklin County, Volume 1704, Page 153. 4936

Beginning at an iron pin located at the intersection of the east 4937
right_of_way of Hiawatha Park Place and the north property line of 4938
the Ohio State Fairgrounds and the east right_of_way of the North 4939
Freeway, thence north 86 degrees 43'17" east 737.59 feet along the 4940
north property line of the Ohio State Fairgrounds to a point, 4941
thence south 3 degrees 12'14" west 50 feet to a point, thence 4942
south 86 degrees 43'17" east 50 feet to a point, thence north 3 4943
degrees 12'14" east 50 feet to a point in the north property line 4944
of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 4945
17.46 feet to the northeast corner of the Ohio State Fairgrounds, 4946

thence south 3 degrees 12'14" west 1145.00 feet along the east 4947
property line of the Ohio State Fairgrounds to a point at the 4948
intersection of the east right_of_way of the north freeway, thence 4949
south 25 degrees 55'03" east 695.94 feet along the east 4950
right_of_way of the North Freeway to a point. Thence south 37 4951
degrees 46'42" east 712.00 feet to the point of beginning 4952
containing 9.42 acres, more ~~of~~ or less. 4953

Mount Vernon 4954

Situated in the ~~state~~ State of Ohio, ~~county~~ County of Knox, City 4955
of Mount Vernon and more particularly described as being Lots 4956
number Three Hundred Ninety (390), Three Hundred Ninety_One (391) 4957
and ten feet of the east side of Lot Number Four Hundred Seven 4958
(407), in Trimble's Addition to Mount Vernon, County of Knox and 4959
the State of Ohio, as the same are marked on the Plat of said 4960
Addition in the Recorder's Office of Knox County, Ohio, in J Book, 4961
Volume J, ~~page~~ Pages 123-124. 4962

Springfield 4963

Situated in the State of Ohio, County of Clark, Township of 4964
Springfield, and described as follows: 4965

Being part of the northwest quarter of Section 3. Township 5, 4966
Range 9, and part of the northeast quarter of Section 9, Township 4967
5, Range 9, between the Miami Rivers Survey. Beginning at a point 4968
in the center line of the Laybourne Road, north 85 degrees 27' 4969
west 370.0 feet from the intersection of said centerline with the 4970
center line of State Route 70 (Springfield and Washington C.H. 4971
Road); thence with the center line of the Laybourne Road, north 85 4972
degrees 57" west, 650.0 feet; thence north 29 degrees 46' east, 4973
248.63 feet to a pipe; thence south 80 degrees 332' east 423.24 4974
feet to the place of beginning, containing 3.20 acres. 4975

And, also to use the following described premises in conjunction 4976
with the grantors herein and under the following terms as are 4977

agreed to by the State of Ohio and the Clark County Fair Board. 4978

Beginning at the intersection of the center lines of the Laybourne 4979

Road and State Route 70; thence with the center line of the 4980

Laybourne Road, north 85 degrees 57' west, 370.0 feet; thence 4981

north 35 degrees 33 west 432.24 feet to a pipe; thence north 80 4982

degrees 33' west 134.22 feet to a pipe; thence north 54 degrees 4983

27' east, 380.0 feet; thence with the center line of State Route 4984

70, south 35 degrees 33' east 754.0 feet to the place of 4985

beginning, containing 4.27 acres. 4986

Urbana 4987

The following described property situated in the State of Ohio, 4988

County of ~~Champagne~~ Champaign: 4989

Being part of the Southwest Quarter of Section 19, Town 5, Range 4990

12, in Salem Township and bonded and described as follows: 4991

Beginning at a point in the East line of the Southwest Quarter of 4992

said Section 19. said point being 1044.46 feet, North 7 degrees 5 4993

minutes East, from the Southeast corner of the said Southwest 4994

Quarter of Section 19, Town 5, Range 12; thence North 84 degrees 4995

56 minutes West, 875 feet to a stake; thence South 7 degrees 5 4996

minutes West 225 feet to a stake; thence North 84 degrees 56 4997

minutes West, 425.10 feet to a stake; thence North 67 degrees 5 4998

minutes East, 245 feet to a stake; thence South 84 degrees 56 4999

minutes East, 1300.1 feet to a point in the East line of the said 5000

Southwest Quarter of Section 19; thence South 7 degrees 5 minutes 5001

West, along the East line of the said Southwest Quarter of Section 5002

19, 20 feet to the place of beginning, a total area of 2.791 5003

acres. Subject to the rights of the Department of Highways of the 5004

State of Ohio for highway purposes in and to 120.53 feet taken by 5005

parallel lines off the entire East end of the above described 5006

tract and subject also to the rights of the City of Urbana for 5007

highway purposes in and to approximately 79.47 feet off the West 5008

end of 200 feet taken by parallel lines off the entire East end of 5009

the above described tract. 5010

(B) At the request of the Adjutant General, the Director of 5011
Administrative Services, pursuant to the procedures described in 5012
division (C) of this section, shall assist in the sale of any of 5013
the parcels described in division (A) of this section. 5014

(C) The Adjutant General shall appraise the parcels described 5015
in division (A) of this section or have them appraised by one of 5016
more disinterested persons for a fee to be determined by the 5017
Adjutant General, and shall offer the parcels for sale as follows: 5018

(1) The Adjutant General first shall offer a parcel for sale 5019
at its appraised value to the municipal corporation or township in 5020
which it is located. 5021

(2) If, after sixty days, the municipal corporation or 5022
township has not accepted the offer to purchase the parcel at its 5023
appraised value or has accepted the offer but has failed to 5024
complete the purchase, the Adjutant General shall offer the parcel 5025
for sale at its appraised value to the county in which it is 5026
located. 5027

(3) If, after sixty days, the county has not accepted the 5028
offer to purchase the parcel at its appraised value or has 5029
accepted the offer but has failed to complete the purchase, a 5030
public auction shall be held, and the parcel shall be sold to the 5031
highest bidder at a price acceptable to the Adjutant General. The 5032
Adjutant General may reject any and all bids for any reason 5033
whatsoever. 5034

The Adjutant General shall advertise each public auction in a 5035
newspaper of general circulation within the county in which the 5036
parcel is located, once a week for two consecutive weeks before 5037
the date of the auction. 5038

The terms of sale of a parcel at a public auction shall be 5039
payment of ten per cent of the purchase price, as bid by the 5040

highest bidder, in cash, bank draft, or certified check on the 5041
date of sale, with the balance payable within sixty days after the 5042
date of sale. A purchaser who does not timely complete the 5043
conditions of the sale as prescribed in this section shall forfeit 5044
to the state the ten per cent of the purchase price paid on the 5045
date of the sale as liquidated damages. 5046

If the purchase is not completed and the sale is voided, the 5047
Adjutant General may sell the parcel to the second highest bidder 5048
at the public auction held pursuant to this section. 5049

(D) Advertising costs, appraisal fees, and other costs of the 5050
sale of the parcels described in division (A) of this section 5051
shall be paid by the Adjutant General's Department. 5052

(E) Upon the payment of ten per cent of the purchase price of 5053
a parcel described in division (A) of this section in accordance 5054
with division (C)(3) of this section, or upon notice from the 5055
Adjutant General's Department that a parcel of real estate 5056
described in division (A) of this section has been sold to a 5057
municipal corporation, township, or county in accordance with 5058
division (C) of this section, a deed shall be prepared for that 5059
parcel by the Auditor of State, with the assistance of the 5060
Attorney General, be executed by the Governor, countersigned by 5061
the Secretary of State, sealed with the Great Seal of the State, 5062
and presented for recording in the Office of the Auditor of State. 5063
Upon the grantee's payment of the balance of the purchase price, 5064
the deed shall be delivered to the grantee. The grantee shall 5065
present the deed for recording in the office of the county 5066
recorder of the county in which the parcel is located. 5067

(F) The net proceeds of the sales of the parcels described in 5068
division (A) of this section shall be deposited in the State 5069
Treasury to the credit of the Armory Improvements Fund pursuant to 5070
section 5911.10 of the Revised Code. 5071

(G) If a parcel of real estate described in division (A) of this section is sold to a municipal corporation, township, or county and that political subdivision sells that parcel within two years after its purchase, the political subdivision shall pay to the state, for deposit in the state treasury to the credit of the Armory Improvements Fund pursuant to section 5911.10 of the Revised Code, an amount representing one-half of any net profit derived from that subsequent sale. The net profit shall be computed by first subtracting the price at which the political subdivision bought the parcel from the price at which the political subdivision sold the parcel, and then subtracting from that remainder the amount of any expenditures the political subdivision made for improvements to the parcel.

(H) This section expires five years after its effective date.

Section 207.02. That existing Section 525.10 of Am. Sub. H.B. 699 of the 126th General Assembly is hereby repealed.

Section 301. (A) This section applies to any school district that meets all of the following conditions:

(1) The district received approval from the Controlling Board for a classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2007, and prior to June 24, 2008, and the project had not been completed as of the effective date of this section.

(2) Within one year after the date the Controlling Board approved the project described in division (A)(1) of this section, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.

(3) The district previously received classroom facilities assistance under sections 3318.01 to 3318.20 or section 3318.37 of

the Revised Code within the twenty-year period prior to the date 5102
the Controlling Board approved the project described in division 5103
(A)(1) of this section. 5104

(B) Notwithstanding anything to the contrary in section 5105
3318.032 of the Revised Code, for each school district to which 5106
this section applies, the Ohio School Facilities Commission shall 5107
recalculate the district's portion of the basic project cost for 5108
the project described in division (A)(1) of this section in 5109
accordance with division (D) of section 3318.032 of the Revised 5110
Code. In making the calculation, the Commission shall use data for 5111
the district that was current at the time the Controlling Board 5112
approved the project and shall not use any updated data. If the 5113
calculation produces a lesser amount than the district's portion 5114
of the basic project cost as previously calculated under section 5115
3318.032 of the Revised Code, the amount calculated under this 5116
division shall be the district's new portion of the basic project 5117
cost. In that case, the Commission shall revise the agreement 5118
entered into under section 3318.08 of the Revised Code to reflect 5119
the district's portion of the basic project cost as determined 5120
under this division. 5121

Section 303. Notwithstanding sections 101.02 and 101.27 of 5122
the Revised Code, during calendar years 2009 and 2010, the members 5123
of the Senate elected president, president pro tempore, majority 5124
floor leader, majority whip, minority leader, assistant minority 5125
leader, minority whip, and assistant minority whip shall receive 5126
salary payments equal to the amounts paid under section 101.27 of 5127
the Revised Code to the members of the House of Representatives 5128
elected speaker, speaker pro tempore, majority floor leader, 5129
assistant majority floor leader, minority leader, assistant 5130
minority leader, minority whip, and assistant minority whip, 5131
respectively. 5132

Section 305. HOME FIRST PROGRAM - ASSISTED LIVING 5133

On a quarterly basis, on receipt of the certified assisted 5134
living costs related to section 5111.894 of the Revised Code, the 5135
Director of Budget and Management may do the following: 5136

(A) Transfer the state share of the amount of the estimated 5137
costs from GRF appropriation item 600525, Health Care/Medicaid, to 5138
GRF appropriation item 490422, Assisted Living Waiver; 5139

(B) Increase the appropriation in Fund 3C40, appropriation 5140
item 490622, Assisted Living - Federal, by the federal share of 5141
the amount of the actual expenditures; and 5142

(C) Increase the appropriation in Fund 3G50, appropriation 5143
item 600655, Interagency Reimbursement, by the federal share of 5144
the amount of actual expenditures. 5145

The funds that the Director of Budget and Management 5146
transfers and increases under this division are hereby 5147
appropriated. 5148

Section 307. (A) The Task Force on Law Library Associations 5149
created pursuant to Section 503.06 of Am. Sub. H.B. 66 of the 5150
126th General Assembly is hereby reconstituted. The appointing 5151
authority shall fill any vacancies on the reconstituted Task 5152
Force. 5153

(B) The Task Force shall help educate the county law library 5154
resources boards with regards to the new structure and 5155
organization of county law libraries, facilitate the establishment 5156
of the county law library resources boards, including the 5157
transition of the management of county law libraries from the law 5158
library associations to the county law library resources boards, 5159
and monitor the necessary and proper expenditure of the county law 5160
library resources fund, as provided for in section 307.514 of the 5161
Revised Code. 5162

(C) The Task Force shall submit a final report to the Speaker 5163
and Minority Leader of the House of Representatives and the 5164
President and Minority Leader of the Senate by December 31, 2011. 5165
Upon submission of its report, the Task Force shall cease to 5166
exist. 5167

(D) Sections 101.82 to 101.87 of the Revised Code do not 5168
apply to the Task Force. 5169

Section 309. (A) On or before January 1, 2010, a law library 5170
association shall transfer both of the following to the county law 5171
library resources board in the county in which the law library 5172
association is located: 5173

(1) All unspent fines and penalties in the law library's 5174
general fund and retained moneys fund collected pursuant to 5175
sections 3375.50 to 3375.53 of the Revised Code, as amended or 5176
repealed by this act; 5177

(2) All personal property that the law library association 5178
can reasonably identify as having been purchased by the fines and 5179
penalties in the law library's general fund or retained moneys 5180
fund collected pursuant to sections 3375.50 to 3375.53 of the 5181
Revised Code, as amended or repealed by this act. 5182

(B) The law library association shall retain all dedicated 5183
moneys or personal property that were not purchased with the fines 5184
and penalties in the law library's general revenue fund or 5185
retained moneys fund. 5186

Section 311. With respect to a person employed by a law 5187
library association referred to in section 3375.48 of the Revised 5188
Code, as repealed by this act, immediately preceding the effective 5189
date of this section and upon that person's employment by a county 5190
law library resources board, the board shall use the following 5191
methods for determining the employee's vacation accrual rate and 5192

credit for accrued but unused vacation leave and sick leave:	5193
	5194
(A) For the librarian and assistant librarians who received compensation pursuant to section 3375.49 of the Revised Code, as amended and repealed by this act, and were paid upon warrant of the county auditor, the county law library resources board shall do all of the following:	5195
	5196
	5197
	5198
	5199
(1) Credit to the employee accrued but unused sick leave acquired during service with the law library association as if the employee were transferring from one public agency to another public agency pursuant to section 124.38 of the Revised Code;	5200
	5201
	5202
	5203
(2) Consider all of the employee's prior service with the law library association as service with the county for purposes of determining years of service pursuant to section 325.19 of the Revised Code;	5204
	5205
	5206
	5207
(3) One of the following:	5208
(a) Compensate the employee for accrued but unused vacation leave acquired during service with the law library association at the employee's final rate of pay while employed by the association, except that this compensation of vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under section 325.19 of the Revised Code;	5209
	5210
	5211
	5212
	5213
	5214
(b) Credit to the employee accrued but unused vacation leave acquired during service with the law library association, except that this credited vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under section 325.19 of the Revised Code.	5215
	5216
	5217
	5218
	5219
(B) For all employees of the law library association not specified in division (A) of this section, the county law library resources board may do either of the following by resolution:	5220
	5221
	5222

(1) Credit to the employee all or any part of accrued but 5223
unused sick leave acquired during service with the law library 5224
association as if the employee were transferring from one public 5225
agency to another public agency pursuant to section 124.38 of the 5226
Revised Code; 5227

(2) Consider all or any part of the employee's prior service 5228
with the law library association as service with the county for 5229
purposes of determining years of service pursuant to section 5230
325.19 of the Revised Code. 5231

(C) Any resolution the law library resources board adopts 5232
pursuant to division (B) of this section shall not be effective if 5233
the board of county commissioners rejects the resolution within 5234
thirty days of receiving the resolution. 5235

Section 313. (A) The Ohio General Assembly finds that the 5236
effectiveness of state programs can be evaluated better if 5237
relevant information is collected throughout the programs' 5238
implementation and that the citizens of Ohio will benefit from 5239
useful data about state programs becoming available for public 5240
policy research. In response to these findings, there is hereby 5241
created the Governor's Policy Information Working Group to 5242
consider and recommend policies and procedures that may be adopted 5243
by state agencies regarding the identification and collection of 5244
program information and its dissemination to the public. Such 5245
policies and procedures shall include, but are not limited to, the 5246
manner in which program information is to be collected and 5247
retained during the implementation of a program and policies to 5248
ensure that program information can be easily accessed by the 5249
public. 5250

(B) The Working Group shall consist of the following members, 5251
as well as additional members appointed as provided in division 5252

(C) of this section: 5253

(1) The Director of Administrative Services, or the Director's designee;	5254 5255
(2) The Director of Aging, or the Director's designee;	5256
(3) The Director of Agriculture, or the Director's designee;	5257
(4) The Chancellor of the Board of Regents, or the Chancellor's designee;	5258 5259
(5) The Director of Budget and Management, or the Director's designee;	5260 5261
(6) The Director of Commerce, or the Director's designee;	5262
(7) The Director of Development, or the Director's designee;	5263
(8) The Director of Environmental Protection, or the Director's designee;	5264 5265
(9) The Director of Health, or the Director's designee;	5266
(10) The Director of Job and Family Services, or the Director's designee;	5267 5268
(11) The Director of Mental Health, or the Director's designee;	5269 5270
(12) The Director of Public Safety, or the Director's designee;	5271 5272
(13) The Director of Rehabilitation and Correction, or the Director's designee;	5273 5274
(14) The Tax Commissioner, or the Tax Commissioner's designee;	5275 5276
(15) The Director of Transportation, or the Director's designee;	5277 5278
(16) The Governor, or the Governor's designee.	5279
(C) The Working Group may appoint additional members as deemed necessary and useful by the Working Group.	5280 5281

(D) The Working Group shall convene for its inaugural meeting 5282
within sixty days of the effective date of this section as 5283
summoned by the Governor. The Director of Budget and Management 5284
and the Tax Commissioner, or their designees, shall serve as 5285
co-chairpersons of the Working Group. Commencing with fiscal year 5286
2010, the Working Group shall meet not less than four times per 5287
fiscal year. 5288

(E) Not later than December 1, 2009, the Working Group shall 5289
deliver an interim report of its activities, findings, and 5290
recommendations to the Speaker of the House of Representatives, 5291
the Minority Leader of the House of Representatives, the President 5292
of the Senate, the Minority Leader of the Senate, and the 5293
Governor. In addition, the Working Group shall deliver, on the 5294
first day of August in 2010 and 2011, an annual report to the 5295
Speaker of the House of Representatives, the Minority Leader of 5296
the House of Representatives, the President of the Senate, the 5297
Minority Leader of the Senate, and the Governor. The annual report 5298
shall summarize the activities, findings, and recommendations of 5299
the Working Group for the previous fiscal year, except that the 5300
August 2010 annual report shall incorporate the portion of the 5301
interim report addressing fiscal year 2010. The Working Group 5302
shall cease to exist after making its report in 2011. 5303

Section 401. (A) The Governor is hereby authorized to execute 5305
a deed in the name of the state conveying to the Williamsburg 5306
Local School District, Clermont County, State of Ohio, and its 5307
successors and assigns, all of the state's right, title, and 5308
interest in the following described real estate: 5309

Situated in the State of Ohio, Clermont County, Williamsburg 5310
Township and in Daniel DeBenneville's Military Survey #2810 of the 5311
Virginia Military District, more particularly described as 5312

follows: 5313

Beginning at an iron pin in the northwest right-of-way line 5314
of Old State Route #32, said pin being in the south patent line of 5315
said Daniel DeBenneville's Military Survey #2810, North 54 deg. 39 5316
min. 36 sec. West, 52.05 feet from the intersection of said patent 5317
line with the centerline of said Old State Route #32; 5318

thence, leaving said old State Route #32 with said patent 5319
line, North 54 deg. 39 min. 36 sec. West, 781.22 feet to an iron 5320
pipe; 5321

thence, leaving said patent line, North 35 deg. 12 min. 55 5322
sec. East, 119.89 feet to an iron pin; 5323

thence, North 25 deg. 54 min. 05 sec. East, 505.23 feet to an 5324
iron pipe; 5325

thence, South 59 deg. 03 min. 27 sec. East, 86.43 feet to a 5326
fence corner post; 5327

thence, North 32 deg. 05 min. 00 sec. East, 722.19 feet to a 5328
fence corner post; 5329

thence South 57 deg. 20 min. 07 sec. East, 433.76 feet to a 5330
fence corner post; 5331

thence, North 32 deg. 55 min. 52 sec. East, 169.16 feet to a 5332
fence corner post; 5333

thence, South 57 deg. 04 min. 46 sec. East, 838.80 feet to an 5334
iron pipe; 5335

thence, South 27 deg. 51 min. 07 sec. West, 344.31 feet to an 5336
iron pin in said northwest right-of-way of old State Route #32; 5337

thence with said right-of-way, North 70 deg. 10 min. 11 sec. 5338
West, 2.33 feet to an iron pin; 5339

thence, still with said right-of-way, South 16 deg. 24 min. 5340
50 sec. West, 11.64 feet to an iron pin; 5341

thence, leaving said right-of-way, south 27 deg. 51 min. 07 5342
sec. West, 93.99 feet to an iron pin; 5343

thence, South 32 deg. 32 min. 15 sec. West, 129.20 feet to an 5344
iron pin in said northwest right-of-way; 5345

thence, with said right-of-way for the next four courses, 5346
with a curve to the right said curve having a radius of 2794.79 5347
feet, a chord bearing South 59 deg. 41 min. 23 sec. West, 699.44 5348
feet, and an arc length of 701.28 feet to an iron pin; 5349

thence South 82 deg. 18 min. 43 sec. West, 100.28 feet to an 5350
iron pin; 5351

thence, South 55 deg. 09 min. 18 sec. West, 202.84 feet to an 5352
iron pin; 5353

thence, with a curve to the right, said curve having a radius 5354
of 2824.79 feet, a chord bearing South 74 deg. 09 min. 55 sec. 5355
West, 126.92 feet, and an arc length of 126.94 feet to the 5356
beginning, CONTAINING 39.274 acres of land; 5357

subject to all legal highways and easements. 5358

The above description is taken from and in accordance with a 5359
survey and plat dated July 23, 1979 by Robert W. Piper, P.S., Ohio 5360
Reg. #S5964. LAST DEED REFERENCE: Volume 641, Page 68, Clermont 5361
County, Ohio Deed Records. 5362

(B) Consideration for conveyance of the real estate described 5363
in division (A) of this section is the purchase price of ten 5364
dollars. This property was originally conveyed from Ronald H. 5365
Stern, Trustee, on behalf of the Williamsburg Local School 5366
District to the State of Ohio as collateral for issued school 5367
construction facility bonds. Once the construction project was 5368
completed, the state was to have conveyed title to the real estate 5369
back to the Williamsburg Local School District, which conveyance 5370
never occurred. This section corrects that oversight. 5371

(C) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.

(D) The Williamsburg Local School District shall pay all costs associated with the purchase and conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.

(E) Possession of the premises prior to transfer shall be governed by an existing interim lease between the state and the Williamsburg Local School District.

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Williamsburg Local School District. The School District shall present the deed for recording in the Office of the Clermont County Recorder.

(G) The net proceeds of the sale of the real estate described in division (A) of this section shall be deposited in the State Treasury to the credit of the General Revenue Fund.

(H) This section expires one year after its effective date.

Section 403. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Res-Care Ohio, Inc., of Ohio, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

SITUATED in the County of Franklin, State of Ohio and in the Township of Clinton, and bounded and described as follows:

Being a part of Quarter Township Number One, Township Number One, Range Eighteen United States Military Lands, and being a part

of Lot Number Ten of the Scioto Company subdivision of said 5402
Quarter Township Number One. 5403

BEGINNING at a point in the east line of said Lot No. Ten 208 5404
feet south of the northeast corner thereof, this said point being 5405
on the center line of Karl Road; 5406

THENCE westerly and parallel with the north of said Lot No. 5407
10, passing an iron pin at the west line marked by an iron pin; 5408

THENCE southerly and approximately parallel with the center 5409
line of Karl Road, 208 feet to a point, which point is witnessed 5410
and marked by an iron pin; 5411

THENCE easterly and parallel with the north line of said Lot 5412
No. 10, passing an iron pin at the west line of Karl Road, 1045.8 5413
feet to a point in the center line of Karl Road; 5414

THENCE northerly, following the center line of Karl Road, 5415
which center line is also the east line of the said Lot No. 10, 5416
208 feet to the point and place of beginning, the said above 5417
described premises containing 4.995 acres, more or less, subject 5418
to all legal highways, and being further described as Parcel No. 5419
20 of the recorded plat of "Pegg Farm Parcels" of record in Volume 5420
42, on Page 332 of Franklin County Miscellaneous Records, to which 5421
record reference is hereby made. 5422

EXCEPTING therefrom a strip of land 37.5 feet in width off 5423
the entire east side of the said 4.995-acre tract, said 37.5-foot 5424
strip of land being west of and adjacent to the center line of 5425
Karl Road and extending from the south property line to the north 5426
property line, a distance of 208 feet; containing 0.179 acres more 5427
or less of which the present road occupies 0.119 acres. 5428

Prior Deed Reference: Deed Volume 3744, Page 352. 5429

(B) Consideration for the conveyance of the real estate 5430
described in division (A) of this section is the purchase price of 5431

one hundred twelve thousand ninety-six dollars. 5432

(C) The real estate described in division (A) of this section 5433
shall be sold as an entire tract and not in parcels. 5434

(D) Prior to the execution of the deed described in division 5435
(E) of this section, possession of the real estate described in 5436
division (A) of this section shall be governed by an existing 5437
interim lease between the state and Res-Care Ohio, Inc. 5438

(E) Upon payment of the purchase price, the Auditor of State, 5439
with the assistance of the Attorney General, shall prepare a deed 5440
to the real estate described in division (A) of this section. The 5441
deed shall state the consideration. The deed shall be executed by 5442
the Governor in the name of the State, countersigned by the 5443
Secretary of State, sealed with the Great Seal of the State, 5444
presented in the Office of the Auditor of State for recording, and 5445
delivered to Res-Care Ohio, Inc. Res-Care Ohio, Inc., shall 5446
present the deed for recording in the Office of the Franklin 5447
County Recorder. 5448

(F) The deed shall contain a deed restriction that Res-Care 5449
Ohio, Inc., shall continue to operate an existing residential 5450
facility located on the real estate described in division (A) of 5451
this section for individuals with mental retardation and 5452
developmental disabilities for a period of time not less than five 5453
years from the date of closing. 5454

(G) The deed shall contain a deed restriction that prohibits 5455
Res-Care Ohio, Inc., from selling, conveying, or transferring 5456
ownership of the real estate described in division (A) of this 5457
section for a period of time not less than five years from the 5458
date of closing. 5459

(H) The deed shall contain a provision that in the event of 5460
default or breach by Res-Care Ohio, Inc., on either division (F) 5461
or (G) of this section, Res-Care Ohio, Inc., shall immediately pay 5462

to the Ohio Department of Mental Retardation and Developmental 5463
Disabilities the sum equal to the Department's investment in the 5464
premises, \$1,008,866.66. 5465

(I) Res-Care Ohio, Inc., shall pay the costs of the 5466
conveyance of the real estate described in division (A) of this 5467
section. 5468

(J) The net proceeds of the sale of the parcel described in 5469
this section shall be deposited in the State Treasury to the 5470
credit of the Miscellaneous Revenue Fund within the Department of 5471
Mental Retardation and Developmental Disabilities. 5472

(K) This section shall expire one year after its effective 5473
date. 5474

Section 405. (A) The Governor is hereby authorized to execute 5475
a deed in the name of the State conveying to a buyer or buyers to 5476
be determined in the manner provided in division (B) of this 5477
section, all of the state's right, title, and interest in the 5478
following described real estate that the Director of 5479
Administrative Services has determined is no longer required for 5480
State of Ohio purposes: 5481

Situated in the State of Ohio, County of Gallia, Township of 5482
Addison, being in Section 13, Town 4 N, Range 14 W, Ohio Company 5483
Purchase. Being part of that parcel of land described in Volume 5484
180 Page 825, conveyed to the State of Ohio, and being more 5485
particularly described as follows: 5486

Commencing at a Concrete Monument found at centerline station 5487
933+36.19, said monument and stationing referenced to right of way 5488
plan Gal-35-13.45; 5489

thence S 86°42' 42" W along a random line a distance of 5490
185.72 feet to an iron pin set in the existing right of way line 5491
of S.R. 735 at 120.00 feet left of centerline station 931+95.16, 5492

and being the Grantors south east comer, said point being the **True** 5493
Place of Beginning; 5494

thence leaving said right of way line and along the Grantors 5495
southerly property line N 87° 24' 01" W (passing an iron pin found 5496
"Lambert" at 2.92 feet) a total distance of 403.54 feet to an iron 5497
pin set; 5498

thence leaving said Grantors southerly property line the 5499
following nine courses: 5500

1) N 02° 37' 33" E a distance of 14.43 feet to an iron pin 5501
set; 5502

2) N 82° 15' 08" W a distance of 52.52 feet to an iron pin 5503
set; 5504

3) N 64° 14' 07"W a distance of 103.83 feet to an iron pin 5505
set; 5506

4) N 75° 59' 40" W a distance of 108.67 feet to an iron pin 5507
set; 5508

5) N 83° 14' 38" W a distance of 109.48 feet to an iron pin 5509
set; 5510

6) N 88° 17' 52" W a distance of 105.23 feet to an iron pin 5511
set; 5512

7) S 88° 24' 56" W a distance of 100.13 feet to an iron pin 5513
set; 5514

8) N 89° 31' 31" W a distance of 271.48 feet to an iron pin 5515
set; 5516

9) S 86° 28' 30" W a distance of 170.51 feet to an iron pin 5517
set on the Grantors westerly property line; 5518

thence along the Grantors westerly property line N 19° 29' 41 5519
" E a distance of 378.98 feet to an iron pin found; 5520

thence along the Grantors northerly property line S 87° 20' 5521

08" E (passing an iron pin found at 670.77 feet and an iron pin set at 1603.75 feet) a total distance of 1702.02 feet to centerline station 937+47.45, 156.21 feet left, said point also being on the existing right of way line of State Route 735;

thence along said existing right of way line, also being the Grantors easterly property line S 60° 58' 53" W a distance of 12.57 feet to centerline station 937+36.19, 157.62 feet left;

thence along said existing right of way line S 46° 19' 04" W (passing an iron pin set at 203.63 feet) a total distance of 421.16 feet to an iron pin set;

thence along said existing right of way line S 46° 19' 02' 1" W a distance of 141.03 to the Place of Beginning. The above described area of 13.240 acres, including the present road which occupies 0.00 acres is contained with Auditor's Parcel No. 002-355-192-00 which contains 14.860 acres more or less. Subject to all legal easements and rights of way. All iron pins set are 5/8" x 30" with an attached plastic identification cap. (ODOT District 10). Grantor claims title by instrument(s) recorded in Volume 180, Page 825, in the Gallia County Recorder's Office. The bearings are based on the State Plane Coordinate System Ohio South, NAD 83 (NSRS2007).

(B) The Director of Administrative Services shall offer the real estate, improvements, and chattels located on the parcel described in division (A) of this section for sale, "as is," in its present condition according to the following process:

(1) The real estate described in division (A) of this section shall be sold as an entire parcel and not subdivided.

(2) The Ohio Department of Mental Retardation and Developmental Disabilities, with the assistance of the Ohio Department of Administrative Services, shall have the parcel described in division (A) of this section appraised by one or more

disinterested persons for a fee to be determined by and paid by 5553
the Department of Mental Retardation and Developmental 5554
Disabilities. The Director of Administrative Services shall then 5555
offer the real estate at the appraised value to the Board of 5556
County Commissioners of Gallia County. 5557

(3) If, after thirty days, the Board of County Commissioners 5558
of Gallia County has declined the offer to purchase the real 5559
estate at the appraised value, or if the Board of County 5560
Commissioners of Gallia County has accepted the offer (by 5561
executing a document entitled an "Offer to Purchase Real Estate" 5562
with the Director of Administrative Services which shall establish 5563
the terms of the conveyance) but has failed to complete the 5564
purchase, the Director of Administrative Services shall offer the 5565
real estate at the appraised value to the Board of Trustees of 5566
Addison Township. 5567

(4) If, after thirty days, the Addison Township Trustees have 5568
declined the offer to purchase the real estate at the appraised 5569
value, or if the East Union Township Trustees has accepted the 5570
offer (by executing a document entitled an "Offer to Purchase Real 5571
Estate" with the Director of Administrative Services which shall 5572
establish the terms of the conveyance) but has failed to complete 5573
the purchase, the Director of Administrative Services shall 5574
conduct a public auction and the real estate shall be sold to the 5575
highest bidder at a price acceptable to both the Director of 5576
Administrative Services and the Director of Mental Retardation and 5577
Developmental Disabilities. 5578

The Director of Administrative Services shall advertise the 5579
public auction in a newspaper of general circulation within Gallia 5580
County once a week for three consecutive weeks prior to the date 5581
of the auction. The Director of Administrative Services may reject 5582
any and all bids from the public auction. The terms of sale shall 5583
be ten per cent of the purchase price in cash, bank draft, or 5584

certified check on the date of sale, with the balance payable 5585
within sixty days after the date of sale. A purchaser who does not 5586
complete the conditions of the sale as prescribed in this division 5587
shall forfeit the ten per cent of the purchase price presented at 5588
the time of sale to the state as liquidated damages. Should a 5589
purchaser not complete the conditions of sale as described herein, 5590
the Director of Administrative Services is authorized to accept 5591
the next highest bid by collecting ten per cent of the revised 5592
purchase price from that bidder and proceed to close the sale, 5593
providing the secondary bid meets all other criteria provided for 5594
in this section. 5595

(5) Advertising costs, appraisal fees, and other costs 5596
incident to the sale of real estate described in division (A) of 5597
this section shall be paid by the Department of Mental Retardation 5598
and Developmental Disabilities. 5599

(6) Upon notice from the Director of Administrative Services 5600
that the parcel of real estate described in division (A) of this 5601
section has been sold, the Auditor of State, with the assistance 5602
of the Attorney General, shall prepare a deed to the real estate 5603
to the purchaser identified by the Director of Administrative 5604
Services. The deed shall be executed by the Governor, 5605
countersigned by the Secretary of State, presented in the Office 5606
of the Auditor of State for recording, and delivered to the 5607
grantee at closing and upon the grantee's payment of the balance 5608
of the purchase price. The grantee shall present the deed for 5609
recording in the Gallia County Recorder's Office. 5610

(7) The net proceeds of the sale of the parcel described in 5611
division (A) of this section shall be deposited in the state 5612
treasury to the credit of Fund 1520, Miscellaneous Revenue. 5613

(C) This section expires three years after its effective 5614
date. 5615

Section 407. (A) The Governor is hereby authorized to execute 5616
a deed in the name of the state conveying to the City of 5617
Gallipolis, Gallia County, Ohio, and its successors and assigns, 5618
all of the state's right, title, and interest in the following 5619
described real estate: 5620

Situated in Range 14, Township 3, Sections 23 and 29, 5621
Gallipolis City Township, Gallia County, State of Ohio 5622

Beginning at the intersection of the centerline of Mill Creek 5623
Road and the centerline of Ohio Avenue and being the true point of 5624
beginning for the following described real estate, 5625

Thence leaving the said intersection and following the 5626
centerline of Mill Creek Road, SOUTH 22° 15' 26" WEST; 48.40 feet 5627
to a point, 5628

Thence leaving the said centerline of Mill Creek Road and 5629
following the common property line of now or formerly The State of 5630
Ohio volume 60 page 542 and now or formerly The City of Gallipolis 5631
volume 242 page 511 the next eight (8) bearings and distances, 5632

Thence NORTH 49° 53' 49" WEST; 521.68 feet to an iron pin 5633
SET, 5634

Thence along a curve to the left having a radius of 300.00 5635
feet, an arc length of 359.93 feet, and a chord bearing of SOUTH 5636
41°48'28" WEST; for 338.73 feet to a point, 5637

Thence SOUTH 07°26' 13" WEST; 77.52 feet to a point, 5638

Thence along a curve to the right having a radius of 285.00 5639
feet, an arc length of 501.60 feet, and a chord bearing of SOUTH 5640
57°11' 19" WEST; for 439.32 feet to an iron pin SET, 5641

Thence NORTH 74°40'10" WEST; 79.56 feet to an iron pin SET, 5642

Thence along a curve to the left having a radius of 300.00 5643
feet, an arc length of 92.86 feet, and a chord bearing of NORTH 5644

80° 14' 18" WEST; for 92.49 feet to an iron pin SET, 5645

Thence along a curve to the left having a radius of 300.00 5646
feet, an arc length of 202.85 feet, and a chord bearing of SOUTH 5647
71°31'26" WEST; for 199.01 feet to a point, 5648

Thence SOUTH 50°04' 11" WEST; 15.00 feet to an iron pin SET 5649
on the common property line of said now or formerly City of 5650
Gallipolis volume 242 page 511 and now or formerly First Baptist 5651
Church volume 300 page 577, 5652

Thence continuing along the said common property line of now 5653
or formerly The State of Ohio volume 60 page 542 and now or 5654
formerly The City of Gallipolis volume 242 page 511 and following 5655
common property line of now or formerly The State of Ohio volume 5656
60 page 542 and now or formerly First Baptist Church volume 300 5657
page 577, NORTH 39°55'49" WEST; 50.00 feet to a point in the 5658
centerline of Ohio Avenue. 5659

Thence leaving the said common property line of now or 5660
formerly The State of Ohio volume 60 page 542 and now or formerly 5661
First Baptist Church volume 300 page 577 and following the 5662
centerline of Ohio Avenue the following two (2) bearings and 5663
distances, 5664

Thence SOUTH 50°05'10" WEST; 1149.71 feet to a point, 5665

Thence SOUTH 42°09' 15" EAST; 390.11 feet to a point, 5666

Thence leaving the said centerline of Ohio Avenue, SOUTH 5667
47°50'45" WEST; 12.67 feet to the most Southeasterly corner of Lot 5668
#4 of the Colonial Subdivision, 5669

Thence along the Southwest right of way line of Ohio Avenue, 5670
NORTH 42°09' 15" WEST; 420.94 feet to a point, 5671

Thence leaving the said Southwest right of way line of Ohio 5672
Avenue and following the Northwest right of way line of Ohio 5673
Avenue the next two (2) bearings and distances, 5674

Thence NORTH $49^{\circ}11'13''$ EAST; 437.47 feet to a point on the Southeast corner of Lot #1 of the Colonial Subdivision Number 2,
Thence SOUTH $39^{\circ}47'33''$ EAST; 27.23 feet to a point,
Thence leaving the Northwest right of way line of Ohio Avenue and following a line that is generally parallel to and a minimum of 0.50 feet outside the existing edge of pavement of said Ohio Avenue the following eleven (11) bearings and distances,
Thence NORTH $49^{\circ}49'51''$ EAST; 602.71 feet to an iron in SET,
Thence NORTH $52^{\circ}13'57''$ EAST; 165.73 feet to an iron pin SET,
Thence along a curve to the right having a radius of 286.00 feet, an arc length of 264.73 feet, and a chord bearing of NORTH $78^{\circ}45'01''$ EAST; for 255.38 feet to an iron pin SET,
Thence SOUTH $74^{\circ}43'55''$ EAST; 112.44 feet to an iron pin SET,
Thence along a curve to the left having a radius of 384.46 feet, an arc length of 126.50 feet, and a chord bearing of SOUTH $84^{\circ}09'28''$ EAST; for 125.93 feet to an iron pin SET at a point of compound curvature,
Thence along a curve to the left having a radius of 166.45 feet, an arc length of 171.93 feet, and a chord bearing of NORTH $56^{\circ}49'32''$ EAST; for 164.39 feet to an iron pin SET at a point of compound curvature,
Thence along a curve to the left having a radius of 379.09 feet, an arc length of 147.44 feet, and a chord bearing of NORTH $16^{\circ}05'33''$ EAST; for 146.52 feet to an iron pin SET at a point of reverse curvature,
Thence along a curve to the right having a radius of 409.23 feet, an arc length of 730.64 feet, and a chord bearing of NORTH $56^{\circ}05'56''$ EAST; for 637.39 feet to an iron pin SET at a point of compound curvature,
Thence along a curve to the right having a radius of 250.44

feet, an arc length of 246.87 feet, and a chord bearing of SOUTH 5705
44°30'47" EAST; for 237.00 feet to an iron pin SET, 5706

Thence SOUTH 16°16'25" EAST; 174.13 feet to a point in the 5707
centerline of Mill Creek Road, 5708

Thence leaving the proposed Northeast right of way line of 5709
Ohio Avenue and following the centerline of Mill Creek Road, SOUTH 5710
37°22'55" WEST; 19.66 feet to the true point of beginning, 5711

Containing 4.540 acres total more or less, being a part of 5712
the real estate described in The State of Ohio in volume 60 page 5713
542, ALONG WITH part being out of 8 acre lot # 1196, Section 23 5714
being 1.670 acres more or less, ALONG WITH part being out of 5715
Subdivided Lot #4, Section 29 being 0.810 acres more or less, 5716
ALONG WITH part being out of Subdivided Lot #3, Section 29 being 5717
0.720 acres more or less, ALONG WITH part being out of Subdivided 5718
Lot #2, Section 29 being 0.700 acres more or less, ALONG WITH part 5719
being out of Ministerial lot #5, Section 29 being 0.600 acres more 5720
or less, ALONG WITH part being out of Ministerial lot #6, Section 5721
29 being 0.040 acres more or less. 5722

Subject to all legal easements, leases, and rights of way of 5723
record. Iron pin set are 1/2"x30" rebar with plastic caps I.D. 5724
caps labeled PMR 6196, all other monuments are as noted. Survey 5725
performed on 10/26/2006 by Philip M. Roberts, Ohio registered 5726
Surveyor No. 6196. 5727

(B) This section is curative in nature and is intended to 5728
redraw boundary lines and correct title encroachment issues 5729
between the State of Ohio property and the City of Gallipolis 5730
property near the Gallipolis Developmental Center under the 5731
jurisdiction of the Ohio Department of Mental Retardation and 5732
Developmental Disabilities. 5733

In exchange for the conveyance of the real estate described 5734
in division (A) of this section by the state, the City of 5735

Gallipolis shall convey to the state real property owned by the 5736
City and identified in such conveyance as the city's portion of 5737
the aforementioned encroachment issue. 5738

(C) Consideration for the conveyance of the real estate 5739
described in division (A) of this section shall be the mutual 5740
benefit derived by both the state and the City of Gallipolis 5741
through correcting the aforementioned title encroachments. 5742

(D) The real estate described in division (A) of this section 5743
shall be exchanged as an entire tract and not in parcels. 5744

(E) The Auditor of State, with the assistance of the Attorney 5745
General, shall prepare a deed to the real estate described in 5746
division (A) of this section. The deed shall state the 5747
consideration as mutual benefit. The deed shall be executed by the 5748
Governor in the name of the state, countersigned by the Secretary 5749
of State, sealed with the Great Seal of the State, presented in 5750
the Office of the Auditor of State for recording, and delivered to 5751
the City of Gallipolis. The City of Gallipolis shall present the 5752
deed for recording in the Office of the Gallia County Recorder. 5753

(F) The City of Gallipolis shall pay the costs of the 5754
conveyance of the real estate described in division (A) of this 5755
section, including recordation costs of the Governor's Deed. 5756

(G) This section expires one year after its effective date. 5757

Section 409. (A) The Governor is hereby authorized to execute 5758
a deed in the name of the state conveying to Tawawa Community 5759
Development Corporation, its successors and assigns, all of the 5760
state's right, title, and interest in the following described real 5761
estate: 5762

SITUATED in Xenia Township, Greene County, Ohio, and being 5763
part of Military Survey 929 and part of a 131.27-acre tract 5764
conveyed to Central State College by deed recorded in Book 85, 5765

Page 216 of deed records of said county, and being a 0.277-acre 5766
tract more particularly described as follows: 5767

BEGINNING at a PK nail set on the centerline intersection of 5768
Brush Row Road and State Route 42; 5769

THENCE from said point of beginning, SOUTH 53° 30' 00" WEST 5770
with the centerline of State Route 42 a distance of 172.54 feet to 5771
a PK nail set at a corner of a 3.14-acre tract conveyed to JLR 5772
Real Estate Investment Co., Inc., by deed recorded in Volume 376, 5773
Page 110 of the official records of said county; 5774

THENCE NORTH 8° 00' 00" EAST with the southeasterly line of 5775
said 3.14-acre tract a distance of 196.35 feet (passing 5/8" iron 5776
pins set at 42.06 feet and at 172.89 feet) to a PK nail set on the 5777
centerline of Brush Row Road; 5778

THENCE on a new division line SOUTH 50° 30' 00" EAST with 5779
said centerline a distance of 144.33 feet to the point of 5780
beginning containing 0.277 acres, more or less, subject, however, 5781
to all legal highways, easements, and restrictions of record. 5782

The above described parcel is now known as part of the 5783
dedicated right-of-way of Brush Row Road and State Route 42 and 5784
Part Lot 6A of Lauman & Rust Addition Replat of Lot 6 and 0.277 5785
acres as recorded in Plat Cabinet 36, Pages 313B & 314A of the 5786
plat records of said county. 5787

Prior Deed: Deed Book 85, Page 216. 5788

Basis of Bearing: Centerline of State Route 42 per Plat 5789
Cabinet 31/17B, SOUTH 53° 30' 00" WEST. 5790

The above described parcel is to be combined with the 5791
adjacent parcel (Tract B) and is not to be considered a separate 5792
building lot until it complies with all applicable zoning and 5793
subdivision regulations. 5794

The above description is the result of a field survey 5795

prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, 5796
and Judge Engineering Company, dated March 23, 2007. 5797

(B) Consideration for conveyance of the real estate is the 5798
mutual benefit accruing to the state and Tawawa Community 5799
Development Corporation for a student and community convenience 5800
center. 5801

(C) Tawawa Community Development Corporation shall pay the 5802
costs of the conveyance. 5803

(D) The Auditor of State, with the assistance of the Attorney 5804
General, shall prepare a deed to the real estate described in 5805
division (A) of this section. The deed shall be executed by the 5806
Governor in the name of the state, countersigned by the Secretary 5807
of State, sealed with the Great Seal of the state, and presented 5808
for recording in the Office of the Auditor of State. Tawawa 5809
Community Development Corporation shall present the deed for 5810
recording in the office of the Greene County Recorder. 5811

(E) This act expires one year after the effective date of 5812
this section. 5813

Section 411. (A) The Governor is hereby authorized to execute 5814
a deed in the name of the state conveying to the Board of Trustees 5815
of Cambridge Township, Guernsey County, Ohio all of the state's 5816
right, title, and interest in the following described real estate 5817
that the Director of Administrative Services has determined is no 5818
longer required for the use and benefit of the state of Ohio: 5819

Situated in the Township of Cambridge, the County of 5820
Guernsey, and the State of Ohio. 5821

Being located in the Northwest Quarter of Section 3 and the 5822
Northeast Quarter of Section 4 of Township 2, Range 3 of the 5823
United States Military Lands and being part of the residue of a 5824
256.55 acre tract -A.P.# 02-03838.000 heretofore conveyed to the 5825

State of Ohio by Deed Volume 215 at Page 522 of the Guernsey 5826
County Deed and Official Records with the tract to be conveyed 5827
being more fully described as follows: 5828

Commencing at a mag nail (found) at the Southwest corner of 5829
the Northwest Quarter of Section 3 and the Southeast corner of the 5830
Northeast Quarter of Section 4 being also the **TRUE PLACE OF** 5831
BEGINNING of the herein described road right of way; 5832

Thence through the bounds of the aforesaid parent tract seven 5833
(7) courses: 5834

(1) Thence North 88 deg. 38 min. 07 sec. West, 40.00 feet to 5835
a point; 5836

(2) Thence North 1 deg. 53 min. 49 sec. East, 1219.32 feet to 5837
a point; 5838

(3) Thence with a curve to the right having a radius of 5839
102.78 feet, a central angle of 89 deg. 28 min. 41 sec., an arc 5840
length of 160.50 feet, and a chord which bears North 46 deg. 38 5841
min. 10 sec. East for a distance of 144.68 feet to a point; 5842

(4) Thence South 88 deg. 37 min. 29 sec. East, 1751.60 feet 5843
to a point; 5844

(5) Thence with a curve to the left having a radius of 341.02 5845
feet, a central angle of 51 deg. 40 min. 47 sec., an arc length of 5846
307.59 feet and a chord which bears North 65 deg. 32 min. 07 sec., 5847
East for a distance of 297.27 feet to a point; 5848

(6) Thence North 39 deg. 41 min. 44 sec. East, 149.74 feet to 5849
a point; 5850

(7) Thence with a curve to the right having a radius of 5851
374.65 feet, a central angle of 35 deg. 30 min. 21 sec., an arc 5852
length of 232.17 feet and a chord which bears North 57 deg. 26 5853
min. 52 sec. East for a distance of 228.47 feet to a point on the 5854
south line of a 60 acre tract heretofore conveyed to Mary M. 5855

Doench, Martha M. Ruppert, Majorie E. Braden and James R. Mason 5856
(O.R. 308, Pg. 233); 5857

Thence with said line South 88 deg. 08 min. 23 sec. East, 5858
354.16 feet to a point in County Road 35- Former U.S. Route 21 and 5859
passing on line a 1" iron pin (found) at 325.90 feet; 5860

Thence with said road and through the bounds of the aforesaid 5861
parent tract the following two (2) courses: 5862

(1) Thence South 2 deg. 01 min. 12 sec. West, 24.97 feet to a 5863
point reference by a railroad spike (set) at North 87 deg. 58 min. 5864
48 sec. West, 25.00 feet; 5865

(2) Thence South 2 deg. 01 min. 12 sec. West, 40.00 feet to a 5866
point; 5867

Thence leaving said road and continuing through the bounds of 5868
the aforesaid parent the following nine (9) courses: 5869

(1) Thence North 87 deg. 58 min. 48 sec. West, 245.76 feet to 5870
a point; 5871

(2) Thence with a curve to the left having a radius of 294.65 5872
feet, a central angle of 52 deg. 19 min. 28 sec., an arc length of 5873
269.08 feet and a chord which bears South 65 deg. 51 min. 28 sec. 5874
West for a distance of 259.83 feet to a point; 5875

(3) Thence South 39 deg. 41 min. 44 sec. West, 149.74 feet to 5876
a point; 5877

(4) Thence with a curve to the right having a radius of 5878
421.02 feet, a central angle of 38 deg. 11 min. 22 sec., an arc 5879
length of 280.62 feet and a chord which bears South 58 deg. 47 5880
min. 23 sec. West for a distance of 275.46 feet; 5881

(5) Thence South 1 deg. 20 min. 57 sec. West, 634.46 feet to 5882
a point; 5883

(6) Thence with a curve to the right having a radius of 5884
431.30 feet, a central angle of 13 deg. 21 min. 20 sec., an arc 5885

length of 100.53 feet and a chord which bears South 8 deg. 01 min. 5886
3 sec. West for a distance of 100.31 feet to a point; 5887

(7) Thence South 14 deg. 42 min. 16 sec. West, 121.33 feet to 5888
a point; 5889

(8) Thence with a curve to the left having a radius of 137.51 5890
feet, a central angle of 52 deg. 51 min. 50 sec., an arc length of 5891
126.87 feet and a chord which bears South 11 deg. 43 min. 3 sec. 5892
East for a distance of 122.42 feet to a point; 5893

(9) Thence South 38 deg. 09 min. 37 sec East, 18.56 feet to a 5894
point on the north line of a 1.934 acre tract heretofore conveyed 5895
to the Trustees of Cambridge Township, Guernsey County, Ohio (O.R. 5896
350, Pg.65); 5897

Thence with said line North 88 deg. 38 min. 33 sec. West, 5898
51.13 feet to a point referenced by an iron pin (set) at North 38 5899
deg. 09 min. 37 sec. West, 88.24 feet; 5900

Thence continuing with said line North 88 deg. 38 min. 33 5901
sec. West, 46.81 feet to a point on the north line of the residue 5902
of a 62.554 acre tract heretofore conveyed to Cambridge Township, 5903
City of Cambridge, Guernsey County, Guernsey County Port Authority 5904
and the Cambridge -Guernsey County Improvement Corporation (O.R. 5905
335, Pg. 116), referenced by a mag nail (found) at North 88 deg. 5906
38 min. 33 sec. West, 16.34 feet; 5907

Thence leaving said line and through the aforesaid parent 5908
tract the following nine (9) courses: 5909

(1) Thence with a curve to the right having a radius of 5910
217.51 feet a central angle of 41 deg. 15 min. 31 sec., an arc 5911
length of 156.63 feet and a chord which bears North 5 deg. 55 min. 5912
2 sec. West for a distance of 153.27 feet to a point; 5913

(2) Thence North 14 deg. 42 min. 16 sec. East, 121.33 feet to 5914
a point; 5915

(3) Thence with a curve to the left having a radius of 351.30 feet, a central angle of 13 deg. 21 min. 20 sec., an arc length of 81.89 feet and a chord which bears North 8 deg. 01 min. 37 sec. East for a distance of 81.70 feet to a point;

(4) Thence North 1 deg. 20 min. 57 sec. East, 623.27 feet to a point;

(5) Thence with a curve to the right having a radius of 421.02 feet, a central angle of 2 deg. 28 min. 49 sec., an arc length of 18.23 feet and a chord which bears North 89 deg. 51 min. 29 sec. West for a distance of 18.22 feet to a point;

(6) Thence North 88 deg. 37 min. 29 sec. West, 1751.60 feet to a point;

(7) Thence with a curve to the left having a radius of 22.78 feet, a central angle of 89 deg. 28 min. 41 sec., an arc length of 35.57 feet, and a chord which bears South 46 deg. 38 min. 10 sec West for a distance of 32.06 feet to a point;

(8) Thence South 1 deg. 53 min. 49 sec. West, 1178.57 feet to a point;

(9) Thence South 88 deg. 38 min. 07 sec. East, 1148.69 feet to a point on a bound of the aforesaid residue of a 62.554 acre tract;

Thence with said bound South 1 deg. 28 min. 54 sec. West, 40.00 feet to a mag nail (found) on the north line of a 15.842 acre tract heretofore conveyed to Cambridge Township (O.R 335, Pg. 120) a on the south line of the Northwest Quarter of Section 3;

Thence with said line North 88 deg. 38 min. 07 sec. West, 1188.98 feet to the TRUE PLACE OF BEGINNING containing 10.315 acres_more or less but subject to all legal highways, rights-of-way, easements, leases and restrictions of record or otherwise legally established.

Bearings herein are oriented to north as determined by GPS 5946
observation, All iron pins set are 5/8"x30" re- bars with yellow 5947
plastic caps stamped "WARD 7356", 5948

The above described tract consists of 1.254 acres in Section 5949
4 and 9.061 in Section 3. 5950

(B) The General Assembly finds that the mutual benefit and 5951
exchange of services accruing to the State of Ohio from the 5952
conveyance of the real estate under this section is in the best 5953
interests of the State of Ohio and specifically beneficial to the 5954
Ohio Department of Mental Retardation and Developmental 5955
Disabilities. The Board of Trustees of Cambridge Township in 5956
Guernsey County, Ohio, agrees to accept the deed and assume 5957
responsibility for all maintenance and upkeep of the roadways 5958
thereon, following transfer from the state. Once title to the the 5959
roadways are transferred pursuant to this section of the act, the 5960
Board of Trustees of Cambridge Township agree to perpetually 5961
dedicate the roadways herein to the public's use. 5962

(C) The Auditor of State, with the assistance of the Attorney 5963
General, shall prepare a deed to the real estate described in 5964
division (A) of this section. The deed shall state the 5965
consideration as mutual benefit and exchange of services. The deed 5966
shall be executed by the Governor in the name of the state, 5967
countersigned by the Secretary of State, sealed with the Great 5968
Seal of the State, presented in the office of the Auditor of State 5969
for recording, and delivered to the Board of Trustees of Cambridge 5970
Township in Guernsey County, Ohio, who shall present the deed for 5971
recording in the office of the Guernsey County Recorder. 5972

(D) The Board of Trustees of Cambridge Township shall pay the 5973
costs of the conveyance of the real estate described in this 5974
section of this act. 5975

(E) This section expires two years after its effective date. 5976

Section 413. (A) The Governor is hereby authorized to execute 5977
a deed in the name of the state conveying to Cambridge Real Estate 5978
Holdings, LLC., hereafter the grantee, and its successors and 5979
assigns, all of the state's right, title, and interest in the 5980
following described real estate: 5981

Parcel One: Beginning for reference at a pk nail found at the 5982
Southwest Corner of the Northwest Quarter of Section 3, also being 5983
in the centerline of two private roads (Oldham and Lalakus); 5984

thence along the south line of said Northwest Quarter of 5985
Section 3, also being the south line of the lands now owned by 5986
State of Ohio (D.V. 215, Pg. 522) and the north line of the lands 5987
now owned by Cambridge Township (OR 335, Pg. 120), and the 5988
centerline of a private road (Oldham), South 89 degrees 12 minutes 5989
53 seconds East 248.68 feet to a pk nail set; 5990

thence leaving said centerline and through the lands now 5991
owned by the State of Ohio (D.V. 215, Pg. 522), North 00 degrees 5992
32 minutes 51 seconds East 40.00 feet to an iron pin set also 5993
being the true point of beginning; 5994

thence continuing through the said lands now owned by the 5995
State of Ohio (D.V. 215, Pg. 522), North 00 degrees 32 minutes 51 5996
seconds East 896.44 feet to an iron pin set adjacent to the west 5997
side of an existing concrete sidewalk; 5998

thence along the west side of said existing sidewalk, North 5999
00 degrees 32 minutes 51 seconds East 100.97 feet to an iron pin 6000
set adjacent to the south side of an existing concrete sidewalk; 6001

thence along the south side of said existing sidewalk, South 6002
89 degrees 27 minutes 08 seconds East 172.75 feet to a pk nail 6003
set; 6004

thence through and along the east side of an existing 6005
concrete sidewalk, South 00 degrees 13 minutes 51 seconds East 6006

238.38 feet to a pk nail set; thence approximately eight feet 6007
north of and parallel to the centerline of a private road 6008
(unnamed), South 89 degrees 09 minutes 24 seconds East 994.03 feet 6009
to an iron pin set adjacent to the north side of an existing 6010
concrete drive; 6011

thence along said north line of an existing concrete drive, 6012
North 88 degrees 42 minutes 07 seconds East 20.38 feet to an iron 6013
pin set; 6014

thence with a curve to the left having an arc length of 31.77 6015
feet, a radius of 22.51 feet, with a chord bearing of North 47 6016
degrees 36 minutes 43 seconds East for a distance of 29.20 feet to 6017
an iron pin set adjacent to the east side of an existing concrete 6018
drive; 6019

thence along said east side of an existing concrete drive, 6020
North 00 degrees 46 seconds 22 minutes East 140.27 feet to an iron 6021
pin set; 6022

thence leaving said east side of an existing concrete drive, 6023
South 89 degrees 56 minutes 11 seconds East 17.06 feet to a point 6024
on the north line of an existing concrete sidewalk; thence along 6025
the north line of said existing concrete sidewalk the following 6026
ten courses: 6027

1) South 70 degrees 32 minutes 48 seconds East a distance of 7.52 6028
feet to a point; 6029

2) South 62 degrees 55 minutes 21 seconds East a distance of 16.75 6030
feet to a point; 6031

3) South 59 degrees 01 minutes 31 seconds East a distance of 25.04 6032
feet to a point; 6033

4) South 55 degrees 07 minutes 32 seconds East a distance of 21.39 6034
feet to a point; 6035

5) South 59 degrees 19 minutes 35 seconds East a distance of 32.98 6036

feet to a point; 6037

6) South 65 degrees 44 minutes 51 seconds East a distance of 713 feet to a point; 6038
6039

7) South 77 degrees 52 minutes 46 seconds East a distance of 2.97 feet to a point; 6040
6041

8) North 61 degrees 31 minutes 04 seconds East a distance of 10.16 feet to a point; 6042
6043

9) North 83 degrees 16 minutes 35 seconds East a distance of 51.52 feet to a point; 6044
6045

10) South 89 degrees 28 minutes 00 seconds East a distance of 9.98 feet to a point being a common corner of said north side of existing concrete sidewalk and the west side of an existing concrete drive; 6046
6047
6048
6049

thence along said west side of an existing concrete drive, 6050
North 00 degrees 31 minutes 02 seconds West a distance of 21.56 feet to an iron pin set; 6051
6052

thence leaving said west side of an existing concrete drive and continuing along the north side of an existing concrete sidewalk the following five courses: 6053
6054
6055

1) South 89 degrees 09 minutes 21 seconds East a distance of 47.98 feet to a point; 6056
6057

2) South 61 degrees 54 minutes 41 seconds East a distance of 49.48 feet to a point; 6058
6059

3) North 88 degrees 36 minutes 50 seconds East a distance of 50.28 feet to a point; 6060
6061

4) South 61 degrees 16 minutes 33 seconds East a distance of 10.06 feet to a point; 6062
6063

5) North 88 degrees 56 minutes 31 seconds East a distance of 49.91 feet to an iron pin set; 6064
6065

thence leaving said north line of existing concrete sidewalk 6066
and forty feet west of and parallel to the centerline of a private 6067
road (Gibson) the following three courses: 6068

1) South 00 degrees 46 minutes 11 seconds West 338.29 feet to an 6069
iron pin set; 6070

2) South 14 degrees 07 minutes 30 seconds West 162.46 feet to an 6071
iron pin set; 6072

3) With a curve to the left having an arc length of 156.62 feet, a 6073
radius of 217.51 feet, with a chord bearing of South 06 degrees 30 6074
minutes 12 seconds East for a distance of 153.25 feet to a point 6075
in the centerline of a private road (Fletcher); 6076

thence following the south line of lands now owned by said 6077
State of Ohio (D.V. 215, Pg. 522), North 89 degrees 13 minutes 28 6078
seconds West 636.54 feet to a pk nail found in the intersection of 6079
two private roads (Fletcher and unnamed), passing a pk nail found 6080
in the centerline of a private road (Fletcher) at 16.37 feet; 6081

thence following the centerline of a private road (unnamed) 6082
South 00 degrees 54 minutes 08 seconds West 226.57 feet to a pk 6083
nail found in the centerline of said private road and private road 6084
(unnamed) and also being forty feet north of a pk nail found in 6085
the intersection of said private road and private road (Oldham); 6086

thence forty feet north of and parallel to the centerline of 6087
a private road (Oldham) North 89 degrees 12 minutes 53 seconds 6088
West 940.30 feet to the true point of beginning; containing 26.32 6089
acres, more or less, subject to all legal road right of ways and 6090
applicable easements, written or implied. 6091

Part of Parcel No. 02-03838.000 (\pm 26.32 acres) 6092

Parcel Two: Beginning for reference at a pk nail found at the 6093
Southeast Corner of the Northwest Quarter of Section 3, also being 6094
in the intersection of C.R. 35 (Old U.S. Rt. 21) and C.R. 633; 6095

thence along the centerline of said C.R. 35 North 01 degrees 32 minutes 37 seconds East 266.78 feet to a point in the centerline of said C.R. 35 also being the southeast corner of the lands now owned by State of Ohio (D.V. 215, Pg. 522) and also being the true point of beginning;

thence leaving said centerline of C.R. 35 and following the south line of said lands now owned by State of Ohio (D.V. 215, Pg. 522), North 89 degrees 13 minutes 28 seconds West 605.52 feet to an iron pin found, passing iron pins found at 49.98 feet and 418.50 feet;

thence continuing along said line North 89 degrees 13 minutes 19 seconds West 185.67 feet to a point being 40 feet east of and parallel to the centerline of a private road (Gibson);

thence crossing said lands now owned by State of Ohio and continuing 40 feet east of and parallel to said centerline the following four courses:

1) North 38 degrees 44 minutes 21 seconds West 18.55 feet to a point;

2) with a curve to the right having an arc length of 126.87 feet, a radius of 137.51 feet, with a chord bearing of North 06 degrees 30 minutes 12 seconds West for a distance of 122.42 feet to an iron pin set;

3) North 14 degrees 07 minutes 30 seconds East 171.82 feet to an iron pin set;

4) North 00 degrees 46 minutes 11 seconds East 351.22 feet to a pk nail set in an asphalt parking lot;

thence North 87 degrees 48 minutes 25 seconds East 339.69 feet to an iron pin set;

thence South 84 degrees 26 minutes 02 seconds East 629.16 feet to a point in the centerline of C.R. 35, passing an iron pin

set for reference at 529.16 feet; 6126

thence following said centerline of C.R. 35 the following 6127
four courses: 6128

1) South 39 degrees 18 minutes 52 seconds West a distance of 6129
171.23 feet to a point; 6130

2) South 28 degrees 09 minutes 52 seconds West a distance of 138.5 6131
feet to a point; 6132

3) South 01 degrees 32 minutes 55 seconds West a distance of 6133
292.31 feet to a point; 6134

4) South 01 degrees 25 minutes 35 seconds West a distance of 67.85 6135
feet to the true point of beginning; 6136

containing 12.60 acres, more or less, subject to all legal 6137
road right of ways and applicable easements, written or implied. 6138

Part of Parcel No. 02-03838.000 (\pm 12.60 acres) 6139

(B) Consideration for conveyance of the real estate described 6140
in division (A) of this section is the purchase price of three 6141
million two hundred thousand dollars. The payment of the final 6142
purchase price of three million two hundred thousand dollars shall 6143
be less the aggregate amount of monthly rental payments paid from 6144
October 1, 2008, through the date of closing and less one-half of 6145
the cost of surveying the Premises. 6146

(C) The real estate described in division (A) of this section 6147
shall be sold as an entire tract and not in parcels. 6148

(D) The deed shall contain a deed restriction that the 6149
grantee shall grant the state a permanent access easement across 6150
Road 4, the access drive that runs south of Keller, in form and 6151
content acceptable to the state. 6152

(E) The deed shall contain a deed restriction that the 6153
grantee agrees that it shall not use, develop, or sell the 6154
premises such that it will interfere with the quiet enjoyment of 6155

the neighboring state-owned land. 6156

(F) Upon payment of the purchase price, the Auditor of State, 6157
with the assistance of the Attorney General, shall prepare a deed 6158
to the real estate described in division (A) of this section. The 6159
deed shall state the consideration and restrictions and shall be 6160
executed by the Governor in the name of the state, countersigned 6161
by the Secretary of State, sealed with the Great Seal of the 6162
State, presented in the Office of the Auditor of State for 6163
recording, and delivered to the grantee. The grantee shall present 6164
the deed for recording in the Office of the Guernsey County 6165
Recorder. 6166

(G) The grantee shall pay all costs associated with the 6167
purchase and conveyance of the real estate described in division 6168
(A) of this section, including recordation costs of the deed. 6169

(H) After payment of the remaining capital debt of the 6170
property, the net proceeds of the sale of the real estate 6171
described in division (A) of this section shall be deposited in 6172
the State Treasury to the credit of the Department of Mental 6173
Health Trust Fund pursuant to Section 5119.18 of the Revised Code. 6174

(I) This section expires one year after its effective date. 6175

Section 415. (A) The Governor is hereby authorized to execute 6176
a deed in the name of the state conveying to the City of Norwalk, 6177
its successors and assigns, all of the state's right, title, and 6178
interest in the following described real estate: 6179

SITUATED in the City of Norwalk, County of Huron, and State 6180
of Ohio and known as part of Lot No. 1234, said part being bounded 6181
as follows: 6182

BEGINNING at a point on the north line of Monroe Street, 6183
fifteen feet east of the Gilger Theater, thence easterly along the 6184
north line of said Monroe Street, sixty-five feet, thence 6185

northerly parallel with the east line of said Lot No. 1234, one 6186
hundred and fifty feet, thence westerly, parallel with the north 6187
line of said Monroe Street, sixty-five feet, thence southerly, 6188
parallel with the east line of said Lot No. 1234, one hundred 6189
fifty feet to the place of beginning. 6190

And being the same premises heretofore conveyed by F.B. Case 6191
and Elsie Hume Case, by deed of general warranty, to the State of 6192
Ohio, dated the first of June, 1910, and recorded in Deed Book No. 6193
77, pages 518-519, of the County of Huron, Ohio Record of Deeds. 6194

Parcel Number: 33-0200-01-031-0000 6195

(B) Consideration for the conveyance of the real estate 6196
described in division (A) of this section shall be fifty-five 6197
thousand dollars and paid to the state according to the following 6198
schedule as derived by mutual agreement reached between the state 6199
and the City of Norwalk through an executed offer to purchase: 6200

(1) Twenty thousand dollars at closing and transfer of title 6201
in accordance with this section. 6202

(2) Twenty-five thousand dollars credited at closing for 6203
tenant improvements the City of Norwalk has made to the real 6204
estate described in division (A) of this section. 6205

(3) Ten thousand dollars due and payable on the initial 6206
anniversary of the closing date. 6207

(C) The real estate described in division (A) of this section 6208
shall be sold as an entire tract and not in parcels. 6209

(D) Prior to the execution of the deed described in division 6210
(E) of this section, possession of the real estate described in 6211
division (A) of this section shall be governed by an existing 6212
interim lease between the Ohio Department of Administrative 6213
Services and the City of Norwalk. 6214

(E) Upon payment of the purchase price, the Auditor of State, 6215

with the assistance of the Attorney General, shall prepare a deed 6216
to the real estate described in division (A) of this section. The 6217
deed shall state the consideration and shall be executed by the 6218
Governor in the name of the state, be countersigned by the 6219
Secretary of State, sealed with the Great Seal of the State, 6220
presented in the Office of the Auditor of State for recording, and 6221
delivered to the City of Norwalk. The City shall present the deed 6222
for recording in the Office of the Huron County Recorder. 6223

(F) The deed shall contain the following deed restriction: 6224

This conveyance is subject to the qualifications and 6225
conditions set forth in the deed of F.B. and Elsie Hume Case to 6226
the State of Ohio, bearing date June 1, 1910, recorded in the deed 6227
records of Huron County, Volume 77, Pages 518 and 519, which deed 6228
states that "[i]f at any time said premises shall cease to be used 6229
as a site for an Armory or other Public Building, then said 6230
premises shall revert to the said F.B. Case, the grantor, his 6231
heirs or assigns, be the same more or less, but subject to all 6232
legal highways. 6233

(G) The City of Norwalk shall pay the costs of the conveyance 6234
of the real estate described in division (A) of this section, 6235
including recording costs of the deed. 6236

(H) The net proceeds of the sales of the parcel described in 6237
division (A) of this section shall be deposited in the state 6238
treasury to the credit of the Armory Improvements Fund created 6239
pursuant to section 5911.10 of the Revised Code. 6240

(I) This section shall expire one year after its effective 6241
date. 6242

Section 417. (A) The Governor is hereby authorized to execute 6243
a deed in the name of the state conveying to The University of 6244
Toledo Foundation ("Grantee"), an Ohio 501(C)(3), not-for-profit 6245

corporation, all of the state's right, title and interest in the 6246
following described real estate: 6247

A parcel of land in the southwest quarter of Fractional 6248
Section 32, Town 9 South, Range 7 East, City of Toledo, Lucas 6249
County, Ohio, comprising part of Joseph Brothers Addition recorded 6250
in Plat Book 59, Page 26, Lucas County Recorder's Office, part of 6251
the W.A. Hodge Addition, recorded in Plat Book 28, Page 21, Lucas 6252
County Recorder's Office, and parts of vacated roads within the 6253
W.A. Hodge Subdivision, further bounded and described as follows: 6254

Commencing at the intersection of the centerlines of Dorr 6255
Street, as it now exists, and Secor Road, as it now exists, said 6256
intersection being marked with an empty monument box, (point 6257
established using reference nails); 6258

thence North 01 degrees 28 minutes 54 seconds West a distance 6259
of 214.07 feet (214.20 feet record) along said centerline of Secor 6260
Rd., to the northerly line of a parcel of land conveyed to JMB 6261
Investments, LLC in Instrument Number 200612290087115, Lucas 6262
County Recorder's Office; 6263

thence North 89 degrees 57 minutes 51 seconds East a distance 6264
of 50.01 feet along the northerly line of said JMB Investment 6265
parcel, to the easterly existing right of way line of Secor Rd., 6266
(Railroad Spike found 0.04 feet North, 0.01 feet East), said point 6267
being the TRUE POINT OF BEGINNING; 6268

thence North 01 degrees 28 minutes 54 seconds West a distance 6269
of 1055.10 feet along said easterly existing right of way line of 6270
Secor Rd., same being the westerly line of said Joseph Brothers 6271
Addition and the westerly property line of the Grantor, to a 6272
capped iron rod set on the northerly line of said Joseph Brothers 6273
Addition; 6274

thence South 75 degrees 26 minutes 34 seconds East a distance 6275

of 541.38 feet along said northerly line of said Joseph Brothers 6276
Addition, same formally being the southerly right of way line of 6277
the Toledo-Angola and Western Railroad, to a capped iron rod set; 6278

thence South 00 degrees 03 minutes 32 seconds West a distance 6279
of 162.81 feet along a line that is 5.00 feet westerly of and 6280
parallel with a westerly face of Rocket Hall as it now exists, to 6281
a capped iron rod set; 6282

thence North 89 degrees 56 minutes 28 seconds West a distance 6283
of 9.60 feet along a line that is 5.00 feet westerly of and 6284
perpendicular to a westerly face of Rocket Hall as it now exists, 6285
to a capped iron rod set; 6286

thence South 00 degrees 03 minutes 32 seconds West a distance 6287
of 30.28 feet along a line that is 5.00 feet westerly of and 6288
parallel with a westerly face of Rocket Hall as it now exists, to 6289
a capped iron rod set; 6290

thence North 89 degrees 56 minutes 28 seconds West a distance 6291
of 34.30 feet along a line that is 5.00 feet westerly of and 6292
perpendicular to a westerly face of Rocket Hall as it now exists, 6293
to a capped iron rod set; 6294

thence South 00 degrees 03 minutes 32 seconds West a distance 6295
of 116.56 feet along a line that is 5.00 feet westerly of and 6296
parallel with a westerly face of Rocket Hall as it now exists, to 6297
a capped iron rod set; 6298

thence North 89 degrees 56 minutes 28 seconds West a distance 6299
of 14.10 feet along a line that is 5.00 feet westerly of and 6300
perpendicular to a westerly face of Rocket Hall as it now exists, 6301
to a capped iron rod set; 6302

thence South 00 degrees 03 minutes 32 seconds West a distance 6303
of 227.18 feet along a line that is 5.00 feet westerly of and 6304
parallel with a westerly face of Rocket Hall as it now exists, to 6305
a capped iron rod set; 6306

thence South 89 degrees 56 minutes 28 seconds East a distance 6307
of 13.49 feet along a line that is 5.00 feet westerly of and 6308
perpendicular to a westerly face of Rocket Hall as it now exists, 6309
to a capped iron rod set; 6310

thence South 00 degrees 03 minutes 32 seconds West a distance 6311
of 77.47 feet along a line that is 5.00 feet westerly of and 6312
parallel with a westerly face of Rocket Hall as it now exists, to 6313
a capped iron rod set; 6314

thence South 89 degrees 56 minutes 28 seconds East a distance 6315
of 394.66 feet along a line that is 5.00 feet southerly of and 6316
parallel with a southerly face of Rocket Hall as it now exists, to 6317
a "MAG" nail set on the approximate centerline of West Campus 6318
Road, a private road on the campus of the University of Toledo; 6319

thence South 00 degrees 01 minutes 03 seconds East a distance 6320
of 207.74 feet along the approximate centerline of said West 6321
Campus Rd., to a "MAG" nail set at a point of curvature in said 6322
approximate centerline; 6323

thence in a southeasterly direction along the approximate 6324
centerline of said West Campus Rd., along an arc of curve to the 6325
left an arc distance of 233.19 feet to a "MAG" nail set at the 6326
point of tangency, said arc of arc curve to the left having a 6327
radius of 148.50 feet, a central angle of 89 degrees 58 minutes 25 6328
seconds, a chord distance of 209.96 feet and a chord bearing of 6329
South 45 degrees 00 minutes 15 seconds East; 6330

thence South 89 degrees 59 minutes 28 seconds East a distance 6331
of 575.63 feet along the approximate centerline of said West 6332
Campus Rd., to a "MAG" nail set at a point of curvature in said 6333
approximate centerline; 6334

thence in a northeasterly direction along an arc that is 6335
approximately 15 feet northwesterly of the southerly face of curb 6336
line of said West Campus Rd., along an arc of curve to the left an 6337

arc distance of 179.70 feet to a "MAG" nail set at a point of 6338
tangency, said arc of curve to the left having a radius of 250.50 6339
feet, a central angle of 41 degrees 06 minutes 10 seconds, a chord 6340
distance of 175.87 feet and a chord bearing of North 69 degrees 27 6341
minutes 27 seconds East: 6342

thence North 48 degrees 54 minutes 22 seconds East a distance 6343
of 135.26 feet along a line that is approximately 15 feet 6344
northwesterly of the southerly face of curb line of said West 6345
Campus Rd., to a "MAG" nail set at a point of curvature; 6346

thence in an easterly direction, along an arc that is 6347
approximately 15 feet northerly of the southerly face of curb line 6348
of said West Campus Rd., along an arc of curve to the right an arc 6349
distance of 140.67 feet to a "MAG" nail set an a point of compound 6350
curvature, said arc of curve to the right having a radius of 6351
166.50 feet, a central angle of 48 degrees 24 minutes 27 seconds, 6352
a chord distance of 136.52 feet and a chord bearing of North 73 6353
degrees 06 minutes 35 seconds East; 6354

thence in a southeasterly easterly direction along an arc 6355
that is approximately 15 feet northeasterly of the westerly face 6356
of curb line of said West Campus Rd., along an arc of curve to the 6357
right an arc distance of 69.61 feet to a "MAG" nail set at a point 6358
of tangency, said arc of curve to the right having a radius of 6359
49.00 feet, a central angle of 81 degrees 24 minutes 02 seconds, a 6360
chord distance of 63.91 feet and a chord bearing of South 41 6361
degrees 59 minutes 10 seconds East; 6362

thence South 01 degrees 17 minutes 09 seconds East a distance 6363
of 42.68 feet along a line that is approximately 15 feet easterly 6364
of the westerly face of curb line of said West Campus Rd to a 6365
"MAG" nail; 6366

thence South 00 degrees 04 minutes 25 seconds East a distance 6367
of 206.93 feet along a line that is approximately 15 feet easterly 6368

of the westerly face of curb line of said West Campus Rd to a 6369
"MAG" nail set on the northerly existing right of way line of said 6370
Dorr St.; 6371

thence North 90 degrees 00 minutes 00 seconds West a distance 6372
of 536.86 feet along said northerly existing right of way line of 6373
Dorr St., said line being 54 feet northerly of and parallel with 6374
the centerline of said Dorr St. and also being the southerly 6375
property line of the Grantor, to an capped iron rod set; 6376

thence South 89 degrees 57 minutes 51 seconds West a distance 6377
of 779.02 feet continuing along said northerly existing right of 6378
way line of Dorr St., said line being 54.00 feet northerly of and 6379
parallel with the centerline of said Dorr St. and also being the 6380
southerly property line of the Grantor, to an capped iron rod set 6381
on the easterly line of said Joseph Brothers Addition; 6382

thence South 00 degrees 04 minutes 11 seconds West a distance 6383
of 4.00 feet continuing along said northerly existing right of way 6384
line of said Dorr St., same being the easterly line of said Joseph 6385
Brothers Addition and a westerly property line of the Grantor, to 6386
a capped iron rod set; 6387

thence South 89 degrees 57 minutes 51 seconds West a distance 6388
of 560.29 feet continuing along said northerly existing right of 6389
way line of said Dorr St., same being the southerly line of said 6390
Joseph Brothers Addition and the southerly property line of the 6391
Grantor to a point on the easterly line of a parcel of land 6392
conveyed to JMB Investments, LLC in Instrument Number 6393
200612290087115, Lucas County Recorder's Office, (D.G. Bohning 6394
capped iron rod found 0.08 feet North, 0.00 feet East); 6395

thence North 00 degrees 02 minutes 09 seconds West a distance 6396
of 164 feet along said easterly line of a parcel of land conveyed 6397
to JMB Investments, LLC, to a point, ("MAG" nail found 0.00 feet 6398
North, 0.06 feet East); 6399

thence South 89 degrees 57 minutes 51 seconds West a distance 6400
of 135.39 feet along said northerly line of a parcel of land 6401
conveyed to JMB Investments, LLC to the TRUE POINT OF BEGINNING 6402
enclosing an area of 20.140 acres, more or less, contained within 6403
Lucas County Auditor's parcel numbers 20-83900 (1.004 acres), 6404
20-83911 (1.467 acres), 20-83920 (0.560 acres), 20-83931 (0.390 6405
acres), 20-83941 (1.659 acres), 20-83960 (9.101 acres) and 6406
20-83964 (0.348 acres) within said Joseph Brothers Addition and 6407
Lucas County Auditor's parcel number 20-83720 (5.611 acres) within 6408
said W.A. Hodge Addition, subject to any and all leases, easements 6409
and restrictions of record. 6410

The basis of bearings shown are relative an assumed meridian 6411
and are shown to denote angular measurement only. 6412

This description was prepared by Teresa L. Tucker and 6413
reviewed by Kenneth E. Ducat, Registered Surveyor Number 6783, DGL 6414
CONSULTING ENGINEERS, LLC, on September 4, 2008. This description 6415
is based on a field survey made in January of 2008 by DGL 6416
CONSULTING ENGINEERS, LLC under the direction and supervision of 6417
Kenneth E. Ducat, Registered Surveyor No. 6783. 6418

(B) Consideration for the conveyance of the real estate 6419
described in division (A) of this section shall be the mutual 6420
benefit accruing to the state and the Grantee for a new parking 6421
structure. The following conditions apply to the transaction: 6422

(1) Grantee will facilitate a development on the real estate 6423
described in division (A) of this section pursuant to a request 6424
for proposal issued by Grantee; 6425

(2) Grantee shall construct a parking structure built upon 6426
the real estate described in division (A) of this section in the 6427
initial phase of the development. The University of Toledo shall 6428
have use of the parking structure for its students, faculty, and 6429
staff. The University of Toledo shall not be financially 6430

responsible for construction of or any current or future 6431
maintenance to the parking structure. 6432

(3) The value derived by The University of Toledo from the 6433
Grantee is determined to be \$15,000 per parking space calculated 6434
to guarantee a minimum total tangible value of \$7,500,000 over a 6435
term of forty years, commencing on the date The University of 6436
Toledo begins use of the proposed parking spaces. 6437

(4) A condition precedent to the delivery of the deed shall 6438
be approval by the Ohio Attorney General's Office of a lease 6439
agreement between The University of Toledo and the Grantee 6440
affecting the proposed parking structure. 6441

The real estate closing for delivery of the deed and the 6442
closing of construction financing by the Grantee or Grantee's 6443
developer for the first phase of construction shall be 6444
simultaneous. 6445

(C) The real estate described in division (A) of this section 6446
shall be sold as an entire tract and not in parcels. 6447

(D) Prior to the execution of the deed described in division 6448
(E) of this section, possession of the real estate described in 6449
division (A) of this section shall be governed by an existing 6450
interim lease between the Ohio Department of Administrative 6451
Services and the Grantee. 6452

(E) The Auditor of State, with the assistance of the Attorney 6453
General, shall prepare a deed to the real estate described in 6454
division (A) of this section. The deed shall state the 6455
consideration and shall be executed by the Governor in the name of 6456
the state, countersigned by the Secretary of State, sealed with 6457
the Great Seal of the State, presented in the Office of the 6458
Auditor of State for recording, and delivered to the Grantee. The 6459
Grantee shall present the deed for recording in the office of the 6460
Lucas County Recorder. 6461

(F) The Grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.

(G) This section expires two years after its effective date.

Section 419. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Mr. Charles Knapke as the Grantee, and his successors and assigns, all of the state's right, title, and interest in the following described real estate:

DESCRIPTION FOR 1.353 ACRE PARCEL

Situated in the State of Ohio, County of Mercer, Township of Liberty, being part of the Northeast Quarter of Section 28, Township 5 South, Range 1 East, and being 1.353 acres out of that 3.789 acre tract as conveyed to State of Ohio in Official Record Book 153, Page 48, all references being to those of record in the Recorder's Office, Mercer County, Ohio, said 1.353 acre parcel being more particularly bounded and described as follows:

Commencing at a mag nail found at the southeast comer of the northeast quarter of Section 28, and at intersection of Skeels Road (60 foot in width) and Wabash Road (40 foot in width);

Thence along the centerline of said Skeels Road and the half section line of Section 28, North 88°07'29" West, 818.74 feet to a railroad spike found at the southwesterly comer of that 2.995 acre tract as conveyed to Charles G. Knapke and Martin R. Knapke in Deed Volume 322, Page 542, said railroad spike being the Point of Beginning of the 1.353 acre parcel herein described;

Thence continuing along the said centerline and the said half section line, North 88°07'29" West, 177.97 feet to a point;

Thence across said 3.789 acre tract, North 01°09'03" East, passing an iron pin set in the northerly line of said Skeels Road at 30.00 feet, a total distance of 312.83 feet to an iron pin set

on the southerly property line of that 143.225 acre tract as 6492
conveyed to Hope E. Rock in Deed Volume 260, Page 340; 6493

Thence along the southerly line of said Hope E. Rock tract, 6494
South 87°34'57" East, 200.00 feet to an iron pin found; 6495

Thence along the westerly line of the said Charles G. Knapke 6496
and Martin R. Knapke tract, South 05°12'03" West, passing an iron 6497
pin found in the northerly line of said Skeels Road at 281.45 6498
feet, a total distance of 311.44 feet to the Point of Beginning 6499
and containing 1.353 total acres (0.123 acres in Right-of-Way, 6500
leaving a residual of 1.230 acres), more or less according to a 6501
survey conducted by Jobes Henderson & Associates, Inc. in May of 6502
2007. 6503

Said 1.353 acre tract to be added to the tract to the East, 6504
2.995 acre tract as conveyed to Charles G. Knapke and Martin R. 6505
Knapke in Deed Volume 322, Page 542. 6506

The above described 1.353 acre parcel is contained within 6507
Mercer County Auditor Parcel Number 04-28-200-002, Tax Number 6508
28-009350.0000. 6509

The bearings in the above description are based on the Ohio 6510
State Plane Coordinate System, Ohio North Zone, NAD83. 6511

All iron pins set are 5/8" rebar by 30 inches in length with 6512
red surveyors identification caps marked "J&H, PS 8283". 6513

DESCRIPTION FOR 2.414 ACRE PARCEL 6514

Situated in the State of Ohio, County of Mercer, Township of 6515
Liberty, being part of the Northeast Quarter of Section 28, 6516
Township 5 South, Range 1 East, and being 2.414 acres out of that 6517
3.789 acre tract as conveyed to State of Ohio in Official Record 6518
Book 153, Page 48, all references being to those of record in the 6519
Recorder's Office, Mercer County, Ohio, said 2.414 acre parcel 6520
being more particularly bounded and described as follows: 6521

Commencing at a mag nail found at the southeast corner of the northeast quarter of Section 28, and at intersection of Skeels Road (60 foot in width) and Wabash Road (40 foot in width);

Thence along the centerline of said Skeels Road and the half section line of Section 28, North 88°07'29" West, passing a railroad spike found at the southwesterly corner of that 2.995 acre tract as conveyed to Charles G. Knapke and Martin R. Knapke in Deed Volume 322, Page 542 at 818.74 feet, a total distance of 996.71 feet, said point being the **Point of Beginning** of the 2.414 acre parcel herein described;

Thence continuing along the said centerline and the said half section line, North 88°07'29" West, 334.53 feet to a mag nail found at the southeasterly corner of that 143.225 acre tract as conveyed to Hope E. Rock in Deed Volume 260, Page 340;

Thence along the easterly line of said Hope E. Rock tract, North 01°09'03" East, passing an iron pin found in the northerly line of said Skeels Road at 30.00 feet, a total distance of 316.00 feet to an iron pin set;

Thence along the southerly line of said Hope E. Rock tract, South 87°34'57" East, 334.59 feet to an iron pin set;

Thence across said 3.789 acre tract, South 01°09'03" West, passing an iron pin set in the northerly line of said Skeels Road at 282.83 feet, a total distance of 312.83 feet to the Point of Beginning and containing 2.414 acres (0.230 acres in Right-of-Way, leaving a residual of 2.184 acres), more, more or less according to a survey conducted by Jobes Henderson & Associates, Inc. in May of 2007.

The above described 2.414 acre parcel is contained within Mercer County Auditor Parcel Number 04-28-200-002, Tax Number 28-009350.0000.

The bearings in the above description are based on the Ohio

State Plane Coordinate System, Ohio North Zone, NAD83. 6553

All iron pins set are 5/8" rebar by 30 inches in length with 6554
red surveyors identification caps marked "J&H, PS 8283". 6555

**Subject to all valid and existing easements, restrictions and 6556
conditions of record.** 6557

(B) Consideration for the conveyance of the real estate 6558
described in division (A) of this section is the purchase price of 6559
twenty thousand seven hundred eighteen dollars and fifty cents. 6560

(C) The real estate described in division (A) of this section 6561
shall be sold as an entire tract and not in parcels. 6562

(D) Upon payment of the purchase price, the Auditor of State, 6563
with the assistance of the Attorney General, shall prepare a deed 6564
to the real estate described in division (A) of this section. The 6565
deed shall state the consideration and shall be executed by the 6566
Governor in the name of the state, countersigned by the Secretary 6567
of State, sealed with the Great Seal of the State, presented in 6568
the Office of the Auditor of State for recording, and delivered to 6569
the Grantee. The Grantee shall present the deed for recording in 6570
the Office of the Mercer County Recorder. 6571

(E) The Grantee shall pay the costs of the conveyance of the 6572
real estate described in division (A) of this section, including 6573
recordation costs of the deed. 6574

(F) The net proceeds of the sale of the real estate described 6575
in division (A) of this section shall be deposited in the State 6576
Treasury to the credit of the General Revenue Fund. 6577

(G) This sale shall not occur until the MARCS Celina Tower in 6578
Mercer County is fully functioning. 6579

(H) This section shall expire two years after its effective 6580
date. 6581

Section 421. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Scioto Township Board of Trustees, hereafter the grantee, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the Township of Scioto, County of Pickaway, the State of Ohio and a part of V.M.S 931 being more particularly bounded and described as follows:

Being a part of a 1,324.473 acre tract as shown on Plat of Survey recorded in Plat Book 7, Page 201 in the Pickaway County Recorder's Office also reference Deed Book 71, Pages 185-186 in the Pickaway County Recorder's Office;

Beginning at a point in the centerline of State Route 762 being N83°29'25"W 1482.99 feet distant from the point of intersection of said centerline with the centerline of Morgan Road;

Thence with the centerline of State Route 762 N83°30'09"W 484.00 feet to a point;

Thence leaving said centerline and going with three new lines through said 1,324.473 acre tract the following calls;

N06°29'51"E 450.00 feet (passing an iron pin set at 35.00 feet) to an iron pin set;

Thence S83°30'09"E 484.00 feet to an iron pin set;

Thence S06°29'51"W 450.00 feet (passing an iron pin set at 415.00 feet) to the POINT OF BEGINNING:

Containing 5.000 Acres, more or less.

Subject to all existing valid rights-of-way and easements of record.

Bearing reference for this survey is the North line of the

above referenced 1,324.473 acre tract as described in Plat Book 7, 6611
page 201 being S79°55'28"E. 6612

All iron pins are set 5/8" diameter X30" long rebar with a 6613
yellow plastic identification cap stamped "M.E. CLARK ASSOC." 6614

(B) Consideration for conveyance of the real estate described 6615
in division (A) of this section is the purchase price of five 6616
thousand dollars. 6617

(C) The real estate described in division (A) of this section 6618
shall be sold as an entire tract and not in parcels. 6619

(D) Upon payment of the purchase price, the Auditor of State, 6620
with the assistance of the Attorney General, shall prepare a deed 6621
to the real estate described in division (A) of this section. The 6622
deed shall state the consideration and restrictions and shall be 6623
executed by the Governor in the name of the state, countersigned 6624
by the Secretary of State, sealed with the Great Seal of the 6625
State, presented in the Office of the Auditor of State for 6626
recording, and delivered to the grantee. The grantee shall present 6627
the deed for recording in the Office of the Pickaway County 6628
Recorder. 6629

(E) The deed shall contain a deed restriction that the 6630
grantee shall use the real estate described in division (A) of 6631
this section solely for fire station, emergency medical services 6632
and its employee training, law enforcement and other criminal 6633
justice purposes, or governmental functions and offices of the 6634
Villages of Orient. Such uses shall not in any way adversely 6635
affect the use and operation of the Multi-Agency Radio 6636
Communication System located adjacent to the real estate described 6637
in division (A) of this section. 6638

(F) The deed shall contain a deed restriction that requires 6639
the grantee to initiate construction within five years of the 6640
effective date of this section. In the event the grantee breaches 6641

the provision of division (F) of this section, title to the real 6642
estate described in division (A) of this section may revert to the 6643
State, at the sole discretion of the Director of Administrative 6644
Services and the Department of Rehabilitation and Correction, for 6645
the jurisdictional use of the Department of Rehabilitation and 6646
Correction and the Department of Rehabilitation and Correction 6647
shall reimburse grantee the purchase price of five thousand 6648
dollars. 6649

(G) The grantee shall pay the costs of the conveyance of the 6650
real estate described in division (A) of this section, including 6651
recordation costs of the deed. 6652

(H) The net proceeds of the sale of the real estate described 6653
in division (A) of this section shall be deposited in the State 6654
Treasury to the credit of the General Revenue Fund. 6655

(I) This section expires one year after its effective date. 6656

Section 423. (A) The Governor is hereby authorized to execute 6657
a deed in the name of the state conveying to the Preble Shawnee 6658
Local School District, Preble County, Ohio, and its successors and 6659
assigns, all of the state's right, title, and interest in the 6660
following described real estate: 6661

Parcel One 6662

SITUATED in Section 9, Gratis Township, Preble County, Ohio 6663
and being 30.474 acres, part of an original 160 acre tract as 6664
described in Deed Book 231, page 401. Preble County Deed Records, 6665
the same being under land contract as described in Deed Book 219, 6666
Page 680, P.C.D.R.; said 30.474 acre tract being bounded and 6667
described as follows: 6668

BEGINNING at the southwesterly corner of Section 9 on the 6669
centerline of Somers-Gratis Road, the same being the southeasterly 6670
corner of Section 8; 6671

THENCE from said point of beginning and along the westerly line of said Section 9, the same being the easterly line of Section 8 North 0° 03' 12" West 2655.10 feet to the northwesterly corner of the southwesterly corner of Section 9;

THENCE along the one-half section of said Section 9, the same being the southerly line of an original 173 acre tract (Deed Book 253, Page 652, PCDR), and also being the northerly line of the aforesaid original 160 acre tract (Deed Book 231, Page 401 and Deed Book 219, Page 680, P.C.D.R.) SOUTH 89° 57'19" East 500.00 feet;

THENCE in said original 160 acre tract by new division line SOUTH 0° 03' 12" East 2654.71 feet to the southerly line of Section 9 on the centerline of Somers-Gratis Road;

AND THENCE along said west line 500.00 feet to the point of beginning CONTAINING 30.474 acres, according to a survey (Drawing E-7631) by Duane, Hasselbring, Kuhlman and Associates, Registered Surveyors, Middletown, Ohio, December, 1980. V. Frederic Duane, Ohio Registered Surveyor No. 4494. Subject however to all rights of way, easements and restrictions of record, heretofore granted which are applicable to and effective against said property.

Parcel Number C424309300000010000.

Parcel Two

Situated in Section 8, Town 4, Range 3 East, Gratis Township, Preble County, Ohio, and being the original 57 acre tract (61.464 acres by new survey) as described in Deed Book 299, Page 74, Preble County Deed Records; said 61.464 acre tract being bounded and described as follows:

BEGINNING at the southwesterly corner of Section 8 on the centerline of Somers-Gratis Road, the same being the southwesterly corner of Section 9;

thence from said point of beginning and continuing along said

centerline south 89° 56' 33" west 1006.05 feet to the 6703
southwesterly corner of the herein described 61.464 acre tract, 6704
the same being the southwesterly corner of the aforesaid original 6705
57 acre tract, and also being the southeasterly corner of a 40.324 6706
acre tract (Deed Book 315, Page 387, P.C.D.R.); 6707

thence along the westerly line of the herein described tract, 6708
the same being the easterly line of the aforesaid 40.324 acre 6709
tract and the easterly line of the 54.37 acre tract (Deed Book 6710
271, Page 135, P.C.D.R.) the following courses: 6711

(1) North 0° 06' 52" West 1020.18 feet; 6712

(2) North 0° 02' 59" West 1592.60 feet to the northwesterly 6713
corner of the herein described tract, on the one half section 6714
line, the same being the southerly line of a 157 acre tract as 6715
described in Deed Book 271, Page 135 P.C.D.R.; 6716

thence along the said line South 89° 37' 15' east 1007.13 to 6717
the northeasterly corner of the southeasterly one quarter of 6718
Section 8, the same being the northwesterly corner of the 6719
southwesterly one quarter of Section 9; 6720

And thence along the easterly line of Section 8 South 0° 03' 6721
12" East 2655.10 feet to the point of beginning, containing 61.464 6722
acres according to a survey (drawing E-7631) by Duane, 6723
Hasselbring, Kuhlman & Associates, Registered Surveyors, 6724
Middletown, Ohio, December, 1980. V. Frederic Duane, Ohio 6725
Registered Surveyor No. 4494. Said land being subject to an 6726
easement granted to Dayton Power and Light by Deed Vol. 185, page 6727
264, P.C.D.R.. Said land being further subject to all rights of 6728
way, easements and restrictions of record heretofore granted with 6729
are applicable to and effective against said property. 6730

Parcel Number C424308400000020000 6731

(B) Consideration for conveyance of the real estate described 6732
in division (A) of this section is the purchase price of ten 6733

dollars. The real estate was originally conveyed to the State of 6734
Ohio as collateral for school construction facility bonds issued. 6735
Once the construction project was completed, the state was to have 6736
conveyed title to the real estate back to the Preble Shawnee Local 6737
School District, which conveyance never occurred. This section 6738
corrects that oversight. 6739

(C) The Preble Shawnee Local School District shall pay all 6740
costs associated with the purchase and conveyance of the real 6741
estate described in division (A) of this section, including, but 6742
not limited, to recordation costs of the deed. 6743

(D) Possession of the premises prior to transfer shall be 6744
governed by an existing interim lease between the State of Ohio 6745
and the Preble Shawnee Local School District. 6746

(E) Upon payment of the purchase price, the Auditor of State, 6747
with the assistance of the Attorney General, shall prepare a deed 6748
to the real estate described in division (A) of this section. The 6749
deed shall be executed by the Governor in the name of the state, 6750
countersigned by the Secretary of State, sealed with the Great 6751
Seal of the State, presented in the Office of the Auditor of State 6752
for recording, and delivered to the Preble Shawnee Local School 6753
District. The School District shall present the deed for recording 6754
in the Office of the Preble County Recorder. 6755

(F) The net proceeds of the sale of the real estate described 6756
in division (A) of this section shall be deposited in the State 6757
Treasury to the credit of the General Revenue Fund. 6758

(G) This section expires one year after its effective date. 6759

Section 425. (A) Pursuant to Section 5911.10 of the Revised 6760
Code, the Governor is hereby authorized to execute a deed in the 6761
name of the state, conveying to a buyer or buyers to be determined 6762
in the manner provided in division (C) of this section, and the 6763

buyer's or buyers' successors and assigns or heirs and assigns, 6764
all of the state's right, title and interest in the following 6765
described parcels of real estate that the Adjutant General has 6766
determined are no longer needed by the Ohio National Guard for 6767
armory or military purposes: 6768

Parcel No. 1 Delaware Armory property 6769

Situated in the County of Delaware, in the State of Ohio, and 6770
in the City of Delaware, and bounded and described as follows: 6771
Being in lot No. eighty-eight (88) as designated on the town plat 6772
of the said town of Delaware, excepting therefrom 43 feet from the 6773
east side thereof, being the same premises conveyed by H. E. 6774
Martin and wife to E. A. Adams by deed date July 2, 1869. Also all 6775
that part of a fractional lot lying immediately south of In-Lot 88 6776
in the Town of Delaware, County of Delaware, and State of Ohio, 6777
sold by Lucy Martin and her husband to E. A. Adams not conveyed by 6778
quit-claim deed to one Calvin Welch, and being the same premises 6779
conveyed to B. H. Hyatt by William Brown, Sheriff of Delaware 6780
County on the 4th Day of January A.D. 1873, being the same more of 6781
less, but subject to all legal highways, and being the same 6782
premises conveyed by B. H. Hyatt and wife to Margaret A. Perry, 6783
March 16, 1878 and recorded on Volume 71, Page 363, Delaware 6784
County Record of Deeds. 6785

Permanent Parcel No: 519-433-02-004-000 6786

79 West William Street, Delaware, Ohio 43015 6787

Parcel No. 2 Ashland Armory property 6788

Situated in the City of Ashland, County of Ashland, State of 6789
Ohio. Being a part of the Northeast Quarter of Section 17, 6790
Township 22, Range 16 and bounded and described as follows: 6791

Commencing at an iron pin on the North line of East Main 6792
Street at the Southwest corner of that parcel of land deeded by 6793

the heirs-at-law of Mary Cummings and L.Q. Cummings, deceased to 6794
Phillip A. Myers by deed dated November 25th, 1922, recorded in 6795
Volume 151, Page 12 Ashland County, Ohio, Deed Records, which iron 6796
pin is North 70°14' West a distance of four hundred and 6797
seventy-five and thirty hundredths (475.30) feet from an iron pin 6798
at the Northwest corner of East Main and Holbrook Streets, thence 6799
from said beginning point North 17°55' East a distance of three 6800
hundred eighty-nine and eight hundredths (389.08) feet to a stake 6801
on the south line of lands conveyed April 23, 1921 by the heirs of 6802
Mary Cummings and L.Q. Cummings, deceased, to Philip A. Myers, 6803
which deed is recorded in Volume 149, Page 93, of the Deed Records 6804
of Ashland County, Ohio, and to which reference is hereto made; 6805
thence with said last mentioned line North 74°and 23' East and 6806
along the South line of said Myers land a distance of two hundred 6807
ten and thirty-five hundredths (210.35) feet to a stake in the 6808
creek; thence South 17°55" West and parallel to the West line of 6809
lands herein conveyed a distance of five hundred nine and seven 6810
hundredths (509.07) feet to an iron pin on the North line of East 6811
Main Street; thence North 70°14' West and along the North line of 6812
said East Main Street a distance of one hundred and seventy-five 6813
and five hundredths (175.05) feet to the place of beginning as 6814
surveyed November 16, 1922, by E. L. Berry, City Engineer. 6815

Parcel No. 3 Mansfield Armory property 6816

Situated in the City of Mansfield, County of Richland, and 6817
State of Ohio and bounded and described as follows: 6818

Beginning at the intersection of the centerline of Ashland 6819
Road of Lincoln Highway and the centerline of Ritter's Run where 6820
the same crosses said Highway: thence in an easterly direction 6821
along the center line of said Ritter's Run three hundred and fifty 6822
and three tenths feet (350.3): thence east long the center of said 6823
creek following a curve of twelve degrees to the left, two hundred 6824
thirteen and nineteen hundredths (213.19) feet; thence east on a 6825

straight line along the center line of said creek six hundred a 6826
five foot (605); thence following curve of twelve degrees south 6827
and east along said center line of said creek one hundred and 6828
fifty six (156) feet; thence east one hundred feet (100) to the 6829
center line of the Rocky Fork; thence North and West along the 6830
centerline of the Rocky Fork as now constructed two hundred and 6831
fifty (250) feet; thence west fifty feet (50) to an iron pin on 6832
the west bank of said Rocky Fork; thence west and continuing on 6833
same course, parallel with the center line of said Ritter's Run 6834
and two hundred feet (200) distance therefrom a distance of four 6835
hundred and seventy seven and five tenths (477.5) feet; thence in 6836
a north westerly direction on a line at right angle to Ashland 6837
Road a distance of one hundred and ninety five and four tenths 6838
(195.4) feet to an iron pin on the south side of Ashland Road, 6839
then continuing on the previous course thirty (30) feet to the 6840
center of Ashland Road; thence south forty nine (49) degrees west 6841
along the center line of said Ashland Road, one hundred and fifty 6842
five and nine tenths (155.9) feet to the center line of East 6843
Fourth Street; thence continuing along the center line of said 6844
Ashland Road a distance of six hundred and twenty two and nine 6845
tenths 9622.9) feet to the place of beginning, containing 5.64 6846
Acres, more or less. 6847

Save and except the following 0.70 acre tract as shown in 6848
Official Record Volume 960, Page 134, Recorder's Office, Richland 6849
County, Ohio: 6850

Situated in the City of Mansfield, County of Richland, and 6851
State of Ohio and being known as a part of the SE 1/4 of Section 6852
22, Twp. 21 and Range 18 of O. R. S. in the City of Mansfield, 6853
Ohio. Beginning at a point from the center line of 6854
Mansfield-Ashland Road 228.35 feet southwesterly from the center 6855
line of East Fourth Street; thence south 41 deg. 00 min. east at a 6856
right angle with Mansfield-Ashland Road, a distance of 153.95 ft. 6857

to the center of Ritter's Run; thence in a southwesterly direction 6858
along and with the center of Ritter's Run 422.15 ft. to the center 6859
of Mansfield-Ashland Road; thence north 49 deg. 00 min. east along 6860
and with the center line of the Mansfield-Ashland Road, a distance 6861
of 394.55 ft. to the place of beginning, containing 0.70 acres 6862
more or less, subject to all legal easements of record for 6863
highways, street, stream channel and other purposes. 6864

Permanent Parcel No. 027-05-084-17-000. 6865

(B) At the request of the Adjutant General, the Department of 6866
Administrative Services shall, pursuant to the procedures 6867
described in division (C) of this section, assist in the sale of 6868
any of the parcels described in division (A) of this section. 6869

(C) The Adjutant General's Department shall appraise the 6870
parcels described in division (A) of this section or have them 6871
appraised by one or more disinterested persons for a fee to be 6872
determined by the Adjutant General. The Adjutant General shall 6873
offer the parcels for sale in their "as is" condition as follows: 6874

(1) The Adjutant General first shall offer a parcel for sale 6875
at its appraised value to the municipal corporation or township in 6876
which it is located. 6877

(2) If, after sixty days, the municipal corporation or 6878
township has not accepted the Adjutant General's offer to sell the 6879
parcel at its appraised value or has accepted the offer but has 6880
failed to complete the purchase, the Adjutant General shall offer 6881
the parcel at its appraised value to the county in which it is 6882
located. 6883

(3) If, after sixty days, the county has not accepted the 6884
Adjutant General's offer to sell the parcel at its appraised value 6885
or has accepted the offer but has failed to complete the purchase, 6886
the Adjutant General shall, in concert with the Department of 6887
Administrative Services, arrange a public auction, and the parcel 6888

shall be sold to the highest bidder at a price acceptable to the 6889
Adjutant General. The Adjutant General may reject any and all bids 6890
through the auctioneer. 6891

The Adjutant General shall advertise each public auction in a 6892
newspaper of general circulation within the county in which the 6893
parcel is located, once a week for three consecutive weeks prior 6894
to the date of the auction. The terms of sale of the parcel 6895
pursuant to the public auction shall be payment of ten per cent of 6896
the purchase price in cash, bank draft, or certified check on the 6897
date of sale, with the balance payable within sixty days after the 6898
date of sale. A purchaser who does not timely complete the 6899
conditions of the sale as prescribed in this section shall forfeit 6900
to the state the ten per cent of the purchase price paid on the 6901
date of the sale as liquidated damages. 6902

Should a purchaser not complete the conditions of sale as 6903
described herein, the Adjutant General and its auctioneer is 6904
authorized to accept the next highest bid from the auction by 6905
collecting ten per cent of the purchase price from the secondary 6906
bidder and proceed to close the sale, providing said secondary bid 6907
meets all other criteria provided for in this act. 6908

(D) Advertising costs, appraisal fees, and other costs of the 6909
sale of the parcels described in division (A) of this section 6910
shall be paid by the Adjutant General. 6911

(E) Upon the payment of ten per cent of the purchase price of 6912
a parcel described in division (A) of this section in accordance 6913
with division (C)(3) of this section or upon notice from the 6914
Adjutant General's Department that a parcel described in division 6915
(A) of this section has been sold to a municipal corporation, 6916
township, or county in accordance with division (C) of this 6917
section, a deed shall be prepared for that parcel by the Auditor 6918
of State with the assistance of the Attorney General, be executed 6919
by the Governor, countersigned by the Secretary of State, sealed 6920

with the Great Seal of the State, and presented for recording in 6921
the office of the Auditor of State. The deed shall be delivered to 6922
the buyer at closing where the balance of the purchase price is 6923
collected by the state. The buyer shall present the deed for 6924
recording in the office of the county recorder of the county in 6925
which the parcel is located. 6926

(F) The net proceeds of the sales of the parcels described in 6927
division (A) of this section shall be deposited in the state 6928
treasury to the credit of the Armory Improvements Fund pursuant to 6929
section 5911.10 of the Revised Code. 6930

(G) If a parcel described in division (A) of this section is 6931
sold to a municipal corporation, township, or county and that 6932
political subdivision sells the parcel within two years after its 6933
purchase, the political subdivision shall pay to the state, for 6934
deposit in the state treasury to the credit of the Armory 6935
Improvements Fund pursuant to section 5911.10 of the Revised Code, 6936
an amount representing one-half of any net profit derived from 6937
that subsequent sale. The net profit shall be computed by first 6938
subtracting the price at which the political subdivision bought 6939
the parcel from the price at which the political subdivision sold 6940
the parcel, and then subtracting from that remainder the amount of 6941
any expenditures the political subdivision made for improvements 6942
to the parcel. 6943

(H) This section expires five years after its effective date. 6944

Section 500.01. Section 3314.03 of the Revised Code is 6945
presented in this act as a composite of the section as amended by 6946
both Sub. H.B. 428 and Am. Sub. H.B. 562 of the 127th General 6947
Assembly. The General Assembly, applying the principle stated in 6948
division (B) of section 1.52 of the Revised Code that amendments 6949
are to be harmonized if reasonably capable of simultaneous 6950
operation, finds that the composite is the resulting version of 6951

the section in effect prior to the effective date of the section 6952
as presented in this act. 6953

Section 501. The amendment or enactment by this act of the 6954
following sections are not subject to the referendum pursuant to 6955
Ohio Constitution, Article II, Section 1d and section 1.471 of the 6956
Revised Code because the amendment or enactment relates to an 6957
appropriation for current expenses; therefore the amendment or 6958
enactment goes into immediate effect when this act becomes law: 6959

Sections 201.01, 201.02, 303, and 305. 6960

Section 503. The amendment, enactment, or repeal by this act 6961
of the following sections takes effect on the dates specified 6962
below: 6963

The amendment of section 3375.49 of the Revised Code, on 6964
December 31, 2008; 6965

The amendment of section 5739.02 of the Revised Code, on 6966
February 1, 2009; 6967

The repeal of sections 3375.54 and 3375.55 of the Revised 6968
Code, on the ninety-first day after the effective date of this 6969
act; 6970

The repeal of section 3375.48 of the Revised Code, on 6971
December 31, 2009; 6972

The amendment of sections 733.40, 1901.024, 1901.31, 1907.20, 6973
2949.111, 3375.50 (307.515), and 4513.35 of the Revised Code, on 6974
January 1, 2010; 6975

The enactment of section 3375.481 of the Revised Code, on 6976
January 1, 2010; 6977

The repeal of sections 3375.51, 3375.52, 3375.53, and 3375.56 6978
of the Revised Code, on January 1, 2010. 6979

Section 505. This act is hereby declared to be an emergency 6980
measure necessary for the immediate preservation of the public 6981
peace, health, and safety. The reason for such necessity is that 6982
certain changes need to be made to state and local government in 6983
order to immediately continue the effectiveness of their programs 6984
and operations. Therefore, this act shall go into immediate 6985
effect. 6986