

**As Reported by the Senate Finance and Financial Institutions
Committee**

**127th General Assembly
Regular Session
2007-2008**

Sub. H. B. No. 420

Representative Brinkman

**Cosponsors: Representatives Evans, McGregor, J., Bupp, Raussen,
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Gerberry, Goyal, Hagan, R., Letson, Luckie, Lundy, Mallory, Mecklenborg,
Newcomb, Oelslager, Schneider, Setzer, Wolpert, Zehringer**

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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 231.10.20,	20
231.20.30, 233.30.40, and 233.40.10 of Am. Sub.	21
H.B. 562 of the 127th General Assembly; and to	22
amend Section 525.10 of Am. Sub. H.B. 699 of the	23
126th General Assembly, to promote transparency	24
with respect to state spending, state real	25
property management, and state program	26
effectiveness by requiring certain information to	27
be posted on-line, to create a county law library	28
resources board in each county and a statewide	29
consortium of such boards, to reconstitute the	30
Task Force on Law Library Associations, to specify	31
the compensation of certain Senate officers, to	32
recalculate the local share of a new classroom	33
facilities project for certain school districts	34
that previously received facilities assistance, to	35
allow the Chancellor of the Board of Regents to	36
use money in the Ohio Outstanding Scholarship and	37
the Ohio Priority Needs Fellowship programs	38
payment funds to provide state need-based	39
financial aid for higher education, to permit	40
arbitration or alternative dispute resolution	41
provisions in a contract with the Auditor of State	42
for attest services to apply to disputed services	43
rendered by an independent accountant, to expand	44
the sales tax exemption for aircraft repair	45
services, to permanently authorize eligible	46
townships to use tax increment financing revenue	47
for current public safety expenses, to modify	48

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

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

Section 101.01. That sections 117.11, 133.20, 145.297, 67
717.02, 733.40, 1901.024, 1901.07, 1901.08, 1901.31, 1907.20, 68
2949.111, 3301.0715, 3302.04, 3302.10, 3313.97, 3314.03, 3326.17, 69
3333.375, 3375.49, 3375.50, 4513.35, 5111.89, 5111.891, 5111.894, 70
5709.75, and 5739.02 be amended; section 3375.50 (307.515) be 71
amended for the purpose of adopting a new section number as 72
indicated in parentheses; and sections 107.41, 113.41, 125.112, 73
125.901, 125.902, 307.51, 307.511, 307.512, 307.513, 307.514, 74
307.516, 1333.851, 3302.041, and 3375.481 of the Revised Code be 75
enacted to read as follows: 76

Sec. 107.41. (A) As used in this section, "department" has 77

the same meaning as in section 121.01 of the Revised Code. 78

(B) Whenever the governor finds necessary, the governor shall 79
direct each department to establish goals and metrics that, when 80
achieved, will further the governor's leadership agenda. 81

(C) To increase transparency, each department's performance 82
measures, which shall be determined by assessing the department's 83
adherence to the goals and metrics developed pursuant to this 84
section, shall be periodically posted on the governor's web site. 85

Sec. 113.41. (A) The treasurer of state shall develop and 86
maintain a comprehensive and descriptive database of all real 87
property under the custody and control of the state, except when 88
otherwise required for reasons of homeland security. The 89
information in the database shall be available to the public free 90
of charge through a searchable internet web site. The treasurer of 91
state shall allow for public comment on property owned by the 92
state. 93

(B) For purposes of the database, the Ohio geographically 94
referenced information program council established in section 95
125.901 of the Revised Code shall provide to the treasurer of 96
state, and the treasurer of state shall collect, information, in a 97
format prescribed by the treasurer of state, that adequately 98
describes, when known, the location, acreage, and use of 99
state-owned property. The council shall make its best efforts to 100
obtain the required information on the state-owned property and 101
shall submit updated information to the treasurer of state as it 102
becomes available. 103

(C) As used in this section, "state-owned property" does not 104
include state property owned or under the control of the general 105
assembly or any legislative agency, any court or judicial agency, 106
the secretary of state, auditor of state, treasurer of state, or 107
attorney general and their respective offices. 108

Sec. 117.11. (A) Except as otherwise provided in this 109
division and in sections 117.112 and 117.113 of the Revised Code, 110
the auditor of state shall audit each public office at least once 111
every two fiscal years. The auditor of state shall audit a public 112
office each fiscal year if that public office is required to be 113
audited on an annual basis pursuant to "The Single Audit Act of 114
1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the 115
annual or biennial audit, inquiry shall be made into the methods, 116
accuracy, and legality of the accounts, financial reports, 117
records, files, and reports of the office, whether the laws, 118
rules, ordinances, and orders pertaining to the office have been 119
observed, and whether the requirements and rules of the auditor of 120
state have been complied with. Except as otherwise provided in 121
this division or where auditing standards or procedures dictate 122
otherwise, each audit shall cover at least one fiscal year. If a 123
public office is audited only once every two fiscal years, the 124
audit shall cover both fiscal years. 125

(B) In addition to the annual or biennial audit provided for 126
in division (A) of this section, the auditor of state may conduct 127
an audit of a public office at any time when so requested by the 128
public office or upon the auditor of state's own initiative if the 129
auditor of state has reasonable cause to believe that an 130
additional audit is in the public interest. 131

(C)(1) The auditor of state shall identify any public office 132
in which the auditor of state will be unable to conduct an audit 133
at least once every two fiscal years as required by division (A) 134
of this section and shall provide immediate written notice to the 135
clerk of the legislative authority or governing board of the 136
public office so identified. Within six months of the receipt of 137
such notice, the legislative authority or governing board may 138
engage an independent certified public accountant to conduct an 139
audit pursuant to section 117.12 of the Revised Code. 140

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

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

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

(D) If a uniform accounting network is established under section 117.101 of the Revised Code, the auditor of state or a certified public accountant employed pursuant to this section or section 115.56 or 117.112 of the Revised Code shall, to the extent practicable, utilize services offered by the network in order to conduct efficient and economical audits of public offices.

(E) The auditor of state shall, in accordance with division (A)(3) of section 9.65 of the Revised Code and this section, audit an annuity program for volunteer fire fighters established by a

political subdivision under section 9.65 of the Revised Code. As 173
used in this section, "volunteer fire fighters" and "political 174
subdivision" have the same meanings as in division (C) of section 175
9.65 of the Revised Code. 176

Sec. 125.112. (A) As used in this section: 177

(1) "Agency" means a department created under section 121.02 178
of the Revised Code. 179

(2) "Entity" means, whether for profit or nonprofit, a 180
corporation, association, partnership, limited liability company, 181
sole proprietorship, or other business entity. "Entity" does not 182
include an individual who receives state assistance that is not 183
related to the individual's business. 184

(3)(a) "State award" means a contract awarded by the state 185
costing over twenty-five thousand dollars. 186

(b) "State award" does not include compensation received as 187
an employee of the state or any state financial assistance and 188
expenditure received from the general assembly or any legislative 189
agency, any court or judicial agency, the secretary of state, 190
auditor of state, treasurer of state, or attorney general and 191
their respective offices. 192

(B) The department of administrative services shall establish 193
and maintain a single searchable web site, accessible by the 194
public at no cost, that includes all of the following information 195
for each state award: 196

(1) The name of the entity receiving the award; 197

(2) The amount of the award; 198

(3) Information on the award, the agency or other 199
instrumentality of the state that is providing the award, and the 200
commodity code; 201

(4) Any other relevant information determined by the 202
department of administrative services. 203

(C) The department of administrative services may consult 204
with other state agencies in the development, establishment, 205
operation, and support of the web site required by division (B) of 206
this section. State awards shall be posted on the web site within 207
thirty days after being made. The department of administrative 208
services shall provide an opportunity for public comment as to the 209
utility of the web site required by division (B) of this section 210
and any suggested improvements. 211

(D) The web site required by division (B) of this section 212
shall be fully operational not later than one year after the 213
effective date of this section and shall include information on 214
state awards made in fiscal year 2008 and thereafter. It shall 215
also provide an electronic link to the daily journals of the 216
senate and house of representatives. 217

(E) The director of administrative services shall submit to 218
the general assembly an annual report regarding the implementation 219
of the web site established pursuant to division (B) of this 220
section. The report shall include data regarding the usage of the 221
web site and any public comments on the utility of the site, 222
including recommendations for improving data quality and 223
collection. The director shall post each report on the web site. 224

(F) Each agency awarding a grant to an entity in fiscal year 226
2008 and thereafter shall establish and maintain a separate web 227
site listing the name of the entity receiving each grant, the 228
grant amount, information on each grant, and any other relevant 229
information determined by the department of administrative 230
services. Each agency shall provide the link to such a web site to 231
the department of administrative services within a reasonable time 232
after the effective date of this section and shall thereafter 233

update its web site within thirty days of awarding a new grant. 234
Not later than one year after the effective date of this section, 235
the department of administrative services shall establish and 236
maintain a separate web site, accessible to the public at no cost, 237
which contains the links to the agency web sites required by this 238
division. 239

(G) The attorney general shall monitor the compliance of an 240
entity listed on the web site established pursuant to division (B) 241
of this section with the terms and conditions, including 242
performance metrics, if any, of a state award for economic 243
development received by that entity. As necessary, the agency that 244
makes and administers the state award shall assist the attorney 245
general with that monitoring. The attorney general shall submit to 246
the general assembly pursuant to section 101.68 of the Revised 247
Code an annual report regarding the level of compliance of such 248
listed entities with the terms and conditions, including any 249
performance metrics, of their state awards for economic 250
development. When the attorney general determines appropriate and 251
to the extent that an entity that receives or has received a state 252
award for economic development does not comply with a performance 253
metric that is specified in the terms and conditions of the award, 254
the attorney general shall pursue against and from that entity 255
such remedies and recoveries as are available under law. 256

(H) Nothing in this section shall be construed as requiring 257
the disclosure of confidential information. 258

Sec. 125.901. (A) There is hereby established the Ohio 259
geographically referenced information program council within the 260
department of administrative services to coordinate the property 261
owned by the state. The department of administrative services 262
shall provide administrative support for the council. 263

(B) The council shall consist of the following fifteen 264

<u>members:</u>	265
<u>(1) The state chief information officer, or the officer's designee, who shall serve as the council chair;</u>	266
<u>(2) The director of the department of natural resources, or the director's designee;</u>	268
<u>(3) The director of transportation, or the director's designee;</u>	270
<u>(4) The director of environmental protection, or the director's designee;</u>	272
<u>(5) The director of development, or the director's designee;</u>	274
<u>(6) The treasurer of state, or the treasurer of state's designee;</u>	275
<u>(7) An individual appointed by the governor from the organization that represents the state's county auditors;</u>	277
<u>(8) An individual appointed by the governor from the organization that represents the state's county commissioners;</u>	279
<u>(9) An individual appointed by the governor from the organization that represents the state's county engineers;</u>	281
<u>(10) An individual appointed by the governor from the organization that represents the state's regional councils;</u>	283
<u>(11) Two individuals appointed by the governor from the organization that represents the state's municipal governments, one of whom shall represent a municipality with a population of fewer than one hundred thousand people and one of whom shall represent a municipality with a population of one hundred thousand or more people;</u>	285
<u>(12) An individual appointed by the governor representing the interests of the regulated utilities in this state;</u>	291
<u>(13) An individual appointed by the governor representing the</u>	293

interests of a public university; 294

(14) The attorney general, or the attorney general's 295
designee. 296

(C) The governor shall make initial appointments for the 297
members as provided in this section within a reasonable time. The 298
members appointed to the council by the governor pursuant to this 299
section shall serve two-year terms, with each term ending on the 300
same day of the same month as did the term that it succeeds. The 301
chair of the council shall appoint a new member to fill any 302
vacancy created by a member appointed by the governor before the 303
expiration of that member's term. Otherwise, vacancies shall be 304
filled in the same manner as provided in division (B) of this 305
section. Any member appointed to fill a vacancy occurring prior to 306
the expiration date of the term for which a predecessor was 307
appointed shall hold office as a member for the remainder of that 308
term. A member shall continue in office subsequent to the 309
expiration date of the member's term until the member's successor 310
takes office or until a period of sixty days has elapsed, 311
whichever occurs first. All members may be reappointed. 312

Sec. 125.902. (A) As used in this section, "state agency" or 313
"agency" does not include the general assembly or any legislative 314
agency, any court or judicial agency, the secretary of state, 315
auditor of state, treasurer of state, or attorney general and 316
their respective offices. 317

(B) The Ohio geographically referenced information program 318
council shall develop and annually update a real property 319
management plan. Every state agency authorized to own or acquire 320
real property shall provide the council with information necessary 321
to develop and update the plan. 322

(C) The plan shall include the following: 323

<u>(1) A comprehensive report on the total number of real</u>	324
<u>property assets the state owns;</u>	325
<u>(2) Information uniquely identifying each real property asset</u>	326
<u>of each state agency and associated characteristics of the real</u>	327
<u>property;</u>	328
<u>(3) Life-cycle cost estimations associated with the costs</u>	329
<u>relating to the acquisition of real property assets by purchase,</u>	330
<u>condemnation, exchange, lease, or otherwise;</u>	331
<u>(4) The cost and time required to dispose of state real</u>	332
<u>property assets and the financial recovery of the state investment</u>	333
<u>resulting from the disposal;</u>	334
<u>(5) The operating, maintenance, and security costs of state</u>	335
<u>properties, including the cost of utility services at unoccupied</u>	336
<u>properties;</u>	337
<u>(6) The environmental costs associated with ownership of</u>	338
<u>property, including the cost of environmental restoration and</u>	339
<u>compliance activities;</u>	340
<u>(7) Changes in the amount of vacant state space;</u>	341
<u>(8) The realization of equity value in state real property</u>	342
<u>assets;</u>	343
<u>(9) Opportunities for cooperative arrangements with the</u>	344
<u>commercial real estate community;</u>	345
<u>(10) The enhancement of agency productivity through an</u>	346
<u>improved working environment.</u>	347
<u>(D) The council shall develop and update a real property</u>	348
<u>inventory. Every state agency authorized to own or acquire real</u>	349
<u>property shall provide the council with information necessary to</u>	350
<u>develop and update the inventory. For purposes of the inventory,</u>	351
<u>each state agency shall provide to the council, and the council</u>	352
<u>shall collect, information uniquely identifying each real property</u>	353

asset of each state agency and associated characteristics of the 354
real property. Each agency shall make its best efforts to obtain 355
the required information on the property it owns and shall submit 356
updated information to the council as it becomes available. 357

Sec. 133.20. (A) This section applies to bonds that are 358
general obligation Chapter 133. securities. If the bonds are 359
payable as to principal by provision for annual installments, the 360
period of limitations on their last maturity, referred to as their 361
maximum maturity, shall be measured from a date twelve months 362
prior to the first date on which provision for payment of 363
principal is made. If the bonds are payable as to principal by 364
provision for semiannual installments, the period of limitations 365
on their last maturity shall be measured from a date six months 366
prior to the first date on which provision for payment of 367
principal is made. 368

(B) Bonds issued for the following permanent improvements or 369
for permanent improvements for the following purposes shall have 370
maximum maturities not exceeding the number of years stated: 371

(1) Fifty years: 372

(a) The clearance and preparation of real property for 373
redevelopment as an urban redevelopment project; 374

(b) Acquiring, constructing, widening, relocating, enlarging, 375
extending, and improving a publicly owned railroad or line of 376
railway or a light or heavy rail rapid transit system, including 377
related bridges, overpasses, underpasses, and tunnels, but not 378
including rolling stock or equipment; 379

(c) Pursuant to section 307.675 of the Revised Code, 380
constructing or repairing a bridge using long life expectancy 381
material for the bridge deck, and purchasing, installing, and 382
maintaining any performance equipment to monitor the physical 383

condition of a bridge so constructed or repaired. Additionally,	384
the average maturity of the bonds shall not exceed the expected	385
useful life of the bridge deck as determined by the county	386
engineer under that section.	387
(2) Forty years:	388
(a) General waterworks or water system permanent	389
improvements, including buildings, water mains, or other	390
structures and facilities in connection therewith;	391
(b) Sewers or sewage treatment or disposal works or	392
facilities, including fireproof buildings or other structures in	393
connection therewith;	394
(c) Storm water drainage, surface water, and flood prevention	395
facilities.	396
(3) Thirty-five years:	397
(a) An arena, a convention center, or a combination of an	398
arena and convention center under section 307.695 of the Revised	399
Code;	400
(b) Sports facilities.	401
(4) Thirty years:	402
(a) Municipal recreation, excluding recreational equipment;	403
(b) Urban redevelopment projects;	404
(c) Acquisition of real property;	405
(d) Street or alley lighting purposes or relocating overhead	406
wires, cables, and appurtenant equipment underground.	407
(5) Twenty years: constructing, reconstructing, widening,	408
opening, improving, grading, draining, paving, extending, or	409
changing the line of roads, highways, expressways, freeways,	410
streets, sidewalks, alleys, or curbs and gutters, and related	411
bridges, viaducts, overpasses, underpasses, grade crossing	412

eliminations, service and access highways, and tunnels.	413
(6) Fifteen years:	414
(a) Resurfacing roads, highways, streets, or alleys;	415
(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;	416 417
(c) Passenger buses used for mass transportation;	418
(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.	419 420
(7) Ten years:	421
(a) Water meters;	422
(b) Fire department apparatus and equipment;	423
(c) Road rollers and other road construction and servicing vehicles;	424 425
(d) Furniture, equipment, and furnishings;	426
(e) Landscape planting and other site improvements;	427
(f) Playground, athletic, and recreational equipment and apparatus;	428 429
(g) Energy conservation measures as authorized by section 505.264 or 717.02 of the Revised Code.	430 431
(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.	432 433 434
(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	435 436 437 438 439 440

shall have the maturities, not to exceed forty years, that the 441
taxing authority shall specify. Bonds issued for energy 442
conservation measures under section 307.041 of the Revised Code 443
shall have maximum maturities not exceeding the lesser of the 444
average life of the energy conservation measures as detailed in 445
the energy conservation report prepared under that section or 446
thirty years. 447

(D) Securities issued under section 505.265 ~~or 717.07~~ of the 448
Revised Code shall mature not later than December 31, 2035. 449

(E) A securities issue for one purpose may include permanent 450
improvements within two or more categories under divisions (B) and 451
(C) of this section. The maximum maturity of such a bond issue 452
shall not exceed the average number of years of life or period of 453
usefulness of the permanent improvements as measured by the 454
weighted average of the amounts expended or proposed to be 455
expended for the categories of permanent improvements. 456

Sec. 145.297. (A) As used in this section, "employing unit" 457
means: 458

(1) A municipal corporation, agency of a municipal 459
corporation designated by the legislative authority, park 460
district, conservancy district, sanitary district, health 461
district, township, department of a township designated by the 462
board of township trustees, metropolitan housing authority, public 463
library, county law library, union cemetery, joint hospital, or 464
other political subdivision or unit of local government. 465

(2) With respect to state employees, any entity of the state 466
including any department, agency, institution of higher education, 467
board, bureau, commission, council, office, or administrative body 468
or any part of such entity that is designated by the entity as an 469
employing unit. 470

(3)(a) With respect to employees of a board of alcohol, drug 471
addiction, and mental health services, that board. 472

(b) With respect to employees of a county board of mental 473
retardation and developmental disabilities, that board. 474

(c) With respect to other county employees, the county or any 475
county agency designated by the board of county commissioners. 476

(4) In the case of an employee whose employing unit is in 477
question, the employing unit is the unit through whose payroll the 478
employee is paid. 479

(B) An employing unit may establish a retirement incentive 480
plan for its eligible employees. In the case of a county or county 481
agency, decisions on whether to establish a retirement incentive 482
plan for any employees other than employees of a board of alcohol, 483
drug addiction, and mental health services or county board of 484
mental retardation and developmental disabilities and on the terms 485
of the plan shall be made by the board of county commissioners. In 486
the case of a municipal corporation or an agency of a municipal 487
corporation, decisions on whether to establish a retirement 488
incentive plan and on the terms of the plan shall be made by the 489
legislative authority. 490

All terms of a retirement incentive plan shall be in writing. 491

A retirement incentive plan shall provide for purchase by the 492
employing unit of service credit for eligible employees who elect 493
to participate in the plan and for payment by the employing unit 494
of the entire cost of the service credit purchased. 495

Every retirement incentive plan shall remain in effect for at 496
least one year. The employing unit shall give employees at least 497
thirty days' notice before terminating the plan. 498

Every retirement incentive plan shall include provisions for 499
the timely and impartial resolution of grievances and disputes 500

arising under the plan. 501

No employing unit shall have more than one retirement 502
incentive plan in effect at any time. 503

(C) Any classified or unclassified employee of the employing 504
unit who is a member of the public employees retirement system 505
shall be eligible to participate in the retirement incentive plan 506
established by the employee's employing unit if the employee meets 507
the following criteria: 508

(1) The employee is not any of the following: 509

(a) An elected official; 510

(b) A member of a board or commission; 511

(c) A person elected to serve a term of fixed length; 512

(d) A person appointed to serve a term of fixed length, other 513
than a person appointed and employed by the person's employing 514
unit. 515

(2) The employee is or will be eligible to retire under 516
section 145.32, 145.34, 145.37, or division (A) of section 145.33 517
of the Revised Code on or before the date of termination of the 518
retirement incentive plan. Service credit to be purchased for the 519
employee under the retirement incentive plan shall be included in 520
making such determination. 521

(3) The employee agrees to retire under section 145.32, 522
145.34, 145.37, or division (A) of section 145.33 of the Revised 523
Code within ninety days after receiving notice from the public 524
employees retirement system that service credit has been purchased 525
for the employee under this section. 526

Participation in the plan shall be available to all eligible 527
employees except that the employing unit may limit the number of 528
participants in the plan to a specified percentage of its 529
employees who are members of the public employees retirement 530

system on the date the plan goes into effect. The percentage shall 531
not be less than five per cent of such employees. If participation 532
is limited, employees with more total service credit have the 533
right to elect to participate before employees with less total 534
service credit. In the case of employees with the same total 535
service credit, employees with a greater length of service with 536
the employing unit have the right to elect to participate before 537
employees with less service with the employing unit. Employees 538
with less than eighteen months of service with the employing unit 539
have the right to elect to participate only after all other 540
eligible employees have been given the opportunity to elect to 541
participate. For the purpose of determining which employees may 542
participate in a plan, total service credit includes service 543
credit purchased by the employee under this chapter after the date 544
on which the plan is established. 545

A retirement incentive plan that limits participation may 546
provide that an employee who does not notify the employing unit of 547
the employee's decision to participate in the plan within a 548
specified period of time will lose priority to participate in the 549
plan ahead of other employees with less seniority. The time given 550
to an employee to elect to participate ahead of other employees 551
shall not be less than thirty days after the employee receives 552
written notice that the employee may participate in the plan. 553

(D) A retirement incentive plan shall provide for purchase of 554
the same amount of service credit for each participating employee, 555
except that the employer may not purchase more service credit for 556
any employee than the lesser of the following: 557

(1) Five years of service credit; 558

(2) An amount of service credit equal to one-fifth of the 559
total service credited to the participant under this chapter, 560
exclusive of service credit purchased under this section. 561

For each year of service credit purchased under this section, 562
the employing unit shall pay an amount equal to the additional 563
liability resulting from the purchase of that year of service 564
credit, as determined by an actuary employed by the public 565
employees retirement board. 566

(E) Upon the election by an eligible employee to participate 567
in the retirement incentive plan, the employee and the employing 568
unit shall agree upon a date for payment or contracting for 569
payment in installments to the public employees retirement system 570
of the cost of the service credit to be purchased. The employing 571
unit shall submit to the public employees retirement system a 572
written request for a determination of the cost of the service 573
credit, and within forty-five days after receiving the request, 574
the board shall give the employing unit written notice of the 575
cost. 576

The employing unit shall pay or contract to pay in 577
installments the cost of the service credit to be purchased to the 578
public employees retirement system on the date agreed to by the 579
employee and the employing unit. The payment shall be made in 580
accordance with rules adopted by the public employees retirement 581
board. The rules may provide for payment in installments and for 582
crediting the purchased credit to the employee's account upon the 583
employer's contracting to pay the cost in installments. The board 584
shall notify the member when the member is credited with service 585
purchased under this section. If the employee does not retire 586
within ninety days after receiving notice that the employee has 587
been credited with the purchased service credit, the system shall 588
refund to the employing unit the amount paid for the service 589
credit. 590

No payment made to the public employees retirement system 591
under this section shall affect any payment required by section 592
145.48 of the Revised Code. 593

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

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

(B) There is hereby created in each county a county law library resources board. The board shall consist of five members who shall be appointed and hold office as provided in section 307.511 of the Revised Code. Beginning on January 1, 2010, subject to appropriation pursuant to section 307.513 of the Revised Code, the board shall provide legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county and shall manage the coordination, acquisition, and utilization of legal resources.

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

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

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

<u>(b) Public access and hours of operation of the law library;</u>	625
<u>(c) Fees for services;</u>	626
<u>(d) The receipt of gifts to the county law library resources fund.</u>	627 628
<u>(2) The board shall not charge any fee for any service provided to any member of the general assembly or to any officer or employee of a county, municipal, or township government or court located within that county when the officer or employee is acting within the scope of the officer's or employee's employment.</u>	629 630 631 632 633 634
<u>(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.</u>	635 636 637
<u>(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.</u>	638 639 640 641 642
<u>(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.</u>	643 644 645 646 647 648 649 650 651 652 653
<u>(F) Subject to the approval of the board of county commissioners of the county, the county law library resources</u>	654 655

board may contract with other county law library resources boards, 656
the statewide consortium of law library resources boards, private 657
entities, or public agencies for the provision of any services 658
that the county law library resources board considers necessary. 659

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(G) After January 1, 2010, no county funds shall be used to 661
purchase, lease, rent, operate, or contract for the use of any 662
legal research or reference materials available in print, audio, 663
visual, or other medium or, notwithstanding section 307.842 of the 664
Revised Code, any equipment necessary to support the utilization 665
of that medium without prior approval of the board. If such 666
approval is denied, the county office, notwithstanding section 667
307.842 of the Revised Code, may purchase, lease, rent, operate, 668
or contract for the use of any legal research or reference 669
materials available in print, audio, visual, or other medium at 670
its own expense. 671

Sec. 307.511. (A) The five members of the county law library 672
resources board shall be residents of the county and shall be 673
appointed as follows: 674

(1) The prosecuting attorney of the county shall appoint one 675
member whose initial term shall expire on December 31, 2010. 676

(2) The administrative judges or presiding judges of all 677
municipal courts and county courts within the county shall meet to 678
appoint one member who is an attorney licensed to practice law in 679
the state and in good standing before the supreme court of Ohio 680
and whose initial term shall expire on December 31, 2011. 681

(3) The administrative judge or presiding judge of the court 682
of common pleas of the county shall appoint one member who is an 683
attorney licensed to practice law in the state and in good 684
standing before the supreme court of Ohio and whose initial term 685
shall expire on December 31, 2012. 686

(4) The board of county commissioners shall appoint one member whose initial term shall expire on December 31, 2013. 687
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(5) The board of county commissioners shall appoint one member whose initial term shall expire on December 31, 2014. 689
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(B) The member appointed pursuant to division (A)(5) of this section shall serve as the chairperson of the county law library resources board until December 31, 2010. After that date, the board shall select a chairperson from among the members of the board. 691
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(C) During the period of July 1, 2009, through December 31, 2010, the county law library resources board shall consist of seven members and shall include members appointed pursuant to division (A) of this section and two members who are residents of the county appointed for this period by the board of trustees of the law library association within the county that, prior to the effective date of this section, receives fines, penalties, and moneys arising from forfeited bail pursuant to sections 3375.50 to 3375.53 of the Revised Code, as amended and repealed by this act. 696
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(D) The initial appointments to the county law library resources board as provided in divisions (A) and (B) of this section shall be made on or before July 1, 2009, and for the term specified. Thereafter, terms for all members appointed pursuant to division (A) of this section shall be for five years, with each term ending on the same day of the same month as did the term that it succeeds. 705
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(E) Each member of the board shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Vacancies shall be filled within sixty days after the vacancy occurs and shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for 712
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which the member's predecessor was appointed shall hold office as 718
a member for the remainder of that term. A member shall continue 719
in office subsequent to the expiration date of the member's term 720
until the member's successor takes office or until a period of 721
sixty days has elapsed, whichever occurs first. 722

(F) A member of the board of trustees of a law library 723
association may serve as a member of a county law library 724
resources board if the member discloses each membership to the 725
board of trustees of the law library association and the county 726
law library resources board. 727

Sec. 307.512. Within fifteen days after July 1, 2009, the 728
county law library resources board shall hold its initial meeting 729
at the office of the board of county commissioners at a time that 730
the chairperson of the county law library resources board 731
determines. Thereafter, the board shall meet at least four times a 732
year, as determined by the chairperson or at any other time as 733
determined by a majority of the board. A majority of the members 734
of the county law library resources board constitutes a quorum at 735
any regular or special meeting. 736

Sec. 307.513. (A) The county law library resources board 737
shall prepare an annual estimate of the revenue and expenditures 738
of the board for the calendar year commencing January 1, 2010, and 739
for each year thereafter, and shall submit that estimate to the 740
board of county commissioners as provided in section 5705.28 of 741
the Revised Code. The estimate of expenses shall be sufficient to 742
provide for the operation of the county law library resources 743
board. The estimate of revenue shall clearly specify the source of 744
the revenue and shall include a specific request for monies to be 745
appropriated to the county law library resources fund established 746
pursuant to section 307.514 of the Revised Code from the county 747
general fund for the ensuing fiscal year. 748

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(B) The board of county commissioners may appropriate funds 750
from the county general fund for the use of the county law library 751
resources board. Within fifteen days after the adoption of the 752
annual appropriation measure pursuant to section 5705.38 of the 753
Revised Code, the board of county commissioners shall transfer 754
fifty per cent of the annual general fund appropriation to the 755
county law library resources fund and shall transfer the remaining 756
fifty per cent of the annual general fund appropriation not later 757
than July 15 of each year. The funds appropriated by the board of 758
county commissioners from the county law library resources fund 759
shall be disbursed by the county auditor's warrant drawn on the 760
county treasury five days after receipt of a voucher approved by 761
the county law librarian pursuant to procedures established by the 762
county law library resources board. 763

Sec. 307.514. There is hereby created in each county treasury 764
a county law library resources fund, effective January 1, 2010. 765
The fund shall receive all revenue that is required to be 766
deposited into the fund pursuant to division (D)(1) of section 767
307.51 and section 307.515 of the Revised Code, appropriated to 768
the fund from the general fund by the board of county 769
commissioners pursuant to section 307.513 of the Revised Code, or 770
designated for deposit into the fund by gift or bequest from any 771
person, firm, or corporation. Expenditures from the fund shall be 772
made pursuant to the annual appropriation measure adopted by the 773
board of county commissioners under section 5705.38 of the Revised 774
Code. 775

Sec. ~~3375.50~~ 307.515. (A) All fines and penalties collected 776
by, and moneys arising from forfeited bail in, a municipal court 777
for offenses and misdemeanors brought for prosecution in the name 778

of a municipal corporation under one of its penal ordinances, 779
where there is in force a state statute under which the offense 780
might be prosecuted, or brought for prosecution in the name of the 781
state, except a portion of ~~such~~ those fines, penalties, and moneys 782
~~which that~~, plus all costs collected monthly in ~~such~~ those state 783
cases, equal the compensation allowed by the board of county 784
commissioners to the judges of the municipal court, its clerk, and 785
the prosecuting attorney of ~~such~~ that court in state cases, shall 786
be retained by the clerk of ~~such~~ that municipal court, and shall 787
be paid deposited by ~~him forthwith~~, the clerk each month, ~~to the~~ 788
~~board of trustees of the law library association in the county law~~ 789
library resources fund that is created under section 307.514 of 790
the Revised Code in the county in which ~~such~~ that municipal 791
corporation is located. The sum ~~so retained and paid by that~~ the 792
clerk of the municipal court ~~to the board of trustees of such law~~ 793
~~library association~~ deposits in the county law library resources 794
fund shall, in no month, be less than twenty-five per cent of the 795
amount of such fines, penalties, and moneys received in that 796
month, without deducting the amount of the allowance of the board 797
of county commissioners to the judges, clerk, and prosecuting 798
attorney. 799

The total amount paid under this section in any one calendar 800
year by the clerks of all municipal courts in any one county to 801
the ~~board of trustees of such law library association~~ county law 802
library resources fund shall in no event exceed the following 803
amounts: 804

~~(A)~~(1) In counties having a population of fifty thousand or 805
less, seventy-five hundred dollars and the maximum amount paid by 806
any of such courts shall not exceed four thousand dollars in any 807
calendar year. 808

~~(B)~~(2) In counties having a population in excess of fifty 809
thousand but not in excess of one hundred thousand, eight thousand 810

dollars and the maximum amount paid by any of such courts shall 811
not exceed five thousand five hundred dollars in any calendar 812
year. 813

~~(C)~~(3) In counties having a population in excess of one 814
hundred thousand but not in excess of one hundred fifty thousand, 815
ten thousand dollars and the maximum amount paid by any of such 816
courts shall not exceed seven thousand dollars in any calendar 817
year. 818

~~(D)~~(4) In counties having a population of in excess of one 819
hundred fifty thousand, fifteen thousand dollars in any calendar 820
year. The maximum amount to be paid by each ~~such~~ clerk shall be 821
determined by the county auditor in December of each year for the 822
next succeeding calendar year, and shall bear the same ratio to 823
the total amount payable under this section from the clerks of all 824
municipal courts in such county as the total fines, costs, and 825
forfeitures received by the corresponding municipal court, bear to 826
the total fines, costs, and forfeitures received by all the 827
municipal courts in the county, as shown for the last complete 828
year of actual receipts, on the latest available budgets of such 829
municipal courts. Payments in the full amounts provided in this 830
section shall be made monthly by each clerk in each calendar year 831
until the maximum amount for such year has been paid. When ~~such~~ 832
that amount, so determined by the auditor, has been paid to the 833
~~board of trustees of such law library association~~ county law 834
library resources fund, then no further payments shall be required 835
in that calendar year from the clerk of ~~such~~ that court. 836

~~(E)~~(5) This section does not apply to fines collected by a 837
municipal court for violations of division (B) of section 4513.263 838
of the Revised Code, or for violations of any municipal ordinance 839
that is substantively comparable to that division, all of which 840
shall be forwarded to the treasurer of state as provided in 841
division (E) of section 4513.263 of the Revised Code. 842

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

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

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

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

(D) In each county, the treasurer of the county or the 875
treasurer of the municipal corporation shall deposit monthly fifty 876
per cent of all fines and penalties collected by, and fifty per 877
cent of moneys arising from forfeited bail in, any court in that 878
county for offenses brought for prosecution under Chapters 4301. 879
and 4303. of the Revised Code and the state traffic laws in the 880
county legal resources fund in that county that is created under 881
section 307.514 of the Revised Code. The sum so deposited in that 882
fund by each treasurer shall not exceed twelve hundred dollars per 883
annum under Chapters 4301. and 4303. of the Revised Code, and when 884
that amount has been deposited in that fund in accordance with 885
this section, then no further deposits shall be required under 886
this section in that calendar year from those treasurers. 887

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As used in this section, "state traffic laws" does not 889
include division (B) of section 4513.263 of the Revised Code. 890

Sec. 307.516. (A) Upon the recommendation of the county law 891
library resources boards of two or more adjacent counties, the 892
boards of county commissioners of those counties may enter into a 893
contract to form a multi-county law library resources commission 894
for the purpose of collaborating on behalf of the member counties 895
in carrying out any or all of the duties and responsibilities 896
conferred upon a county law library resources board by sections 897
307.51 to 307.516 of the Revised Code. The commission shall 898
administer the contract. Members of the commission shall consist 899
of the chairperson of each participating county law library 900
resources board and one member from each of the county law library 901
resources boards, who shall be designated by the members of each 902
of the county law library resources boards. 903

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(B) The contract shall do all of the following: 905

<u>(1) Prescribe the structure, management, and responsibilities of the commission;</u>	906
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<u>(2) Provide for a process to establish the annual budget for the commission that includes a requirement that the annual budget be approved by all of the boards of county commissioners of the member counties;</u>	908
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<u>(3) Apportion the annual operating costs of the commission to each member county;</u>	912
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<u>(4) Designate the expenditure of funds from the county law library resources fund of each member county;</u>	914
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<u>(5) Address amendments to the contract.</u>	916
<u>(C) The contract shall be for a period of not less than three calendar years and not more than five calendar years.</u>	917
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Sec. 717.02. (A) As used in this section, "energy:	919
<u>(1) "Energy conservation measure" means an the construction of,</u> installation or modification of an installation in, or	920
remodeling of, an <u>a new or existing building or infrastructure,</u> to	921
reduce energy consumption. It includes:	922
	923
+1)+(a) <u>(a)</u> Insulation of the building structure and of systems within the building;	924
	925
+2)+(b) <u>(b)</u> Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;	926
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+3)+(c) <u>(c)</u> Automatic energy control systems;	931
+4)+(d) <u>(d)</u> Heating, ventilating, or air conditioning system modifications or replacements;	932
	933
+5)+(e) <u>(e)</u> Caulking and weatherstripping;	934

~~(6)(f)~~ Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

~~(7)(g)~~ Energy recovery systems;

~~(8)(h)~~ Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

~~(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 together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plan to the building or buildings;

(j) Meter replacements, installation of automatic meter reading systems, or any other construction, modification, installation, or remodeling of water, electric, gas, or any other municipally supplied utility system;

(k) Any other construction, modification, installation, or remodeling approved by the legislative authority of the municipal corporation as an energy conservation measure.

(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.

(B) The For the purpose of evaluating buildings of 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: 966
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(1) Analyses of the energy needs for 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; 969
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(2) Estimates of all costs of the recommended installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repair; 974
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(3) Estimates of the amounts by which energy consumption could be reduced; 977
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(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed by the municipal corporation; 979
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(5) The average system life of the energy conservation measures; 982
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(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measures, including the methods used to estimate the savings; 984
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(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation. 988
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(C)(1) A municipal corporation desiring to implement energy conservation measures may proceed under any of the following methods: 991
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(a) Procure the energy conservation measures in any manner authorized by the municipal corporation's charter, ordinances, or 994
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any other existing authority; 996

(b) Advertise for bids using a report or any part of an 997
energy conservation report prepared under division (B) of this 998
section, and, except as otherwise provided in this section, comply 999
with competitive bidding requirements; 1000

(c) Notwithstanding any requirement in the Revised Code that 1001
requires competitive bidding or specifies bidding procedures, 1002
request proposals from at least three vendors for the 1003
implementation of energy conservation measures. A request for 1004
proposals shall require the installer that is awarded a contract 1005
under division (C)(2)(b) of this section to prepare an energy 1006
conservation report in accordance with division (B) of this 1007
section. 1008

Prior to sending any installer of energy conservation 1009
measures a copy of any request for proposals, the legislative 1010
authority shall advertise its intent to request proposals for the 1011
installation of energy conservation measures in a newspaper of 1012
general circulation in the municipal corporation once a week for 1013
two consecutive weeks. The notice shall state that the legislative 1014
authority intends to request proposals for the installation of 1015
energy conservation measures, indicate the date on which the 1016
request for proposals will be mailed to installers of energy 1017
conservation measures, which shall be at least ten days after the 1018
second publication in the newspaper, and state that any installer 1019
of energy conservation measures interested in receiving the 1020
request for proposals shall submit written notice to the 1021
legislative authority not later than noon of the day on which the 1022
request for proposals is to be mailed. 1023

(2)(a) Upon receiving bids under division (C)(1)(a) of this 1024
section, the legislative authority shall analyze them and select 1025
the lowest and best bid or bids most likely to result in the 1026
greatest energy savings considering the cost of the project and 1027

the legislative authority's ability to pay for the improvements 1028
with current revenues or by financing the improvements. 1029

(b) Upon receiving proposals under division (C)(1)(b) of this 1030
section, the legislative authority shall analyze the proposals and 1031
the installers' qualifications and select the most qualified 1032
installer to prepare an energy conservation report in accordance 1033
with division (B) of this section. After receipt and review of the 1034
energy conservation report, the legislative authority may award a 1035
contract to the selected installer to install the energy 1036
conservation measures that are most likely to result in the 1037
greatest energy savings considering the cost of the project and 1038
the legislative authority's ability to pay for the improvements 1039
with current revenues or by financing the improvements. 1040

(c) The awarding of a contract to install energy conservation 1041
measures under division (C)(2)(a) or (b) of this section shall be 1042
conditioned upon a finding by the contracting authority that the 1043
amount of money spent on energy conservation measures is not 1044
likely to exceed the amount of money the municipal corporation 1045
would save in energy, operating, maintenance, and avoided capital 1046
costs over the average system life of the energy conservation 1047
measures as specified in the energy conservation report. In making 1048
such a finding, the contracting authority may take into account 1049
the increased costs due to inflation as shown in the energy 1050
conservation report. Nothing in this division prohibits a 1051
municipal corporation from rejecting all bids or proposals under 1052
division (C)(1)(a) or (b) of this section or from selecting more 1053
than one bid or proposal. 1054

(D) The legislative authority of a municipal corporation may 1055
enter into an installment payment contract for the purchase and 1056
installation of energy conservation measures. The Provisions of 1057
installment payment contracts that deal with interest charges and 1058
financing terms shall not be subject to competitive bidding 1059

requirements and shall be on the following terms: 1060

(1) Not less than a specified percentage of the costs of the 1061
contract shall be paid within two years from the date of purchase, 1062
as determined and approved by the legislative authority of a 1063
municipal corporation. 1064

(2) The remaining balance of the costs of the contract shall 1065
be paid within the lesser of the average system life of the energy 1066
conservation measures as specified in the energy conservation 1067
report or thirty years. 1068

(E) The legislative authority of a municipal corporation may 1069
issue the notes of the municipal corporation specifying the terms 1070
of ~~the~~ a purchase of energy conservation measures under this 1071
section and securing ~~the~~ any deferred payments provided ~~in the~~ 1072
~~contract,~~ for in division (C) of this section. The notes shall be 1073
payable at the times provided and ~~bearing~~ bear interest at a rate 1074
not exceeding the rate determined as provided in section 9.95 of 1075
the Revised Code. The notes may contain an option for prepayment 1076
and shall not be subject to Chapter 133. of the Revised Code. 1077
Revenues derived from local taxes or otherwise, for the purpose of 1078
conserving energy or for defraying the current operating expenses 1079
of the municipal corporation, may be pledged and applied to the 1080
payment of interest and the retirement of ~~such~~ the notes. The 1081
notes may be sold at private sale or given to the contractor under 1082
~~the~~ an installment payment contract authorized by ~~this~~ division 1083
(C) of this section. 1084

~~(C)~~(F) Debt incurred under this section shall not be included 1085
in the calculation of the net indebtedness of a municipal 1086
corporation under section 133.05 of the Revised Code. 1087

Sec. 733.40. Except as otherwise provided in section 4511.193 1088
of the Revised Code, all fines, forfeitures, and costs in 1089
ordinance cases and all fees that are collected by the mayor, that 1090

in any manner come into the mayor's hands, or that are due the mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses that have been advanced out of the treasury of the municipal corporation, and all money received by the mayor for the use of the municipal corporation shall be paid by the mayor into the treasury of the municipal corporation on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by ~~sections 3375.50 to 3375.52~~ section 307.515 or 4511.19 of the Revised Code, all fines, and forfeitures collected by the mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the mayor to the county treasury on the first business day of each month. Except as otherwise provided by ~~sections 3375.50 to 3375.52~~ section 307.515 or 4511.19 of the Revised Code, the mayor shall pay all court costs and fees collected by the mayor in state cases into the municipal treasury on the first business day of each month.

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

Sec. 1333.851. With respect to any merger, acquisition, purchase, or assignment under division (D) of section 1333.85 of the Revised Code, the territories for the particular product or brand of alcoholic beverage shall not be assigned to another distributor until the successor manufacturer compensates the

terminated or nonrenewed distributor for the diminished value of 1122
the distributor's business. 1123

Sec. 1901.024. (A) The board of county commissioners of 1124
Hamilton county shall pay all of the costs of operation of the 1125
Hamilton county municipal court. Subject to sections ~~3375.50,~~ 1126
~~3375.53~~ 307.515, 4511.19, 4511.193, and 5503.04 of the Revised 1127
Code and to any other section of the Revised Code that requires a 1128
specific manner of disbursement of any moneys received by a 1129
municipal court, the county shall receive all of the costs, fees, 1130
and other moneys, except fines collected for violations of 1131
municipal ordinances and for violations of township resolutions 1132
adopted pursuant to Chapter 504. of the Revised Code, that are 1133
received by the Hamilton county municipal court and shall receive 1134
fifty per cent of all of the fines for violations of municipal 1135
ordinances and for violations of township resolutions adopted 1136
pursuant to Chapter 504. of the Revised Code that are received by 1137
the court. 1138

(B) The board of county commissioners of Lawrence county 1139
shall pay all of the costs of operation of the Lawrence county 1140
municipal court. Subject to sections ~~3375.50,~~ ~~3375.53~~ 307.515, 1141
4511.19, 4511.193, and 5503.04 of the Revised Code and to any 1142
other section of the Revised Code that requires a specific manner 1143
of disbursement of any moneys received by a municipal court, the 1144
county shall receive all of the costs, fees, and other moneys, 1145
except fines collected for violations of municipal ordinances and 1146
for violations of township resolutions adopted pursuant to Chapter 1147
504. of the Revised Code, that are received by the Lawrence county 1148
municipal court and shall receive fifty per cent of all of the 1149
fines for violations of municipal ordinances and for violations of 1150
township resolutions adopted pursuant to Chapter 504. of the 1151
Revised Code that are received by the court. 1152

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

(D) The board of county commissioners of a county in which a 1167
county-operated municipal court is located shall pay all of the 1168
costs of operation of the municipal court. The county in which a 1169
county-operated municipal court that is not subject to division 1170
(A), (B), or (C) of this section is located shall receive all of 1171
the costs, fees, and other moneys, except fines collected for 1172
violations of municipal ordinances and for violations of township 1173
resolutions adopted pursuant to Chapter 504. of the Revised Code 1174
and except as provided in sections ~~3375.50, 3375.53~~, 307.515 and 1175
5503.04 of the Revised Code and in any other section of the 1176
Revised Code that requires a specific manner of disbursement of 1177
any moneys received by a municipal court, that are received by the 1178
court. 1179

Sec. 1901.07. (A) All municipal court judges shall be elected 1180
on the nonpartisan ballot for terms of six years. In a municipal 1181
court in which only one judge is to be elected in any one year, 1182
that judge's term commences on the first day of January after the 1183
election. In a municipal court in which two or more judges are to 1184

be elected in any one year, their terms commence on successive 1185
days beginning the first day of January, following the election, 1186
unless otherwise provided by section 1901.08 of the Revised Code. 1187

(B) All candidates for municipal court judge may be nominated 1189
either by nominating petition or by primary election, except that 1190
if the jurisdiction of a municipal court extends only to the 1191
corporate limits of the municipal corporation in which the court 1192
is located and that municipal corporation operates under a 1193
charter, all candidates shall be nominated in the same manner 1194
provided in the charter for the office of municipal court judge 1195
or, if no specific provisions are made in the charter for the 1196
office of municipal court judge, in the same manner as the charter 1197
prescribes for the nomination and election of the legislative 1198
authority of the municipal corporation. 1199

If the jurisdiction of a municipal court extends beyond the 1200
corporate limits of the municipal corporation in which it is 1201
located or if the jurisdiction of the court does not extend beyond 1202
the corporate limits of the municipal corporation in which it is 1203
located and no charter provisions apply, all candidates for party 1204
nomination to the office of municipal court judge shall file a 1205
declaration of candidacy and petition not later than four p.m. of 1206
the seventy-fifth day before the day of the primary election, or 1207
if the primary election is a presidential primary election, not 1208
later than four p.m. of the sixtieth day before the day of the 1209
presidential primary election, in the form prescribed by section 1210
3513.07 of the Revised Code. The petition shall conform to the 1211
requirements provided for those petitions of candidacy contained 1212
in section 3513.05 of the Revised Code, except that the petition 1213
shall be signed by at least fifty electors of the territory of the 1214
court. If no valid declaration of candidacy is filed for 1215
nomination as a candidate of a political party for election to the 1216

office of municipal court judge, or if the number of persons 1217
filing the declarations of candidacy for nominations as candidates 1218
of one political party for election to the office does not exceed 1219
the number of candidates that that party is entitled to nominate 1220
as its candidates for election to the office, no primary election 1221
shall be held for the purpose of nominating candidates of that 1222
party for election to the office, and the candidates shall be 1223
issued certificates of nomination in the manner set forth in 1224
section 3513.02 of the Revised Code. 1225

If the jurisdiction of a municipal court extends beyond the 1226
corporate limits of the municipal corporation in which it is 1227
located or if the jurisdiction of the court does not extend beyond 1228
the corporate limits of the municipal corporation in which it is 1229
located and no charter provisions apply, nonpartisan candidates 1230
for the office of municipal court judge shall file nominating 1231
petitions not later than four p.m. of the day before the day of 1232
the primary election in the form prescribed by section 3513.261 of 1233
the Revised Code. The petition shall conform to the requirements 1234
provided for those petitions of candidacy contained in section 1235
3513.257 of the Revised Code, except that the petition shall be 1236
signed by at least fifty electors of the territory of the court. 1237

The nominating petition or declaration of candidacy for a 1238
municipal court judge shall contain a designation of the term for 1239
which the candidate seeks election. At the following regular 1240
municipal election, the candidacies of the judges nominated shall 1241
be submitted to the electors of the territory on a nonpartisan, 1242
judicial ballot in the same manner as provided for judges of the 1243
court of common pleas, except that, in a municipal corporation 1244
operating under a charter, all candidates for municipal court 1245
judge shall be elected in conformity with the charter if 1246
provisions are made in the charter for the election of municipal 1247
court judges. 1248

(C) Notwithstanding divisions (A) and (B) of this section, in 1249
the following municipal courts, the judges shall be nominated and 1250
elected as follows: 1251

(1) In the Cleveland municipal court, the judges shall be 1252
nominated only by petition. The petition shall be signed by at 1253
least fifty electors of the territory of the court. It shall be in 1254
the statutory form and shall be filed in the manner and within the 1255
time prescribed by the charter of the city of Cleveland for filing 1256
petitions of candidates for municipal offices. Each elector shall 1257
have the right to sign petitions for as many candidates as are to 1258
be elected, but no more. The judges shall be elected by the 1259
electors of the territory of the court in the manner provided by 1260
law for the election of judges of the court of common pleas. 1261

(2) In the Toledo municipal court, the judges shall be 1262
nominated only by petition. The petition shall be signed by at 1263
least fifty electors of the territory of the court. It shall be in 1264
the statutory form and shall be filed in the manner and within the 1265
time prescribed by the charter of the city of Toledo for filing 1266
nominating petitions for city council. Each elector shall have the 1267
right to sign petitions for as many candidates as are to be 1268
elected, but no more. The judges shall be elected by the electors 1269
of the territory of the court in the manner provided by law for 1270
the election of judges of the court of common pleas. 1271

(3) In the Akron municipal court, the judges shall be 1272
nominated only by petition. The petition shall be signed by at 1273
least fifty electors of the territory of the court. It shall be in 1274
statutory form and shall be filed in the manner and within the 1275
time prescribed by the charter of the city of Akron for filing 1276
nominating petitions of candidates for municipal offices. Each 1277
elector shall have the right to sign petitions for as many 1278
candidates as are to be elected, but no more. The judges shall be 1279
elected by the electors of the territory of the court in the 1280

manner provided by law for the election of judges of the court of
common pleas.

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

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

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

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

(E) As used in this section, as to an election for either a
full or an unexpired term, "the territory within the jurisdiction

of the court" means that territory as it will be on the first day 1312
of January after the election. 1313

Sec. 1901.08. The number of, and the time for election of, 1314
judges of the following municipal courts and the beginning of 1315
their terms shall be as follows: 1316

In the Akron municipal court, two full-time judges shall be 1317
elected in 1951, two full-time judges shall be elected in 1953, 1318
one full-time judge shall be elected in 1967, and one full-time 1319
judge shall be elected in 1975. 1320

In the Alliance municipal court, one full-time judge shall be 1321
elected in 1953. 1322

In the Ashland municipal court, one full-time judge shall be 1323
elected in 1951. 1324

In the Ashtabula municipal court, one full-time judge shall 1325
be elected in 1953. 1326

In the Athens county municipal court, one full-time judge 1327
shall be elected in 1967. 1328

In the Auglaize county municipal court, one full-time judge 1329
shall be elected in 1975. 1330

In the Avon Lake municipal court, one part-time judge shall 1331
be elected in 1957. 1332

In the Barberton municipal court, one full-time judge shall 1333
be elected in 1969, and one full-time judge shall be elected in 1334
1971. 1335

In the Bedford municipal court, one full-time judge shall be 1336
elected in 1975, and one full-time judge shall be elected in 1979. 1337

In the Bellefontaine municipal court, one full-time judge 1338
shall be elected in 1993. 1339

In the Bellevue municipal court, one part-time judge shall be 1340

elected in 1951.	1341
In the Berea municipal court, one full-time judge shall be	1342
elected in 2005.	1343
In the Bowling Green municipal court, one full-time judge	1344
shall be elected in 1983.	1345
In the Brown county municipal court, one full-time judge	1346
shall be elected in 2005. Beginning February 9, 2003, the	1347
part-time judge of the Brown county county court that existed	1348
prior to that date whose term commenced on January 2, 2001, shall	1349
serve as the full-time judge of the Brown county municipal court	1350
until December 31, 2005.	1351
In the Bryan municipal court, one full-time judge shall be	1352
elected in 1965.	1353
In the Cambridge municipal court, one full-time judge shall	1354
be elected in 1951.	1355
In the Campbell municipal court, one part-time judge shall be	1356
elected in 1963.	1357
In the Canton municipal court, one full-time judge shall be	1358
elected in 1951, one full-time judge shall be elected in 1969, and	1359
two full-time judges shall be elected in 1977.	1360
In the Carroll county municipal court, one full-time judge	1361
shall be elected in 2009. Beginning January 1, 2007, the judge	1362
elected in 2006 to the part-time judgeship of the Carroll county	1363
county court that existed prior to that date shall serve as the	1364
full-time judge of the Carroll county municipal court until	1365
December 31, 2009.	1366
In the Celina municipal court, one full-time judge shall be	1367
elected in 1957.	1368
In the Champaign county municipal court, one full-time judge	1369
shall be elected in 2001.	1370

In the Chardon municipal court, one part-time judge shall be elected in 1963. 1371
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In the Chillicothe municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1977. 1373
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In the Circleville municipal court, one full-time judge shall be elected in 1953. 1376
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In the Clark county municipal court, one full-time judge shall be elected in 1989, and two full-time judges shall be elected in 1991. The full-time judges of the Springfield municipal court who were elected in 1983 and 1985 shall serve as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms. 1378
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In the Clermont county municipal court, two full-time judges shall be elected in 1991, and one full-time judge shall be elected in 1999. 1384
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In the Cleveland municipal court, six full-time judges shall be elected in 1975, three full-time judges shall be elected in 1953, and four full-time judges shall be elected in 1955. 1387
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In the Cleveland Heights municipal court, one full-time judge shall be elected in 1957. 1390
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In the Clinton county municipal court, one full-time judge shall be elected in 1997. The full-time judge of the Wilmington municipal court who was elected in 1991 shall serve as the judge of the Clinton county municipal court from July 1, 1992, until the end of that judge's term on December 31, 1997. 1392
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In the Columbiana county municipal court, two full-time judges shall be elected in 2001. 1397
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In the Conneaut municipal court, one full-time judge shall be elected in 1953. 1399
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In the Coshocton municipal court, one full-time judge shall 1401
be elected in 1951. 1402

In the Crawford county municipal court, one full-time judge 1403
shall be elected in 1977. 1404

In the Cuyahoga Falls municipal court, one full-time judge 1405
shall be elected in 1953, and one full-time judge shall be elected 1406
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 1407
court shall cease to exist; however, the judges of the Cuyahoga 1408
Falls municipal court who were elected pursuant to this section in 1409
2003 and 2007 for terms beginning on January 1, 2004, and January 1410
1, 2008, respectively, shall serve as full-time judges of the Stow 1411
municipal court until December 31, 2009, and December 31, 2013, 1412
respectively. 1413

In the Darke county municipal court, one full-time judge 1414
shall be elected in 2005. Beginning January 1, 2005, the part-time 1415
judge of the Darke county county court that existed prior to that 1416
date whose term began on January 1, 2001, shall serve as the 1417
full-time judge of the Darke county municipal court until December 1418
31, 2005. 1419

In the Dayton municipal court, three full-time judges shall 1420
be elected in 1987, their terms to commence on successive days 1421
beginning on the first day of January next after their election, 1422
and two full-time judges shall be elected in 1955, their terms to 1423
commence on successive days beginning on the second day of January 1424
next after their election. 1425

In the Defiance municipal court, one full-time judge shall be 1426
elected in 1957. 1427

In the Delaware municipal court, one full-time judge shall be 1428
elected in 1953, and one full-time judge shall be elected in 2007. 1429

In the East Cleveland municipal court, one full-time judge 1430
shall be elected in 1957. 1431

In the East Liverpool municipal court, one full-time judge shall be elected in 1953.	1432 1433
In the Eaton municipal court, one full-time judge shall be elected in 1973.	1434 1435
In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.	1436 1437
In the Erie county municipal court, one full-time judge shall be elected in 2007.	1438 1439
In the Euclid municipal court, one full-time judge shall be elected in 1951.	1440 1441
In the Fairborn municipal court, one full-time judge shall be elected in 1977.	1442 1443
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.	1444 1445 1446
In the Fairfield municipal court, one full-time judge shall be elected in 1989.	1447 1448
In the Findlay municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1993.	1449 1450
In the Fostoria municipal court, one full-time judge shall be elected in 1975.	1451 1452
In the Franklin municipal court, one part-time judge shall be elected in 1951.	1453 1454
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.	1455 1456 1457 1458 1459 1460

In the Fremont municipal court, one full-time judge shall be elected in 1975. 1461
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In the Gallipolis municipal court, one full-time judge shall be elected in 1981. 1463
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In the Garfield Heights municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1981. 1465
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In the Girard municipal court, one full-time judge shall be elected in 1963. 1468
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In the Hamilton municipal court, one full-time judge shall be elected in 1953. 1470
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In the Hamilton county municipal court, five full-time judges shall be elected in 1967, five full-time judges shall be elected in 1971, two full-time judges shall be elected in 1981, and two full-time judges shall be elected in 1983. All terms of judges of the Hamilton county municipal court shall commence on the first day of January next after their election, except that the terms of the additional judges to be elected in 1981 shall commence on January 2, 1982, and January 3, 1982, and that the terms of the additional judges to be elected in 1983 shall commence on January 4, 1984, and January 5, 1984. 1472
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In the Hardin county municipal court, one part-time judge shall be elected in 1989. 1482
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In the Hillsboro municipal court, one ~~part-time~~ full-time judge shall be elected in ~~1957~~ 2011. On and after the effective date of this amendment, the part-time judge of the Hillsboro 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. 1484
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In the Hocking county municipal court, one full-time judge 1490

shall be elected in 1977.	1491
In the Holmes county municipal court, one full-time judge	1492
shall be elected in 2007. Beginning January 1, 2007, the part-time	1493
judge of the Holmes county county court that existed prior to that	1494
date whose term commenced on January 1, 2007, shall serve as the	1495
full-time judge of the Holmes county municipal court until	1496
December 31, 2007.	1497
In the Huron municipal court, one part-time judge shall be	1498
elected in 1967.	1499
In the Ironton municipal court, one full-time judge shall be	1500
elected in 1951.	1501
In the Jackson county municipal court, one full-time judge	1502
shall be elected in 2001. On and after March 31, 1997, the	1503
part-time judge of the Jackson county municipal court who was	1504
elected in 1995 shall serve as a full-time judge of the court	1505
until the end of that judge's term on December 31, 2001.	1506
In the Kettering municipal court, one full-time judge shall	1507
be elected in 1971, and one full-time judge shall be elected in	1508
1975.	1509
In the Lakewood municipal court, one full-time judge shall be	1510
elected in 1955.	1511
In the Lancaster municipal court, one full-time judge shall	1512
be elected in 1951, and one full-time judge shall be elected in	1513
1979. Beginning January 2, 2000, the full-time judges of the	1514
Lancaster municipal court who were elected in 1997 and 1999 shall	1515
serve as judges of the Fairfield county municipal court until the	1516
end of those judges' terms.	1517
In the Lawrence county municipal court, one part-time judge	1518
shall be elected in 1981.	1519
In the Lebanon municipal court, one part-time judge shall be	1520

elected in 1955.	1521
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.	1522 1523 1524
In the Lima municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1967.	1525 1526
In the Lorain municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1973.	1527 1528
In the Lyndhurst municipal court, one part-time judge shall be elected in 1957.	1529 1530
In the Madison county municipal court, one full-time judge shall be elected in 1981.	1531 1532
In the Mansfield municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1969.	1533 1534 1535
In the Marietta municipal court, one full-time judge shall be elected in 1957.	1536 1537
In the Marion municipal court, one full-time judge shall be elected in 1951.	1538 1539
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.	1540 1541 1542 1543 1544
In the Mason municipal court, one part-time judge shall be elected in 1965.	1545 1546
In the Massillon municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1971.	1547 1548 1549

In the Maumee municipal court, one full-time judge shall be elected in 1963.	1550 1551
In the Medina municipal court, one full-time judge shall be elected in 1957.	1552 1553
In the Mentor municipal court, one full-time judge shall be elected in 1971.	1554 1555
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.	1556 1557 1558
In the Miamisburg municipal court, one part-time judge shall be elected in 1951.	1559 1560
In the Middletown municipal court, one full-time judge shall be elected in 1953.	1561 1562
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.	1563 1564 1565 1566 1567
In the Mount Vernon municipal court, one full-time judge shall be elected in 1951.	1568 1569
In the Napoleon municipal court, one full-time judge shall be elected in 2005.	1570 1571
In the New Philadelphia municipal court, one full-time judge shall be elected in 1975.	1572 1573
In the Newton Falls municipal court, one full-time judge shall be elected in 1963.	1574 1575
In the Niles municipal court, one full-time judge shall be elected in 1951.	1576 1577
In the Norwalk municipal court, one full-time judge shall be	1578

elected in 1975.	1579
In the Oakwood municipal court, one part-time judge shall be elected in 1953.	1580 1581
In the Oberlin municipal court, one full-time judge shall be elected in 1989.	1582 1583
In the Oregon municipal court, one full-time judge shall be elected in 1963.	1584 1585
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.	1586 1587 1588 1589 1590
In the Painesville municipal court, one full-time judge shall be elected in 1951.	1591 1592
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.	1593 1594 1595
In the Perrysburg municipal court, one full-time judge shall be elected in 1977.	1596 1597
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.	1598 1599 1600
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.	1601 1602 1603 1604 1605
In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985.	1606 1607 1608

In the Rocky River municipal court, one full-time judge shall 1609
be elected in 1957, and one full-time judge shall be elected in 1610
1971. 1611

In the Sandusky municipal court, one full-time judge shall be 1612
elected in 1953. 1613

In the Shaker Heights municipal court, one full-time judge 1614
shall be elected in 1957. 1615

In the Shelby municipal court, one part-time judge shall be 1616
elected in 1957. 1617

In the Sidney municipal court, one full-time judge shall be 1618
elected in 1995. 1619

In the South Euclid municipal court, one full-time judge 1620
shall be elected in 1999. The part-time judge elected in 1993, 1621
whose term commenced on January 1, 1994, shall serve until 1622
December 31, 1999, and the office of that judge is abolished on 1623
January 1, 2000. 1624

In the Springfield municipal court, two full-time judges 1625
shall be elected in 1985, and one full-time judge shall be elected 1626
in 1983, all of whom shall serve as the judges of the Springfield 1627
municipal court through December 31, 1987, and as the judges of 1628
the Clark county municipal court from January 1, 1988, until the 1629
end of their respective terms. 1630

In the Steubenville municipal court, one full-time judge 1631
shall be elected in 1953. 1632

In the Stow municipal court, one full-time judge shall be 1633
elected in 2009, and one full-time judge shall be elected in 2013. 1634
Beginning January 1, 2009, the judge of the Cuyahoga Falls 1635
municipal court that existed prior to that date whose term 1636
commenced on January 1, 2008, shall serve as a full-time judge of 1637
the Stow municipal court until December 31, 2013. Beginning 1638

January 1, 2009, the judge of the Cuyahoga Falls municipal court 1639
that existed prior to that date whose term commenced on January 1, 1640
2004, shall serve as a full-time judge of the Stow municipal court 1641
until December 31, 2009. 1642

In the Struthers municipal court, one part-time judge shall 1643
be elected in 1963. 1644

In the Sylvania municipal court, one full-time judge shall be 1645
elected in 1963. 1646

In the Tiffin municipal court, one full-time judge shall be 1647
elected in 1953. 1648

In the Toledo municipal court, two full-time judges shall be 1649
elected in 1971, four full-time judges shall be elected in 1975, 1650
and one full-time judge shall be elected in 1973. 1651

In the Upper Sandusky municipal court, one full-time judge 1652
shall be elected in 2011. The part-time judge elected in 2005, 1653
whose term commenced on January 1, 2006, shall serve as a 1654
full-time judge on and after January 1, 2008, until the expiration 1655
of that judge's term on December 31, 2011, and the office of that 1656
judge is abolished on January 1, 2012. 1657

In the Vandalia municipal court, one full-time judge shall be 1658
elected in 1959. 1659

In the Van Wert municipal court, one full-time judge shall be 1660
elected in 1957. 1661

In the Vermilion municipal court, one part-time judge shall 1662
be elected in 1965. 1663

In the Wadsworth municipal court, one full-time judge shall 1664
be elected in 1981. 1665

In the Warren municipal court, one full-time judge shall be 1666
elected in 1951, and one full-time judge shall be elected in 1971. 1667

In the Washington Court House municipal court, one full-time 1668

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

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

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

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

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

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

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

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

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

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

thousand at the regular municipal election immediately preceding 1699
the expiration of the term of the present clerk, the clerk shall 1700
be nominated and elected by the qualified electors of the 1701
territory in the manner that is provided for the nomination and 1702
election of judges in section 1901.07 of the Revised Code. 1703

The clerk so elected shall hold office for a term of six 1704
years, which term shall commence on the first day of January 1705
following the clerk's election and continue until the clerk's 1706
successor is elected and qualified. 1707

(b) In the Hamilton county municipal court, the clerk of 1708
courts of Hamilton county shall be the clerk of the municipal 1709
court and may appoint an assistant clerk who shall receive the 1710
compensation, payable out of the treasury of Hamilton county in 1711
semimonthly installments, that the board of county commissioners 1712
prescribes. The clerk of courts of Hamilton county, acting as the 1713
clerk of the Hamilton county municipal court and assuming the 1714
duties of that office, shall receive compensation at one-fourth 1715
the rate that is prescribed for the clerks of courts of common 1716
pleas as determined in accordance with the population of the 1717
county and the rates set forth in sections 325.08 and 325.18 of 1718
the Revised Code. This compensation shall be paid from the county 1719
treasury in semimonthly installments and is in addition to the 1720
annual compensation that is received for the performance of the 1721
duties of the clerk of courts of Hamilton county, as provided in 1722
sections 325.08 and 325.18 of the Revised Code. 1723

(c) In the Portage county and Wayne county municipal courts, 1724
the clerks of courts of Portage county and Wayne county shall be 1725
the clerks, respectively, of the Portage county and Wayne county 1726
municipal courts and may appoint a chief deputy clerk for each 1727
branch that is established pursuant to section 1901.311 of the 1728
Revised Code and assistant clerks as the judges of the municipal 1729
court determine are necessary, all of whom shall receive the 1730

compensation that the legislative authority prescribes. The clerks 1731
of courts of Portage county and Wayne county, acting as the clerks 1732
of the Portage county and Wayne county municipal courts and 1733
assuming the duties of these offices, shall receive compensation 1734
payable from the county treasury in semimonthly installments at 1735
one-fourth the rate that is prescribed for the clerks of courts of 1736
common pleas as determined in accordance with the population of 1737
the county and the rates set forth in sections 325.08 and 325.18 1738
of the Revised Code. 1739

(d) Except as otherwise provided in division (A)(1)(d) of 1740
this section, in the Akron municipal court, candidates for 1741
election to the office of clerk of the court shall be nominated by 1742
primary election. The primary election shall be held on the day 1743
specified in the charter of the city of Akron for the nomination 1744
of municipal officers. Notwithstanding any contrary provision of 1745
section 3513.05 or 3513.257 of the Revised Code, the declarations 1746
of candidacy and petitions of partisan candidates and the 1747
nominating petitions of independent candidates for the office of 1748
clerk of the Akron municipal court shall be signed by at least 1749
fifty qualified electors of the territory of the court. 1750

The candidates shall file a declaration of candidacy and 1751
petition, or a nominating petition, whichever is applicable, not 1752
later than four p.m. of the seventy-fifth day before the day of 1753
the primary election, in the form prescribed by section 3513.07 or 1754
3513.261 of the Revised Code. The declaration of candidacy and 1755
petition, or the nominating petition, shall conform to the 1756
applicable requirements of section 3513.05 or 3513.257 of the 1757
Revised Code. 1758

If no valid declaration of candidacy and petition is filed by 1759
any person for nomination as a candidate of a particular political 1760
party for election to the office of clerk of the Akron municipal 1761
court, a primary election shall not be held for the purpose of 1762

nominating a candidate of that party for election to that office. 1763
If only one person files a valid declaration of candidacy and 1764
petition for nomination as a candidate of a particular political 1765
party for election to that office, a primary election shall not be 1766
held for the purpose of nominating a candidate of that party for 1767
election to that office, and the candidate shall be issued a 1768
certificate of nomination in the manner set forth in section 1769
3513.02 of the Revised Code. 1770

Declarations of candidacy and petitions, nominating 1771
petitions, and certificates of nomination for the office of clerk 1772
of the Akron municipal court shall contain a designation of the 1773
term for which the candidate seeks election. At the following 1774
regular municipal election, all candidates for the office shall be 1775
submitted to the qualified electors of the territory of the court 1776
in the manner that is provided in section 1901.07 of the Revised 1777
Code for the election of the judges of the court. The clerk so 1778
elected shall hold office for a term of six years, which term 1779
shall commence on the first day of January following the clerk's 1780
election and continue until the clerk's successor is elected and 1781
qualified. 1782

(e) Except as otherwise provided in division (A)(1)(e) of 1783
this section, in the Barberton municipal court, candidates for 1784
election to the office of clerk of the court shall be nominated by 1785
primary election. The primary election shall be held on the day 1786
specified in the charter of the city of Barberton for the 1787
nomination of municipal officers. Notwithstanding any contrary 1788
provision of section 3513.05 or 3513.257 of the Revised Code, the 1789
declarations of candidacy and petitions of partisan candidates and 1790
the nominating petitions of independent candidates for the office 1791
of clerk of the Barberton municipal court shall be signed by at 1792
least fifty qualified electors of the territory of the court. 1793

The candidates shall file a declaration of candidacy and 1794

petition, or a nominating petition, whichever is applicable, not 1795
later than four p.m. of the seventy-fifth day before the day of 1796
the primary election, in the form prescribed by section 3513.07 or 1797
3513.261 of the Revised Code. The declaration of candidacy and 1798
petition, or the nominating petition, shall conform to the 1799
applicable requirements of section 3513.05 or 3513.257 of the 1800
Revised Code. 1801

If no valid declaration of candidacy and petition is filed by 1802
any person for nomination as a candidate of a particular political 1803
party for election to the office of clerk of the Barberton 1804
municipal court, a primary election shall not be held for the 1805
purpose of nominating a candidate of that party for election to 1806
that office. If only one person files a valid declaration of 1807
candidacy and petition for nomination as a candidate of a 1808
particular political party for election to that office, a primary 1809
election shall not be held for the purpose of nominating a 1810
candidate of that party for election to that office, and the 1811
candidate shall be issued a certificate of nomination in the 1812
manner set forth in section 3513.02 of the Revised Code. 1813

Declarations of candidacy and petitions, nominating 1814
petitions, and certificates of nomination for the office of clerk 1815
of the Barberton municipal court shall contain a designation of 1816
the term for which the candidate seeks election. At the following 1817
regular municipal election, all candidates for the office shall be 1818
submitted to the qualified electors of the territory of the court 1819
in the manner that is provided in section 1901.07 of the Revised 1820
Code for the election of the judges of the court. The clerk so 1821
elected shall hold office for a term of six years, which term 1822
shall commence on the first day of January following the clerk's 1823
election and continue until the clerk's successor is elected and 1824
qualified. 1825

(f)(i) Through December 31, 2008, except as otherwise 1826

provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 1827
Falls municipal court, candidates for election to the office of 1828
clerk of the court shall be nominated by primary election. The 1829
primary election shall be held on the day specified in the charter 1830
of the city of Cuyahoga Falls for the nomination of municipal 1831
officers. Notwithstanding any contrary provision of section 1832
3513.05 or 3513.257 of the Revised Code, the declarations of 1833
candidacy and petitions of partisan candidates and the nominating 1834
petitions of independent candidates for the office of clerk of the 1835
Cuyahoga Falls municipal court shall be signed by at least fifty 1836
qualified electors of the territory of the court. 1837

The candidates shall file a declaration of candidacy and 1838
petition, or a nominating petition, whichever is applicable, not 1839
later than four p.m. of the seventy-fifth day before the day of 1840
the primary election, in the form prescribed by section 3513.07 or 1841
3513.261 of the Revised Code. The declaration of candidacy and 1842
petition, or the nominating petition, shall conform to the 1843
applicable requirements of section 3513.05 or 3513.257 of the 1844
Revised Code. 1845

If no valid declaration of candidacy and petition is filed by 1846
any person for nomination as a candidate of a particular political 1847
party for election to the office of clerk of the Cuyahoga Falls 1848
municipal court, a primary election shall not be held for the 1849
purpose of nominating a candidate of that party for election to 1850
that office. If only one person files a valid declaration of 1851
candidacy and petition for nomination as a candidate of a 1852
particular political party for election to that office, a primary 1853
election shall not be held for the purpose of nominating a 1854
candidate of that party for election to that office, and the 1855
candidate shall be issued a certificate of nomination in the 1856
manner set forth in section 3513.02 of the Revised Code. 1857

Declarations of candidacy and petitions, nominating 1858

petitions, and certificates of nomination for the office of clerk 1859
of the Cuyahoga Falls municipal court shall contain a designation 1860
of the term for which the candidate seeks election. At the 1861
following regular municipal election, all candidates for the 1862
office shall be submitted to the qualified electors of the 1863
territory of the court in the manner that is provided in section 1864
1901.07 of the Revised Code for the election of the judges of the 1865
court. The clerk so elected shall hold office for a term of six 1866
years, which term shall commence on the first day of January 1867
following the clerk's election and continue until the clerk's 1868
successor is elected and qualified. 1869

(ii) Division (A)(1)(f)(i) of this section shall have no 1870
effect after December 31, 2008. 1871

(g) Except as otherwise provided in division (A)(1)(g) of 1872
this section, in the Toledo municipal court, candidates for 1873
election to the office of clerk of the court shall be nominated by 1874
primary election. The primary election shall be held on the day 1875
specified in the charter of the city of Toledo for the nomination 1876
of municipal officers. Notwithstanding any contrary provision of 1877
section 3513.05 or 3513.257 of the Revised Code, the declarations 1878
of candidacy and petitions of partisan candidates and the 1879
nominating petitions of independent candidates for the office of 1880
clerk of the Toledo municipal court shall be signed by at least 1881
fifty qualified electors of the territory of the court. 1882

The candidates shall file a declaration of candidacy and 1883
petition, or a nominating petition, whichever is applicable, not 1884
later than four p.m. of the seventy-fifth day before the day of 1885
the primary election, in the form prescribed by section 3513.07 or 1886
3513.261 of the Revised Code. The declaration of candidacy and 1887
petition, or the nominating petition, shall conform to the 1888
applicable requirements of section 3513.05 or 3513.257 of the 1889
Revised Code. 1890

If no valid declaration of candidacy and petition is filed by 1891
any person for nomination as a candidate of a particular political 1892
party for election to the office of clerk of the Toledo municipal 1893
court, a primary election shall not be held for the purpose of 1894
nominating a candidate of that party for election to that office. 1895
If only one person files a valid declaration of candidacy and 1896
petition for nomination as a candidate of a particular political 1897
party for election to that office, a primary election shall not be 1898
held for the purpose of nominating a candidate of that party for 1899
election to that office, and the candidate shall be issued a 1900
certificate of nomination in the manner set forth in section 1901
3513.02 of the Revised Code. 1902

Declarations of candidacy and petitions, nominating 1903
petitions, and certificates of nomination for the office of clerk 1904
of the Toledo municipal court shall contain a designation of the 1905
term for which the candidate seeks election. At the following 1906
regular municipal election, all candidates for the office shall be 1907
submitted to the qualified electors of the territory of the court 1908
in the manner that is provided in section 1901.07 of the Revised 1909
Code for the election of the judges of the court. The clerk so 1910
elected shall hold office for a term of six years, which term 1911
shall commence on the first day of January following the clerk's 1912
election and continue until the clerk's successor is elected and 1913
qualified. 1914

(2)(a) Except for the Alliance, Auglaize county, Brown 1915
county, Columbiana county, Holmes county, Lorain, Massillon, and 1916
Youngstown municipal courts, in a municipal court for which the 1917
population of the territory is less than one hundred thousand, the 1918
clerk shall be appointed by the court, and the clerk shall hold 1919
office until the clerk's successor is appointed and qualified. 1920

(b) In the Alliance, Lorain, Massillon, and Youngstown 1921
municipal courts, the clerk shall be elected for a term of office 1922

as described in division (A)(1)(a) of this section. 1923

(c) In the Auglaize county, Brown county, and Holmes county 1924
municipal courts, the clerks of courts of Auglaize county, Brown 1925
county, and Holmes county shall be the clerks, respectively, of 1926
the Auglaize county, Brown county, and Holmes county municipal 1927
courts and may appoint a chief deputy clerk for each branch office 1928
that is established pursuant to section 1901.311 of the Revised 1929
Code, and assistant clerks as the judge of the court determines 1930
are necessary, all of whom shall receive the compensation that the 1931
legislative authority prescribes. The clerks of courts of Auglaize 1932
county, Brown county, and Holmes county, acting as the clerks of 1933
the Auglaize county, Brown county, and Holmes county municipal 1934
courts and assuming the duties of these offices, shall receive 1935
compensation payable from the county treasury in semimonthly 1936
installments at one-fourth the rate that is prescribed for the 1937
clerks of courts of common pleas as determined in accordance with 1938
the population of the county and the rates set forth in sections 1939
325.08 and 325.18 of the Revised Code. 1940

(d) In the Columbiana county municipal court, the clerk of 1941
courts of Columbiana county shall be the clerk of the municipal 1942
court, may appoint a chief deputy clerk for each branch office 1943
that is established pursuant to section 1901.311 of the Revised 1944
Code, and may appoint any assistant clerks that the judges of the 1945
court determine are necessary. All of the chief deputy clerks and 1946
assistant clerks shall receive the compensation that the 1947
legislative authority prescribes. The clerk of courts of 1948
Columbiana county, acting as the clerk of the Columbiana county 1949
municipal court and assuming the duties of that office, shall 1950
receive in either biweekly installments or semimonthly 1951
installments, as determined by the payroll administrator, 1952
compensation payable from the county treasury at one-fourth the 1953
rate that is prescribed for the clerks of courts of common pleas 1954

as determined in accordance with the population of the county and 1955
the rates set forth in sections 325.08 and 325.18 of the Revised 1956
Code. 1957

(3) During the temporary absence of the clerk due to illness, 1958
vacation, or other proper cause, the court may appoint a temporary 1959
clerk, who shall be paid the same compensation, have the same 1960
authority, and perform the same duties as the clerk. 1961

(B) Except in the Hamilton county, Portage county, and Wayne 1962
county municipal courts, if a vacancy occurs in the office of the 1963
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 1964
court or occurs in the office of the clerk of a municipal court 1965
for which the population of the territory equals or exceeds one 1966
hundred thousand because the clerk ceases to hold the office 1967
before the end of the clerk's term or because a clerk-elect fails 1968
to take office, the vacancy shall be filled, until a successor is 1969
elected and qualified, by a person chosen by the residents of the 1970
territory of the court who are members of the county central 1971
committee of the political party by which the last occupant of 1972
that office or the clerk-elect was nominated. Not less than five 1973
nor more than fifteen days after a vacancy occurs, those members 1974
of that county central committee shall meet to make an appointment 1975
to fill the vacancy. At least four days before the date of the 1976
meeting, the chairperson or a secretary of the county central 1977
committee shall notify each such member of that county central 1978
committee by first class mail of the date, time, and place of the 1979
meeting and its purpose. A majority of all such members of that 1980
county central committee constitutes a quorum, and a majority of 1981
the quorum is required to make the appointment. If the office so 1982
vacated was occupied or was to be occupied by a person not 1983
nominated at a primary election, or if the appointment was not 1984
made by the committee members in accordance with this division, 1985
the court shall make an appointment to fill the vacancy. A 1986

successor shall be elected to fill the office for the unexpired 1987
term at the first municipal election that is held more than one 1988
hundred twenty days after the vacancy occurred. 1989

(C)(1) In a municipal court, other than the Auglaize county, 1990
the Brown county, the Columbiana county, the Holmes county, and 1991
the Lorain municipal courts, for which the population of the 1992
territory is less than one hundred thousand, the clerk of the 1993
municipal court shall receive the annual compensation that the 1994
presiding judge of the court prescribes, if the revenue of the 1995
court for the preceding calendar year, as certified by the auditor 1996
or chief fiscal officer of the municipal corporation in which the 1997
court is located or, in the case of a county-operated municipal 1998
court, the county auditor, is equal to or greater than the 1999
expenditures, including any debt charges, for the operation of the 2000
court payable under this chapter from the city treasury or, in the 2001
case of a county-operated municipal court, the county treasury for 2002
that calendar year, as also certified by the auditor or chief 2003
fiscal officer. If the revenue of a municipal court, other than 2004
the Auglaize county, the Brown county, the Columbiana county, and 2005
the Lorain municipal courts, for which the population of the 2006
territory is less than one hundred thousand for the preceding 2007
calendar year as so certified is not equal to or greater than 2008
those expenditures for the operation of the court for that 2009
calendar year as so certified, the clerk of a municipal court 2010
shall receive the annual compensation that the legislative 2011
authority prescribes. As used in this division, "revenue" means 2012
the total of all costs and fees that are collected and paid to the 2013
city treasury or, in a county-operated municipal court, the county 2014
treasury by the clerk of the municipal court under division (F) of 2015
this section and all interest received and paid to the city 2016
treasury or, in a county-operated municipal court, the county 2017
treasury in relation to the costs and fees under division (G) of 2018
this section. 2019

(2) In a municipal court, other than the Hamilton county, 2020
Portage county, and Wayne county municipal courts, for which the 2021
population of the territory is one hundred thousand or more, and 2022
in the Lorain municipal court, the clerk of the municipal court 2023
shall receive annual compensation in a sum equal to eighty-five 2024
per cent of the salary of a judge of the court. 2025

(3) The compensation of a clerk described in division (C)(1) 2026
or (2) of this section is payable in semimonthly installments from 2027
the same sources and in the same manner as provided in section 2028
1901.11 of the Revised Code, except that the compensation of the 2029
clerk of the Carroll county municipal court is payable in biweekly 2030
installments. 2031

(D) Before entering upon the duties of the clerk's office, 2032
the clerk of a municipal court shall give bond of not less than 2033
six thousand dollars to be determined by the judges of the court, 2034
conditioned upon the faithful performance of the clerk's duties. 2035

(E) The clerk of a municipal court may do all of the 2036
following: administer oaths, take affidavits, and issue executions 2037
upon any judgment rendered in the court, including a judgment for 2038
unpaid costs; issue, sign, and attach the seal of the court to all 2039
writs, process, subpoenas, and papers issuing out of the court; 2040
and approve all bonds, sureties, recognizances, and undertakings 2041
fixed by any judge of the court or by law. The clerk may refuse to 2042
accept for filing any pleading or paper submitted for filing by a 2043
person who has been found to be a vexatious litigator under 2044
section 2323.52 of the Revised Code and who has failed to obtain 2045
leave to proceed under that section. The clerk shall do all of the 2046
following: file and safely keep all journals, records, books, and 2047
papers belonging or appertaining to the court; record the 2048
proceedings of the court; perform all other duties that the judges 2049
of the court may prescribe; and keep a book showing all receipts 2050
and disbursements, which book shall be open for public inspection 2051

at all times. 2052

The clerk shall prepare and maintain a general index, a 2053
docket, and other records that the court, by rule, requires, all 2054
of which shall be the public records of the court. In the docket, 2055
the clerk shall enter, at the time of the commencement of an 2056
action, the names of the parties in full, the names of the 2057
counsel, and the nature of the proceedings. Under proper dates, 2058
the clerk shall note the filing of the complaint, issuing of 2059
summons or other process, returns, and any subsequent pleadings. 2060
The clerk also shall enter all reports, verdicts, orders, 2061
judgments, and proceedings of the court, clearly specifying the 2062
relief granted or orders made in each action. The court may order 2063
an extended record of any of the above to be made and entered, 2064
under the proper action heading, upon the docket at the request of 2065
any party to the case, the expense of which record may be taxed as 2066
costs in the case or may be required to be prepaid by the party 2067
demanding the record, upon order of the court. 2068

(F) The clerk of a municipal court shall receive, collect, 2069
and issue receipts for all costs, fees, fines, bail, and other 2070
moneys payable to the office or to any officer of the court. The 2071
clerk shall each month disburse to the proper persons or officers, 2072
and take receipts for, all costs, fees, fines, bail, and other 2073
moneys that the clerk collects. Subject to sections ~~3375.50~~ 2074
307.515 and 4511.193 of the Revised Code and to any other section 2075
of the Revised Code that requires a specific manner of 2076
disbursement of any moneys received by a municipal court and 2077
except for the Hamilton county, Lawrence county, and Ottawa county 2078
municipal courts, the clerk shall pay all fines received for 2079
violation of municipal ordinances into the treasury of the 2080
municipal corporation the ordinance of which was violated and 2081
shall pay all fines received for violation of township resolutions 2082
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 2083

the Revised Code into the treasury of the township the resolution 2084
of which was violated. Subject to sections 1901.024 and 4511.193 2085
of the Revised Code, in the Hamilton county, Lawrence county, and 2086
Ottawa county municipal courts, the clerk shall pay fifty per cent 2087
of the fines received for violation of municipal ordinances and 2088
fifty per cent of the fines received for violation of township 2089
resolutions adopted pursuant to section 503.52 or 503.53 or 2090
Chapter 504. of the Revised Code into the treasury of the county. 2091
Subject to sections ~~3375.50, 3375.53~~ 307.515, 4511.19, and 5503.04 2092
of the Revised Code and to any other section of the Revised Code 2093
that requires a specific manner of disbursement of any moneys 2094
received by a municipal court, the clerk shall pay all fines 2095
collected for the violation of state laws into the county 2096
treasury. Except in a county-operated municipal court, the clerk 2097
shall pay all costs and fees the disbursement of which is not 2098
otherwise provided for in the Revised Code into the city treasury. 2099
The clerk of a county-operated municipal court shall pay the costs 2100
and fees the disbursement of which is not otherwise provided for 2101
in the Revised Code into the county treasury. Moneys deposited as 2102
security for costs shall be retained pending the litigation. The 2103
clerk shall keep a separate account of all receipts and 2104
disbursements in civil and criminal cases, which shall be a 2105
permanent public record of the office. On the expiration of the 2106
term of the clerk, the clerk shall deliver the records to the 2107
clerk's successor. The clerk shall have other powers and duties as 2108
are prescribed by rule or order of the court. 2109

(G) All moneys paid into a municipal court shall be noted on 2110
the record of the case in which they are paid and shall be 2111
deposited in a state or national bank, or a domestic savings and 2112
loan association, as defined in section 1151.01 of the Revised 2113
Code, that is selected by the clerk. Any interest received upon 2114
the deposits shall be paid into the city treasury, except that, in 2115
a county-operated municipal court, the interest shall be paid into 2116

the treasury of the county in which the court is located. 2117

On the first Monday in January of each year, the clerk shall 2118
make a list of the titles of all cases in the court that were 2119
finally determined more than one year past in which there remains 2120
unclaimed in the possession of the clerk any funds, or any part of 2121
a deposit for security of costs not consumed by the costs in the 2122
case. The clerk shall give notice of the moneys to the parties who 2123
are entitled to the moneys or to their attorneys of record. All 2124
the moneys remaining unclaimed on the first day of April of each 2125
year shall be paid by the clerk to the city treasurer, except 2126
that, in a county-operated municipal court, the moneys shall be 2127
paid to the treasurer of the county in which the court is located. 2128
The treasurer shall pay any part of the moneys at any time to the 2129
person who has the right to the moneys upon proper certification 2130
of the clerk. 2131

(H) Deputy clerks of a municipal court other than the Carroll 2132
county municipal court may be appointed by the clerk and shall 2133
receive the compensation, payable in either biweekly installments 2134
or semimonthly installments, as determined by the payroll 2135
administrator, out of the city treasury, that the clerk may 2136
prescribe, except that the compensation of any deputy clerk of a 2137
county-operated municipal court shall be paid out of the treasury 2138
of the county in which the court is located. The judge of the 2139
Carroll county municipal court may appoint deputy clerks for the 2140
court, and the deputy clerks shall receive the compensation, 2141
payable in biweekly installments out of the county treasury, that 2142
the judge may prescribe. Each deputy clerk shall take an oath of 2143
office before entering upon the duties of the deputy clerk's 2144
office and, when so qualified, may perform the duties appertaining 2145
to the office of the clerk. The clerk may require any of the 2146
deputy clerks to give bond of not less than three thousand 2147
dollars, conditioned for the faithful performance of the deputy 2148

clerk's duties. 2149

(I) For the purposes of this section, whenever the population 2150
of the territory of a municipal court falls below one hundred 2151
thousand but not below ninety thousand, and the population of the 2152
territory prior to the most recent regular federal census exceeded 2153
one hundred thousand, the legislative authority of the municipal 2154
corporation may declare, by resolution, that the territory shall 2155
be considered to have a population of at least one hundred 2156
thousand. 2157

(J) The clerk or a deputy clerk shall be in attendance at all 2158
sessions of the municipal court, although not necessarily in the 2159
courtroom, and may administer oaths to witnesses and jurors and 2160
receive verdicts. 2161

Sec. 1907.20. (A) The clerk of courts shall be the clerk of 2162
the county court, except that the board of county commissioners, 2163
with the concurrence of the county court judges, may appoint a 2164
clerk for each county court judge, who shall serve at the pleasure 2165
of the board and shall receive compensation as set by the board, 2166
payable in semimonthly installments from the treasury of the 2167
county. An appointed clerk, before entering upon the duties of the 2168
office, shall give bond of not less than five thousand dollars, as 2169
determined by the board of county commissioners, conditioned upon 2170
the faithful performance of the clerk's duties. 2171

The clerks of courts of common pleas, when acting as the 2172
clerks of county courts, and upon assuming their county court 2173
duties, shall receive compensation at one-fourth the rate 2174
prescribed for the clerks of courts of common pleas as determined 2175
in accordance with the population of the county and the rates set 2176
forth in sections 325.08 and 325.18 of the Revised Code. This 2177
compensation shall be paid from the county treasury in semimonthly 2178
installments and is in addition to the annual compensation 2179

received for the performance of the duties of the clerk of a court 2180
of common pleas as provided in sections 325.08 and 325.18 of the 2181
Revised Code. 2182

(B) The clerk of a county court shall have general powers to 2183
administer oaths, take affidavits, and issue executions upon any 2184
judgment rendered in the county court, including a judgment for 2185
unpaid costs, power to issue and sign all writs, process, 2186
subpoenas, and papers issuing out of the court, and to attach the 2187
seal of the court to them, and power to approve all bonds, 2188
sureties, recognizances, and undertakings fixed by any judge of 2189
the court or by law. The clerk shall file and safely keep all 2190
journals, records, books, and papers belonging or appertaining to 2191
the court, record its proceedings, perform all other duties that 2192
the judges of the court may prescribe, and keep a book showing all 2193
receipts and disbursements, which shall be open for public 2194
inspection at all times. The clerk may refuse to accept for filing 2195
any pleading or paper submitted for filing by a person who has 2196
been found to be a vexatious litigator under section 2323.52 of 2197
the Revised Code and who has failed to obtain leave to proceed 2198
under that section. 2199

The clerk shall prepare and maintain a general index, a 2200
docket as prescribed by the court, which shall be furnished by the 2201
board of county commissioners, and such other records as the 2202
court, by rule, requires, all of which shall be the public records 2203
of the court. In the docket, the clerk shall enter at times of the 2204
commencement of an action, the names of the parties in full, the 2205
names of the counsel, and the nature of the proceedings. Under 2206
proper dates, the clerk shall note the filing of the complaint, 2207
issuing of summons or other process, returns, and pleadings 2208
subsequent thereto. The clerk also shall enter all reports, 2209
verdicts, orders, judgments, and proceedings of the court, clearly 2210
specifying the relief granted or orders made in each action. The 2211

court may order an extended record of any of the above to be made 2212
and entered, under the proper action heading, upon the docket at 2213
the request of any party to the case, the expense of which may be 2214
taxed as costs in the case or may be required to be prepaid by the 2215
party demanding the extended record, upon order of the court. 2216

(C) The clerk of a county court shall receive and collect all 2217
costs, fees, fines, penalties, bail, and other moneys payable to 2218
the office or to any officer of the court and issue receipts 2219
therefor, and shall each month disburse the costs, fees, fines, 2220
penalties, bail, and other moneys to the proper persons or 2221
officers and take receipts therefor. Subject to sections ~~3375.51,~~ 2222
~~3375.53~~ 307.515, 4511.19, 4511.193, and 5503.04 of the Revised 2223
Code and all other statutes that require a different distribution 2224
of fines, fines received for violations of municipal ordinances 2225
shall be paid into the treasury of the municipal corporation whose 2226
ordinance was violated, fines received for violations of township 2227
resolutions adopted pursuant to section 503.52 or 503.53 or 2228
Chapter 504. of the Revised Code shall be paid into the treasury 2229
of the township whose resolution was violated, and fines collected 2230
for the violation of state laws shall be paid into the county 2231
treasury. Moneys deposited as security for costs shall be retained 2232
pending the litigation. 2233

The clerk shall keep a separate account of all receipts and 2234
disbursements in civil and criminal cases. The separate account 2235
shall be a permanent public record of the office. On the 2236
expiration of a clerk's term, those records shall be delivered to 2237
the clerk's successor. 2238

The clerk shall have such other powers and duties as are 2239
prescribed by rule or order of the court. 2240

(D) All moneys paid into a county court shall be noted on the 2241
record of the case in which they are paid and shall be deposited 2242
in a state or national bank selected by the clerk. On the first 2243

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 2276
and receive verdicts. 2277

(F)(1) In county court districts having appointed clerks, the 2278
board of county commissioners may order the establishment of one 2279
or more branch offices of the clerk and, with the concurrence of 2280
the county judges, may appoint a special deputy clerk to 2281
administer each branch office. Each special deputy clerk shall 2282
take an oath of office before entering upon the duties of the 2283
deputy clerk's office and, when so qualified, may perform any one 2284
or more of the duties appertaining to the office of clerk, as the 2285
board prescribes. Special deputy clerks shall receive such 2286
compensation payable in semimonthly installments out of the county 2287
treasury as the board may prescribe. The board may require any of 2288
the special deputy clerks to give bond of not less than three 2289
thousand dollars, conditioned for the faithful performance of the 2290
deputy clerk's duties. 2291

The board of county commissioners may authorize the clerk of 2292
the county court to operate one or more branch offices, to divide 2293
the clerk's time between the offices, and to perform duties 2294
appertaining to the office of clerk in locations that the board 2295
prescribes. 2296

(2) A clerk of courts acting as clerk of the county court may 2297
establish one or more branch offices for the clerk's duties as 2298
clerk of the county court and, with the concurrence of the county 2299
court judges, may appoint a special deputy clerk to administer 2300
each branch office. Each special deputy clerk shall take an oath 2301
of office before entering upon the deputy clerk's duties and, when 2302
so qualified, may perform any of the duties pertaining to the 2303
office of clerk, as the clerk of courts prescribes. The clerk of 2304
courts may require any of the special deputy clerks to give bond 2305
of not less than three thousand dollars, conditioned for the 2306
faithful performance of the deputy clerk's duties. 2307

(G) The clerk of courts of the county shall fix the 2308
compensation of deputy clerks and special deputy clerks appointed 2309
by the clerk pursuant to this section. Those personnel shall be 2310
paid and be subject to the same requirements as other employees of 2311
the clerk under the provisions of section 325.17 of the Revised 2312
Code insofar as that section is applicable. 2313

Sec. 2949.111. (A) As used in this section: 2314

(1) "Court costs" means any assessment that the court 2315
requires an offender to pay to defray the costs of operating the 2316
court. 2317

(2) "State fines or costs" means any costs imposed or 2318
forfeited bail collected by the court under section 2743.70 of the 2319
Revised Code for deposit into the reparations fund or under 2320
section 2949.091 of the Revised Code for deposit into the general 2321
revenue fund and all fines, penalties, and forfeited bail 2322
collected by the court and paid to a law library association under 2323
~~sections 3375.50 to 3375.53~~ section 307.515 of the Revised Code. 2324

(3) "Reimbursement" means any reimbursement for the costs of 2325
confinement that the court orders an offender to pay pursuant to 2326
section 2929.28 of the Revised Code, any supervision fee, any fee 2327
for the costs of house arrest with electronic monitoring that an 2328
offender agrees to pay, any reimbursement for the costs of an 2329
investigation or prosecution that the court orders an offender to 2330
pay pursuant to section 2929.71 of the Revised Code, or any other 2331
costs that the court orders an offender to pay. 2332

(4) "Supervision fees" means any fees that a court, pursuant 2333
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 2334
requires an offender who is under a community control sanction to 2335
pay for supervision services. 2336

(5) "Community control sanction" has the same meaning as in 2337

section 2929.01 of the Revised Code. 2338

(B) Unless the court, in accordance with division (C) of this 2339
section, enters in the record of the case a different method of 2340
assigning payments, if a person who is charged with a misdemeanor 2341
is convicted of or pleads guilty to the offense, if the court 2342
orders the offender to pay any combination of court costs, state 2343
fines or costs, restitution, a conventional fine, or any 2344
reimbursement, and if the offender makes any payment of any of 2345
them to a clerk of court, the clerk shall assign the offender's 2346
payment in the following manner: 2347

(1) If the court ordered the offender to pay any court costs, 2348
the offender's payment shall be assigned toward the satisfaction 2349
of those court costs until they have been entirely paid. 2350

(2) If the court ordered the offender to pay any state fines 2351
or costs and if all of the court costs that the court ordered the 2352
offender to pay have been paid, the remainder of the offender's 2353
payment shall be assigned on a pro rata basis toward the 2354
satisfaction of the state fines or costs until they have been 2355
entirely paid. 2356

(3) If the court ordered the offender to pay any restitution 2357
and if all of the court costs and state fines or costs that the 2358
court ordered the offender to pay have been paid, the remainder of 2359
the offender's payment shall be assigned toward the satisfaction 2360
of the restitution until it has been entirely paid. 2361

(4) If the court ordered the offender to pay any fine and if 2362
all of the court costs, state fines or costs, and restitution that 2363
the court ordered the offender to pay have been paid, the 2364
remainder of the offender's payment shall be assigned toward the 2365
satisfaction of the fine until it has been entirely paid. 2366

(5) If the court ordered the offender to pay any 2367
reimbursement and if all of the court costs, state fines or costs, 2368

restitution, and fines that the court ordered the offender to pay 2369
have been paid, the remainder of the offender's payment shall be 2370
assigned toward the satisfaction of the reimbursements until they 2371
have been entirely paid. 2372

(C) If a person who is charged with a misdemeanor is 2373
convicted of or pleads guilty to the offense and if the court 2374
orders the offender to pay any combination of court costs, state 2375
fines or costs, restitution, fines, or reimbursements, the court, 2376
at the time it orders the offender to make those payments, may 2377
prescribe an order of payments that differs from the order set 2378
forth in division (B) of this section by entering in the record of 2379
the case the order so prescribed. If a different order is entered 2380
in the record, on receipt of any payment, the clerk of the court 2381
shall assign the payment in the manner prescribed by the court. 2382

Sec. 3301.0715. (A) Except as provided in division (E) of 2383
this section, the board of education of each city, local, and 2384
exempted village school district shall administer each applicable 2385
diagnostic assessment developed and provided to the district in 2386
accordance with section 3301.079 of the Revised Code to the 2387
following: 2388

(1) Each student enrolled in a building ~~subject to division~~ 2389
~~(E) of section 3302.04 of the Revised Code~~ that has failed to make 2390
adequate yearly progress for two or more consecutive school years; 2391

(2) Any student who transfers into the district or to a 2392
different school within the district if each applicable diagnostic 2393
assessment was not administered by the district or school the 2394
student previously attended in the current school year, within 2395
thirty days after the date of transfer. If the district or school 2396
into which the student transfers cannot determine whether the 2397
student has taken any applicable diagnostic assessment in the 2398
current school year, the district or school may administer the 2399

diagnostic assessment to the student. 2400

(3) Each kindergarten student, not earlier than four weeks 2401
prior to the first day of school and not later than the first day 2402
of October. For the purpose of division (A)(3) of this section, 2403
the district shall administer the kindergarten readiness 2404
assessment provided by the department of education. In no case 2405
shall the results of the readiness assessment be used to prohibit 2406
a student from enrolling in kindergarten. 2407

(4) Each student enrolled in first or second grade. 2408

(B) Each district board shall administer each diagnostic 2409
assessment as the board deems appropriate. However, the board 2410
shall administer any diagnostic assessment at least once annually 2411
to all students in the appropriate grade level. A district board 2412
may administer any diagnostic assessment in the fall and spring of 2413
a school year to measure the amount of academic growth 2414
attributable to the instruction received by students during that 2415
school year. 2416

(C) Each district board shall utilize and score any 2417
diagnostic assessment administered under division (A) of this 2418
section in accordance with rules established by the department. 2419
Except as required by division (B)(1)(o) of section 3301.0714 of 2420
the Revised Code, neither the state board of education nor the 2421
department shall require school districts to report the results of 2422
diagnostic assessments for any students to the department or to 2423
make any such results available in any form to the public. After 2424
the administration of any diagnostic assessment, each district 2425
shall provide a student's completed diagnostic assessment, the 2426
results of such assessment, and any other accompanying documents 2427
used during the administration of the assessment to the parent of 2428
that student upon the parent's request. 2429

(D) Each district board shall provide intervention services 2430

to students whose diagnostic assessments show that they are 2431
failing to make satisfactory progress toward attaining the 2432
academic standards for their grade level. 2433

(E) Any district that made adequate yearly progress, ~~as~~ 2434
~~defined in section 3302.01 of the Revised Code,~~ in the immediately 2435
preceding school year may assess student progress in grades one 2436
through three using a diagnostic assessment other than the 2437
diagnostic assessment required by division (A) of this section. 2438

(F) A district board may administer the third grade writing 2439
diagnostic assessment provided to the district in accordance with 2440
section 3301.079 of the Revised Code to any student enrolled in a 2441
building that is not subject to division (A)(1) of this section. 2442
Any district electing to administer the diagnostic assessment to 2443
students under this division shall provide intervention services 2444
to any such student whose diagnostic assessment shows 2445
unsatisfactory progress toward attaining the academic standards 2446
for the student's grade level. 2447

(G) As used in this section, "adequate yearly progress" has 2448
the same meaning as in section 3302.01 of the Revised Code. 2449

Sec. 3302.04. (A) The department of education shall establish 2450
a system of intensive, ongoing support for the improvement of 2451
school districts and school buildings. ~~The~~ In accordance with the 2452
model of differentiated accountability described in section 2453
3302.041 of the Revised Code, the system shall give priority to 2454
districts and buildings that have been declared to be under an 2455
academic watch or in a state of academic emergency under section 2456
3302.03 of the Revised Code and shall include services provided to 2457
districts and buildings through regional service providers, such 2458
as educational service centers, ~~regional professional development~~ 2459
~~centers, and special education regional resource centers.~~ 2460

2461

(B) ~~When~~ This division does not apply to any school district 2462
after June 30, 2008. 2463

When a school district has been notified by the department 2464
pursuant to division (A) of section 3302.03 of the Revised Code 2465
that the district or a building within the district has failed to 2466
make adequate yearly progress for two consecutive school years, 2467
the district shall develop a three-year continuous improvement 2468
plan for the district or building containing each of the 2469
following: 2470

(1) An analysis of the reasons for the failure of the 2471
district or building to meet any of the applicable performance 2472
indicators established under section 3302.02 of the Revised Code 2473
that it did not meet and an analysis of the reasons for its 2474
failure to make adequate yearly progress; 2475

(2) Specific strategies that the district or building will 2476
use to address the problems in academic achievement identified in 2477
division (B)(1) of this section; 2478

(3) Identification of the resources that the district will 2479
allocate toward improving the academic achievement of the district 2480
or building; 2481

(4) A description of any progress that the district or 2482
building made in the preceding year toward improving its academic 2483
achievement; 2484

(5) An analysis of how the district is utilizing the 2485
professional development standards adopted by the state board 2486
pursuant to section 3319.61 of the Revised Code; 2487

(6) Strategies that the district or building will use to 2488
improve the cultural competency, as defined pursuant to section 2489
3319.61 of the Revised Code, of teachers and other educators. 2490

No three-year continuous improvement plan shall be developed 2491

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.	2524
(3) Site evaluations conducted under divisions (D)(1) and (2)	2525
of this section shall include, but not be limited to, the	2526
following:	2527
(a) Determining whether teachers are assigned to subject	2528
areas for which they are licensed or certified;	2529
(b) Determining pupil-teacher ratios;	2530
(c) Examination of compliance with minimum instruction time	2531
requirements for each school day and for each school year;	2532
(d) Determining whether materials and equipment necessary to	2533
implement the curriculum approved by the school district board are	2534
available;	2535
(e) Examination of whether the teacher and principal	2536
evaluation system reflects the evaluation system guidelines	2537
adopted by the state board of education under section 3319.112 of	2538
the Revised Code;	2539
(f) Examination of the adequacy of efforts to improve the	2540
cultural competency, as defined pursuant to section 3319.61 of the	2541
Revised Code, of teachers and other educators.	2542
(E) This division applies only to school districts that	2543
operate a school building that fails to make adequate yearly	2544
progress for two or more consecutive school years. <u>It does not</u>	2545
<u>apply to any such district after June 30, 2008, except as provided</u>	2546
<u>in division (D)(2) of section 3313.97 of the Revised Code.</u>	2547
(1) For any school building that fails to make adequate	2548
yearly progress for two consecutive school years, the district	2549
shall do all of the following:	2550
(a) Provide written notification of the academic issues that	2551
resulted in the building's failure to make adequate yearly	2552
progress to the parent or guardian of each student enrolled in the	2553

building. The notification shall also describe the actions being 2554
taken by the district or building to improve the academic 2555
performance of the building and any progress achieved toward that 2556
goal in the immediately preceding school year. 2557

(b) If the building receives funds under Title 1, Part A of 2558
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2559
6311 to 6339, from the district, in accordance with section 2560
3313.97 of the Revised Code, offer all students enrolled in the 2561
building the opportunity to enroll in an alternative building 2562
within the district that is not in school improvement status as 2563
defined by the "No Child Left Behind Act of 2001." Notwithstanding 2564
Chapter 3327. of the Revised Code, the district shall spend an 2565
amount equal to twenty per cent of the funds it receives under 2566
Title I, Part A of the "Elementary and Secondary Education Act of 2567
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 2568
students who enroll in alternative buildings under this division, 2569
unless the district can satisfy all demand for transportation with 2570
a lesser amount. If an amount equal to twenty per cent of the 2571
funds the district receives under Title I, Part A of the 2572
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2573
to 6339, is insufficient to satisfy all demand for transportation, 2574
the district shall grant priority over all other students to the 2575
lowest achieving students among the subgroup described in division 2576
(B)(3) of section 3302.01 of the Revised Code in providing 2577
transportation. Any district that does not receive funds under 2578
Title I, Part A of the "Elementary and Secondary Education Act of 2579
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 2580
transportation to any student who enrolls in an alternative 2581
building under this division. 2582

(2) For any school building that fails to make adequate 2583
yearly progress for three consecutive school years, the district 2584
shall do both of the following: 2585

(a) 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, provide 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 provide 2593
transportation for students who enroll in alternative buildings 2594
under this division to the extent required under division (E)(2) 2595
of this section. 2596

(b) If the building receives funds under Title 1, Part A of 2597
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2598
6311 to 6339, from the district, offer supplemental educational 2599
services to students who are enrolled in the building and who are 2600
in the subgroup described in division (B)(3) of section 3302.01 of 2601
the Revised Code. 2602

The district shall spend a combined total of an amount equal 2603
to twenty per cent of the funds it receives under Title I, Part A 2604
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 2605
6311 to 6339, to provide transportation for students who enroll in 2606
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 2607
this section and to pay the costs of the supplemental educational 2608
services provided to students under division (E)(2)(b) of this 2609
section, unless the district can satisfy all demand for 2610
transportation and pay the costs of supplemental educational 2611
services for those students who request them with a lesser amount. 2612
In allocating funds between the requirements of divisions 2613
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 2614
shall spend at least an amount equal to five per cent of the funds 2615
it receives under Title I, Part A of the "Elementary and Secondary 2616
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 2617

transportation for students who enroll in alternative buildings 2618
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 2619
district can satisfy all demand for transportation with a lesser 2620
amount, and at least an amount equal to five per cent of the funds 2621
it receives under Title I, Part A of the "Elementary and Secondary 2622
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 2623
of the supplemental educational services provided to students 2624
under division (E)(2)(b) of this section, unless the district can 2625
pay the costs of such services for all students requesting them 2626
with a lesser amount. If an amount equal to twenty per cent of the 2627
funds the district receives under Title I, Part A of the 2628
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 2629
to 6339, is insufficient to satisfy all demand for transportation 2630
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 2631
the costs of all of the supplemental educational services provided 2632
to students under division (E)(2)(b) of this section, the district 2633
shall grant priority over all other students in providing 2634
transportation and in paying the costs of supplemental educational 2635
services to the lowest achieving students among the subgroup 2636
described in division (B)(3) of section 3302.01 of the Revised 2637
Code. 2638

Any district that does not receive funds under Title I, Part 2639
A of the "Elementary and Secondary Education Act of 1965," 20 2640
U.S.C. 6311 to 6339, shall not be required to provide 2641
transportation to any student who enrolls in an alternative 2642
building under division (E)(2)(a) of this section or to pay the 2643
costs of supplemental educational services provided to any student 2644
under division (E)(2)(b) of this section. 2645

No student who enrolls in an alternative building under 2646
division (E)(2)(a) of this section shall be eligible for 2647
supplemental educational services under division (E)(2)(b) of this 2648
section. 2649

(3) For any school building that fails to make adequate 2650
yearly progress for four consecutive school years, the district 2651
shall continue to comply with division (E)(2) of this section and 2652
shall implement at least one of the following options with respect 2653
to the building: 2654

(a) Institute a new curriculum that is consistent with the 2655
statewide academic standards adopted pursuant to division (A) of 2656
section 3301.079 of the Revised Code; 2657

(b) Decrease the degree of authority the building has to 2658
manage its internal operations; 2659

(c) Appoint an outside expert to make recommendations for 2660
improving the academic performance of the building. The district 2661
may request the department to establish a state intervention team 2662
for this purpose pursuant to division (G) of this section. 2663

(d) Extend the length of the school day or year; 2664

(e) Replace the building principal or other key personnel; 2665

(f) Reorganize the administrative structure of the building. 2666

(4) For any school building that fails to make adequate 2667
yearly progress for five consecutive school years, the district 2668
shall continue to comply with division (E)(2) of this section and 2669
shall develop a plan during the next succeeding school year to 2670
improve the academic performance of the building, which shall 2671
include at least one of the following options: 2672

(a) Reopen the school as a community school under Chapter 2673
3314. of the Revised Code; 2674

(b) Replace personnel; 2675

(c) Contract with a nonprofit or for-profit entity to operate 2676
the building; 2677

(d) Turn operation of the building over to the department; 2678

(e) Other significant restructuring of the building's governance. 2679
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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. 2681
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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. 2686
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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. 2691
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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. 2695
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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. 2704
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(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at 2708
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least one of the following corrective actions with respect to the district:	2710 2711
(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;	2712 2713 2714
(b) Direct the district to replace key district personnel;	2715
(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;	2716 2717 2718
(d) Establish alternative forms of governance for individual school buildings within the district;	2719 2720
(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.	2721 2722
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.	2723 2724 2725
(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.	2726 2727 2728 2729
(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.	2730 2731 2732 2733 2734 2735 2736
(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	2737 2738 2739

allocation, and scheduling. Any such intervention team shall be 2740
appointed by the department and shall include teachers and 2741
administrators recognized as outstanding in their fields. The 2742
intervention team shall make recommendations regarding methods for 2743
improving the performance of the district or building. 2744

The department shall not approve a district's request for an 2745
intervention team under division (E)(3) of this section if the 2746
department cannot adequately fund the work of the team, unless the 2747
district agrees to pay for the expenses of the team. 2748

(H) The department shall conduct individual audits of a 2749
sampling of community schools established under Chapter 3314. of 2750
the Revised Code to determine compliance with this section. 2751

(I) The state board shall adopt rules for implementing this 2752
section. 2753

Sec. 3302.041. (A) On and after July 1, 2008, in accordance 2754
with the No Child Left Behind Act of 2001, school districts and 2755
school buildings shall continue to be identified for improvement 2756
for failing to make adequate yearly progress for two or more 2757
consecutive school years. 2758

(B) Beginning July 1, 2008, each school district that has 2759
been identified for improvement, or that contains a school 2760
building that has been identified for improvement, shall implement 2761
all corrective actions required by the model of differentiated 2762
accountability developed by the Ohio department of education and 2763
approved by the United States department of education. In any 2764
school year in which a district is subject to this division, the 2765
Ohio department of education shall notify the district, prior to 2766
the district's opening date, of the corrective actions it is 2767
required to implement in that school year. 2768

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent 2769

of public instruction shall establish an academic distress 2770
commission for each school district that has been declared to be 2771
in a state of academic emergency pursuant to section 3302.03 of 2772
the Revised Code and has failed to make adequate yearly progress 2773
for four or more consecutive school years. Each commission shall 2774
assist the district for which it was established in improving the 2775
district's academic performance. 2776

Each commission is a body both corporate and politic, 2777
constituting an agency and instrumentality of the state and 2778
performing essential governmental functions of the state. A 2779
commission shall be known as the "academic distress commission for 2780
..... (name of school district)," and, in that name, may 2781
exercise all authority vested in such a commission by this 2782
section. A separate commission shall be established for each 2783
school district to which this division applies. 2784

(B) Each academic distress commission shall consist of five 2785
voting members, three of whom shall be appointed by the 2786
superintendent of public instruction and two of whom shall be 2787
residents of the applicable school district appointed by the 2788
president of the district board of education. When a school 2789
district becomes subject to this section, the superintendent of 2790
public instruction shall provide written notification of that fact 2791
to the district board of education and shall request the president 2792
of the district board to submit to the superintendent of public 2793
instruction, in writing, the names of the president's appointees 2794
to the commission. The superintendent of public instruction and 2795
the president of the district board shall make appointments to the 2796
commission within thirty days after the district is notified that 2797
it is subject to this section. 2798

Members of the commission shall serve at the pleasure of 2799
their appointing authority during the life of the commission. In 2800
the event of the death, resignation, incapacity, removal, or 2801

ineligibility to serve of a member, the appointing authority shall 2802
appoint a successor within fifteen days after the vacancy occurs. 2803
Members shall serve without compensation, but shall be paid by the 2804
commission their necessary and actual expenses incurred while 2805
engaged in the business of the commission. 2806

(C) Immediately after appointment of the initial members of 2807
an academic distress commission, the superintendent of public 2808
instruction shall call the first meeting of the commission and 2809
shall cause written notice of the time, date, and place of that 2810
meeting to be given to each member of the commission at least 2811
forty-eight hours in advance of the meeting. The first meeting 2812
shall include an overview of the commission's roles and 2813
responsibilities, the requirements of section 2921.42 and Chapter 2814
102. of the Revised Code as they pertain to commission members, 2815
the requirements of section 121.22 of the Revised Code, and the 2816
provisions of division (F) of this section. At its first meeting, 2817
the commission shall adopt temporary bylaws in accordance with 2818
division (D) of this section to govern its operations until the 2819
adoption of permanent bylaws. 2820

The superintendent of public instruction shall designate a 2821
chairperson for the commission from among the members appointed by 2822
the superintendent. The chairperson shall call and conduct 2823
meetings, set meeting agendas, and serve as a liaison between the 2824
commission and the district board of education. The chairperson 2825
also shall appoint a secretary, who shall not be a member of the 2826
commission. 2827

The department of education shall provide administrative 2828
support for the commission, provide data requested by the 2829
commission, and inform the commission of available state resources 2830
that could assist the commission in its work. 2831

(D) Each academic distress commission may adopt and alter 2832
bylaws and rules, which shall not be subject to section 111.15 or 2833

Chapter 119. of the Revised Code, for the conduct of its affairs 2834
and for the manner, subject to this section, in which its powers 2835
and functions shall be exercised and embodied. 2836

(E) Three members of an academic distress commission 2837
constitute a quorum of the commission. The affirmative vote of 2838
three members of the commission is necessary for any action taken 2839
by vote of the commission. No vacancy in the membership of the 2840
commission shall impair the rights of a quorum by such vote to 2841
exercise all the rights and perform all the duties of the 2842
commission. Members of the commission are not disqualified from 2843
voting by reason of the functions of any other office they hold 2844
and are not disqualified from exercising the functions of the 2845
other office with respect to the school district, its officers, or 2846
the commission. 2847

(F) The members of an academic distress commission, the 2848
superintendent of public instruction, and any person authorized to 2849
act on behalf of or assist them shall not be personally liable or 2850
subject to any suit, judgment, or claim for damages resulting from 2851
the exercise of or failure to exercise the powers, duties, and 2852
functions granted to them in regard to their functioning under 2853
this section, but the commission, superintendent of public 2854
instruction, and such other persons shall be subject to mandamus 2855
proceedings to compel performance of their duties under this 2856
section. 2857

(G) Each member of an academic distress commission shall file 2858
the statement described in section 102.02 of the Revised Code with 2859
the Ohio ethics commission. The statement shall be confidential, 2860
subject to review, as described in division (B) of that section. 2861

(H) Meetings of each academic distress commission shall be 2862
subject to section 121.22 of the Revised Code. 2863

(I)(1) Within one hundred twenty days after the first meeting 2864

of an academic distress commission, the commission shall adopt an 2865
academic recovery plan to improve academic performance in the 2866
school district. The plan shall address academic problems at both 2867
the district and school levels. The plan shall include the 2868
following: 2869

(a) Short-term and long-term actions to be taken to improve 2870
the district's academic performance, including any actions 2871
required by section 3302.04 or 3302.041 of the Revised Code; 2872

(b) The sequence and timing of the actions described in 2873
division (I)(1)(a) of this section and the persons responsible for 2874
implementing the actions; 2875

(c) Resources that will be applied toward improvement 2876
efforts; 2877

(d) Procedures for monitoring and evaluating improvement 2878
efforts; 2879

(e) Requirements for reporting to the commission and the 2880
district board of education on the status of improvement efforts. 2881

(2) The commission may amend the academic recovery plan 2882
subsequent to adoption. The commission shall update the plan at 2883
least annually. 2884

(3) The commission shall submit the academic recovery plan it 2885
adopts or updates to the superintendent of public instruction for 2886
approval immediately following its adoption or updating. The 2887
superintendent shall evaluate the plan and either approve or 2888
disapprove it within thirty days after its submission. If the plan 2889
is disapproved, the superintendent shall recommend modifications 2890
that will render it acceptable. No academic distress commission 2891
shall implement an academic recovery plan unless the 2892
superintendent has approved it. 2893

(4) County, state, and school district officers and employees 2894

shall assist the commission diligently and promptly in the 2895
implementation of the academic recovery plan. 2896

(J) Each academic distress commission shall seek input from 2897
the district board of education regarding ways to improve the 2898
district's academic performance, but any decision of the 2899
commission related to any authority granted to the commission 2900
under this section shall be final. 2901

The commission may do any of the following: 2902

(1) Appoint school building administrators and reassign 2903
administrative personnel; 2904

(2) Terminate the contracts of administrators or 2905
administrative personnel. The commission shall not be required to 2906
comply with section 3319.16 of the Revised Code with respect to 2907
any contract terminated under this division. 2908

(3) Contract with a private entity to perform school or 2909
district management functions; 2910

(4) Establish a budget for the district and approve district 2911
appropriations and expenditures, unless a financial planning and 2912
supervision commission has been established for the district 2913
pursuant to section 3316.05 of the Revised Code. 2914

(K) If the board of education of a district for which an 2915
academic distress commission has been established under this 2916
section renews any collective bargaining agreement under Chapter 2917
4117. of the Revised Code during the existence of the commission, 2918
the district board shall not enter into any agreement that would 2919
render any decision of the commission unenforceable. Section 2920
3302.08 of the Revised Code does not apply to this division. 2921

Notwithstanding any provision to the contrary in Chapter 2922
4117. of the Revised Code, if the board of education has entered 2923
into a collective bargaining agreement after September 29, 2005, 2924

that contains stipulations relinquishing one or more of the rights 2925
or responsibilities listed in division (C) of section 4117.08 of 2926
the Revised Code, those stipulations are not enforceable and the 2927
district board shall resume holding those rights or 2928
responsibilities as if it had not relinquished them in that 2929
agreement until such time as both the academic distress commission 2930
ceases to exist and the district board agrees to relinquish those 2931
rights or responsibilities in a new collective bargaining 2932
agreement. The provisions of this paragraph apply to a collective 2933
bargaining agreement entered into after September 29, 2005, and 2934
those provisions are deemed to be part of that agreement 2935
regardless of whether the district satisfied the conditions 2936
prescribed in division (A) of this section at the time the 2937
district entered into that agreement. 2938

(L) An academic distress commission shall cease to exist when 2939
the district for which it was established receives a performance 2940
rating under section 3302.03 of the Revised Code of in need of 2941
continuous improvement or better for two of the three prior school 2942
years; however, the superintendent of public instruction may 2943
dissolve the commission earlier if the superintendent determines 2944
that the district can perform adequately without the supervision 2945
of the commission. Upon termination of the commission, the 2946
department of education shall compile a final report of the 2947
commission's activities to assist other academic distress 2948
commissions in the conduct of their functions. 2949

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 2950
and division (D) of section 3311.52 of the Revised Code, this 2951
section does not apply to any joint vocational or cooperative 2952
education school district. 2953

(A) As used in this section: 2954

(1) "Parent" has the same meaning as in section 3313.64 of 2955

the Revised Code.	2956
(2) "Alternative school" means a school building other than the one to which a student is assigned by the district superintendent.	2957 2958 2959
(3) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	2960 2961
(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following:	2962 2963 2964 2965 2966 2967
(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.	2968 2969 2970 2971 2972
(2) The establishment of district capacity limits by grade level, school building, and education program;	2973 2974
(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;	2975 2976 2977 2978
(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	2979 2980
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:	2981 2982 2983
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	2984 2985

(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 3018
two consecutive school years. 3019

(E) Each school board shall provide information about the 3020
policy adopted under this section and the application procedures 3021
and deadlines to the parent of each student in the district and to 3022
the general public. 3023

(F) The state board of education shall monitor school 3024
districts to ensure compliance with this section and the 3025
districts' policies. 3026

Sec. 3314.03. A copy of every contract entered into under 3027
this section shall be filed with the superintendent of public 3028
instruction. 3029

(A) Each contract entered into between a sponsor and the 3030
governing authority of a community school shall specify the 3031
following: 3032

(1) That the school shall be established as either of the 3033
following: 3034

(a) A nonprofit corporation established under Chapter 1702. 3035
of the Revised Code, if established prior to April 8, 2003; 3036

(b) A public benefit corporation established under Chapter 3037
1702. of the Revised Code, if established after April 8, 2003; 3038

(2) The education program of the school, including the 3039
school's mission, the characteristics of the students the school 3040
is expected to attract, the ages and grades of students, and the 3041
focus of the curriculum; 3042

(3) The academic goals to be achieved and the method of 3043
measurement that will be used to determine progress toward those 3044
goals, which shall include the statewide achievement tests; 3045

(4) Performance standards by which the success of the school 3046

will be evaluated by the sponsor;	3047
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	3048
(6)(a) Dismissal procedures;	3049
(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.	3050
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	3051
(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.	3052
(9) The facilities to be used and their locations;	3053
(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;	3054
(11) That the school will comply with the following requirements:	3055
(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.	3056

(b) The governing authority will purchase liability 3077
insurance, or otherwise provide for the potential liability of the 3078
school. 3079

(c) The school will be nonsectarian in its programs, 3080
admission policies, employment practices, and all other 3081
operations, and will not be operated by a sectarian school or 3082
religious institution. 3083

(d) The school will comply with sections 9.90, 9.91, 109.65, 3084
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3085
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3086
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 3087
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3088
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3089
3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3090
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 3091
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3092
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 3093
were a school district and will comply with section 3301.0714 of 3094
the Revised Code in the manner specified in section 3314.17 of the 3095
Revised Code. 3096

(e) The school shall comply with Chapter 102. and section 3097
2921.42 of the Revised Code. 3098

(f) The school will comply with sections 3313.61, 3313.611, 3099
and 3313.614 of the Revised Code, except that for students who 3100
enter ninth grade for the first time before July 1, 2010, the 3101
requirement in sections 3313.61 and 3313.611 of the Revised Code 3102
that a person must successfully complete the curriculum in any 3103
high school prior to receiving a high school diploma may be met by 3104
completing the curriculum adopted by the governing authority of 3105
the community school rather than the curriculum specified in Title 3106
XXXIII of the Revised Code or any rules of the state board of 3107
education. Beginning with students who enter ninth grade for the 3108

first time on or after July 1, 2010, the requirement in sections 3109
3313.61 and 3313.611 of the Revised Code that a person must 3110
successfully complete the curriculum of a high school prior to 3111
receiving a high school diploma shall be met by completing the 3112
Ohio core curriculum prescribed in division (C) of section 3113
3313.603 of the Revised Code, unless the person qualifies under 3114
division (D) or (F) of that section. Each school shall comply with 3115
the plan for awarding high school credit based on demonstration of 3116
subject area competency, adopted by the state board of education 3117
under division (J) of section 3313.603 of the Revised Code. 3118

(g) The school governing authority will submit within four 3119
months after the end of each school year a report of its 3120
activities and progress in meeting the goals and standards of 3121
divisions (A)(3) and (4) of this section and its financial status 3122
to the sponsor and the parents of all students enrolled in the 3123
school. 3124

(h) The school, unless it is an internet- or computer-based 3125
community school, will comply with section 3313.801 of the Revised 3126
Code as if it were a school district. 3127

(12) Arrangements for providing health and other benefits to 3128
employees; 3129

(13) The length of the contract, which shall begin at the 3130
beginning of an academic year. No contract shall exceed five years 3131
unless such contract has been renewed pursuant to division (E) of 3132
this section. 3133

(14) The governing authority of the school, which shall be 3134
responsible for carrying out the provisions of the contract; 3135

(15) A financial plan detailing an estimated school budget 3136
for each year of the period of the contract and specifying the 3137
total estimated per pupil expenditure amount for each such year. 3138
The plan shall specify for each year the base formula amount that 3139

will be used for purposes of funding calculations under section 3140
3314.08 of the Revised Code. This base formula amount for any year 3141
shall not exceed the formula amount defined under section 3317.02 3142
of the Revised Code. The plan may also specify for any year a 3143
percentage figure to be used for reducing the per pupil amount of 3144
the subsidy calculated pursuant to section 3317.029 of the Revised 3145
Code the school is to receive that year under section 3314.08 of 3146
the Revised Code. 3147

(16) Requirements and procedures regarding the disposition of 3148
employees of the school in the event the contract is terminated or 3149
not renewed pursuant to section 3314.07 of the Revised Code; 3150

(17) Whether the school is to be created by converting all or 3151
part of an existing public school or educational service center 3152
building or is to be a new start-up school, and if it is a 3153
converted public school or service center building, specification 3154
of any duties or responsibilities of an employer that the board of 3155
education or service center governing board that operated the 3156
school or building before conversion is delegating to the 3157
governing authority of the community school with respect to all or 3158
any specified group of employees provided the delegation is not 3159
prohibited by a collective bargaining agreement applicable to such 3160
employees; 3161

(18) Provisions establishing procedures for resolving 3162
disputes or differences of opinion between the sponsor and the 3163
governing authority of the community school; 3164

(19) A provision requiring the governing authority to adopt a 3165
policy regarding the admission of students who reside outside the 3166
district in which the school is located. That policy shall comply 3167
with the admissions procedures specified in sections 3314.06 and 3168
3314.061 of the Revised Code and, at the sole discretion of the 3169
authority, shall do one of the following: 3170

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	3171 3172
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	3173 3174
(c) Permit the enrollment of students who reside in any other district in the state.	3175 3176
(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;	3177 3178 3179 3180
(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;	3181 3182 3183
(22) A provision recognizing both of the following:	3184
(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;	3185 3186 3187 3188
(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;	3189 3190 3191 3192 3193 3194 3195
(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	3196 3197 3198 3199 3200

Code; 3201

(24) The school will comply with ~~section~~ sections 3302.04 and 3202
3302.041 of the Revised Code, ~~including division (E) of that~~ 3203
~~section to the extent possible,~~ except that any action required to 3204
be taken by a school district pursuant to ~~that section~~ those 3205
sections shall be taken by the sponsor of the school. However, the 3206
sponsor shall not be required to take any action described in 3207
division (F) of ~~that~~ section 3302.04 of the Revised Code. 3208

(25) Beginning in the 2006-2007 school year, the school will 3209
open for operation not later than the thirtieth day of September 3210
each school year, unless the mission of the school as specified 3211
under division (A)(2) of this section is solely to serve dropouts. 3212
In its initial year of operation, if the school fails to open by 3213
the thirtieth day of September, or within one year after the 3214
adoption of the contract pursuant to division (D) of section 3215
3314.02 of the Revised Code if the mission of the school is solely 3216
to serve dropouts, the contract shall be void. 3217

(B) The community school shall also submit to the sponsor a 3218
comprehensive plan for the school. The plan shall specify the 3219
following: 3220

(1) The process by which the governing authority of the 3221
school will be selected in the future; 3222

(2) The management and administration of the school; 3223

(3) If the community school is a currently existing public 3224
school or educational service center building, alternative 3225
arrangements for current public school students who choose not to 3226
attend the converted school and for teachers who choose not to 3227
teach in the school or building after conversion; 3228

(4) The instructional program and educational philosophy of 3229
the school; 3230

(5) Internal financial controls.	3231
(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.	3232 3233 3234 3235 3236 3237 3238 3239 3240
(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:	3241 3242 3243 3244 3245
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	3246 3247
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	3248 3249 3250
(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;	3251 3252 3253 3254
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	3255 3256 3257
(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	3258 3259 3260 3261

to section 3314.072 of the Revised Code, or terminate the contract 3262
of the school pursuant to section 3314.07 of the Revised Code as 3263
determined necessary by the sponsor; 3264

(6) Have in place a plan of action to be undertaken in the 3265
event the community school experiences financial difficulties or 3266
closes prior to the end of a school year. 3267

(E) Upon the expiration of a contract entered into under this 3268
section, the sponsor of a community school may, with the approval 3269
of the governing authority of the school, renew that contract for 3270
a period of time determined by the sponsor, but not ending earlier 3271
than the end of any school year, if the sponsor finds that the 3272
school's compliance with applicable laws and terms of the contract 3273
and the school's progress in meeting the academic goals prescribed 3274
in the contract have been satisfactory. Any contract that is 3275
renewed under this division remains subject to the provisions of 3276
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 3277

(F) If a community school fails to open for operation within 3278
one year after the contract entered into under this section is 3279
adopted pursuant to division (D) of section 3314.02 of the Revised 3280
Code or permanently closes prior to the expiration of the 3281
contract, the contract shall be void and the school shall not 3282
enter into a contract with any other sponsor. A school shall not 3283
be considered permanently closed because the operations of the 3284
school have been suspended pursuant to section 3314.072 of the 3285
Revised Code. Any contract that becomes void under this division 3286
shall not count toward any statewide limit on the number of such 3287
contracts prescribed by section 3314.013 of the Revised Code. 3288

Sec. 3326.17. (A) The department of education shall issue an 3289
annual report card for each science, technology, engineering, and 3290
mathematics school that includes all information applicable to 3291
school buildings under section 3302.03 of the Revised Code. 3292

(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 3324
for any necessary administrative expenses incurred by the 3325
chancellor in administering the scholarship and fellowship 3326
programs. 3327

(B) The treasurer of state may invest any moneys in the 3328
payment funds not currently needed for scholarship and fellowship 3329
payments in any kind of investments in which moneys of the public 3330
employees retirement system may be invested under Chapter 145. of 3331
the Revised Code. 3332

(C)(1) The instruments of title of all investments shall be 3333
delivered to the treasurer of state or to a qualified trustee 3334
designated by the treasurer of state as provided in section 135.18 3335
of the Revised Code. 3336

(2) The treasurer of state shall collect both principal and 3337
investment earnings on all investments as they become due and pay 3338
them into the payment funds. 3339

(3) All deposits to the payment funds shall be made in public 3340
depositories of this state and secured as provided in section 3341
135.18 of the Revised Code. 3342

(D) On or before March 1, 2001, and on or before the first 3343
day of March in each subsequent year, the treasurer of state shall 3344
provide to the chancellor of the Ohio board of regents a statement 3345
indicating the moneys in the Ohio outstanding scholarship and the 3346
Ohio priority needs fellowship programs payment funds that are 3347
available for the upcoming academic year to award scholarships and 3348
fellowships under sections 3333.37 to 3333.375 of the Revised 3349
Code. 3350

(E) The chancellor may use funds the treasurer has indicated 3351
as available pursuant to division (D) of this section to support 3352
distribution of state need-based financial aid in accordance with 3353
sections 3333.12 and 3333.122 of the Revised Code. 3354

Sec. 3375.481. (A) There is hereby created a statewide 3355
consortium of county law library resources boards. The statewide 3356
consortium shall be comprised of the county law library resources 3357
board of each county. 3358

(B) The statewide consortium board shall consist of five 3359
voting members, one of whom shall be the librarian of the supreme 3360
court of Ohio, or, if the librarian of the supreme court is 3361
unavailable, the chief justice's designee, and the other four 3362
members shall be appointed as follows: 3363

(1) The Ohio judicial conference shall appoint one member. 3364

(2) The county commissioners association of Ohio shall 3365
appoint two members, one of whom shall be the chief administrator 3366
of a county law library resources board. 3367

(3) The Ohio state bar association shall appoint one member. 3368

(C) Initial appointments to the statewide consortium board 3369
shall be made on or before July 1, 2010. Of the initial 3370
appointments, the initial term of the member appointed by the 3371
county commissioners association who is not the chief 3372
administrator of a county library resources board and the member 3373
appointed by the Ohio judicial conference shall be for a term 3374
ending December 31, 2014. The initial term of the member appointed 3375
by the Ohio state bar association and the member appointed by the 3376
county commissioners association who is the chief administrator of 3377
a county law library resources board shall be for a term ending 3378
December 31, 2016. Thereafter, terms for all members shall be for 3379
five years, with each term ending on the same day of the same 3380
month as did the term that it succeeds. 3381

Each member appointed pursuant to division (B) of this 3383
section shall hold office from the date of the member's 3384

appointment until the end of the term for which the member was 3385
appointed. Vacancies shall be filled within sixty days after the 3386
vacancy occurs and shall be filled in the manner provided for 3387
original appointments. Any member appointed to fill a vacancy 3388
occurring prior to the expiration date of the term for which the 3389
member's predecessor was appointed shall hold office as a member 3390
for the remainder of that term. A member shall continue in office 3391
subsequent to the expiration date of the member's term until the 3392
member's successor takes office or until a period of sixty days 3393
has elapsed, whichever occurs first. 3394

(D) The statewide consortium board shall do all of the 3395
following for the benefit of the members of the statewide 3396
consortium: 3397

(1) Negotiate contracts that each county law library 3398
resources board may use for purchasing or obtaining access to 3399
legal research and reference materials available in any medium; 3400

(2) Catalogue existing resources held by county law library 3401
resources boards and facilitate the sharing of those resources by 3402
the county law library resources boards; 3403

(3) Develop and recommend guidelines for the collection of or 3404
access to legal resources that ought to be provided by a county 3405
law library resources board; 3406

(4) Provide consultation and assistance to county law library 3407
resources boards; 3408

(5) Issue an annual report of its activities to each county 3409
law library resources board. 3410

(E)(1) There is hereby created in the state treasury the 3411
statewide consortium of county law library resources boards fund. 3412
Commencing in calendar year 2011, each county treasurer shall 3413
deposit on or before the fifteenth day of February of each 3414
calendar year two per cent of the funds deposited pursuant to 3415

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

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

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

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

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

least four times per year and shall keep a record of its 3448
proceedings. The record of its proceedings shall be open to the 3449
public for inspection. The chairperson or the chairperson's 3450
designee shall send a written notice of the time and place of each 3451
meeting to each member. A majority of the members of the statewide 3452
consortium board shall constitute a quorum. 3453

Sec. 3375.49. (A) ~~Subject to divisions (B) and (D) of this~~ 3454
~~section, for~~ For the use of the law library referred to in section 3455
3375.48 of the Revised Code as repealed by this act, the board of 3456
county commissioners shall provide space in the county courthouse 3457
or in any other building located in the county seat, and utilities 3458
for that space. 3459

~~(B)(1) Subject to divisions (C) and (D) of this section,~~ 3460
~~through~~ During calendar year ~~2006~~ 2009, the board of county 3461
commissioners shall be responsible for paying the compensation of 3462
the librarian and up to two assistant librarians of the law 3463
library appointed by the board of trustees of the law library 3464
association under section 3375.48 of the Revised Code as repealed 3465
by this act and the costs of the space in the county courthouse or 3466
other building that the board provides for the use of the law 3467
library under division (A) of this section, and the utilities for 3468
that space, ~~and furniture and fixtures for the law library.~~ 3469

~~(2)(a) In calendar years 2007 through 2010, the board of~~ 3470
~~county commissioners and the board of trustees shall be~~ 3471
~~responsible for paying the compensation of the librarian and up to~~ 3472
~~two assistant librarians appointed under section 3375.48 of the~~ 3473
~~Revised Code as follows:~~ 3474

~~(i) In calendar year 2007, the board of county commissioners~~ 3475
~~shall pay eighty per cent, and the board of trustees shall pay~~ 3476
~~twenty per cent.~~ 3477

~~(ii) In calendar year 2008, the board of county commissioners~~ 3478

~~shall pay sixty per cent, and the board of trustees shall pay 3479
forty per cent. 3480~~

~~(iii) In calendar year 2009, the board of county 3481
commissioners shall pay forty per cent, and the board of trustees 3482
shall pay sixty per cent. 3483~~

~~(iv) In calendar year 2010, the board of county commissioners 3484
shall pay twenty per cent, and the board of trustees shall pay 3485
eighty per cent. 3486~~

~~(b) In calendar years 2008 through 2011, the board of county 3487
commissioners and the board of trustees shall be responsible for 3488
the costs of the space in the county courthouse or other building 3489
that the board of county commissioners provides for the use of the 3490
law library under division (A) of this section, the utilities for 3491
that space, and furniture and fixtures for the law library as 3492
follows: 3493~~

~~(i) In calendar year 2008, the board of county commissioners 3494
shall pay eighty per cent, and the board of trustees shall pay 3495
twenty per cent. 3496~~

~~(ii) In calendar year 2009, the board of county commissioners 3497
shall pay sixty per cent, and the board of trustees shall pay 3498
forty per cent. 3499~~

~~(iii) In calendar year 2010, the board of county 3500
commissioners shall pay forty per cent, and the board of trustees 3501
shall pay sixty per cent. 3502~~

~~(iv) In calendar year 2011, the board of county commissioners 3503
shall pay twenty per cent, and the board of trustees shall pay 3504
eighty per cent. 3505~~

~~(3)(a) Beginning in calendar year 2011 and thereafter, the 3506
board of trustees shall be responsible for paying the compensation 3507
of the librarian and all assistant librarians appointed under 3508~~

~~section 3375.48 of the Revised Code.~~ 3509

~~(b) Beginning in calendar year 2012 and thereafter, the board of trustees shall be responsible for the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and the law library's furniture and fixtures.~~ 3510
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~~(C) At any time prior to calendar year 2011, the board of trustees of a law library association referred to in section 3375.48 of the Revised Code may elect to assume responsibility for paying the entire compensation of the librarian and all assistant librarians of the law library appointed under section 3375.48 of the Revised Code. If the board of trustees elects to assume that responsibility, the board of county commissioners of the county in which the association is located has no further obligation under division (B) of this section to make payments for the compensation of the law librarian and up to two assistant librarians.~~ 3516
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~~(D)(1) Except as otherwise provided in division (D)(2) of this section, if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code rents, leases, lease purchases, or otherwise acquires space to expand or enlarge the law library for the use of the law library, the board of county commissioners of the county in which the association is located has no further obligation under division (A) of this section to provide space in the county courthouse or any other building located in the county seat for the use of the law library and utilities for that space, and has no further obligation under division (B) of this section to make payments for the compensation of the librarian and up to two assistant librarians of the law library appointed under section 3375.48 of the Revised Code and for the costs of space in the county courthouse or any other building for the use of the law library,~~ 3526
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~~the utilities for that space, and the law library's furniture and
fixtures.~~ 3541
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~~(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.~~ 3543
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~~(E)(C)~~ The librarian of the law library shall receive and 3550
safely keep in the law library the law reports and other books 3551
furnished by the state for use of the court and bar. 3552

~~(F)(D)~~ The books, computer communications console that is a 3553
means of access to a system of computerized legal research, 3554
microform materials and equipment, videotape materials and 3555
equipment, audio or visual materials and equipment, other 3556
materials and equipment utilized in conducting legal research, 3557
furniture, and fixtures of the law library association that are 3558
owned by, and used exclusively in, the law library are exempt from 3559
taxation. 3560

Sec. 4513.35. (A) All fines collected under sections 4511.01 3561
to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code 3562
shall be paid into the county treasury and, with the exception of 3563
that portion distributed under section ~~3375.53~~ 307.515 of the 3564
Revised Code, shall be placed to the credit of the fund for the 3565
maintenance and repair of the highways within that county, except 3566
that: 3567

(1) All fines for violations of division (B) of section 3568
4513.263 shall be delivered to the treasurer of state as provided 3569
in division (E) of section 4513.263 of the Revised Code. 3570

(2) All fines collected from, or moneys arising from bonds 3571
forfeited by, persons apprehended or arrested by state highway 3572
patrolmen shall be distributed as provided in section 5503.04 of 3573
the Revised Code. 3574

(3)(a) Subject to division (E) of section 4513.263 of the 3575
Revised Code and except as otherwise provided in division 3576
(A)(3)(b) of this section, one-half of all fines collected from, 3577
and one-half of all moneys arising from bonds forfeited by, 3578
persons apprehended or arrested by a township constable or other 3579
township police officer shall be paid to the township treasury to 3580
be placed to the credit of the general fund. 3581

(b) All fines collected from, and all moneys arising from 3582
bonds forfeited by, persons apprehended or arrested by a township 3583
constable or other township police officer pursuant to division 3584
(B)(2) of section 4513.39 of the Revised Code for a violation of 3585
section 4511.21 of the Revised Code or any other law, ordinance, 3586
or regulation pertaining to speed that occurred on a highway 3587
included as part of the interstate system, as defined in section 3588
5516.01 of the Revised Code, shall be paid into the county 3589
treasury and be credited as provided in the first paragraph of 3590
this section. 3591

(B) Notwithstanding any other provision of this section or of 3592
any other section of the Revised Code: 3593

(1) All fines collected from, and all moneys arising from 3594
bonds forfeited by, persons arrested under division (E)(1) or (2) 3595
of section 2935.03 of the Revised Code are deemed to be collected, 3596
and to arise, from arrests made within the jurisdiction in which 3597
the arresting officer is appointed, elected, or employed, for 3598
violations of one of the sections or chapters of the Revised Code 3599
listed in division (E)(1) of that section and shall be distributed 3600
accordingly. 3601

(2) All fines collected from, and all moneys arising from 3602
bonds forfeited by, persons arrested under division (E)(3) of 3603
section 2935.03 of the Revised Code are deemed to be collected, 3604
and to arise, from arrests made within the jurisdiction in which 3605
the arresting officer is appointed, elected, or employed, for 3606
violations of municipal ordinances that are substantially 3607
equivalent to one of the sections or one of the provisions of one 3608
of the chapters of the Revised Code listed in division (E)(1) of 3609
that section and for violations of one of the sections or one of 3610
the provisions of one of the chapters of the Revised Code listed 3611
in division (E)(1) of that section, and shall be distributed 3612
accordingly. 3613

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 3614
the Revised Code: 3615

"Area agency on aging" has the same meaning as in section 3616
173.14 of the Revised Code. 3617

"Assisted living program" means the medicaid waiver component 3618
for which the director of job and family services is authorized by 3619
this section to request a medicaid waiver. 3620

"Assisted living services" means the following home and 3621
community-based services: personal care, homemaker, chore, 3622
attendant care, companion, medication oversight, and therapeutic 3623
social and recreational programming. 3624

"County or district home" means a county or district home 3625
operated under Chapter 5155. of the Revised Code. 3626

"Long-term care consultation program" means the program the 3627
department of aging is required to develop under section 173.42 of 3628
the Revised Code. 3629

"Long-term care consultation program administrator" or 3630
"administrator" means the department of aging or, if the 3631

department contracts with an area agency on aging or other entity 3632
to administer the long-term care consultation program for a 3633
particular area, that agency or entity. 3634

"Medicaid waiver component" has the same meaning as in 3635
section 5111.85 of the Revised Code. 3636

"Nursing facility" has the same meaning as in section 5111.20 3637
of the Revised Code. 3638

"Residential care facility" has the same meaning as in 3639
section 3721.01 of the Revised Code. 3640

"State administrative agency" means the department of job and 3641
family services if the department of job and family services 3642
administers the assisted living program or the department of aging 3643
if the department of aging administers the assisted living 3644
program. 3645

(B) The director of job and family services may submit a 3646
request to the United States secretary of health and human 3647
services under 42 U.S.C. 1396n to obtain a waiver of federal 3648
medicaid requirements that would otherwise be violated in the 3649
creation and implementation of a program under which assisted 3650
living services are provided to not more than one thousand eight 3651
hundred individuals who meet the program's eligibility 3652
requirements established under section 5111.891 of the Revised 3653
Code. 3654

If the secretary approves the medicaid waiver requested under 3655
this section and the director of budget and management approves 3656
the contract, the department of job and family services shall 3657
enter into a contract with the department of aging under section 3658
5111.91 of the Revised Code that provides for the department of 3659
aging to administer the assisted living program. The contract 3660
shall include an estimate of the program's costs. 3661

The director of job and family services may adopt rules under 3662

section 5111.85 of the Revised Code regarding the assisted living 3663
program. The director of aging may adopt rules under Chapter 119. 3664
of the Revised Code regarding the program that the rules adopted 3665
by the director of job and family services authorize the director 3666
of aging to adopt. 3667

Sec. 5111.891. To be eligible for the assisted living 3668
program, an individual must meet all of the following 3669
requirements: 3670

(A) Need an intermediate level of care as determined under 3671
rule 5101:3-3-06 of the Administrative Code; 3672

(B) At the time the individual applies for the assisted 3673
living program, be one of the following: 3674

(1) A nursing facility resident who is seeking to move to a 3675
residential care facility and would remain in a nursing facility 3676
for long term care if not for the assisted living program; 3677

(2) A participant of any of the following medicaid waiver 3678
components who would move to a nursing facility if not for the 3679
assisted living program: 3680

(a) The PASSPORT program created under section 173.40 of the 3681
Revised Code; 3682

(b) The medicaid waiver component called the choices program 3683
that the department of aging administers; 3684

(c) A medicaid waiver component that the department of job 3685
and family services administers. 3686

(3) A resident of a residential care facility who has resided 3687
in a residential care facility for at least six months immediately 3688
before the date the individual applies for the assisted living 3689
program. 3690

(C) At the time the individual receives assisted living 3691

services under the assisted living program, reside in a 3692
residential care facility that is authorized by a valid medicaid 3693
provider agreement to participate in the assisted living program, 3694
including both of the following: 3695

(1) A residential care facility that is owned or operated by 3696
a metropolitan housing authority that has a contract with the 3697
United States department of housing and urban development to 3698
receive an operating subsidy or rental assistance for the 3699
residents of the facility; 3700

(2) A county or district home licensed as a residential care 3701
facility. 3702

(D) Meet all other eligibility requirements for the assisted 3703
living program established in rules adopted under section 5111.85 3704
of the Revised Code. 3705

Sec. 5111.894. ~~When~~ The state administrative agency may 3706
establish one or more waiting lists for the assisted living 3707
program. Only individuals eligible for the medicaid program may be 3708
placed on a waiting list. 3709

Each month, each area agency on aging shall determine whether 3710
any individual who resides in the area that the area agency on 3711
aging serves and is on a waiting list for the assisted living 3712
program has been admitted to a nursing facility. If an area agency 3713
on aging determines that such an individual ~~who is eligible for~~ 3714
~~the medicaid program and resides in the area that the area agency~~ 3715
~~on aging serves~~ has been admitted to a nursing facility and that 3716
there is a vacancy in a residential care facility participating in 3717
the assisted living program that is acceptable to the individual, 3718
the agency shall notify the long-term care consultation program 3719
administrator serving the area in which the individual resides 3720
about the determination. The administrator shall determine whether 3721
the assisted living program is appropriate for the individual and 3722

whether the individual would rather participate in the assisted 3723
living program than continue residing in the nursing facility. If 3724
the administrator determines that the assisted living program is 3725
appropriate for the individual and the individual would rather 3726
participate in the assisted living program than continue residing 3727
in the nursing facility, the administrator shall ~~provide the~~ 3728
~~individual or individual's representative information about how to~~ 3729
~~apply for the assisted living program and whether there is a~~ 3730
~~waiting list for the assisted living program~~ so notify the state 3731
administrative agency. 3732

On receipt of the notice from the administrator, the state 3734
administrative agency shall approve the individual's enrollment in 3735
the assisted living program regardless of any waiting list for the 3736
assisted living program, unless the enrollment would cause the 3737
assisted living program to exceed the limit on the number of 3738
individuals who may participate in the program as set by section 3739
5111.89 of the Revised Code. Each quarter, the state 3740
administrative agency shall certify to the director of budget and 3741
management the estimated increase in costs of the assisted living 3742
program resulting from enrollment of individuals in the assisted 3743
living program pursuant to this section. 3744

Not later than the last day of each calendar year, the 3745
director of job and family services shall submit to the general 3746
assembly a report regarding the number of individuals enrolled in 3747
the assisted living program pursuant to this section and the costs 3748
incurred and savings achieved as a result of the enrollments. 3749

Sec. 5709.75. (A) Any township that receives service payments 3750
in lieu of taxes under section 5709.74 of the Revised Code shall 3751
establish a township public improvement tax increment equivalent 3752
fund into which those payments shall be deposited. If the board of 3753

township trustees has adopted a resolution under division (C) of 3754
section 5709.73 of the Revised Code, the township shall establish 3755
at least one account in that fund with respect to resolutions 3756
adopted under division (B) of that section, and one account with 3757
respect to each incentive district created by a resolution adopted 3758
under division (C) of that section. If a resolution adopted under 3759
division (C) of section 5709.73 of the Revised Code also 3760
authorizes the use of service payments for housing renovations 3761
within the incentive district, the township shall establish 3762
separate accounts for the service payments designated for public 3763
infrastructure improvements and for the service payments 3764
authorized for the purpose of housing renovations. 3765

(B) Except as otherwise provided in division (C) or (D) of 3767
this section, money deposited in an account of the township public 3768
improvement tax increment equivalent fund shall be used by the 3769
township to pay the costs of public infrastructure improvements 3770
designated in or the housing renovations authorized by the 3771
resolution with respect to which the account is established, 3772
including any interest on and principal of the notes; in the case 3773
of an account established with respect to a resolution adopted 3774
under division (C) of that section, money in the account shall be 3775
used to finance the public infrastructure improvements designated, 3776
or the housing renovations authorized, for each incentive district 3777
created in the resolution. Money in an account shall not be used 3778
to finance or support housing renovations that take place after 3779
the incentive district has expired. 3780

(C)(1)(a) A township may distribute money in such an account 3781
to any school district in which the exempt property is located in 3782
an amount not to exceed the amount of real property taxes that 3783
such school district would have received from the improvement if 3784
it were not exempt from taxation. The resolution establishing the 3785

fund shall set forth the percentage of such maximum amount that 3786
will be distributed to any affected school district. 3787

(b) A township also may distribute money in such an account 3788
as follows: 3789

(i) To a board of county commissioners, in the amount that is 3790
owed to the board pursuant to division (E) of section 5709.73 of 3791
the Revised Code; 3792

(ii) To a county in accordance with section 5709.913 of the 3793
Revised Code. 3794

(2) Money from an account in a township public improvement 3795
tax increment equivalent fund may be distributed under division 3796
(C)(1)(b) of this section, regardless of the date a resolution was 3797
adopted under section 5709.73 of the Revised Code that prompted 3798
the establishment of the account, even if the resolution was 3799
adopted prior to ~~the effective date of this amendment~~ March 30, 3800
2006. 3801

(D) ~~On or before January 1, 2007,~~ a A board of township 3802
trustees that adopted a resolution under division (B) of section 3803
5709.73 of the Revised Code before January 1, 1995, and that, with 3804
respect to property exempted under such a resolution, is party to 3805
a hold-harmless agreement, may appropriate and expend unencumbered 3806
money in the fund to pay current public safety expenses of the 3807
township. A township appropriating and expending money under this 3808
division shall reimburse the fund for the sum so appropriated and 3809
expended not later than the day the exemption granted under the 3810
resolution expires. For the purposes of this division, a 3811
"hold-harmless agreement" is an agreement with the board of 3812
education of a city, local, or exempted village school district 3813
under which the board of township trustees agrees to compensate 3814
the school district for one hundred per cent of the tax revenue 3815
the school district would have received from improvements to 3816

parcels designated in the resolution were it not for the exemption 3817
granted by the resolution. 3818

(E) Any incidental surplus remaining in the township public 3819
improvement tax increment equivalent fund or an account of that 3820
fund upon dissolution of the account or fund shall be transferred 3821
to the general fund of the township. 3822

Sec. 5739.02. For the purpose of providing revenue with which 3823
to meet the needs of the state, for the use of the general revenue 3824
fund of the state, for the purpose of securing a thorough and 3825
efficient system of common schools throughout the state, for the 3826
purpose of affording revenues, in addition to those from general 3827
property taxes, permitted under constitutional limitations, and 3828
from other sources, for the support of local governmental 3829
functions, and for the purpose of reimbursing the state for the 3830
expense of administering this chapter, an excise tax is hereby 3831
levied on each retail sale made in this state. 3832

(A)(1) The tax shall be collected as provided in section 3833
5739.025 of the Revised Code. The rate of the tax shall be five 3834
and one-half per cent. The tax applies and is collectible when the 3835
sale is made, regardless of the time when the price is paid or 3836
delivered. 3837

(2) In the case of the lease or rental, with a fixed term of 3838
more than thirty days or an indefinite term with a minimum period 3839
of more than thirty days, of any motor vehicles designed by the 3840
manufacturer to carry a load of not more than one ton, watercraft, 3841
outboard motor, or aircraft, or of any tangible personal property, 3842
other than motor vehicles designed by the manufacturer to carry a 3843
load of more than one ton, to be used by the lessee or renter 3844
primarily for business purposes, the tax shall be collected by the 3845
vendor at the time the lease or rental is consummated and shall be 3846
calculated by the vendor on the basis of the total amount to be 3847

paid by the lessee or renter under the lease agreement. If the 3848
total amount of the consideration for the lease or rental includes 3849
amounts that are not calculated at the time the lease or rental is 3850
executed, the tax shall be calculated and collected by the vendor 3851
at the time such amounts are billed to the lessee or renter. In 3852
the case of an open-end lease or rental, the tax shall be 3853
calculated by the vendor on the basis of the total amount to be 3854
paid during the initial fixed term of the lease or rental, and for 3855
each subsequent renewal period as it comes due. As used in this 3856
division, "motor vehicle" has the same meaning as in section 3857
4501.01 of the Revised Code, and "watercraft" includes an outdrive 3858
unit attached to the watercraft. 3859

A lease with a renewal clause and a termination penalty or 3860
similar provision that applies if the renewal clause is not 3861
exercised is presumed to be a sham transaction. In such a case, 3862
the tax shall be calculated and paid on the basis of the entire 3863
length of the lease period, including any renewal periods, until 3864
the termination penalty or similar provision no longer applies. 3865
The taxpayer shall bear the burden, by a preponderance of the 3866
evidence, that the transaction or series of transactions is not a 3867
sham transaction. 3868

(3) Except as provided in division (A)(2) of this section, in 3869
the case of a sale, the price of which consists in whole or in 3870
part of the lease or rental of tangible personal property, the tax 3871
shall be measured by the installments of that lease or rental. 3872

(4) In the case of a sale of a physical fitness facility 3873
service or recreation and sports club service, the price of which 3874
consists in whole or in part of a membership for the receipt of 3875
the benefit of the service, the tax applicable to the sale shall 3876
be measured by the installments thereof. 3877

(B) The tax does not apply to the following: 3878

(1) Sales to the state or any of its political subdivisions,	3879
or to any other state or its political subdivisions if the laws of	3880
that state exempt from taxation sales made to this state and its	3881
political subdivisions;	3882
(2) Sales of food for human consumption off the premises	3883
where sold;	3884
(3) Sales of food sold to students only in a cafeteria,	3885
dormitory, fraternity, or sorority maintained in a private,	3886
public, or parochial school, college, or university;	3887
(4) Sales of newspapers and of magazine subscriptions and	3888
sales or transfers of magazines distributed as controlled	3889
circulation publications;	3890
(5) The furnishing, preparing, or serving of meals without	3891
charge by an employer to an employee provided the employer records	3892
the meals as part compensation for services performed or work	3893
done;	3894
(6) Sales of motor fuel upon receipt, use, distribution, or	3895
sale of which in this state a tax is imposed by the law of this	3896
state, but this exemption shall not apply to the sale of motor	3897
fuel on which a refund of the tax is allowable under division (A)	3898
of section 5735.14 of the Revised Code; and the tax commissioner	3899
may deduct the amount of tax levied by this section applicable to	3900
the price of motor fuel when granting a refund of motor fuel tax	3901
pursuant to division (A) of section 5735.14 of the Revised Code	3902
and shall cause the amount deducted to be paid into the general	3903
revenue fund of this state;	3904
(7) Sales of natural gas by a natural gas company, of water	3905
by a water-works company, or of steam by a heating company, if in	3906
each case the thing sold is delivered to consumers through pipes	3907
or conduits, and all sales of communications services by a	3908
telegraph company, all terms as defined in section 5727.01 of the	3909

Revised Code, and sales of electricity delivered through wires; 3910

(8) Casual sales by a person, or auctioneer employed directly 3911
by the person to conduct such sales, except as to such sales of 3912
motor vehicles, watercraft or outboard motors required to be 3913
titled under section 1548.06 of the Revised Code, watercraft 3914
documented with the United States coast guard, snowmobiles, and 3915
all-purpose vehicles as defined in section 4519.01 of the Revised 3916
Code; 3917

(9)(a) Sales of services or tangible personal property, other 3918
than motor vehicles, mobile homes, and manufactured homes, by 3919
churches, organizations exempt from taxation under section 3920
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 3921
organizations operated exclusively for charitable purposes as 3922
defined in division (B)(12) of this section, provided that the 3923
number of days on which such tangible personal property or 3924
services, other than items never subject to the tax, are sold does 3925
not exceed six in any calendar year, except as otherwise provided 3926
in division (B)(9)(b) of this section. If the number of days on 3927
which such sales are made exceeds six in any calendar year, the 3928
church or organization shall be considered to be engaged in 3929
business and all subsequent sales by it shall be subject to the 3930
tax. In counting the number of days, all sales by groups within a 3931
church or within an organization shall be considered to be sales 3932
of that church or organization. 3933

(b) The limitation on the number of days on which tax-exempt 3934
sales may be made by a church or organization under division 3935
(B)(9)(a) of this section does not apply to sales made by student 3936
clubs and other groups of students of a primary or secondary 3937
school, or a parent-teacher association, booster group, or similar 3938
organization that raises money to support or fund curricular or 3939
extracurricular activities of a primary or secondary school. 3940

(c) Divisions (B)(9)(a) and (b) of this section do not apply 3941

to sales by a noncommercial educational radio or television 3942
broadcasting station. 3943

(10) Sales not within the taxing power of this state under 3944
the Constitution of the United States; 3945

(11) Except for transactions that are sales under division 3946
(B)(3)(r) of section 5739.01 of the Revised Code, the 3947
transportation of persons or property, unless the transportation 3948
is by a private investigation and security service; 3949

(12) Sales of tangible personal property or services to 3950
churches, to organizations exempt from taxation under section 3951
501(c)(3) of the Internal Revenue Code of 1986, and to any other 3952
nonprofit organizations operated exclusively for charitable 3953
purposes in this state, no part of the net income of which inures 3954
to the benefit of any private shareholder or individual, and no 3955
substantial part of the activities of which consists of carrying 3956
on propaganda or otherwise attempting to influence legislation; 3957
sales to offices administering one or more homes for the aged or 3958
one or more hospital facilities exempt under section 140.08 of the 3959
Revised Code; and sales to organizations described in division (D) 3960
of section 5709.12 of the Revised Code. 3961

"Charitable purposes" means the relief of poverty; the 3962
improvement of health through the alleviation of illness, disease, 3963
or injury; the operation of an organization exclusively for the 3964
provision of professional, laundry, printing, and purchasing 3965
services to hospitals or charitable institutions; the operation of 3966
a home for the aged, as defined in section 5701.13 of the Revised 3967
Code; the operation of a radio or television broadcasting station 3968
that is licensed by the federal communications commission as a 3969
noncommercial educational radio or television station; the 3970
operation of a nonprofit animal adoption service or a county 3971
humane society; the promotion of education by an institution of 3972
learning that maintains a faculty of qualified instructors, 3973

teaches regular continuous courses of study, and confers a 3974
recognized diploma upon completion of a specific curriculum; the 3975
operation of a parent-teacher association, booster group, or 3976
similar organization primarily engaged in the promotion and 3977
support of the curricular or extracurricular activities of a 3978
primary or secondary school; the operation of a community or area 3979
center in which presentations in music, dramatics, the arts, and 3980
related fields are made in order to foster public interest and 3981
education therein; the production of performances in music, 3982
dramatics, and the arts; or the promotion of education by an 3983
organization engaged in carrying on research in, or the 3984
dissemination of, scientific and technological knowledge and 3985
information primarily for the public. 3986

Nothing in this division shall be deemed to exempt sales to 3987
any organization for use in the operation or carrying on of a 3988
trade or business, or sales to a home for the aged for use in the 3989
operation of independent living facilities as defined in division 3990
(A) of section 5709.12 of the Revised Code. 3991

(13) Building and construction materials and services sold to 3992
construction contractors for incorporation into a structure or 3993
improvement to real property under a construction contract with 3994
this state or a political subdivision of this state, or with the 3995
United States government or any of its agencies; building and 3996
construction materials and services sold to construction 3997
contractors for incorporation into a structure or improvement to 3998
real property that are accepted for ownership by this state or any 3999
of its political subdivisions, or by the United States government 4000
or any of its agencies at the time of completion of the structures 4001
or improvements; building and construction materials sold to 4002
construction contractors for incorporation into a horticulture 4003
structure or livestock structure for a person engaged in the 4004
business of horticulture or producing livestock; building 4005

materials and services sold to a construction contractor for 4006
incorporation into a house of public worship or religious 4007
education, or a building used exclusively for charitable purposes 4008
under a construction contract with an organization whose purpose 4009
is as described in division (B)(12) of this section; building 4010
materials and services sold to a construction contractor for 4011
incorporation into a building under a construction contract with 4012
an organization exempt from taxation under section 501(c)(3) of 4013
the Internal Revenue Code of 1986 when the building is to be used 4014
exclusively for the organization's exempt purposes; building and 4015
construction materials sold for incorporation into the original 4016
construction of a sports facility under section 307.696 of the 4017
Revised Code; and building and construction materials and services 4018
sold to a construction contractor for incorporation into real 4019
property outside this state if such materials and services, when 4020
sold to a construction contractor in the state in which the real 4021
property is located for incorporation into real property in that 4022
state, would be exempt from a tax on sales levied by that state; 4023

(14) Sales of ships or vessels or rail rolling stock used or 4024
to be used principally in interstate or foreign commerce, and 4025
repairs, alterations, fuel, and lubricants for such ships or 4026
vessels or rail rolling stock; 4027

(15) Sales to persons primarily engaged in any of the 4028
activities mentioned in division (B)(42)(a) or (g) of this 4029
section, to persons engaged in making retail sales, or to persons 4030
who purchase for sale from a manufacturer tangible personal 4031
property that was produced by the manufacturer in accordance with 4032
specific designs provided by the purchaser, of packages, including 4033
material, labels, and parts for packages, and of machinery, 4034
equipment, and material for use primarily in packaging tangible 4035
personal property produced for sale, including any machinery, 4036
equipment, and supplies used to make labels or packages, to 4037

prepare packages or products for labeling, or to label packages or 4038
products, by or on the order of the person doing the packaging, or 4039
sold at retail. "Packages" includes bags, baskets, cartons, 4040
crates, boxes, cans, bottles, bindings, wrappings, and other 4041
similar devices and containers, but does not include motor 4042
vehicles or bulk tanks, trailers, or similar devices attached to 4043
motor vehicles. "Packaging" means placing in a package. Division 4044
(B)(15) of this section does not apply to persons engaged in 4045
highway transportation for hire. 4046

(16) Sales of food to persons using food stamp benefits to 4047
purchase the food. As used in this division, "food" has the same 4048
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 4049
2012, as amended, and federal regulations adopted pursuant to that 4050
act. 4051

(17) Sales to persons engaged in farming, agriculture, 4052
horticulture, or floriculture, of tangible personal property for 4053
use or consumption directly in the production by farming, 4054
agriculture, horticulture, or floriculture of other tangible 4055
personal property for use or consumption directly in the 4056
production of tangible personal property for sale by farming, 4057
agriculture, horticulture, or floriculture; or material and parts 4058
for incorporation into any such tangible personal property for use 4059
or consumption in production; and of tangible personal property 4060
for such use or consumption in the conditioning or holding of 4061
products produced by and for such use, consumption, or sale by 4062
persons engaged in farming, agriculture, horticulture, or 4063
floriculture, except where such property is incorporated into real 4064
property; 4065

(18) Sales of drugs for a human being that may be dispensed 4066
only pursuant to a prescription; insulin as recognized in the 4067
official United States pharmacopoeia; urine and blood testing 4068
materials when used by diabetics or persons with hypoglycemia to 4069

test for glucose or acetone; hypodermic syringes and needles when 4070
used by diabetics for insulin injections; epoetin alfa when 4071
purchased for use in the treatment of persons with medical 4072
disease; hospital beds when purchased by hospitals, nursing homes, 4073
or other medical facilities; and medical oxygen and medical 4074
oxygen-dispensing equipment when purchased by hospitals, nursing 4075
homes, or other medical facilities; 4076

(19) Sales of prosthetic devices, durable medical equipment 4077
for home use, or mobility enhancing equipment, when made pursuant 4078
to a prescription and when such devices or equipment are for use 4079
by a human being. 4080

(20) Sales of emergency and fire protection vehicles and 4081
equipment to nonprofit organizations for use solely in providing 4082
fire protection and emergency services, including trauma care and 4083
emergency medical services, for political subdivisions of the 4084
state; 4085

(21) Sales of tangible personal property manufactured in this 4086
state, if sold by the manufacturer in this state to a retailer for 4087
use in the retail business of the retailer outside of this state 4088
and if possession is taken from the manufacturer by the purchaser 4089
within this state for the sole purpose of immediately removing the 4090
same from this state in a vehicle owned by the purchaser; 4091

(22) Sales of services provided by the state or any of its 4092
political subdivisions, agencies, instrumentalities, institutions, 4093
or authorities, or by governmental entities of the state or any of 4094
its political subdivisions, agencies, instrumentalities, 4095
institutions, or authorities; 4096

(23) Sales of motor vehicles to nonresidents of this state 4097
under the circumstances described in division (B) of section 4098
5739.029 of the Revised Code; 4099

(24) Sales to persons engaged in the preparation of eggs for 4100

sale of tangible personal property used or consumed directly in 4101
such preparation, including such tangible personal property used 4102
for cleaning, sanitizing, preserving, grading, sorting, and 4103
classifying by size; packages, including material and parts for 4104
packages, and machinery, equipment, and material for use in 4105
packaging eggs for sale; and handling and transportation equipment 4106
and parts therefor, except motor vehicles licensed to operate on 4107
public highways, used in intraplant or interplant transfers or 4108
shipment of eggs in the process of preparation for sale, when the 4109
plant or plants within or between which such transfers or 4110
shipments occur are operated by the same person. "Packages" 4111
includes containers, cases, baskets, flats, fillers, filler flats, 4112
cartons, closure materials, labels, and labeling materials, and 4113
"packaging" means placing therein. 4114

(25)(a) Sales of water to a consumer for residential use, 4115
except the sale of bottled water, distilled water, mineral water, 4116
carbonated water, or ice; 4117

(b) Sales of water by a nonprofit corporation engaged 4118
exclusively in the treatment, distribution, and sale of water to 4119
consumers, if such water is delivered to consumers through pipes 4120
or tubing. 4121

(26) Fees charged for inspection or reinspection of motor 4122
vehicles under section 3704.14 of the Revised Code; 4123

(27) Sales to persons licensed to conduct a food service 4124
operation pursuant to section 3717.43 of the Revised Code, of 4125
tangible personal property primarily used directly for the 4126
following: 4127

(a) To prepare food for human consumption for sale; 4128

(b) To preserve food that has been or will be prepared for 4129
human consumption for sale by the food service operator, not 4130
including tangible personal property used to display food for 4131

selection by the consumer;	4132
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	4133 4134
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	4135 4136
(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;	4137 4138 4139 4140
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	4141 4142 4143
(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;	4144 4145 4146
(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;	4147 4148 4149 4150 4151 4152
(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;	4153 4154 4155 4156 4157
(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	4158 4159 4160 4161

recording any interactive, one- or two-way electromagnetic 4162
communications, including voice, image, data, and information, 4163
through the use of any medium, including, but not limited to, 4164
poles, wires, cables, switching equipment, computers, and record 4165
storage devices and media, and component parts for the tangible 4166
personal property. The exemption provided in this division shall 4167
be in lieu of all other exemptions under division (B)(42)(a) of 4168
this section to which the vendor may otherwise be entitled, based 4169
upon the use of the thing purchased in providing the 4170
telecommunications, mobile telecommunications, or satellite 4171
broadcasting service. 4172

(35)(a) Sales where the purpose of the consumer is to use or 4173
consume the things transferred in making retail sales and 4174
consisting of newspaper inserts, catalogues, coupons, flyers, gift 4175
certificates, or other advertising material that prices and 4176
describes tangible personal property offered for retail sale. 4177

(b) Sales to direct marketing vendors of preliminary 4178
materials such as photographs, artwork, and typesetting that will 4179
be used in printing advertising material; of printed matter that 4180
offers free merchandise or chances to win sweepstake prizes and 4181
that is mailed to potential customers with advertising material 4182
described in division (B)(35)(a) of this section; and of equipment 4183
such as telephones, computers, facsimile machines, and similar 4184
tangible personal property primarily used to accept orders for 4185
direct marketing retail sales. 4186

(c) Sales of automatic food vending machines that preserve 4187
food with a shelf life of forty-five days or less by refrigeration 4188
and dispense it to the consumer. 4189

For purposes of division (B)(35) of this section, "direct 4190
marketing" means the method of selling where consumers order 4191
tangible personal property by United States mail, delivery 4192
service, or telecommunication and the vendor delivers or ships the 4193

tangible personal property sold to the consumer from a warehouse, 4194
catalogue distribution center, or similar fulfillment facility by 4195
means of the United States mail, delivery service, or common 4196
carrier. 4197

(36) Sales to a person engaged in the business of 4198
horticulture or producing livestock of materials to be 4199
incorporated into a horticulture structure or livestock structure; 4200

(37) Sales of personal computers, computer monitors, computer 4201
keyboards, modems, and other peripheral computer equipment to an 4202
individual who is licensed or certified to teach in an elementary 4203
or a secondary school in this state for use by that individual in 4204
preparation for teaching elementary or secondary school students; 4205

(38) Sales to a professional racing team of any of the 4206
following: 4207

(a) Motor racing vehicles; 4208

(b) Repair services for motor racing vehicles; 4209

(c) Items of property that are attached to or incorporated in 4210
motor racing vehicles, including engines, chassis, and all other 4211
components of the vehicles, and all spare, replacement, and 4212
rebuilt parts or components of the vehicles; except not including 4213
tires, consumable fluids, paint, and accessories consisting of 4214
instrumentation sensors and related items added to the vehicle to 4215
collect and transmit data by means of telemetry and other forms of 4216
communication. 4217

(39) Sales of used manufactured homes and used mobile homes, 4218
as defined in section 5739.0210 of the Revised Code, made on or 4219
after January 1, 2000; 4220

(40) Sales of tangible personal property and services to a 4221
provider of electricity used or consumed directly and primarily in 4222
generating, transmitting, or distributing electricity for use by 4223

others, including property that is or is to be incorporated into 4224
and will become a part of the consumer's production, transmission, 4225
or distribution system and that retains its classification as 4226
tangible personal property after incorporation; fuel or power used 4227
in the production, transmission, or distribution of electricity; 4228
and tangible personal property and services used in the repair and 4229
maintenance of the production, transmission, or distribution 4230
system, including only those motor vehicles as are specially 4231
designed and equipped for such use. The exemption provided in this 4232
division shall be in lieu of all other exemptions in division 4233
(B)(42)(a) of this section to which a provider of electricity may 4234
otherwise be entitled based on the use of the tangible personal 4235
property or service purchased in generating, transmitting, or 4236
distributing electricity. 4237

(41) Sales to a person providing services under division 4238
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 4239
personal property and services used directly and primarily in 4240
providing taxable services under that section. 4241

(42) Sales where the purpose of the purchaser is to do any of 4242
the following: 4243

(a) To incorporate the thing transferred as a material or a 4244
part into tangible personal property to be produced for sale by 4245
manufacturing, assembling, processing, or refining; or to use or 4246
consume the thing transferred directly in producing tangible 4247
personal property for sale by mining, including, without 4248
limitation, the extraction from the earth of all substances that 4249
are classed geologically as minerals, production of crude oil and 4250
natural gas, farming, agriculture, horticulture, or floriculture, 4251
or directly in the rendition of a public utility service, except 4252
that the sales tax levied by this section shall be collected upon 4253
all meals, drinks, and food for human consumption sold when 4254
transporting persons. Persons engaged in rendering farming, 4255

agricultural, horticultural, or floricultural services, and 4256
services in the exploration for, and production of, crude oil and 4257
natural gas, for others are deemed engaged directly in farming, 4258
agriculture, horticulture, and floriculture, or exploration for, 4259
and production of, crude oil and natural gas. This paragraph does 4260
not exempt from "retail sale" or "sales at retail" the sale of 4261
tangible personal property that is to be incorporated into a 4262
structure or improvement to real property. 4263

(b) To hold the thing transferred as security for the 4264
performance of an obligation of the vendor; 4265

(c) To resell, hold, use, or consume the thing transferred as 4266
evidence of a contract of insurance; 4267

(d) To use or consume the thing directly in commercial 4268
fishing; 4269

(e) To incorporate the thing transferred as a material or a 4270
part into, or to use or consume the thing transferred directly in 4271
the production of, magazines distributed as controlled circulation 4272
publications; 4273

(f) To use or consume the thing transferred in the production 4274
and preparation in suitable condition for market and sale of 4275
printed, imprinted, overprinted, lithographic, multilithic, 4276
blueprinted, photostatic, or other productions or reproductions of 4277
written or graphic matter; 4278

(g) To use the thing transferred, as described in section 4279
5739.011 of the Revised Code, primarily in a manufacturing 4280
operation to produce tangible personal property for sale; 4281

(h) To use the benefit of a warranty, maintenance or service 4282
contract, or similar agreement, as described in division (B)(7) of 4283
section 5739.01 of the Revised Code, to repair or maintain 4284
tangible personal property, if all of the property that is the 4285
subject of the warranty, contract, or agreement would not be 4286

subject to the tax imposed by this section;	4287
(i) To use the thing transferred as qualified research and development equipment;	4288
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.	4289
(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;	4290
(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;	4291
(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;	4292
(n) To use or consume the thing transferred in acquiring,	4293
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formatting, editing, storing, and disseminating data or 4318
information by electronic publishing. 4319

As used in division (B)(42) of this section, "thing" includes 4320
all transactions included in divisions (B)(3)(a), (b), and (e) of 4321
section 5739.01 of the Revised Code. 4322

(43) Sales conducted through a coin operated device that 4323
activates vacuum equipment or equipment that dispenses water, 4324
whether or not in combination with soap or other cleaning agents 4325
or wax, to the consumer for the consumer's use on the premises in 4326
washing, cleaning, or waxing a motor vehicle, provided no other 4327
personal property or personal service is provided as part of the 4328
transaction. 4329

(44) Sales of replacement and modification parts for engines, 4330
airframes, instruments, and interiors in, and paint for, aircraft 4331
used primarily in a fractional aircraft ownership program, and 4332
sales of services for the repair, modification, and maintenance of 4333
such aircraft, and machinery, equipment, and supplies primarily 4334
used to provide those services. 4335

(45) Sales of telecommunications service that is used 4336
directly and primarily to perform the functions of a call center. 4337
As used in this division, "call center" means any physical 4338
location where telephone calls are placed or received in high 4339
volume for the purpose of making sales, marketing, customer 4340
service, technical support, or other specialized business 4341
activity, and that employs at least fifty individuals that engage 4342
in call center activities on a full-time basis, or sufficient 4343
individuals to fill fifty full-time equivalent positions. 4344

(46) Sales by a telecommunications service vendor of 900 4345
service to a subscriber. This division does not apply to 4346
information services, as defined in division (FF) of section 4347
5739.01 of the Revised Code. 4348

(47) Sales of value-added non-voice data service. This 4349
division does not apply to any similar service that is not 4350
otherwise a telecommunications service. 4351

(48)(a) Sales of machinery, equipment, and software to a 4352
qualified direct selling entity for use in a warehouse or 4353
distribution center primarily for storing, transporting, or 4354
otherwise handling inventory that is held for sale to independent 4355
salespersons who operate as direct sellers and that is held 4356
primarily for distribution outside this state; 4357

(b) As used in division (B)(48)(a) of this section: 4358

(i) "Direct seller" means a person selling consumer products 4359
to individuals for personal or household use and not from a fixed 4360
retail location, including selling such product at in-home product 4361
demonstrations, parties, and other one-on-one selling. 4362

(ii) "Qualified direct selling entity" means an entity 4363
selling to direct sellers at the time the entity enters into a tax 4364
credit agreement with the tax credit authority pursuant to section 4365
122.17 of the Revised Code, provided that the agreement was 4366
entered into on or after January 1, 2007. Neither contingencies 4367
relevant to the granting of, nor later developments with respect 4368
to, the tax credit shall impair the status of the qualified direct 4369
selling entity under division (B)(48) of this section after 4370
execution of the tax credit agreement by the tax credit authority. 4371

(c) Division (B)(48) of this section is limited to machinery, 4372
equipment, and software first stored, used, or consumed in this 4373
state within the period commencing ~~with the effective date of the~~ 4374
~~amendment of this section by the capital appropriations act of the~~ 4375
~~127th general assembly June 24, 2008,~~ and ending on the date that 4376
is five years after that ~~effective~~ date. 4377

(49) Sales of materials, parts, equipment, or engines used in 4378
the repair or maintenance of aircraft or avionics systems of such 4379

aircraft, and sales of repair, remodeling, replacement, or 4380
maintenance services at a federal aviation administration 4381
~~certified repair station~~ in this state performed on aircraft or on 4382
an aircraft's avionics, engine, or component materials or parts. 4383
As used in division (B)(49) of this section, "aircraft" means 4384
aircraft of more than six thousand pounds maximum certified 4385
takeoff weight or used exclusively in general aviation. 4386

(50) Sales of full flight simulators that are used for pilot 4387
or flight-crew training, sales of repair or replacement parts or 4388
components, and sales of repair or maintenance services for such 4389
full flight simulators. "Full flight simulator" means a replica of 4390
a specific type, or make, model, and series of aircraft cockpit. 4391
It includes the assemblage of equipment and computer programs 4392
necessary to represent aircraft operations in ground and flight 4393
conditions, a visual system providing an out-of-the-cockpit view, 4394
and a system that provides cues at least equivalent to those of a 4395
three-degree-of-freedom motion system, and has the full range of 4396
capabilities of the systems installed in the device as described 4397
in appendices A and B of part 60 of chapter 1 of title 14 of the 4398
Code of Federal Regulations. 4399

(C) For the purpose of the proper administration of this 4400
chapter, and to prevent the evasion of the tax, it is presumed 4401
that all sales made in this state are subject to the tax until the 4402
contrary is established. 4403
4404

(D) The levy of this tax on retail sales of recreation and 4405
sports club service shall not prevent a municipal corporation from 4406
levying any tax on recreation and sports club dues or on any 4407
income generated by recreation and sports club dues. 4408

(E) The tax collected by the vendor from the consumer under 4409
this chapter is not part of the price, but is a tax collection for 4410
the benefit of the state, and of counties levying an additional 4411

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; 4441

(2) Increase the appropriation in Ohio Department of Aging 4442
Fund 3C4, appropriation item 490-607, PASSPORT, by the federal 4443
share of the amount of the actual expenditures; 4444

(3) Increase the appropriation in JFS Fund 3G5, appropriation 4445
item 600-655, Interagency Reimbursement, by the federal share of 4446
the amount of the actual expenditures. 4447

The funds that the Director of Budget and Management 4448
transfers and increases under this division are hereby 4449
appropriated. 4450

(B) The individuals placed in the PASSPORT program pursuant 4451
to this section shall be in addition to the individuals placed in 4452
the PASSPORT program during fiscal years 2008 and 2009 based on 4453
the amount of money that is in GRF appropriation item 490-403, 4454
PASSPORT; Fund 4J4, appropriation item 490-610, 4455
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 4456
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 4457
490-607, PASSPORT, before any transfers to GRF appropriation item 4458
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 4459
PASSPORT, are made under this section. 4460

Sec. 309.30.53. HOME FIRST PROGRAM - RESIDENTIAL STATE 4461
SUPPLEMENT ~~TRANSFER~~ 4462

On a quarterly basis, on receipt of the certified residential 4463
state supplement costs related to section 173.351 of the Revised 4464
Code, the Director of Budget and Management shall do the 4465
following: 4466

(A) Transfer the state share of the amount of the estimated 4467
costs from GRF appropriation item 600-525, Health Care/Medicaid, 4468
to GRF appropriation item 490-412, Residential State Supplement; 4469

(B) The Department of Aging may transfer cash by intrastate 4470

transfer vouchers from the foregoing appropriation item 490-412, 4471
Residential State Supplement, and 490-610, PASSPORT/Residential 4472
State Supplement, to the Department of Job and Family Services 4473
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 4474
funds shall be used to make benefit payments to Residential State 4475
Supplement recipients. 4476

The funds that the Director of Budget and Management 4477
transfers and increases under this division are hereby 4478
appropriated. 4479

Section 201.02. That existing Sections 309.30.50 and 4480
309.50.53 of Am. Sub. H.B. 119 of the 127th General Assembly are 4481
hereby repealed. 4482

Section 203.01. That Sections 201.60.20, 201.60.30, 4483
301.40.10, and 301.60.50 of H.B. 496 of the 127th General Assembly 4484
be amended to read as follows: 4485

Reappropriations

Sec. 201.60.20. DMH DEPARTMENT OF MENTAL HEALTH 4486
STATEWIDE AND CENTRAL OFFICE PROJECTS 4487

C58000	Hazardous Materials Abatement	\$	254,808	4488
C58001	Community Assistance Projects	\$	5,196,466	4489
			<u>4,696,466</u>	
C58002	Campus Consolidation - Automation	\$	318,720	4490
C58004	Demolition	\$	661,655	4491
C58005	Life Safety/Critical Plant Renovations	\$	65,729	4492
C58006	Patient Care/Environment Improvement	\$	998,268	4493
C58007	Infrastructure Renovations	\$	12,635,238	4494
C58008	Emergency Improvements	\$	2,843,566	4495
C58009	Patient Environment Improvement	\$	176,853	4496
	Consolidation			
C58010	Campus Consolidation	\$	8,664,798	4497

Total Department of Mental Health	\$ 31,816,101	4498
	<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.	4499
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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.	4504
	4505
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Reappropriations

Sec. 201.60.30. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES	4508
	4509

STATEWIDE PROJECTS 4510

C59000 Asbestos Abatement	\$ 999,637	4511
C59004 Community Assistance Projects	\$ 1,202,040	4512
C59019 North Olmsted Welcome House	\$ 100,000	4513
C59020 Kamp Dovetail Project at Rocky Fork Lake State Park	\$ 100,000	4514
C59022 Razing of Buildings	\$ 80,595	4515
C59024 Telecommunications Systems Improvement	\$ 774,454	4516
C59029 Emergency Generator Replacement	\$ 1,049,606	4517
C59034 Statewide Developmental Centers	\$ 5,479,662	4518
C59050 Emergency Improvements	\$ 634,970	4519
Total Statewide and Central Office Projects	\$ 10,420,964	4520
	<u>10,320,964</u>	

COMMUNITY ASSISTANCE PROJECTS 4521

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	4522
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residential programs that provide services to persons eligible for 4525
services from the Department of Mental Retardation and 4526
Developmental Disabilities or county boards of mental retardation 4527
and developmental disabilities. Any funds provided to nonprofit 4528
agencies for the construction or renovation of facilities for 4529
persons eligible for services from the Department of Mental 4530
Retardation and Developmental Disabilities and county boards of 4531
mental retardation and developmental disabilities are subject to 4532
the prevailing wage provisions in section 176.05 of the Revised 4533
Code. 4534

Notwithstanding any other provision of law to the contrary, 4535
of the foregoing appropriation item C59004, Community Assistance 4536
Projects, \$75,000 shall be used for the Hanson Home. 4537

STATEWIDE DEVELOPMENTAL CENTERS 4538

CAMBRIDGE DEVELOPMENTAL CENTER 4539

C59005	Residential Renovations - CAMDC	\$	41,398	4540
C59023	HVAC Renovations - Residential Buildings	\$	1,000	4541
C59025	Cambridge HVAC Upgrade - Activity Center	\$	3,538	4542
C59046	Utility Upgrade Centerwide	\$	5,960	4543
	Total Cambridge Developmental Center	\$	51,896	4544

COLUMBUS DEVELOPMENTAL CENTER 4545

C59036	Columbus Developmental Center	\$	8,162	4546
	Total Columbus Developmental Center	\$	8,162	4547

GALLIPOLIS DEVELOPMENTAL CENTER 4548

C59027	HVAC Replacements	\$	4,873	4549
C59037	Gallipolis Developmental Center	\$	21,849	4550
	Total Gallipolis Developmental Center	\$	26,722	4551

MONTGOMERY DEVELOPMENTAL CENTER 4552

C59038	Montgomery Developmental Center	\$	43,634	4553
	Total Montgomery Developmental Center	\$	43,634	4554

MOUNT VERNON DEVELOPMENTAL CENTER 4555

C59039	Mount Vernon Developmental Center	\$	160,353	4556
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Total Mount Vernon Developmental Center	\$	160,353	4557
NORTHWEST OHIO DEVELOPMENTAL CENTER			4558
C59030 Replace Chiller	\$	8,535	4559
C59040 Northwest Ohio Developmental Center	\$	11,171	4560
Total Northwest Ohio Developmental Center	\$	19,706	4561
SOUTHWEST OHIO DEVELOPMENTAL CENTER			4562
C59016 Residential Renovation - HVAC Upgrade	\$	23,075	4563
C59041 Southwest Ohio Developmental Center	\$	14,566	4564
C59048 Renovation Program and Support Services Building	\$	3,900	4565
Total Southwest Ohio Developmental Center	\$	41,541	4566
TIFFIN DEVELOPMENTAL CENTER			4567
C59026 Roof and Exterior Renovations	\$	19,666	4568
C59043 Tiffin Developmental Center	\$	20,696	4569
Total Tiffin Developmental Center	\$	40,362	4570
WARRENSVILLE DEVELOPMENTAL CENTER			4571
C59017 Residential Renovations - WDC	\$	5,057	4572
C59021 Water Line Replacement - WDC	\$	16,267	4573
C59031 ADA Compliance - WDC	\$	3,628	4574
C59044 Warrensville Developmental Center	\$	29,860	4575
Total Warrensville Developmental Center	\$	54,812	4576
YOUNGSTOWN DEVELOPMENTAL CENTER			4577
C59045 Youngstown Developmental Center	\$	24,400	4578
Total Youngstown Developmental Center	\$	24,400	4579
TOTAL Department of Mental Retardation			4580
and Developmental Disabilities	\$	10,892,552	4581
		<u>10,792,552</u>	
TOTAL Mental Health Facilities Improvement Fund	\$	43,684,415	4582
		<u>43,084,415</u>	
Reappropriations			
Sec. 301.40.10. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY			4584
COLLEGE			4585

C36100	Interior Renovations	\$	2,258	4586
C36101	Basic Renovations	\$	4,771	4587
C36102	Health Professions Building Planning	\$	1,468	4588
C36103	Instructional and Data Processing Equipment	\$	344,030	4589
C36109	Brick Repair and Weatherproofing	\$	225,359	4590
C36110	Energy Management-Motor Replacement	\$	377,899	4591
C36111	Roof Replacement	\$	661,573	4592
C36112	Neighborhood Health Care	\$	175,000	4593
C36113	Freestore Foodbank	\$	500,000	4594
<u>C36122</u>	<u>Mayerson Center</u>	<u>\$</u>	<u>500,000</u>	4595
Total Cincinnati State Community College		\$	2,292,358	4596
			<u>2,792,358</u>	

Reappropriations

Sec. 301.60.50.	STC STARK TECHNICAL COLLEGE			4598
C38900	Basic Renovations	\$	374,496	4599
C38901	Instructional and Data Processing Equipment	\$	22,356	4600
C38903	Timken Regional Campus Technology Project	\$	219,659	4601
C38912	Health and Science Building	\$	4,814,648	4602
Total Stark Technical College		\$	5,431,159	4603
TOTAL Higher Education Improvement Fund		\$	828,056,976	4604
			<u>828,556,976</u>	

Section 203.02. That existing Sections 201.60.20, 201.60.30, 4606
301.40.10, and 301.60.50 of H.B. 496 of the 127th General Assembly 4607
are hereby repealed. 4608

Section 205.01. That Sections 231.10.20, 231.20.30, 4609
233.30.40, and 233.40.10 of Am. Sub. H.B. 562 of the 127th General 4610
Assembly be amended to read as follows: 4611

			Appropriations	
Sec. 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH				4612
C58000	Hazardous Material Abatement	\$ 500,000		4613
C58001	Community Assistance Projects	\$ 9,160,000		4614
		<u>9,410,000</u>		
C58006	Patient Care Environment Improvement	\$ 3,700,000		4615
C58007	Infrastructure Improvements	\$ 4,600,000		4616
C58010	Campus Consolidation	\$ 83,700,000		4617
C58017	Bellefaire Jewish Children's Bureau	\$ 400,000		4618
C58018	Safety and Security Improvements	\$ 1,460,000		4619
C58019	Energy Conservation Projects	\$ 750,000		4620
C58020	Mandel Jewish Community Center	\$ 210,000		4621
C58021	Providence House	\$ 200,000		4622
Total Department of Mental Health			\$ 104,680,000	4623
			<u>104,930,000</u>	
COMMUNITY ASSISTANCE PROJECTS				4624
Of the foregoing appropriation item C58001, Community				4625
Assistance Projects, \$260,000 shall be used for the Christian				4626
Children's Home, \$200,000 shall be used for the Michael's House				4627
Child Advocacy Center, \$100,000 shall be used for the Children's				4628
Home of Cincinnati, \$100,000 shall be used for the Achievement				4629
Centers for Children, \$100,000 shall be used for the Shaw JCC,				4630
\$100,000 shall be used for Someplace Safe, <u>\$250,000 shall be used</u>				4631
<u>for Magnolia Clubhouse, and</u> \$300,000 shall be used for the Berea				4632
Children's Home.				4633
			Appropriations	
Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND				4634
DEVELOPMENTAL DISABILITIES				4635
STATEWIDE AND CENTRAL OFFICE PROJECTS				4636
C59004	Community Assistance Projects	\$ 13,301,537		4637

			<u>13,551,537</u>	
C59022	Razing of Buildings	\$	200,000	4638
C59024	Telecommunications	\$	400,000	4639
C59029	Generator Replacement	\$	1,000,000	4640
C59034	Statewide Developmental Centers	\$	4,294,237	4641
C59050	Emergency Improvements	\$	500,000	4642
C59051	Energy Conservation	\$	500,000	4643
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	4644
C59053	Magnolia Clubhouse	\$	250,000	4645
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	4646
C59055	Camp McKinley Improvements	\$	30,000	4647
C59056	The Hope Learning Center	\$	250,000	4648
C59057	North Olmstead Welcome House	\$	150,000	4649
	Total Statewide and Central Office Projects	\$	21,300,774	4650
			<u>21,150,774</u>	
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,300,774	4651
			<u>21,150,774</u>	
	TOTAL Mental Health Facilities Improvement Fund	\$	127,330,774	4652
			<u>127,630,774</u>	

COMMUNITY ASSISTANCE PROJECTS 4653

The foregoing appropriation item C59004, Community Assistance 4654
 Projects, may be used to provide community assistance funds for 4655
 the development, purchase, construction, or renovation of 4656
 facilities for day programs or residential programs that provide 4657
 services to persons eligible for services from the Department of 4658
 Mental Retardation and Developmental Disabilities or county boards 4659
 of mental retardation and developmental disabilities. Any funds 4660
 provided to nonprofit agencies for the construction or renovation 4661
 of facilities for persons eligible for services from the 4662
 Department of Mental Retardation and Developmental Disabilities 4663
 and county boards of mental retardation and developmental 4664
 disabilities shall be governed by the prevailing wage provisions 4665

in section 176.05 of the Revised Code. 4666

Of the foregoing appropriation item C59004, Community 4667
Assistance Projects, \$250,000 shall be used for North Olmsted 4668
Welcome House. Notwithstanding any provision of law to the 4669
contrary, North Olmsted Welcome House is not subject to the 4670
requirements of Chapter 153. of the Revised Code. 4671

Appropriations

Sec. 233.30.40.	UCN UNIVERSITY OF CINCINNATI		4672
C26500	Basic Renovations	\$ 10,720,621	4673
C26501	Basic Renovations - Clermont	\$ 326,112	4674
C26502	Raymond Walters Renovations	\$ 501,195	4675
C26530	Medical Science Building Renovation & Expansion	\$ 26,412,509	4676
C26607	Consolidated Communication Project of Clermont County	\$ 475,000	4677
C26612	Clermont Renovations	\$ 751,132	4678
C26613	New Building	\$ 1,582,233	4679
C26614	Barrett Cancer Center	\$ 1,500,000	4680
C26615	Beech Acres	\$ 125,000	4681
C26616	Forest Park Homeland Security Facility	\$ 50,000	4682
C26617	Health Care Connection - Lincoln Heights	\$ 150,000	4683
C26618	People Working Cooperatively	\$ 120,000	4684
C26619	Sharonville Convention Center	\$ 950,000	4685
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$ 100,000	4686
C26621	Mayerson Center	\$ 200,000	4687
Total University of Cincinnati		\$ 43,963,802	4688
		<u>43,763,802</u>	

Appropriations

Sec. 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE 4690

C36101	Basic Renovations	\$	1,255,923	4691
C36107	Classroom Upgrade Project	\$	270,000	4692
C36113	Freestore Food Bank	\$	100,000	4693
C36114	Lot C Parking Lot	\$	250,000	4694
C36115	Ceiling Replacement	\$	75,000	4695
C36116	Electrical Surge Protection	\$	100,000	4696
C36117	Campus Signage	\$	75,000	4697
C36118	Window and Garage Doors	\$	175,659	4698
C36119	Window Replacement	\$	100,000	4699
C36120	Blue Ash City Conference Center	\$	150,000	4700
C36121	Hebrew Union College Archives	\$	185,000	4701
<u>C36122</u>	<u>Mayerson Center</u>	<u>\$</u>	<u>200,000</u>	4702
Total Cincinnati State Community College		\$	2,736,582	4703
			<u>2,936,582</u>	

Section 205.02. That existing Sections 231.10.20, 231.20.30, 233.30.40, and 233.40.10 of Am. Sub. H.B. 562 of the 127th General Assembly are hereby repealed. 4705
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Section 207.01. That Section 525.10 of Am. Sub. H.B. 699 of the 126th General Assembly be amended to read as follows: 4708
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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 4719

~~Situated in Ashtabula Township, Ashtabula County, State of Ohio:~~ 4720

~~Known as being part of the Holmes Tract, and more particularly
described as follows:~~ 4721
4722

~~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:~~ 4723
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4726

~~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.~~ 4727
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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: 4744
4745
4746

BEGINNING at a point in the centerline of State Road where it
intersects with the north right-of-way line of State Route 11; 4747
4748

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 4749
4750
4751

the Ashtabula County Record of Plats; 4752

Course 2: thence SOUTH 89°14'22" EAST along the south line of said 4753
plat, 1027.77 feet to an iron pin (passing through a stone 4754
monument in the east line of State Road); 4755

Course 3: thence SOUTH 01°17'38" WEST, 828.11 feet to an iron pin 4756
in the north right-of-way line of State Route 11; 4757

Course 4: thence along the following courses and along the north 4758
line of State Route 11 (a limited access highway); 4759

Course 5: thence NORTH 60°07'05" WEST 134.62 feet; 4760

Course 6: thence NORTH 60°33'58" WEST, 639.52 feet; 4761

Course 7: thence NORTH 64°19'13" WEST, 341.17 feet; 4762

Course 8: thence NORTH 43°23'19" WEST 43.89 feet to the Place of 4763
Beginning and containing 13.0054 acres. 4764

This description may be modified to a final form if modifications 4765
are needed to meet recordation standards in Ashtabula County, 4766
Ohio. 4767

Parcel Number: 03-015-00-003-00 4768

Prior Deed Reference: 46-5630 4769

Howey Road Armory 4770

~~Situate~~ Situated in the City of Columbus, Franklin County, State 4771
of Ohio, and being more fully described as follows: 4772

Said parcel being a part of 80.202 acres acquired from the 4773
Columbus and Southern Ohio Electric Company, December 7, 1951, and 4774
being recorded in Franklin County, Volume 1704, Page 153. 4775

Beginning at an iron pin located at the intersection of the east 4776
right_of_way of Hiawatha Park Place and the north property line of 4777
the Ohio State Fairgrounds and the east right_of_way of the North 4778
Freeway, thence north 86 degrees 43'17" east 737.59 feet along the 4779
north property line of the Ohio State Fairgrounds to a point, 4780

thence south 3 degrees 12'14" west 50 feet to a point, thence 4781
south 86 degrees 43'17" east 50 feet to a point, thence north 3 4782
degrees 12'14" east 50 feet to a point in the north property line 4783
of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 4784
17.46 feet to the northeast corner of the Ohio State Fairgrounds, 4785
thence south 3 degrees 12'14" west 1145.00 feet along the east 4786
property line of the Ohio State Fairgrounds to a point at the 4787
intersection of the east right_of_way of the north freeway, thence 4788
south 25 degrees 55'03" east 695.94 feet along the east 4789
right_of_way of the North Freeway to a point. Thence south 37 4790
degrees 46'42" east 712.00 feet to the point of beginning 4791
containing 9.42 acres, more ~~of~~ or less. 4792

Mount Vernon 4793

Situated in the ~~state~~ State of Ohio, ~~county~~ County of Knox, City 4794
of Mount Vernon and more particularly described as being Lots 4795
number Three Hundred Ninety (390), Three Hundred Ninety-One (391) 4796
and ten feet of the east side of Lot Number Four Hundred Seven 4797
(407), in Trimble's Addition to Mount Vernon, County of Knox and 4798
the State of Ohio, as the same are marked on the Plat of said 4799
Addition in the Recorder's Office of Knox County, Ohio, in J Book, 4800
Volume J, ~~page~~ Pages 123-124. 4801

Springfield 4802

Situated in the State of Ohio, County of Clark, Township of 4803
Springfield, and described as follows: 4804

Being part of the northwest quarter of Section 3. Township 5, 4805
Range 9, and part of the northeast quarter of Section 9, Township 4806
5, Range 9, between the Miami Rivers Survey. Beginning at a point 4807
in the center line of the Laybourne Road, north 85 degrees 27' 4808
west 370.0 feet from the intersection of said centerline with the 4809
center line of State Route 70 (Springfield and Washington C.H. 4810
Road); thence with the center line of the Laybourne Road, north 85 4811

degrees 57" west, 650.0 feet; thence north 29 degrees 46' east, 4812
248.63 feet to a pipe; thence south 80 degrees 33' east 423.24 4813
feet to the place of beginning, containing 3.20 acres. 4814

And, also to use the following described premises in conjunction 4815
with the grantors herein and under the following terms as are 4816
agreed to by the State of Ohio and the Clark County Fair Board. 4817

Beginning at the intersection of the center lines of the Laybourne 4818
Road and State Route 70; thence with the center line of the 4819
Laybourne Road, north 85 degrees 57' west, 370.0 feet; thence 4820
north 35 degrees 33 west 432.24 feet to a pipe; thence north 80 4821
degrees 33' west 134.22 feet to a pipe; thence north 54 degrees 4822
27' east, 380.0 feet; thence with the center line of State Route 4823
70, south 35 degrees 33' east 754.0 feet to the place of 4824
beginning, containing 4.27 acres. 4825

Urbana 4826

The following described property situated in the State of Ohio, 4827
County of ~~Champagne~~ Champaign: 4828

Being part of the Southwest Quarter of Section 19, Town 5, Range 4829
12, in Salem Township and bonded and described as follows: 4830

Beginning at a point in the East line of the Southwest Quarter of 4831
said Section 19. said point being 1044.46 feet, North 7 degrees 5 4832
minutes East, from the Southeast corner of the said Southwest 4833
Quarter of Section 19, Town 5, Range 12; thence North 84 degrees 4834
56 minutes West, 875 feet to a stake; thence South 7 degrees 5 4835
minutes West 225 feet to a stake; thence North 84 degrees 56 4836
minutes West, 425.10 feet to a stake; thence North 67 degrees 5 4837
minutes East, 245 feet to a stake; thence South 84 degrees 56 4838
minutes East, 1300.1 feet to a point in the East line of the said 4839
Southwest Quarter of Section 19; thence South 7 degrees 5 minutes 4840
West, along the East line of the said Southwest Quarter of Section 4841
19, 20 feet to the place of beginning, a total area of 2.791 4842

acres. Subject to the rights of the Department of Highways of the 4843
State of Ohio for highway purposes in and to 120.53 feet taken by 4844
parallel lines off the entire East end of the above described 4845
tract and subject also to the rights of the City of Urbana for 4846
highway purposes in and to approximately 79.47 feet off the West 4847
end of 200 feet taken by parallel lines off the entire East end of 4848
the above described tract. 4849

(B) At the request of the Adjutant General, the Director of 4850
Administrative Services, pursuant to the procedures described in 4851
division (C) of this section, shall assist in the sale of any of 4852
the parcels described in division (A) of this section. 4853

(C) The Adjutant General shall appraise the parcels described 4854
in division (A) of this section or have them appraised by one of 4855
more disinterested persons for a fee to be determined by the 4856
Adjutant General, and shall offer the parcels for sale as follows: 4857

(1) The Adjutant General first shall offer a parcel for sale 4858
at its appraised value to the municipal corporation or township in 4859
which it is located. 4860

(2) If, after sixty days, the municipal corporation or 4861
township has not accepted the offer to purchase the parcel at its 4862
appraised value or has accepted the offer but has failed to 4863
complete the purchase, the Adjutant General shall offer the parcel 4864
for sale at its appraised value to the county in which it is 4865
located. 4866

(3) If, after sixty days, the county has not accepted the 4867
offer to purchase the parcel at its appraised value or has 4868
accepted the offer but has failed to complete the purchase, a 4869
public auction shall be held, and the parcel shall be sold to the 4870
highest bidder at a price acceptable to the Adjutant General. The 4871
Adjutant General may reject any and all bids for any reason 4872
whatsoever. 4873

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

The terms of sale of a parcel at a public auction shall be payment of ten per cent of the purchase price, as bid by the highest bidder, in cash, bank draft, or certified check on the date of sale, with the balance payable within sixty days after the date of sale. A purchaser who does not timely complete the conditions of the sale as prescribed in this section shall forfeit to the state the ten per cent of the purchase price paid on the date of the sale as liquidated damages.

If the purchase is not completed and the sale is voided, the Adjutant General may sell the parcel to the second highest bidder at the public auction held pursuant to this section.

(D) Advertising costs, appraisal fees, and other costs of the sale of the parcels described in division (A) of this section shall be paid by the Adjutant General's Department.

(E) Upon the payment of ten per cent of the purchase price of a parcel described in division (A) of this section in accordance with division (C)(3) of this section, or upon notice from the Adjutant General's Department that a parcel of real estate described in division (A) of this section has been sold to a municipal corporation, township, or county in accordance with division (C) of this section, a deed shall be prepared for that parcel by the Auditor of State, with the assistance of the Attorney General, be executed by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the State, and presented for recording in the Office of the Auditor of State. Upon the grantee's payment of the balance of the purchase price, the deed shall be delivered to the grantee. The grantee shall present the deed for recording in the office of the county

recorder of the county in which the parcel is located. 4906

(F) The net proceeds of the sales of the parcels described in 4907
division (A) of this section shall be deposited in the State 4908
Treasury to the credit of the Armory Improvements Fund pursuant to 4909
section 5911.10 of the Revised Code. 4910

(G) If a parcel of real estate described in division (A) of 4911
this section is sold to a municipal corporation, township, or 4912
county and that political subdivision sells that parcel within two 4913
years after its purchase, the political subdivision shall pay to 4914
the state, for deposit in the state treasury to the credit of the 4915
Armory Improvements Fund pursuant to section 5911.10 of the 4916
Revised Code, an amount representing one-half of any net profit 4917
derived from that subsequent sale. The net profit shall be 4918
computed by first subtracting the price at which the political 4919
subdivision bought the parcel from the price at which the 4920
political subdivision sold the parcel, and then subtracting from 4921
that remainder the amount of any expenditures the political 4922
subdivision made for improvements to the parcel. 4923

(H) This section expires five years after its effective date. 4924

Section 207.02. That existing Section 525.10 of Am. Sub. H.B. 4925
699 of the 126th General Assembly is hereby repealed. 4926

Section 301. (A) This section applies to any school district 4927
that meets all of the following conditions: 4928

(1) The district received approval from the Controlling Board 4929
for a classroom facilities project under sections 3318.01 to 4930
3318.20 of the Revised Code after July 1, 2007, and prior to June 4931
24, 2008, and the project had not been completed as of the 4932
effective date of this section. 4933

(2) Within one year after the date the Controlling Board 4934
approved the project described in division (A)(1) of this section, 4935

the district's electors approved a bond issue to pay the 4936
district's portion of the basic project cost or the district board 4937
of education complied with section 3318.052 of the Revised Code. 4938

(3) The district previously received classroom facilities 4939
assistance under sections 3318.01 to 3318.20 or section 3318.37 of 4940
the Revised Code within the twenty-year period prior to the date 4941
the Controlling Board approved the project described in division 4942
(A)(1) of this section. 4943

(B) Notwithstanding anything to the contrary in section 4944
3318.032 of the Revised Code, for each school district to which 4945
this section applies, the Ohio School Facilities Commission shall 4946
recalculate the district's portion of the basic project cost for 4947
the project described in division (A)(1) of this section in 4948
accordance with division (D) of section 3318.032 of the Revised 4949
Code. In making the calculation, the Commission shall use data for 4950
the district that was current at the time the Controlling Board 4951
approved the project and shall not use any updated data. If the 4952
calculation produces a lesser amount than the district's portion 4953
of the basic project cost as previously calculated under section 4954
3318.032 of the Revised Code, the amount calculated under this 4955
division shall be the district's new portion of the basic project 4956
cost. In that case, the Commission shall revise the agreement 4957
entered into under section 3318.08 of the Revised Code to reflect 4958
the district's portion of the basic project cost as determined 4959
under this division. 4960

Section 303. Notwithstanding sections 101.02 and 101.27 of 4961
the Revised Code, during calendar years 2009 and 2010, the members 4962
of the Senate elected president, president pro tempore, majority 4963
floor leader, majority whip, minority leader, assistant minority 4964
leader, minority whip, and assistant minority whip shall receive 4965
salary payments equal to the amounts paid under section 101.27 of 4966

the Revised Code to the members of the House of Representatives 4967
elected speaker, speaker pro tempore, majority floor leader, 4968
assistant majority floor leader, minority leader, assistant 4969
minority leader, minority whip, and assistant minority whip, 4970
respectively. 4971

Section 305. HOME FIRST PROGRAM - ASSISTED LIVING 4972

On a quarterly basis, on receipt of the certified assisted 4973
living costs related to section 5111.894 of the Revised Code, the 4974
Director of Budget and Management may do the following: 4975

(A) Transfer the state share of the amount of the estimated 4976
costs from GRF appropriation item 600525, Health Care/Medicaid, to 4977
GRF appropriation item 490422, Assisted Living Waiver; 4978

(B) Increase the appropriation in Fund 3C40, appropriation 4979
item 490622, Assisted Living - Federal, by the federal share of 4980
the amount of the actual expenditures; and 4981

(C) Increase the appropriation in Fund 3G50, appropriation 4982
item 600655, Interagency Reimbursement, by the federal share of 4983
the amount of actual expenditures. 4984

The funds that the Director of Budget and Management 4985
transfers and increases under this division are hereby 4986
appropriated. 4987

Section 307. (A) The Task Force on Law Library Associations 4988
created pursuant to Section 503.06 of Am. Sub. H.B. 66 of the 4989
126th General Assembly is hereby reconstituted. The appointing 4990
authority shall fill any vacancies on the reconstituted Task 4991
Force. 4992

(B) The Task Force shall help educate the county law library 4993
resources boards with regards to the new structure and 4994
organization of county law libraries, facilitate the establishment 4995

of the county law library resources boards, including the 4996
transition of the management of county law libraries from the law 4997
library associations to the county law library resources boards, 4998
and monitor the necessary and proper expenditure of the county law 4999
library resources fund, as provided for in section 307.514 of the 5000
Revised Code. 5001

(C) The Task Force shall submit a final report to the Speaker 5002
and Minority Leader of the House of Representatives and the 5003
President and Minority Leader of the Senate by December 31, 2011. 5004
Upon submission of its report, the Task Force shall cease to 5005
exist. 5006

(D) Sections 101.82 to 101.87 of the Revised Code do not 5007
apply to the Task Force. 5008

Section 309. (A) On or before January 1, 2010, a law library 5009
association shall transfer both of the following to the county law 5010
library resources board in the county in which the law library 5011
association is located: 5012

(1) All unspent fines and penalties in the law library's 5013
general fund and retained moneys fund collected pursuant to 5014
sections 3375.50 to 3375.53 of the Revised Code, as amended or 5015
repealed by this act; 5016

(2) All personal property that the law library association 5017
can reasonably identify as having been purchased by the fines and 5018
penalties in the law library's general fund or retained moneys 5019
fund collected pursuant to sections 3375.50 to 3375.53 of the 5020
Revised Code, as amended or repealed by this act. 5021

(B) The law library association shall retain all dedicated 5022
moneys or personal property that were not purchased with the fines 5023
and penalties in the law library's general revenue fund or 5024
retained moneys fund. 5025

Section 311. With respect to a person employed by a law library association referred to in section 3375.48 of the Revised Code, as repealed by this act, immediately preceding the effective date of this section and upon that person's employment by a county law library resources board, the board shall use the following methods for determining the employee's vacation accrual rate and credit for accrued but unused vacation leave and sick leave:

(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:

(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;

(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;

(3) One of the following:

(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;

(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 5056
leave a county employee is permitted to earn and accumulate under 5057
section 325.19 of the Revised Code. 5058

(B) For all employees of the law library association not 5059
specified in division (A) of this section, the county law library 5060
resources board may do either of the following by resolution: 5061

(1) Credit to the employee all or any part of accrued but 5062
unused sick leave acquired during service with the law library 5063
association as if the employee were transferring from one public 5064
agency to another public agency pursuant to section 124.38 of the 5065
Revised Code; 5066

(2) Consider all or any part of the employee's prior service 5067
with the law library association as service with the county for 5068
purposes of determining years of service pursuant to section 5069
325.19 of the Revised Code. 5070

(C) Any resolution the law library resources board adopts 5071
pursuant to division (B) of this section shall not be effective if 5072
the board of county commissioners rejects the resolution within 5073
thirty days of receiving the resolution. 5074

Section 313. (A) The Ohio General Assembly finds that the 5075
effectiveness of state programs can be evaluated better if 5076
relevant information is collected throughout the programs' 5077
implementation and that the citizens of Ohio will benefit from 5078
useful data about state programs becoming available for public 5079
policy research. In response to these findings, there is hereby 5080
created the Governor's Policy Information Working Group to 5081
consider and recommend policies and procedures that may be adopted 5082
by state agencies regarding the identification and collection of 5083
program information and its dissemination to the public. Such 5084
policies and procedures shall include, but are not limited to, the 5085
manner in which program information is to be collected and 5086

retained during the implementation of a program and policies to 5087
ensure that program information can be easily accessed by the 5088
public. 5089

(B) The Working Group shall consist of the following members, 5090
as well as additional members appointed as provided in division 5091
(C) of this section: 5092

(1) The Director of Administrative Services, or the 5093
Director's designee; 5094

(2) The Director of Aging, or the Director's designee; 5095

(3) The Director of Agriculture, or the Director's designee; 5096

(4) The Chancellor of the Board of Regents, or the 5097
Chancellor's designee; 5098

(5) The Director of Budget and Management, or the Director's 5099
designee; 5100

(6) The Director of Commerce, or the Director's designee; 5101

(7) The Director of Development, or the Director's designee; 5102

(8) The Director of Environmental Protection, or the 5103
Director's designee; 5104

(9) The Director of Health, or the Director's designee; 5105

(10) The Director of Job and Family Services, or the 5106
Director's designee; 5107

(11) The Director of Mental Health, or the Director's 5108
designee; 5109

(12) The Director of Public Safety, or the Director's 5110
designee; 5111

(13) The Director of Rehabilitation and Correction, or the 5112
Director's designee; 5113

(14) The Tax Commissioner, or the Tax Commissioner's 5114

designee;	5115
(15) The Director of Transportation, or the Director's designee;	5116 5117
(16) The Governor, or the Governor's designee.	5118
(C) The Working Group may appoint additional members as deemed necessary and useful by the Working Group.	5119 5120
(D) The Working Group shall convene for its inaugural meeting within sixty days of the effective date of this section as summoned by the Governor. The Director of Budget and Management and the Tax Commissioner, or their designees, shall serve as co-chairpersons of the Working Group. Commencing with fiscal year 2010, the Working Group shall meet not less than four times per fiscal year.	5121 5122 5123 5124 5125 5126 5127
(E) Not later than December 1, 2009, the Working Group shall deliver an interim report of its activities, findings, and recommendations to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor. In addition, the Working Group shall deliver, on the first day of August in 2010 and 2011, an annual report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor. The annual report shall summarize the activities, findings, and recommendations of the Working Group for the previous fiscal year, except that the August 2010 annual report shall incorporate the portion of the interim report addressing fiscal year 2010. The Working Group shall cease to exist after making its report in 2011.	5128 5129 5130 5131 5132 5133 5134 5135 5136 5137 5138 5139 5140 5141 5142 5143
Section 401. (A) The Governor is hereby authorized to execute	5144

a deed in the name of the state conveying to the Williamsburg 5145
Local School District, Clermont County, State of Ohio, and its 5146
successors and assigns, all of the state's right, title, and 5147
interest in the following described real estate: 5148

Situated in the State of Ohio, Clermont County, Williamsburg 5149
Township and in Daniel DeBenneville's Military Survey #2810 of the 5150
Virginia Military District, more particularly described as 5151
follows: 5152

Beginning at an iron pin in the northwest right-of-way line 5153
of Old State Route #32, said pin being in the south patent line of 5154
said Daniel DeBenneville's Military Survey #2810, North 54 deg. 39 5155
min. 36 sec. West, 52.05 feet from the intersection of said patent 5156
line with the centerline of said Old State Route #32; 5157

thence, leaving said old State Route #32 with said patent 5158
line, North 54 deg. 39 min. 36 sec. West, 781.22 feet to an iron 5159
pipe; 5160

thence, leaving said patent line, North 35 deg. 12 min. 55 5161
sec. East, 119.89 feet to an iron pin; 5162

thence, North 25 deg. 54 min. 05 sec. East, 505.23 feet to an 5163
iron pipe; 5164

thence, South 59 deg. 03 min. 27 sec. East, 86.43 feet to a 5165
fence corner post; 5166

thence, North 32 deg. 05 min. 00 sec. East, 722.19 feet to a 5167
fence corner post; 5168

thence South 57 deg. 20 min. 07 sec. East, 433.76 feet to a 5169
fence corner post; 5170

thence, North 32 deg. 55 min. 52 sec. East, 169.16 feet to a 5171
fence corner post; 5172

thence, South 57 deg. 04 min. 46 sec. East, 838.80 feet to an 5173

iron pipe; 5174

thence, South 27 deg. 51 min. 07 sec. West, 344.31 feet to an 5175
iron pin in said northwest right-of-way of old State Route #32; 5176

thence with said right-of-way, North 70 deg. 10 min. 11 sec. 5177
West, 2.33 feet to an iron pin; 5178

thence, still with said right-of-way, South 16 deg. 24 min. 5179
50 sec. West, 11.64 feet to an iron pin; 5180

thence, leaving said right-of-way, south 27 deg. 51 min. 07 5181
sec. West, 93.99 feet to an iron pin; 5182

thence, South 32 deg. 32 min. 15 sec. West, 129.20 feet to an 5183
iron pin in said northwest right-of-way; 5184

thence, with said right-of-way for the next four courses, 5185
with a curve to the right said curve having a radius of 2794.79 5186
feet, a chord bearing South 59 deg. 41 min. 23 sec. West, 699.44 5187
feet, and an arc length of 701.28 feet to an iron pin; 5188

thence South 82 deg. 18 min. 43 sec. West, 100.28 feet to an 5189
iron pin; 5190

thence, South 55 deg. 09 min. 18 sec. West, 202.84 feet to an 5191
iron pin; 5192

thence, with a curve to the right, said curve having a radius 5193
of 2824.79 feet, a chord bearing South 74 deg. 09 min. 55 sec. 5194
West, 126.92 feet, and an arc length of 126.94 feet to the 5195
beginning, CONTAINING 39.274 acres of land; 5196

subject to all legal highways and easements. 5197

The above description is taken from and in accordance with a 5198
survey and plat dated July 23, 1979 by Robert W. Piper, P.S., Ohio 5199
Reg. #S5964. LAST DEED REFERENCE: Volume 641, Page 68, Clermont 5200
County, Ohio Deed Records. 5201

(B) Consideration for conveyance of the real estate described 5202

in division (A) of this section is the purchase price of ten 5203
dollars. This property was originally conveyed from Ronald H. 5204
Stern, Trustee, on behalf of the Williamsburg Local School 5205
District to the State of Ohio as collateral for issued school 5206
construction facility bonds. Once the construction project was 5207
completed, the state was to have conveyed title to the real estate 5208
back to the Williamsburg Local School District, which conveyance 5209
never occurred. This section corrects that oversight. 5210

(C) The real estate described in division (A) of this section 5211
shall be sold as an entire tract and not in parcels. 5212

(D) The Williamsburg Local School District shall pay all 5213
costs associated with the purchase and conveyance of the real 5214
estate described in division (A) of this section, including 5215
recordation costs of the deed. 5216

(E) Possession of the premises prior to transfer shall be 5217
governed by an existing interim lease between the state and the 5218
Williamsburg Local School District. 5219

(F) Upon payment of the purchase price, the Auditor of State, 5220
with the assistance of the Attorney General, shall prepare a deed 5221
to the real estate described in division (A) of this section. The 5222
deed shall be executed by the Governor in the name of the state, 5223
countersigned by the Secretary of State, sealed with the Great 5224
Seal of the State, presented in the Office of the Auditor of State 5225
for recording, and delivered to the Williamsburg Local School 5226
District. The School District shall present the deed for recording 5227
in the Office of the Clermont County Recorder. 5228

(G) The net proceeds of the sale of the real estate described 5229
in division (A) of this section shall be deposited in the State 5230
Treasury to the credit of the General Revenue Fund. 5231

(H) This section expires one year after its effective date. 5232

Section 403. (A) The Governor is hereby authorized to execute 5233
a deed in the name of the state conveying to Res-Care Ohio, Inc., 5234
of Ohio, and its successors and assigns, all of the state's right, 5235
title, and interest in the following described real estate: 5236

SITUATED in the County of Franklin, State of Ohio and in the 5237
Township of Clinton, and bounded and described as follows: 5238

Being a part of Quarter Township Number One, Township Number 5239
One, Range Eighteen United States Military Lands, and being a part 5240
of Lot Number Ten of the Scioto Company subdivision of said 5241
Quarter Township Number One. 5242

BEGINNING at a point in the east line of said Lot No. Ten 208 5243
feet south of the northeast corner thereof, this said point being 5244
on the center line of Karl Road; 5245

THENCE westerly and parallel with the north of said Lot No. 5246
10, passing an iron pin at the west line marked by an iron pin; 5247

THENCE southerly and approximately parallel with the center 5248
line of Karl Road, 208 feet to a point, which point is witnessed 5249
and marked by an iron pin; 5250

THENCE easterly and parallel with the north line of said Lot 5251
No. 10, passing an iron pin at the west line of Karl Road, 1045.8 5252
feet to a point in the center line of Karl Road; 5253

THENCE northerly, following the center line of Karl Road, 5254
which center line is also the east line of the said Lot No. 10, 5255
208 feet to the point and place of beginning, the said above 5256
described premises containing 4.995 acres, more or less, subject 5257
to all legal highways, and being further described as Parcel No. 5258
20 of the recorded plat of "Pegg Farm Parcels" of record in Volume 5259
42, on Page 332 of Franklin County Miscellaneous Records, to which 5260
record reference is hereby made. 5261

EXCEPTING therefrom a strip of land 37.5 feet in width off 5262

the entire east side of the said 4.995-acre tract, said 37.5-foot 5263
strip of land being west of and adjacent to the center line of 5264
Karl Road and extending from the south property line to the north 5265
property line, a distance of 208 feet; containing 0.179 acres more 5266
or less of which the present road occupies 0.119 acres. 5267

Prior Deed Reference: Deed Volume 3744, Page 352. 5268

(B) Consideration for the conveyance of the real estate 5269
described in division (A) of this section is the purchase price of 5270
one hundred twelve thousand ninety-six dollars. 5271

(C) The real estate described in division (A) of this section 5272
shall be sold as an entire tract and not in parcels. 5273

(D) Prior to the execution of the deed described in division 5274
(E) of this section, possession of the real estate described in 5275
division (A) of this section shall be governed by an existing 5276
interim lease between the state and Res-Care Ohio, Inc. 5277

(E) Upon payment of the purchase price, the Auditor of State, 5278
with the assistance of the Attorney General, shall prepare a deed 5279
to the real estate described in division (A) of this section. The 5280
deed shall state the consideration. The deed shall be executed by 5281
the Governor in the name of the State, countersigned by the 5282
Secretary of State, sealed with the Great Seal of the State, 5283
presented in the Office of the Auditor of State for recording, and 5284
delivered to Res-Care Ohio, Inc. Res-Care Ohio, Inc., shall 5285
present the deed for recording in the Office of the Franklin 5286
County Recorder. 5287

(F) The deed shall contain a deed restriction that Res-Care 5288
Ohio, Inc., shall continue to operate an existing residential 5289
facility located on the real estate described in division (A) of 5290
this section for individuals with mental retardation and 5291
developmental disabilities for a period of time not less than five 5292
years from the date of closing. 5293

(G) The deed shall contain a deed restriction that prohibits Res-Care Ohio, Inc., from selling, conveying, or transferring ownership of the real estate described in division (A) of this section for a period of time not less than five years from the date of closing.

(H) The deed shall contain a provision that in the event of default or breach by Res-Care Ohio, Inc., on either division (F) or (G) of this section, Res-Care Ohio, Inc., shall immediately pay to the Ohio Department of Mental Retardation and Developmental Disabilities the sum equal to the Department's investment in the premises, \$1,008,866.66.

(I) Res-Care Ohio, Inc., shall pay the costs of the conveyance of the real estate described in division (A) of this section.

(J) The net proceeds of the sale of the parcel described in this section shall be deposited in the State Treasury to the credit of the Residential Facilities Support Fund within the Department of Mental Retardation and Developmental Disabilities.

(K) This section shall expire one year after its effective date.

Section 405. (A) 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 (B) of this section, all of the state's right, title, and interest in the following described real estate that the Director of Administrative Services has determined is no longer required for State of Ohio purposes:

Situated in the State of Ohio, County of Gallia, Township of Addison, being in Section 13, Town 4 N, Range 14 W, Ohio Company Purchase. Being part of that parcel of land described in Volume

180 Page 825, conveyed to the State of Ohio, and being more 5324
particularly described as follows: 5325

Commencing at a Concrete Monument found at centerline station 5326
933+36.19, said monument and stationing referenced to right of way 5327
plan Gal-35-13.45; 5328

thence S 86°42' 42" W along a random line a distance of 5329
185.72 feet to an iron pin set in the existing right of way line 5330
of S.R. 735 at 120.00 feet left of centerline station 931+95.16, 5331
and being the Grantors south east comer, said point being the **True** 5332
Place of Beginning; 5333

thence leaving said right of way line and along the Grantors 5334
southerly property line N 87° 24' 01" W (passing an iron pin found 5335
"Lambert" at 2.92 feet) a total distance of 403.54 feet to an iron 5336
pin set; 5337

thence leaving said Grantors southerly property line the 5338
following nine courses: 5339

1) N 02° 37' 33" E a distance of 14.43 feet to an iron pin 5340
set; 5341

2) N 82° 15' 08" W a distance of 52.52 feet to an iron pin 5342
set; 5343

3) N 64° 14' 07"W a distance of 103.83 feet to an iron pin 5344
set; 5345

4) N 75° 59' 40" W a distance of 108.67 feet to an iron pin 5346
set; 5347

5) N 83° 14' 38" W a distance of 109.48 feet to an iron pin 5348
set; 5349

6) N 88° 17' 52" W a distance of 105.23 feet to an iron pin 5350
set; 5351

7) S 88° 24' 56" W a distance of 100.13 feet to an iron pin 5352
set; 5353

8) N 89° 31' 31" W a distance of 271.48 feet to an iron pin set; 5354
5355

9) S 86° 28' 30" W a distance of 170.51 feet to an iron pin set on the Grantors westerly property line; 5356
5357

thence along the Grantors westerly property line N 19° 29' 41" E a distance of 378.98 feet to an iron pin found; 5358
5359

thence along the Grantors northerly property line S 87° 20' 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; 5360
5361
5362
5363
5364

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; 5365
5366
5367

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; 5368
5369
5370

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). 5371
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(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 5382
5383
5384

its present condition according to the following process: 5385

(1) The real estate described in division (A) of this section 5386
shall be sold as an entire parcel and not subdivided. 5387

(2) The Ohio Department of Mental Retardation and 5388
Developmental Disabilities, with the assistance of the Ohio 5389
Department of Administrative Services, shall have the parcel 5390
described in division (A) of this section appraised by one or more 5391
disinterested persons for a fee to be determined by and paid by 5392
the Department of Mental Retardation and Developmental 5393
Disabilities. The Director of Administrative Services shall then 5394
offer the real estate at the appraised value to the Board of 5395
County Commissioners of Gallia County. 5396

(3) If, after thirty days, the Board of County Commissioners 5397
of Gallia County has declined the offer to purchase the real 5398
estate at the appraised value, or if the Board of County 5399
Commissioners of Gallia County has accepted the offer (by 5400
executing a document entitled an "Offer to Purchase Real Estate" 5401
with the Director of Administrative Services which shall establish 5402
the terms of the conveyance) but has failed to complete the 5403
purchase, the Director of Administrative Services shall offer the 5404
real estate at the appraised value to the Board of Trustees of 5405
Addison Township. 5406

(4) If, after thirty days, the Addison Township Trustees have 5407
declined the offer to purchase the real estate at the appraised 5408
value, or if the East Union Township Trustees has accepted the 5409
offer (by executing a document entitled an "Offer to Purchase Real 5410
Estate" with the Director of Administrative Services which shall 5411
establish the terms of the conveyance) but has failed to complete 5412
the purchase, the Director of Administrative Services shall 5413
conduct a public auction and the real estate shall be sold to the 5414
highest bidder at a price acceptable to both the Director of 5415
Administrative Services and the Director of Mental Retardation and 5416

Developmental Disabilities. 5417

The Director of Administrative Services shall advertise the 5418
public auction in a newspaper of general circulation within Gallia 5419
County once a week for three consecutive weeks prior to the date 5420
of the auction. The Director of Administrative Services may reject 5421
any and all bids from the public auction. The terms of sale shall 5422
be ten per cent of the purchase price in cash, bank draft, or 5423
certified check on the date of sale, with the balance payable 5424
within sixty days after the date of sale. A purchaser who does not 5425
complete the conditions of the sale as prescribed in this division 5426
shall forfeit the ten per cent of the purchase price presented at 5427
the time of sale to the state as liquidated damages. Should a 5428
purchaser not complete the conditions of sale as described herein, 5429
the Director of Administrative Services is authorized to accept 5430
the next highest bid by collecting ten per cent of the revised 5431
purchase price from that bidder and proceed to close the sale, 5432
providing the secondary bid meets all other criteria provided for 5433
in this section. 5434

(5) Advertising costs, appraisal fees, and other costs 5435
incident to the sale of real estate described in division (A) of 5436
this section shall be paid by the Department of Mental Retardation 5437
and Developmental Disabilities. 5438

(6) Upon notice from the Director of Administrative Services 5439
that the parcel of real estate described in division (A) of this 5440
section has been sold, the Auditor of State, with the assistance 5441
of the Attorney General, shall prepare a deed to the real estate 5442
to the purchaser identified by the Director of Administrative 5443
Services. The deed shall be executed by the Governor, 5444
countersigned by the Secretary of State, presented in the Office 5445
of the Auditor of State for recording, and delivered to the 5446
grantee at closing and upon the grantee's payment of the balance 5447
of the purchase price. The grantee shall present the deed for 5448

recording in the Gallia County Recorder's Office. 5449

(7) The net proceeds of the sale of the parcel described in 5450
division (A) of this section shall be deposited in the state 5451
treasury to the credit of Fund 1520, Miscellaneous Revenue. 5452

(C) This section expires three years after its effective 5453
date. 5454

Section 407. (A) The Governor is hereby authorized to execute 5455
a deed in the name of the state conveying to the City of 5456
Gallipolis, Gallia County, Ohio, and its successors and assigns, 5457
all of the state's right, title, and interest in the following 5458
described real estate: 5459

Situated in Range 14, Township 3, Sections 23 and 29, 5460
Gallipolis City Township, Gallia County, State of Ohio 5461

Beginning at the intersection of the centerline of Mill Creek 5462
Road and the centerline of Ohio Avenue and being the true point of 5463
beginning for the following described real estate, 5464

Thence leaving the said intersection and following the 5465
centerline of Mill Creek Road, SOUTH 22° 15' 26" WEST; 48.40 feet 5466
to a point, 5467

Thence leaving the said centerline of Mill Creek Road and 5468
following the common property line of now or formerly The State of 5469
Ohio volume 60 page 542 and now or formerly The City of Gallipolis 5470
volume 242 page 511 the next eight (8) bearings and distances, 5471

Thence NORTH 49° 53' 49" WEST; 521.68 feet to an iron pin 5472
SET, 5473

Thence along a curve to the left having a radius of 300.00 5474
feet, an arc length of 359.93 feet, and a chord bearing of SOUTH 5475
41°48'28" WEST; for 338.73 feet to a point, 5476

Thence SOUTH 07°26' 13" WEST; 77.52 feet to a point, 5477

Thence along a curve to the right having a radius of 285.00 5478
feet, an arc length of 501.60 feet, and a chord bearing of SOUTH 5479
57°11' 19" WEST; for 439.32 feet to an iron pin SET, 5480

Thence NORTH 74°40'10" WEST; 79.56 feet to an iron pin SET, 5481

Thence along a curve to the left having a radius of 300.00 5482
feet, an arc length of 92.86 feet, and a chord bearing of NORTH 5483
80° 14' 18" WEST; for 92.49 feet to an iron pin SET, 5484

Thence along a curve to the left having a radius of 300.00 5485
feet, an arc length of 202.85 feet, and a chord bearing of SOUTH 5486
71°31'26" WEST; for 199.01 feet to a point, 5487

Thence SOUTH 50°04' 11" WEST; 15.00 feet to an iron pin SET 5488
on the common property line of said now or formerly City of 5489
Gallipolis volume 242 page 511 and now or formerly First Baptist 5490
Church volume 300 page 577, 5491

Thence continuing along the said common property line of now 5492
or formerly The State of Ohio volume 60 page 542 and now or 5493
formerly The City of Gallipolis volume 242 page 511 and following 5494
common property line of now or formerly The State of Ohio volume 5495
60 page 542 and now or formerly First Baptist Church volume 300 5496
page 577, NORTH 39°55'49" WEST; 50.00 feet to a point in the 5497
centerline of Ohio Avenue. 5498

Thence leaving the said common property line of now or 5499
formerly The State of Ohio volume 60 page 542 and now or formerly 5500
First Baptist Church volume 300 page 577 and following the 5501
centerline of Ohio Avenue the following two (2) bearings and 5502
distances, 5503

Thence SOUTH 50°05'10" WEST; 1149.71 feet to a point, 5504

Thence SOUTH 42°09' 15" EAST; 390.11 feet to a point, 5505

Thence leaving the said centerline of Ohio Avenue, SOUTH 5506
47°50'45" WEST; 12.67 feet to the most Southeasterly corner of Lot 5507

#4 of the Colonial Subdivision, 5508

Thence along the Southwest right of way line of Ohio Avenue, 5509
NORTH 42°09' 15" WEST; 420.94 feet to a point, 5510

Thence leaving the said Southwest right of way line of Ohio 5511
Avenue and following the Northwest right of way line of Ohio 5512
Avenue the next two (2) bearings and distances, 5513

Thence NORTH 49°11' 13" EAST; 437.47 feet to a point on the 5514
Southeast corner of Lot #1 of the Colonial Subdivision Number 2, 5515

Thence SOUTH 39°47'33" EAST; 27.23 feet to a point, 5516

Thence leaving the Northwest right of way line of Ohio Avenue 5517
and following a line that is generally parallel to and a minimum 5518
of 0.50 feet outside the existing edge of pavement of said Ohio 5519
Avenue the following eleven (11) bearings and distances, 5520

Thence NORTH 49°49'51" EAST; 602.71 feet to an iron in SET, 5521

Thence NORTH 52°13'57" EAST; 165.73 feet to an iron pin SET, 5522

Thence along a curve to the right having a radius of 286.00 5523
feet, an arc length of 264.73 feet, and a chord bearing of NORTH 5524
78°45'01" EAST; for 255.38 feet to an iron pin SET, 5525

Thence SOUTH 74°43'55" EAST; 112.44 feet to an iron pin SET, 5526

Thence along a curve to the left having a radius of 384.46 5527
feet, an arc length of 126.50 feet, and a chord bearing of SOUTH 5528
84°09'28" EAST; for 125.93 feet to an iron pin SET at a point of 5529
compound curvature, 5530

Thence along a curve to the left having a radius of 166.45 5531
feet, an arc length of 171.93 feet, and a chord bearing of NORTH 5532
56°49'32" EAST; for 164.39 feet to an iron pin SET at a point of 5533
compound curvature, 5534

Thence along a curve to the left having a radius of 379.09 5535
feet, an arc length of 147.44 feet, and a chord bearing of NORTH 5536

16°05'33" EAST; for 146.52 feet to an iron pin SET at a point of 5537
reverse curvature, 5538

Thence along a curve to the right having a radius of 409.23 5539
feet, an arc length of 730.64 feet, and a chord bearing of NORTH 5540
56°05'56" EAST; for 637.39 feet to an iron pin SET at a point of 5541
compound curvature, 5542

Thence along a curve to the right having a radius of 250.44 5543
feet, an arc length of 246.87 feet, and a chord bearing of SOUTH 5544
44°30'47" EAST; for 237.00 feet to an iron pin SET, 5545

Thence SOUTH 16°16'25" EAST; 174.13 feet to a point in the 5546
centerline of Mill Creek Road, 5547

Thence leaving the proposed Northeast right of way line of 5548
Ohio Avenue and following the centerline of Mill Creek Road, SOUTH 5549
37°22'55" WEST; 19.66 feet to the true point of beginning, 5550

Containing 4.540 acres total more or less, being a part of 5551
the real estate described in The State of Ohio in volume 60 page 5552
542, ALONG WITH part being out of 8 acre lot # 1196, Section 23 5553
being 1.670 acres more or less, ALONG WITH part being out of 5554
Subdivided Lot #4, Section 29 being 0.810 acres more or less, 5555
ALONG WITH part being out of Subdivided Lot #3, Section 29 being 5556
0.720 acres more or less, ALONG WITH part being out of Subdivided 5557
Lot #2, Section 29 being 0.700 acres more or less, ALONG WITH part 5558
being out of Ministerial lot #5, Section 29 being 0.600 acres more 5559
or less, ALONG WITH part being out of Ministerial lot #6, Section 5560
29 being 0.040 acres more or less. 5561

Subject to all legal easements, leases, and rights of way of 5562
record. Iron pin set are 1/2"x30" rebar with plastic caps I.D. 5563
caps labeled PMR 6196, all other monuments are as noted. Survey 5564
performed on 10/26/2006 by Philip M. Roberts, Ohio registered 5565
Surveyor No. 6196. 5566

(B) This section is curative in nature and is intended to 5567

redraw boundary lines and correct title encroachment issues 5568
between the State of Ohio property and the City of Gallipolis 5569
property near the Gallipolis Developmental Center under the 5570
jurisdiction of the Ohio Department of Mental Retardation and 5571
Developmental Disabilities. 5572

In exchange for the conveyance of the real estate described 5573
in division (A) of this section by the state, the City of 5574
Gallipolis shall convey to the state real property owned by the 5575
City and identified in such conveyance as the city's portion of 5576
the aforementioned encroachment issue. 5577

(C) Consideration for the conveyance of the real estate 5578
described in division (A) of this section shall be the mutual 5579
benefit derived by both the state and the City of Gallipolis 5580
through correcting the aforementioned title encroachments. 5581

(D) The real estate described in division (A) of this section 5582
shall be exchanged as an entire tract and not in parcels. 5583

(E) The Auditor of State, with the assistance of the Attorney 5584
General, shall prepare a deed to the real estate described in 5585
division (A) of this section. The deed shall state the 5586
consideration as mutual benefit. The deed shall be executed by the 5587
Governor in the name of the state, countersigned by the Secretary 5588
of State, sealed with the Great Seal of the State, presented in 5589
the Office of the Auditor of State for recording, and delivered to 5590
the City of Gallipolis. The City of Gallipolis shall present the 5591
deed for recording in the Office of the Gallia County Recorder. 5592

(F) The City of Gallipolis shall pay the costs of the 5593
conveyance of the real estate described in division (A) of this 5594
section, including recordation costs of the Governor's Deed. 5595

(G) This section expires one year after its effective date. 5596

Section 409. (A) The Governor is hereby authorized to execute 5597

a deed in the name of the state conveying to Tawawa Community 5598
Development Corporation, its successors and assigns, all of the 5599
state's right, title, and interest in the following described real 5600
estate: 5601

SITUATED in Xenia Township, Greene County, Ohio, and being 5602
part of Military Survey 929 and part of a 131.27-acre tract 5603
conveyed to Central State College by deed recorded in Book 85, 5604
Page 216 of deed records of said county, and being a 0.277-acre 5605
tract more particularly described as follows: 5606

BEGINNING at a PK nail set on the centerline intersection of 5607
Brush Row Road and State Route 42; 5608

THENCE from said point of beginning, SOUTH 53° 30' 00" WEST 5609
with the centerline of State Route 42 a distance of 172.54 feet to 5610
a PK nail set at a corner of a 3.14-acre tract conveyed to JLR 5611
Real Estate Investment Co., Inc., by deed recorded in Volume 376, 5612
Page 110 of the official records of said county; 5613

THENCE NORTH 8° 00' 00" EAST with the southeasterly line of 5614
said 3.14-acre tract a distance of 196.35 feet (passing 5/8" iron 5615
pins set at 42.06 feet and at 172.89 feet) to a PK nail set on the 5616
centerline of Brush Row Road; 5617

THENCE on a new division line SOUTH 50° 30' 00" EAST with 5618
said centerline a distance of 144.33 feet to the point of 5619
beginning containing 0.277 acres, more or less, subject, however, 5620
to all legal highways, easements, and restrictions of record. 5621

The above described parcel is now known as part of the 5622
dedicated right-of-way of Brush Row Road and State Route 42 and 5623
Part Lot 6A of Lauman & Rust Addition Replat of Lot 6 and 0.277 5624
acres as recorded in Plat Cabinet 36, Pages 313B & 314A of the 5625
plat records of said county. 5626

Prior Deed: Deed Book 85, Page 216. 5627

Basis of Bearing: Centerline of State Route 42 per Plat 5628
Cabinet 31/17B, SOUTH 53° 30' 00" WEST. 5629

The above described parcel is to be combined with the 5630
adjacent parcel (Tract B) and is not to be considered a separate 5631
building lot until it complies with all applicable zoning and 5632
subdivision regulations. 5633

The above description is the result of a field survey 5634
prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, 5635
and Judge Engineering Company, dated March 23, 2007. 5636

(B) Consideration for conveyance of the real estate is the 5637
mutual benefit accruing to the state and Tawawa Community 5638
Development Corporation for a student and community convenience 5639
center. 5640

(C) Tawawa Community Development Corporation shall pay the 5641
costs of the conveyance. 5642

(D) The Auditor of State, with the assistance of the Attorney 5643
General, shall prepare a deed to the real estate described in 5644
division (A) of this section. The deed shall be executed by the 5645
Governor in the name of the state, countersigned by the Secretary 5646
of State, sealed with the Great Seal of the state, and presented 5647
for recording in the Office of the Auditor of State. Tawawa 5648
Community Development Corporation shall present the deed for 5649
recording in the office of the Greene County Recorder. 5650

(E) This act expires one year after its effective date. 5651

Section 411. (A) The Governor is hereby authorized to execute 5652
a deed in the name of the state conveying to the Board of Trustees 5653
of Cambridge Township, Guernsey County, Ohio all of the state's 5654
right, title, and interest in the following described real estate 5655
that the Director of Administrative Services has determined is no 5656
longer required for the use and benefit of the state of Ohio: 5657

Situated in the Township of Cambridge, the County of 5658
Guernsey, and the State of Ohio. 5659

Being located in the Northwest Quarter of Section 3 and the 5660
Northeast Quarter of Section 4 of Township 2, Range 3 of the 5661
United States Military Lands and being part of the residue of a 5662
256.55 acre tract -A.P.# 02-03838.000 heretofore conveyed to the 5663
State of Ohio by Deed Volume 215 at Page 522 of the Guernsey 5664
County Deed and Official Records with the tract to be conveyed 5665
being more fully described as follows: 5666

Commencing at a mag nail (found) at the Southwest corner of 5667
the Northwest Quarter of Section 3 and the Southeast corner of the 5668
Northeast Quarter of Section 4 being also the **TRUE PLACE OF** 5669
BEGINNING of the herein described road right of way; 5670

Thence through the bounds of the aforesaid parent tract seven 5671
(7) courses: 5672

(1) Thence North 88 deg. 38 min. 07 sec. West, 40.00 feet to 5673
a point; 5674

(2) Thence North 1 deg. 53 min. 49 sec. East, 1219.32 feet to 5675
a point; 5676

(3) Thence with a curve to the right having a radius of 5677
102.78 feet, a central angle of 89 deg. 28 min. 41 sec., an arc 5678
length of 160.50 feet, and a chord which bears North 46 deg. 38 5679
min. 10 sec. East for a distance of 144.68 feet to a point; 5680

(4) Thence South 88 deg. 37 min. 29 sec. East, 1751.60 feet 5681
to a point; 5682

(5) Thence with a curve to the left having a radius of 341.02 5683
feet, a central angle of 51 deg. 40 min. 47 sec., an arc length of 5684
307.59 feet and a chord which bears North 65 deg. 32 min. 07 sec., 5685
East for a distance of 297.27 feet to a point; 5686

(6) Thence North 39 deg. 41 min. 44 sec. East, 149.74 feet to 5687

a point; 5688

(7) Thence with a curve to the right having a radius of 5689
374.65 feet, a central angle of 35 deg. 30 min. 21 sec., an arc 5690
length of 232.17 feet and a chord which bears North 57 deg. 26 5691
min. 52 sec. East for a distance of 228.47 feet to a point on the 5692
south line of a 60 acre tract heretofore conveyed to Mary M. 5693
Doench, Martha M. Ruppert, Majorie E. Braden and James R. Mason 5694
(O.R. 308, Pg. 233); 5695

Thence with said line South 88 deg. 08 min. 23 sec. East, 5696
354.16 feet to a point in County Road 35- Former U.S. Route 21 and 5697
passing on line a 1" iron pin (found) at 325.90 feet; 5698

Thence with said road and through the bounds of the aforesaid 5699
parent tract the following two (2) courses: 5700

(1) Thence South 2 deg. 01 min. 12 sec. West, 24.97 feet to a 5701
point reference by a railroad spike (set) at North 87 deg. 58 min. 5702
48 sec. West, 25.00 feet; 5703

(2) Thence South 2 deg. 01 min. 12 sec. West, 40.00 feet to a 5704
point; 5705

Thence leaving said road and continuing through the bounds of 5706
the aforesaid parent the following nine (9) courses: 5707

(1) Thence North 87 deg. 58 min. 48 sec. West, 245.76 feet to 5708
a point; 5709

(2) Thence with a curve to the left having a radius of 294.65 5710
feet, a central angle of 52 deg. 19 min. 28 sec., an arc length of 5711
269.08 feet and a chord which bears South 65 deg. 51 min. 28 sec. 5712
West for a distance of 259.83 feet to a point; 5713

(3) Thence South 39 deg. 41 min. 44 sec. West, 149.74 feet to 5714
a point; 5715

(4) Thence with a curve to the right having a radius of 5716
421.02 feet, a central angle of 38 deg. 11 min. 22 sec., an arc 5717

length of 280.62 feet and a chord which bears South 58 deg. 47 min. 23 sec. West for a distance of 275.46 feet; 5718
5719

(5) Thence South 1 deg. 20 min. 57 sec. West, 634.46 feet to a point; 5720
5721

(6) Thence with a curve to the right having a radius of 431.30 feet, a central angle of 13 deg. 21 min. 20 sec., an arc length of 100.53 feet and a chord which bears South 8 deg. 01 min. 3 sec. West for a distance of 100.31 feet to a point; 5722
5723
5724
5725

(7) Thence South 14 deg. 42 min. 16 sec. West, 121.33 feet to a point; 5726
5727

(8) Thence with a curve to the left having a radius of 137.51 feet, a central angle of 52 deg. 51 min. 50 sec., an arc length of 126.87 feet and a chord which bears South 11 deg. 43 min. 3 sec. East for a distance of 122.42 feet to a point; 5728
5729
5730
5731

(9) Thence South 38 deg. 09 min. 37 sec East, 18.56 feet to a point on the north line of a 1.934 acre tract heretofore conveyed to the Trustees of Cambridge Township, Guernsey County, Ohio (O.R. 350, Pg.65); 5732
5733
5734
5735

Thence with said line North 88 deg. 38 min. 33 sec. West, 51.13 feet to a point referenced by an iron pin (set) at North 38 deg. 09 min. 37 sec. West, 88.24 feet; 5736
5737
5738

Thence continuing with said line North 88 deg. 38 min. 33 sec. West, 46.81 feet to a point on the north line of the residue of a 62.554 acre tract heretofore conveyed to Cambridge Township, City of Cambridge, Guernsey County, Guernsey County Port Authority and the Cambridge -Guernsey County Improvement Corporation (O.R. 335, Pg. 116), referenced by a mag nail (found) at North 88 deg. 38 min. 33 sec. West, 16.34 feet; 5739
5740
5741
5742
5743
5744
5745

Thence leaving said line and through the aforesaid parent tract the following nine (9) courses: 5746
5747

(1) Thence with a curve to the right having a radius of 5748
217.51 feet a central angle of 41 deg. 15 min. 31 sec., an arc 5749
length of 156.63 feet and a chord which bears North 5 deg. 55 min. 5750
2 sec. West for a distance of 153.27 feet to a point; 5751

(2) Thence North 14 deg. 42 min. 16 sec. East, 121.33 feet to 5752
a point; 5753

(3) Thence with a curve to the left having a radius of 351.30 5754
feet, a central angle of 13 deg. 21 min. 20 sec., an arc length of 5755
81.89 feet and a chord which bears North 8 deg. 01 min. 37 sec. 5756
East for a distance of 81.70 feet to a point; 5757

(4) Thence North 1 deg. 20 min. 57 sec. East, 623.27 feet to 5758
a point; 5759

(5) Thence with a curve to the right having a radius of 5760
421.02 feet, a central angle of 2 deg. 28 min. 49 sec., an arc 5761
length of 18.23 feet and a chord which bears North 89 deg. 51 min. 5762
29 sec. West for a distance of 18.22 feet to a point; 5763

(6) Thence North 88 deg. 37 min. 29 sec. West, 1751.60 feet 5764
to a point; 5765

(7) Thence with a curve to the left having a radius of 22.78 5766
feet, a central angle of 89 deg. 28 min. 41 sec., an arc length of 5767
35.57 feet, and a chord which bears South 46 deg. 38 min. 10 sec 5768
West for a distance of 32.06 feet to a point; 5769

(8) Thence South 1 deg. 53 min. 49 sec. West, 1178.57 feet to 5770
a point; 5771

(9) Thence South 88 deg. 38 min. 07 sec. East, 1148.69 feet 5772
to a point on a bound of the aforesaid residue of a 62.554 acre 5773
tract; 5774

Thence with said bound South 1 deg. 28 min. 54 sec. West, 5775
40.00 feet to a mag nail (found) on the north line of a 15.842 5776
acre tract heretofore conveyed to Cambridge Township (O.R 335, Pg. 5777

120) a on the south line of the Northwest Quarter of Section 3; 5778

Thence with said line North 88 deg. 38 min. 07 sec. West, 5779
1188.98 feet to the TRUE PLACE OF BEGINNING containing 10.315 5780
acres_more or less but subject to all legal highways, 5781
rights-of-way, easements, leases and restrictions of record or 5782
otherwise legally established. 5783

Bearings herein are oriented to north as determined by GPS 5784
observation, All iron pins set are 5/8"x30" re- bars with yellow 5785
plastic caps stamped "WARD 7356", 5786

The above described tract consists of 1.254 acres in Section 5787
4 and 9.061 in Section 3. 5788

(B) The General Assembly finds that the mutual benefit and 5789
exchange of services accruing to the State of Ohio from the 5790
conveyance of the real estate under this section is in the best 5791
interests of the State of Ohio and specifically beneficial to the 5792
Ohio Department of Mental Retardation and Developmental 5793
Disabilities. The Board of Trustees of Cambridge Township in 5794
Guernsey County, Ohio, agrees to accept the deed and assume 5795
responsibility for all maintenance and upkeep of the roadways 5796
thereon, following transfer from the state. Once title to the the 5797
roadways are transferred pursuant to this section of the act, the 5798
Board of Trustees of Cambridge Township agree to perpetually 5799
dedicate the roadways herein to the public's use. 5800

(C) The Auditor of State, with the assistance of the Attorney 5801
General, shall prepare a deed to the real estate described in 5802
division (A) of this section. The deed shall state the 5803
consideration as mutual benefit and exchange of services. The deed 5804
shall be executed by the Governor in the name of the state, 5805
countersigned by the Secretary of State, sealed with the Great 5806
Seal of the State, presented in the office of the Auditor of State 5807
for recording, and delivered to the Board of Trustees of Cambridge 5808

Township in Guernsey County, Ohio, who shall present the deed for 5809
recording in the office of the Guernsey County Recorder. 5810

(D) The Board of Trustees of Cambridge Township shall pay the 5811
costs of the conveyance of the real estate described in this 5812
section of this act. 5813

(E) This section expires two years after its effective date. 5814

Section 413. (A) The Governor is hereby authorized to execute 5815
a deed in the name of the state conveying to Cambridge Real Estate 5816
Holdings, LLC., hereafter the grantee, and its successors and 5817
assigns, all of the state's right, title, and interest in the 5818
following described real estate: 5819

Parcel One: Beginning for reference at a pk nail found at the 5820
Southwest Corner of the Northwest Quarter of Section 3, also being 5821
in the centerline of two private roads (Oldham and Lalakus); 5822

thence along the south line of said Northwest Quarter of 5823
Section 3, also being the south line of the lands now owned by 5824
State of Ohio (D.V. 215, Pg. 522) and the north line of the lands 5825
now owned by Cambridge Township (OR 335, Pg. 120), and the 5826
centerline of a private road (Oldham), South 89 degrees 12 minutes 5827
53 seconds East 248.68 feet to a pk nail set; 5828

thence leaving said centerline and through the lands now 5829
owned by the State of Ohio (D.V. 215, Pg. 522), North 00 degrees 5830
32 minutes 51 seconds East 40.00 feet to an iron pin set also 5831
being the true point of beginning; 5832

thence continuing through the said lands now owned by the 5833
State of Ohio (D.V. 215, Pg. 522), North 00 degrees 32 minutes 51 5834
seconds East 896.44 feet to an iron pin set adjacent to the west 5835
side of an existing concrete sidewalk; 5836

thence along the west side of said existing sidewalk, North 5837
00 degrees 32 minutes 51 seconds East 100.97 feet to an iron pin 5838

set adjacent to the south side of an existing concrete sidewalk; 5839

thence along the south side of said existing sidewalk, South 5840
89 degrees 27 minutes 08 seconds East 172.75 feet to a pk nail 5841
set; 5842

thence through and along the east side of an existing 5843
concrete sidewalk, South 00 degrees 13 minutes 51 seconds East 5844
238.38 feet to a pk nail set; thence approximately eight feet 5845
north of and parallel to the centerline of a private road 5846
(unnamed), South 89 degrees 09 minutes 24 seconds East 994.03 feet 5847
to an iron pin set adjacent to the north side of an existing 5848
concrete drive; 5849

thence along said north line of an existing concrete drive, 5850
North 88 degrees 42 minutes 07 seconds East 20.38 feet to an iron 5851
pin set; 5852

thence with a curve to the left having an arc length of 31.77 5853
feet, a radius of 22.51 feet, with a chord bearing of North 47 5854
degrees 36 minutes 43 seconds East for a distance of 29.20 feet to 5855
an iron pin set adjacent to the east side of an existing concrete 5856
drive; 5857

thence along said east side of an existing concrete drive, 5858
North 00 degrees 46 seconds 22 minutes East 140.27 feet to an iron 5859
pin set; 5860

thence leaving said east side of an existing concrete drive, 5861
South 89 degrees 56 minutes 11 seconds East 17.06 feet to a point 5862
on the north line of an existing concrete sidewalk; thence along 5863
the north line of said existing concrete sidewalk the following 5864
ten courses: 5865

1) South 70 degrees 32 minutes 48 seconds East a distance of 7.52 5866
feet to a point; 5867

2) South 62 degrees 55 minutes 21 seconds East a distance of 16.75 5868

feet to a point;	5869
3) South 59 degrees 01 minutes 31 seconds East a distance of 25.04	5870
feet to a point;	5871
4) South 55 degrees 07 minutes 32 seconds East a distance of 21.39	5872
feet to a point;	5873
5) South 59 degrees 19 minutes 35 seconds East a distance of 32.98	5874
feet to a point;	5875
6) South 65 degrees 44 minutes 51 seconds East a distance of 713	5876
feet to a point;	5877
7) South 77 degrees 52 minutes 46 seconds East a distance of 2.97	5878
feet to a point;	5879
8) North 61 degrees 31 minutes 04 seconds East a distance of 10.16	5880
feet to a point;	5881
9) North 83 degrees 16 minutes 35 seconds East a distance of 51.52	5882
feet to a point;	5883
10) South 89 degrees 28 minutes 00 seconds East a distance of 9.98	5884
feet to a point being a common corner of said north side of	5885
existing concrete sidewalk and the west side of an existing	5886
concrete drive;	5887
thence along said west side of an existing concrete drive,	5888
North 00 degrees 31 minutes 02 seconds West a distance of 21.56	5889
feet to an iron pin set;	5890
thence leaving said west side of an existing concrete drive	5891
and continuing along the north side of an existing concrete	5892
sidewalk the following five courses:	5893
1) South 89 degrees 09 minutes 21 seconds East a distance of 47.98	5894
feet to a point;	5895
2) South 61 degrees 54 minutes 41 seconds East a distance of 49.48	5896
feet to a point;	5897

3) North 88 degrees 36 minutes 50 seconds East a distance of 50.28 feet to a point; 5898
5899

4) South 61 degrees 16 minutes 33 seconds East a distance of 10.06 feet to a point; 5900
5901

5) North 88 degrees 56 minutes 31 seconds East a distance of 49.91 feet to an iron pin set; 5902
5903

thence leaving said north line of existing concrete sidewalk and forty feet west of and parallel to the centerline of a private road (Gibson) the following three courses: 5904
5905
5906

1) South 00 degrees 46 minutes 11 seconds West 338.29 feet to an iron pin set; 5907
5908

2) South 14 degrees 07 minutes 30 seconds West 162.46 feet to an iron pin set; 5909
5910

3) With a curve to the left having an arc length of 156.62 feet, a radius of 217.51 feet, with a chord bearing of South 06 degrees 30 minutes 12 seconds East for a distance of 153.25 feet to a point in the centerline of a private road (Fletcher); 5911
5912
5913
5914

thence following the south line of lands now owned by said State of Ohio (D.V. 215, Pg. 522), North 89 degrees 13 minutes 28 seconds West 636.54 feet to a pk nail found in the intersection of two private roads (Fletcher and unnamed), passing a pk nail found in the centerline of a private road (Fletcher) at 16.37 feet; 5915
5916
5917
5918
5919

thence following the centerline of a private road (unnamed) South 00 degrees 54 minutes 08 seconds West 226.57 feet to a pk nail found in the centerline of said private road and private road (unnamed) and also being forty feet north of a pk nail found in the intersection of said private road and private road (Oldham); 5920
5921
5922
5923
5924

thence forty feet north of and parallel to the centerline of a private road (Oldham) North 89 degrees 12 minutes 53 seconds West 940.30 feet to the true point of beginning; containing 26.32 5925
5926
5927

acres, more or less, subject to all legal road right of ways and 5928
applicable easements, written or implied. 5929

Part of Parcel No. 02-03838.000 (\pm 26.32 acres) 5930

Parcel Two: Beginning for reference at a pk nail found at the 5931
Southeast Corner of the Northwest Quarter of Section 3, also being 5932
in the intersection of C.R. 35 (Old U.S. Rt. 21) and C.R. 633; 5933

thence along the centerline of said C.R. 35 North 01 degrees 5934
32 minutes 37 seconds East 266.78 feet to a point in the 5935
centerline of said C.R. 35 also being the southeast corner of the 5936
lands now owned by State of Ohio (D.V. 215, Pg. 522) and also 5937
being the true point of beginning; 5938

thence leaving said centerline of C.R. 35 and following the 5939
south line of said lands now owned by State of Ohio (D.V. 215, Pg. 5940
522), North 89 degrees 13 minutes 28 seconds West 605.52 feet to 5941
an iron pin found, passing iron pins found at 49.98 feet and 5942
418.50 feet; 5943

thence continuing along said line North 89 degrees 13 minutes 5944
19 seconds West 185.67 feet to a point being 40 feet east of and 5945
parallel to the centerline of a private road (Gibson); 5946

thence crossing said lands now owned by State of Ohio and 5947
continuing 40 feet east of and parallel to said centerline the 5948
following four courses: 5949

1) North 38 degrees 44 minutes 21 seconds West 18.55 feet to a 5950
point; 5951

2) with a curve to the right having an arc length of 126.87 feet, 5952
a radius of 137.51 feet, with a chord bearing of North 06 degrees 5953
30 minutes 12 seconds West for a distance of 122.42 feet to an 5954
iron pin set; 5955

3) North 14 degrees 07 minutes 30 seconds East 171.82 feet to an 5956
iron pin set; 5957

4) North 00 degrees 46 minutes 11 seconds East 351.22 feet to a pk nail set in an asphalt parking lot; 5958
5959
 thence North 87 degrees 48 minutes 25 seconds East 339.69 feet to an iron pin set; 5960
5961
 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; 5962
5963
5964
 thence following said centerline of C.R. 35 the following four courses: 5965
5966
1) South 39 degrees 18 minutes 52 seconds West a distance of 171.23 feet to a point; 5967
5968
2) South 28 degrees 09 minutes 52 seconds West a distance of 138.5 feet to a point; 5969
5970
3) South 01 degrees 32 minutes 55 seconds West a distance of 292.31 feet to a point; 5971
5972
4) South 01 degrees 25 minutes 35 seconds West a distance of 67.85 feet to the true point of beginning; 5973
5974
 containing 12.60 acres, more or less, subject to all legal road right of ways and applicable easements, written or implied. 5975
5976
 Part of Parcel No. 02-03838.000 (\pm 12.60 acres) 5977
5978
 (B) Consideration for conveyance of the real estate described in division (A) of this section is the purchase price of three million two hundred thousand dollars. The payment of the final purchase price of three million two hundred thousand dollars shall be less the aggregate amount of monthly rental payments paid from October 1, 2008, through the date of closing and less one-half of the cost of surveying the Premises. 5979
5980
5981
5982
5983
5984
 (C) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels. 5985
5986

(D) The deed shall contain a deed restriction that the 5987
grantee shall grant the state a permanent access easement across 5988
Road 4, the access drive that runs south of Keller, in form and 5989
content acceptable to the state. 5990

(E) The deed shall contain a deed restriction that the 5991
grantee agrees that it shall not use, develop, or sell the 5992
premises such that it will interfere with the quiet enjoyment of 5993
the neighboring state-owned land. 5994

(F) Upon payment of the purchase price, the Auditor of State, 5995
with the assistance of the Attorney General, shall prepare a deed 5996
to the real estate described in division (A) of this section. The 5997
deed shall state the consideration and restrictions and shall be 5998
executed by the Governor in the name of the state, countersigned 5999
by the Secretary of State, sealed with the Great Seal of the 6000
State, presented in the Office of the Auditor of State for 6001
recording, and delivered to the grantee. The grantee shall present 6002
the deed for recording in the Office of the Guernsey County 6003
Recorder. 6004

(G) The grantee shall pay all costs associated with the 6005
purchase and conveyance of the real estate described in division 6006
(A) of this section, including recordation costs of the deed. 6007

(H) The net proceeds of the sale of the real estate described 6008
in division (A) of this section shall be deposited in the State 6009
Treasury to the credit of the General Revenue Fund. 6010

(I) This section expires one year after its effective date. 6011

Section 415. (A) The Governor is hereby authorized to execute 6012
a deed in the name of the state conveying to the City of Norwalk, 6013
its successors and assigns, all of the state's right, title, and 6014
interest in the following described real estate: 6015

SITUATED in the City of Norwalk, County of Huron, and State 6016

of Ohio and known as part of Lot No. 1234, said part being bounded 6017
as follows: 6018

BEGINNING at a point on the north line of Monroe Street, 6019
fifteen feet east of the Gilger Theater, thence easterly along the 6020
north line of said Monroe Street, sixty-five feet, thence 6021
northerly parallel with the east line of said Lot No. 1234, one 6022
hundred and fifty feet, thence westerly, parallel with the north 6023
line of said Monroe Street, sixty-five feet, thence southerly, 6024
parallel with the east line of said Lot No. 1234, one hundred 6025
fifty feet to the place of beginning. 6026

And being the same premises heretofore conveyed by F.B. Case 6027
and Elsie Hume Case, by deed of general warranty, to the State of 6028
Ohio, dated the first of June, 1910, and recorded in Deed Book No. 6029
77, pages 518-519, of the County of Huron, Ohio Record of Deeds. 6030

Parcel Number: 33-0200-01-031-0000 6031

(B) Consideration for the conveyance of the real estate 6032
described in division (A) of this section shall be fifty-five 6033
thousand dollars and paid to the state according to the following 6034
schedule as derived by mutual agreement reached between the state 6035
and the City of Norwalk through an executed offer to purchase: 6036

(1) Twenty thousand dollars at closing and transfer of title 6037
in accordance with this section. 6038

(2) Twenty-five thousand dollars credited at closing for 6039
tenant improvements the City of Norwalk has made to the real 6040
estate described in division (A) of this section. 6041

(3) Ten thousand dollars due and payable on the initial 6042
anniversary of the closing date. 6043

(C) The real estate described in division (A) of this section 6044
shall be sold as an entire tract and not in parcels. 6045

(D) Prior to the execution of the deed described in division 6046

(E) of this section, possession of the real estate described in 6047
division (A) of this section shall be governed by an existing 6048
interim lease between the Ohio Department of Administrative 6049
Services and the City of Norwalk. 6050

(E) Upon payment of the purchase price, the Auditor of State, 6051
with the assistance of the Attorney General, shall prepare a deed 6052
to the real estate described in division (A) of this section. The 6053
deed shall state the consideration and shall be executed by the 6054
Governor in the name of the state, be countersigned by the 6055
Secretary of State, sealed with the Great Seal of the State, 6056
presented in the Office of the Auditor of State for recording, and 6057
delivered to the City of Norwalk. The City shall present the deed 6058
for recording in the Office of the Huron County Recorder. 6059

(F) The deed shall contain the following deed restriction: 6060

This conveyance is subject to the qualifications and 6061
conditions set forth in the deed of F.B. and Elsie Hume Case to 6062
the State of Ohio, bearing date June 1, 1910, recorded in the deed 6063
records of Huron County, Volume 77, Pages 518 and 519, which deed 6064
states that "[i]f at any time said premises shall cease to be used 6065
as a site for an Armory or other Public Building, then said 6066
premises shall revert to the said F.B. Case, the grantor, his 6067
heirs or assigns, be the same more or less, but subject to all 6068
legal highways. 6069

(G) The City of Norwalk shall pay the costs of the conveyance 6070
of the real estate described in division (A) of this section, 6071
including recording costs of the deed. 6072

(H) The net proceeds of the sales of the parcel described in 6073
division (A) of this section shall be deposited in the state 6074
treasury to the credit of the Armory Improvements Fund created 6075
pursuant to section 5911.10 of the Revised Code. 6076

(I) This section shall expire one year after its effective 6077

date. 6078

Section 417. (A) The Governor is hereby authorized to execute 6079
a deed in the name of the state conveying to The University of 6080
Toledo Foundation ("Grantee"), an Ohio 501(C)(3), not-for-profit 6081
corporation, all of the state's right, title and interest in the 6082
following described real estate: 6083

A parcel of land in the southwest quarter of Fractional 6084
Section 32, Town 9 South, Range 7 East, City of Toledo, Lucas 6085
County, Ohio, comprising part of Joseph Brothers Addition recorded 6086
in Plat Book 59, Page 26, Lucas County Recorder's Office, part of 6087
the W.A. Hodge Addition, recorded in Plat Book 28, Page 21, Lucas 6088
County Recorder's Office, and parts of vacated roads within the 6089
W.A. Hodge Subdivision, further bounded and described as follows: 6090

Commencing at the intersection of the centerlines of Dorr 6091
Street, as it now exists, and Secor Road, as it now exists, said 6092
intersection being marked with an empty monument box, (point 6093
established using reference nails); 6094

thence North 01 degrees 28 minutes 54 seconds West a distance 6095
of 214.07 feet (214.20 feet record) along said centerline of Secor 6096
Rd., to the northerly line of a parcel of land conveyed to JMB 6097
Investments, LLC in Instrument Number 200612290087115, Lucas 6098
County Recorder's Office; 6099

thence North 89 degrees 57 minutes 51 seconds East a distance 6100
of 50.01 feet along the northerly line of said JMB Investment 6101
parcel, to the easterly existing right of way line of Secor Rd., 6102
(Railroad Spike found 0.04 feet North, 0.01 feet East), said point 6103
being the TRUE POINT OF BEGINNING; 6104

thence North 01 degrees 28 minutes 54 seconds West a distance 6105
of 1055.10 feet along said easterly existing right of way line of 6106
Secor Rd., same being the westerly line of said Joseph Brothers 6107

Addition and the westerly property line of the Grantor, to a 6108
capped iron rod set on the northerly line of said Joseph Brothers 6109
Addition; 6110

thence South 75 degrees 26 minutes 34 seconds East a distance 6111
of 541.38 feet along said northerly line of said Joseph Brothers 6112
Addition, same formally being the southerly right of way line of 6113
the Toledo-Angola and Western Railroad, to a capped iron rod set; 6114

thence South 00 degrees 03 minutes 32 seconds West a distance 6115
of 162.81 feet along a line that is 5.00 feet westerly of and 6116
parallel with a westerly face of Rocket Hall as it now exists, to 6117
a capped iron rod set; 6118

thence North 89 degrees 56 minutes 28 seconds West a distance 6119
of 9.60 feet along a line that is 5.00 feet westerly of and 6120
perpendicular to a westerly face of Rocket Hall as it now exists, 6121
to a capped iron rod set; 6122

thence South 00 degrees 03 minutes 32 seconds West a distance 6123
of 30.28 feet along a line that is 5.00 feet westerly of and 6124
parallel with a westerly face of Rocket Hall as it now exists, to 6125
a capped iron rod set; 6126

thence North 89 degrees 56 minutes 28 seconds West a distance 6127
of 34.30 feet along a line that is 5.00 feet westerly of and 6128
perpendicular to a westerly face of Rocket Hall as it now exists, 6129
to a capped iron rod set; 6130

thence South 00 degrees 03 minutes 32 seconds West a distance 6131
of 116.56 feet along a line that is 5.00 feet westerly of and 6132
parallel with a westerly face of Rocket Hall as it now exists, to 6133
a capped iron rod set; 6134

thence North 89 degrees 56 minutes 28 seconds West a distance 6135
of 14.10 feet along a line that is 5.00 feet westerly of and 6136
perpendicular to a westerly face of Rocket Hall as it now exists, 6137
to a capped iron rod set; 6138

thence South 00 degrees 03 minutes 32 seconds West a distance 6139
of 227.18 feet along a line that is 5.00 feet westerly of and 6140
parallel with a westerly face of Rocket Hall as it now exists, to 6141
a capped iron rod set; 6142

thence South 89 degrees 56 minutes 28 seconds East a distance 6143
of 13.49 feet along a line that is 5.00 feet westerly of and 6144
perpendicular to a westerly face of Rocket Hall as it now exists, 6145
to a capped iron rod set; 6146

thence South 00 degrees 03 minutes 32 seconds West a distance 6147
of 77.47 feet along a line that is 5.00 feet westerly of and 6148
parallel with a westerly face of Rocket Hall as it now exists, to 6149
a capped iron rod set; 6150

thence South 89 degrees 56 minutes 28 seconds East a distance 6151
of 394.66 feet along a line that is 5.00 feet southerly of and 6152
parallel with a southerly face of Rocket Hall as it now exists, to 6153
a "MAG" nail set on the approximate centerline of West Campus 6154
Road, a private road on the campus of the University of Toledo; 6155

thence South 00 degrees 01 minutes 03 seconds East a distance 6156
of 207.74 feet along the approximate centerline of said West 6157
Campus Rd., to a "MAG" nail set at a point of curvature in said 6158
approximate centerline; 6159

thence in a southeasterly direction along the approximate 6160
centerline of said West Campus Rd., along an arc of curve to the 6161
left an arc distance of 233.19 feet to a "MAG" nail set at the 6162
point of tangency, said arc of arc curve to the left having a 6163
radius of 148.50 feet, a central angle of 89 degrees 58 minutes 25 6164
seconds, a chord distance of 209.96 feet and a chord bearing of 6165
South 45 degrees 00 minutes 15 seconds East; 6166

thence South 89 degrees 59 minutes 28 seconds East a distance 6167
of 575.63 feet along the approximate centerline of said West 6168
Campus Rd., to a "MAG" nail set at a point of curvature in said 6169

approximate centerline; 6170

thence in a northeasterly direction along an arc that is 6171
approximately 15 feet northwesterly of the southerly face of curb 6172
line of said West Campus Rd., along an arc of curve to the left an 6173
arc distance of 179.70 feet to a "MAG" nail set at a point of 6174
tangency, said arc of curve to the left having a radius of 250.50 6175
feet, a central angle of 41 degrees 06 minutes 10 seconds, a chord 6176
distance of 175.87 feet and a chord bearing of North 69 degrees 27 6177
minutes 27 seconds East: 6178

thence North 48 degrees 54 minutes 22 seconds East a distance 6179
of 135.26 feet along a line that is approximately 15 feet 6180
northwesterly of the southerly face of curb line of said West 6181
Campus Rd., to a "MAG" nail set at a point of curvature; 6182

thence in an easterly direction, along an arc that is 6183
approximately 15 feet northerly of the southerly face of curb line 6184
of said West Campus Rd., along an arc of curve to the right an arc 6185
distance of 140.67 feet to a "MAG" nail set an a point of compound 6186
curvature, said arc of curve to the right having a radius of 6187
166.50 feet, a central angle of 48 degrees 24 minutes 27 seconds, 6188
a chord distance of 136.52 feet and a chord bearing of North 73 6189
degrees 06 minutes 35 seconds East; 6190

thence in a southeasterly easterly direction along an arc 6191
that is approximately 15 feet northeasterly of the westerly face 6192
of curb line of said West Campus Rd., along an arc of curve to the 6193
right an arc distance of 69.61 feet to a "MAG" nail set at a point 6194
of tangency, said arc of curve to the right having a radius of 6195
49.00 feet, a central angle of 81 degrees 24 minutes 02 seconds, a 6196
chord distance of 63.91 feet and a chord bearing of South 41 6197
degrees 59 minutes 10 seconds East; 6198

thence South 01 degrees 17 minutes 09 seconds East a distance 6199
of 42.68 feet along a line that is approximately 15 feet easterly 6200

of the westerly face of curb line of said West Campus Rd to a 6201
"MAG" nail; 6202

thence South 00 degrees 04 minutes 25 seconds East a distance 6203
of 206.93 feet along a line that is approximately 15 feet easterly 6204
of the westerly face of curb line of said West Campus Rd to a 6205
"MAG" nail set on the northerly existing right of way line of said 6206
Dorr St.; 6207

thence North 90 degrees 00 minutes 00 seconds West a distance 6208
of 536.86 feet along said northerly existing right of way line of 6209
Dorr St., said line being 54 feet northerly of and parallel with 6210
the centerline of said Dorr St. and also being the southerly 6211
property line of the Grantor, to an capped iron rod set; 6212

thence South 89 degrees 57 minutes 51 seconds West a distance 6213
of 779.02 feet continuing along said northerly existing right of 6214
way line of Dorr St., said line being 54.00 feet northerly of and 6215
parallel with the centerline of said Dorr St. and also being the 6216
southerly property line of the Grantor, to an capped iron rod set 6217
on the easterly line of said Joseph Brothers Addition; 6218

thence South 00 degrees 04 minutes 11 seconds West a distance 6219
of 4.00 feet continuing along said northerly existing right of way 6220
line of said Dorr St., same being the easterly line of said Joseph 6221
Brothers Addition and a westerly property line of the Grantor, to 6222
a capped iron rod set; 6223

thence South 89 degrees 57 minutes 51 seconds West a distance 6224
of 560.29 feet continuing along said northerly existing right of 6225
way line of said Dorr St., same being the southerly line of said 6226
Joseph Brothers Addition and the southerly property line of the 6227
Grantor to a point on the easterly line of a parcel of land 6228
conveyed to JMB Investments, LLC in Instrument Number 6229
200612290087115, Lucas County Recorder's Office, (D.G. Bohning 6230
capped iron rod found 0.08 feet North, 0.00 feet East); 6231

thence North 00 degrees 02 minutes 09 seconds West a distance 6232
of 164 feet along said easterly line of a parcel of land conveyed 6233
to JMB Investments, LLC, to a point, ("MAG" nail found 0.00 feet 6234
North, 0.06 feet East); 6235

thence South 89 degrees 57 minutes 51 seconds West a distance 6236
of 135.39 feet along said northerly line of a parcel of land 6237
conveyed to JMB Investments, LLC to the TRUE POINT OF BEGINNING 6238
enclosing an area of 20.140 acres, more or less, contained within 6239
Lucas County Auditor's parcel numbers 20-83900 (1.004 acres), 6240
20-83911 (1.467 acres), 20-83920 (0.560 acres), 20-83931 (0.390 6241
acres), 20-83941 (1.659 acres), 20-83960 (9.101 acres) and 6242
20-83964 (0.348 acres) within said Joseph Brothers Addition and 6243
Lucas County Auditor's parcel number 20-83720 (5.611 acres) within 6244
said W.A. Hodge Addition, subject to any and all leases, easements 6245
and restrictions of record. 6246

The basis of bearings shown are relative an assumed meridian 6247
and are shown to denote angular measurement only. 6248

This description was prepared by Teresa L. Tucker and 6249
reviewed by Kenneth E. Ducat, Registered Surveyor Number 6783, DGL 6250
CONSULTING ENGINEERS, LLC, on September 4, 2008. This description 6251
is based on a field survey made in January of 2008 by DGL 6252
CONSULTING ENGINEERS, LLC under the direction and supervision of 6253
Kenneth E. Ducat, Registered Surveyor No. 6783. 6254

(B) Consideration for the conveyance of the real estate 6255
described in division (A) of this section shall be the mutual 6256
benefit accruing to the state and the Grantee for a new parking 6257
structure. The following conditions apply to the transaction: 6258

(1) Grantee will facilitate a development on the real estate 6259
described in division (A) of this section pursuant to a request 6260
for proposal issued by Grantee; 6261

(2) Grantee shall construct a parking structure built upon 6262

the real estate described in division (A) of this section in the 6263
initial phase of the development. The University of Toledo shall 6264
have use of the parking structure for its students, faculty, and 6265
staff. The University of Toledo shall not be financially 6266
responsible for construction of or any current or future 6267
maintenance to the parking structure. 6268

(3) The value derived by The University of Toledo from the 6269
Grantee is determined to be \$15,000 per parking space calculated 6270
to guarantee a minimum total tangible value of \$7,500,000 over a 6271
term of forty years, commencing on the date The University of 6272
Toledo begins use of the proposed parking spaces. 6273

(4) A condition precedent to the delivery of the deed shall 6274
be approval by the Ohio Attorney General's Office of a lease 6275
agreement between The University of Toledo and the Grantee 6276
affecting the proposed parking structure. 6277

The real estate closing for delivery of the deed and the 6278
closing of construction financing by the Grantee or Grantee's 6279
developer for the first phase of construction shall be 6280
simultaneous. 6281

(C) The real estate described in division (A) of this section 6282
shall be sold as an entire tract and not in parcels. 6283

(D) Prior to the execution of the deed described in division 6284
(E) of this section, possession of the real estate described in 6285
division (A) of this section shall be governed by an existing 6286
interim lease between the Ohio Department of Administrative 6287
Services and the Grantee. 6288

(E) The Auditor of State, with the assistance of the Attorney 6289
General, shall prepare a deed to the real estate described in 6290
division (A) of this section. The deed shall state the 6291
consideration and shall be executed by the Governor in the name of 6292
the state, countersigned by the Secretary of State, sealed with 6293

the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the deed for recording in the office of the Lucas County Recorder.

(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; 6324

Thence across said 3.789 acre tract, North 01°09'03" East, 6325
passing an iron pin set in the northerly line of said Skeels Road 6326
at 30.00 feet, a total distance of 312.83 feet to an iron pin set 6327
on the southerly property line of that 143.225 acre tract as 6328
conveyed to Hope E. Rock in Deed Volume 260, Page 340; 6329

Thence along the southerly line of said Hope E. Rock tract, 6330
South 87°34'57" East, 200.00 feet to an iron pin found; 6331

Thence along the westerly line of the said Charles G. Knapke 6332
and Martin R. Knapke tract, South 05°12'03" West, passing an iron 6333
pin found in the northerly line of said Skeels Road at 281.45 6334
feet, a total distance of 311.44 feet to the Point of Beginning 6335
and containing 1.353 total acres (0.123 acres in Right-of-Way, 6336
leaving a residual of 1.230 acres), more or less according to a 6337
survey conducted by Jobes Henderson & Associates, Inc. in May of 6338
2007. 6339

Said 1.353 acre tract to be added to the tract to the East, 6340
2.995 acre tract as conveyed to Charles G. Knapke and Martin R. 6341
Knapke in Deed Volume 322, Page 542. 6342

The above described 1.353 acre parcel is contained within 6343
Mercer County Auditor Parcel Number 04-28-200-002, Tax Number 6344
28-009350.0000. 6345

The bearings in the above description are based on the Ohio 6346
State Plane Coordinate System, Ohio North Zone, NAD83. 6347

All iron pins set are 5/8" rebar by 30 inches in length with 6348
red surveyors identification caps marked "J&H, PS 8283". 6349

DESCRIPTION FOR 2.414 ACRE PARCEL 6350

Situated in the State of Ohio, County of Mercer, Township of 6351
Liberty, being part of the Northeast Quarter of Section 28, 6352
Township 5 South, Range 1 East, and being 2.414 acres out of that 6353

3.789 acre tract as conveyed to State of Ohio in Official Record 6354
Book 153, Page 48, all references being to those of record in the 6355
Recorder's Office, Mercer County, Ohio, said 2.414 acre parcel 6356
being more particularly bounded and described as follows: 6357

Commencing at a mag nail found at the southeast corner of the 6358
northeast quarter of Section 28, and at intersection of Skeels 6359
Road (60 foot in width) and Wabash Road (40 foot in width); 6360

Thence along the centerline of said Skeels Road and the half 6361
section line of Section 28, North 88°07'29" West, passing a 6362
railroad spike found at the southwesterly corner of that 2.995 6363
acre tract as conveyed to Charles G. Knapke and Martin R. Knapke 6364
in Deed Volume 322, Page 542 at 818.74 feet, a total distance of 6365
996.71 feet, said point being the **Point of Beginning** of the 2.414 6366
acre parcel herein described; 6367

Thence continuing along the said centerline and the said half 6368
section line, North 88°07'29" West, 334.53 feet to a mag nail 6369
found at the southeasterly corner of that 143.225 acre tract as 6370
conveyed to Hope E. Rock in Deed Volume 260, Page 340; 6371

Thence along the easterly line of said Hope E. Rock tract, 6372
North 01°09'03" East, passing an iron pin found in the northerly 6373
line of said Skeels Road at 30.00 feet, a total distance of 316.00 6374
feet to an iron pin set; 6375

Thence along the southerly line of said Hope E. Rock tract, 6376
South 87°34'57" East, 334.59 feet to an iron pin set; 6377

Thence across said 3.789 acre tract, South 01°09'03" West, 6378
passing an iron pin set in the northerly line of said Skeels Road 6379
at 282.83 feet, a total distance of 312.83 feet to the Point of 6380
Beginning and containing 2.414 acres (0.230 acres in Right-of-Way, 6381
leaving a residual of 2.184 acres), more, more or less according 6382
to a survey conducted by Jobes Henderson & Associates, Inc. in May 6383
of 2007. 6384

The above described 2.414 acre parcel is contained within 6385
Mercer County Auditor Parcel Number 04-28-200-002, Tax Number 6386
28-009350.0000. 6387

The bearings in the above description are based on the Ohio 6388
State Plane Coordinate System, Ohio North Zone, NAD83. 6389

All iron pins set are 5/8" rebar by 30 inches in length with 6390
red surveyors identification caps marked "J&H, PS 8283". 6391

Subject to all valid and existing easements, restrictions and 6392
conditions of record. 6393

(B) Consideration for the conveyance of the real estate 6394
described in division (A) of this section is the purchase price of 6395
twenty thousand seven hundred eighteen dollars and fifty cents. 6396

(C) The real estate described in division (A) of this section 6397
shall be sold as an entire tract and not in parcels. 6398

(D) Upon payment of the purchase price, the Auditor of State, 6399
with the assistance of the Attorney General, shall prepare a deed 6400
to the real estate described in division (A) of this section. The 6401
deed shall state the consideration and shall be executed by the 6402
Governor in the name of the state, countersigned by the Secretary 6403
of State, sealed with the Great Seal of the State, presented in 6404
the Office of the Auditor of State for recording, and delivered to 6405
the Grantee. The Grantee shall present the deed for recording in 6406
the Office of the Mercer County Recorder. 6407

(E) The Grantee shall pay the costs of the conveyance of the 6408
real estate described in division (A) of this section, including 6409
recordation costs of the deed. 6410

(F) The net proceeds of the sale of the real estate described 6411
in division (A) of this section shall be deposited in the State 6412
Treasury to the credit of the General Revenue Fund. 6413

(G) This sale shall not occur until the MARCS Celina Tower in 6414

Mercer County is fully functioning. 6415

(H) This section shall expire two years after its effective 6416
date. 6417

Section 421. (A) The Governor is hereby authorized to execute 6418
a deed in the name of the state conveying to the Dayton Public 6419
School District/Dayton Board of Education, hereafter the grantee, 6420
and its successors and assigns, all of the state's right, title, 6421
and interest in the following described real estate: 6422

SITUATED in Section 26, Township 2, Range 7 of the Miami 6423
River Survey, the City of Dayton, the County of Montgomery, the 6424
State of Ohio, being a 2.2361-acre portion of a 15-acres 30-rods 6425
tract conveyed to the State of Ohio as recorded in Deed Book U-2, 6426
Page 40, and being a 22.5673-acre portion of a 24.36-acre tract of 6427
land conveyed to the Trustees of the Southern Ohio Lunatic Asylum 6428
as recorded in Deed Book N-3, Page 233, being an 4.6813-acre 6429
portion of a 21.25-acre tract of land conveyed to the State of 6430
Ohio as recorded in Deed Book 169, Page 583, and being an 6431
8.6742-acre portion of a 33.5-acre tract as conveyed to the State 6432
of Ohio as recorded in Deed Book 169, Page 585, being an 6433
7.2010-acre portion of a 10.544-acre tract of land as conveyed to 6434
the State of Ohio as recorded in Deed Book 138, Page 125 and being 6435
a portion of City of Dayton Lot Number 61376 and all of Lot Number 6436
61377 of the revised and consecutive numbers of lots on the plat 6437
of the City of Dayton and more particularly bounded and described 6438
as follows: 6439

BEGINNING at a capped 5/8" iron pin found stamped "Woolpert" 6440
at the southeast corner of a 2.881-acre tract being Parcel 2 of 6441
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, 6442
said point also being the northeast corner of an 8.338-acre tract 6443
of land conveyed to Barry K. Humphries as recorded in Microfiche 6444
01-0590A04 and the TRUE POINT OF BEGINNING; 6445

THENCE with the east line of said 2.881-acre tract being 6446
Parcel 2 and the West line of a 24.36-acre tract of land conveyed 6447
to the Trustees of the Southern Ohio Lunatic Asylum as recorded in 6448
Deed Book N-3, Page 233, North 00°32'15" East a distance of 459.39 6449
feet to a RR Spike set in the centerline of Wayne Avenue, passing 6450
a 5/8 inch iron pin set at the northeast corner of said 2.881-acre 6451
tract and the south right-of-way of Wayne Avenue at 429.39 feet; 6452

THENCE with the centerline of Wayne Ave and the north lines 6453
of said 24.36-acre tract and said 21.25-acre tract, South 6454
89°18'28" East a distance of 790.80 feet to a RR spike set at the 6455
northwest corner of a 1.056-acre tract of land conveyed to the 6456
City of Dayton as recorded in M.F. No. 90-424 EO9; 6457

THENCE with the west line of said 1.056-acre tract and the 6458
east line of said 21.25 acre tract, South 1°17'05" West a distance 6459
of 230.89 feet to a 5/8 inch iron pin stamped "Riancho," passing a 6460
5/8 inch iron set at the south right of way of Wayne Avenue at 6461
30.00 feet; 6462

THENCE with the south line of said 1.056-acre tract and the 6463
south line of a 1.056-acre tract of land conveyed to the City of 6464
Dayton as recorded in M.F. No. 78-725 B08, South 89°27'55" East a 6465
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8 6466
inch iron pin found stamped "Riancho" at 200.00 feet; 6467

THENCE with the east line of said 1.056-acre tract and the 6468
west line of said 33.5-acre tract as conveyed to the State of Ohio 6469
as recorded in Deed Book 169, Page 585, North 1°17'05" East a 6470
distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron 6471
pin set at the south right-of-way of Wayne Avenue at 199.79 feet; 6472

THENCE with the centerline of Wayne Avenue and the north line 6473
of said 33.5-acre tract, South 89°18'28" East a distance of 270.78 6474
feet to a RR spike set at the intersection of the centerlines of 6475
Watervliet Avenue and Wayne Avenue; 6476

THENCE with the centerline of Watervliet Avenue and with the northerly line of said 33.5-acre tract, South 55°21'16" East a distance of 231.10 feet to a RR spike set;

THENCE with the east line of said 33.5-acre tract and the west line of a 13.00-acre tract conveyed to the Board of Education of the Dayton City School District as recorded in Deed Book 1522, Page 341, South 00°48'28" West a distance of 709.51 feet to a 5/8 inch iron pin set;

THENCE with a new division line, North 89°11'12" West, a distance of 468.08 feet to a 5/8 inch iron pin set, in the west line of said 33.5-acre tract and the east line of said 21.25-acre tract, to a 5/8 inch iron pin set;

THENCE with the west line of said 33.5-acre tract and the east line of said 21.25-acre tract, North 01°7'55" East a distance of 141.74 feet to a 5/8 inch iron pin set;

THENCE with a new division line, North 89°15'53" West, passing the west line of said 21.25-acre tract and the east line of said 24.36-acre tract conveyed to the Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233 at a distance of 425.35 feet, for a total distance of 507.35 feet to a 5/8 inch iron pin set;

THENCE with a new division line South 1°7'0" West passing the south line of a 24.36-acre tract conveyed to the Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233 and the north line of said 10.544-acre tract at a distance of 627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch iron pin set in the south line of said 10.544-acre tract;

THENCE with the south line of said 10.544-acre tract and the north line of a 20.3-acre tract conveyed to the State of Ohio Department of Public Works for the use of the Department of Public Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page

247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch 6508
iron pin set in the east line of a 11.579-acre tract of land 6509
conveyed to the Hospice of Dayton as recorded in Microfiche 6510
94-0448C08; 6511

THENCE with the east line of said 11.579-acre tract of land, 6512
the east line of said 8.338-acre tract as conveyed to Barry K. 6513
Humphries as recorded in M.F. number 01-0590 A04, the west line of 6514
said 10.544-acre tract, and the west line of said 2.36-acre tract, 6515
North 3°24'08" West a distance of 956.68 feet to a 5/8 inch iron 6516
pin set; 6517

THENCE with an easterly line of said 8.338-acre tract, the 6518
westerly line of said 24.36-acre tract, and the north line of said 6519
2.36-acre tract, North 49°49'38" East a distance of 275.99 feet to 6520
a capped 5/8 inch iron pin found stamped "LJB"; 6521

THENCE with the east line of said 8.338-acre tract and the 6522
west line of a 24.36-acre tract, North 00°32'15" East a distance 6523
of 108.09 feet to a capped 5/8" iron pin stamped "Woolpert" and 6524
the TRUE POINT OF BEGINNING, containing 45.3599 acres more or 6525
less; subject to all easements, agreements and right-of-ways of 6526
record. 6527

The basis of bearings for this description is the easterly 6528
line of Parcel 2, South 00°32'15" West, as recorded in the 6529
Wilmington Woods Plat as recorded in Plat Book 134, Page 3A. 6530

All iron pins set in the above boundary description are 5/8" 6531
(O.D.), 30" long with a plastic cap stamped "LJB." 6532

(B) Consideration for the conveyance of the real estate 6533
described in division (A) of this section is the transfer to the 6534
state of 8.9874 acres adjacent to the remaining Twin Valley 6535
Behavioral Healthcare/Dayton Campus at no cost subject to the 6536
following conditions after conveyance: 6537

(1) Within 180 days grantee at its own cost shall complete 6538

construction of Maplewood Avenue, which will provide new access 6539
from the 8.9874 acres to the remaining Twin Valley Behavioral 6540
Healthcare /Dayton Campus which pursuant to division (B) of this 6541
section will become the property of the State. 6542

(2) Within 340 days after the occupancy of the New Belmont 6543
High School, grantee shall be responsible for the demolition and 6544
environmental restoration of the 8.9874 acres being transferred to 6545
the State of Ohio. 6546

(3) Should the grantee insufficiently perform its obligations 6547
in regard to the demolition and environmental restoration as 6548
determined by the Director of Mental Health, the grantee will pay 6549
to the state one million one hundred seventy-five thousand 6550
dollars, which reflects the appraised value of the 45.3599 acres 6551
less the cost of demolition, site, and utility work in lieu of the 6552
transfer of 8.9874 acres. 6553

(C) The real estate described in division (A) of this section 6554
shall be sold as an entire tract and not in parcels. 6555

(D) Upon payment of the purchase price, the Auditor of State, 6556
with the assistance of the Attorney General, shall prepare a deed 6557
to the real estate described in division (A) of this section. The 6558
deed shall state the consideration and shall be executed by the 6559
Governor in the name of the state, countersigned by the Secretary 6560
of State, sealed with the Great Seal of the State, presented in 6561
the Office of the Auditor of State for recording, and delivered to 6562
the grantee. The grantee shall present the deed for recording in 6563
the Office of the Montgomery County Recorder. 6564

(E) The grantee shall pay all costs associated with the 6565
purchase and of the conveyance of the real estate described in 6566
division (A) of this section, including recordation costs of the 6567
deed. 6568

(F) The net proceeds of the sale of the real estate described 6569

in division (A) of this section shall be deposited in the State 6570
Treasury to the credit of the State General Revenue Fund. 6571

(G) This section shall expire two years after its effective 6572
date. 6573

Section 423. (A) The Governor is hereby authorized to execute 6574
a deed in the name of the state conveying to the Scioto Township 6575
Board of Trustees, hereafter the grantee, and its successors and 6576
assigns, all of the state's right, title, and interest in the 6577
following described real estate: 6578

Situated in the Township of Scioto, County of Pickaway, the 6579
State of Ohio and a part of V.M.S 931 being more particularly 6580
bounded and described as follows: 6581

Being a part of a 1,324.473 acre tract as shown on Plat of 6582
Survey recorded in Plat Book 7, Page 201 in the Pickaway County 6583
Recorder's Office also reference Deed Book 71, Pages 185-186 in 6584
the Pickaway County Recorder's Office; 6585

Beginning at a point in the centerline of State Route 762 6586
being N83°29'25"W 1482.99 feet distant from the point of 6587
intersection of said centerline with the centerline of Morgan 6588
Road; 6589

Thence with the centerline of State Route 762 N83°30'09"W 6590
484.00 feet to a point; 6591

Thence leaving said centerline and going with three new lines 6592
through said 1,324.473 acre tract the following calls; 6593

N06°29'51"E 450.00 feet (passing an iron pin set at 35.00 6594
feet) to an iron pin set; 6595

Thence S83°30'09"E 484.00 feet to an iron pin set; 6596

Thence S06°29'51"W 450.00 feet (passing an iron pin set at 6597
415.00 feet) to the POINT OF BEGINNING: 6598

Containing 5.000 Acres, more or less. 6599

Subject to all existing valid rights-of-way and easements of 6600
record. 6601

Bearing reference for this survey is the North line of the 6602
above referenced 1,324.473 acre tract as described in Plat Book 7, 6603
page 201 being S79°55'28"E. 6604

All iron pins are set 5/8" diameter X30" long rebar with a 6605
yellow plastic identification cap stamped "M.E. CLARK ASSOC." 6606

(B) Consideration for conveyance of the real estate described 6607
in division (A) of this section is the purchase price of five 6608
thousand dollars. 6609

(C) The real estate described in division (A) of this section 6610
shall be sold as an entire tract and not in parcels. 6611

(D) Upon payment of the purchase price, the Auditor of State, 6612
with the assistance of the Attorney General, shall prepare a deed 6613
to the real estate described in division (A) of this section. The 6614
deed shall state the consideration and restrictions and shall be 6615
executed by the Governor in the name of the state, countersigned 6616
by the Secretary of State, sealed with the Great Seal of the 6617
State, presented in the Office of the Auditor of State for 6618
recording, and delivered to the grantee. The grantee shall present 6619
the deed for recording in the Office of the Pickaway County 6620
Recorder. 6621

(E) The deed shall contain a deed restriction that the 6622
grantee shall use the real estate described in division (A) of 6623
this section solely for fire station, emergency medical services 6624
and its employee training, law enforcement and other criminal 6625
justice purposes, or governmental functions and offices of the 6626
Villages of Orient. Such uses shall not in any way adversely 6627
affect the use and operation of the Multi-Agency Radio 6628
Communication System located adjacent to the real estate described 6629

in division (A) of this section. 6630

(F) The deed shall contain a deed restriction that requires 6631
the grantee to initiate construction within five years of the 6632
effective date of this act. In the event the grantee breaches the 6633
provision of division (F) of this section, title to the real 6634
estate described in division (A) of this section may revert to the 6635
State, at the sole discretion of the Director of Administrative 6636
Services and the Department of Rehabilitation and Correction, for 6637
the jurisdictional use of the Department of Rehabilitation and 6638
Correction and the Department of Rehabilitation and Correction 6639
shall reimburse grantee the purchase price of five thousand 6640
dollars. 6641

(G) The grantee shall pay the costs of the conveyance of the 6642
real estate described in division (A) of this section, including 6643
recordation costs of the deed. 6644

(H) The net proceeds of the sale of the real estate described 6645
in division (A) of this section shall be deposited in the State 6646
Treasury to the credit of the General Revenue Fund. 6647

(I) This section expires one year after its effective date. 6648

Section 425. (A) The Governor is hereby authorized to execute 6649
a deed in the name of the state conveying to the Preble Shawnee 6650
Local School District, Preble County, Ohio, and its successors and 6651
assigns, all of the state's right, title, and interest in the 6652
following described real estate: 6653

Parcel One 6654

SITUATED in Section 9, Gratis Township, Preble County, Ohio 6655
and being 30.474 acres, part of an original 160 acre tract as 6656
described in Deed Book 231, page 401. Preble County Deed Records, 6657
the same being under land contract as described in Deed Book 219, 6658
Page 680,P.C.D.R.; said 30.474 acre tract being bounded and 6659

described as follows: 6660

BEGINNING at the southwesterly corner of Section 9 on the 6661
centerline of Somers-Gratis Road, the same being the southeasterly 6662
corner of Section 8; 6663

THENCE from said point of beginning and along the westerly 6664
line of said Section 9, the same being the easterly line of 6665
Section 8 North 0° 03' 12" West 2655.10 feet to the northwesterly 6666
corner of the southwesterly corner of Section 9; 6667

THENCE along the one-half section of said Section 9, the same 6668
being the southerly line of an original 173 acre tract (Deed Book 6669
253, Page 652, PCDR), and also being the northerly line of the 6670
aforesaid original 160 acre tract (Deed Book 231, Page 401 and 6671
Deed Book 219, Page 680, P.C.D.R.) SOUTH 89° 57'19" East 500.00 6672
feet; 6673

THENCE in said original 160 acre tract by new division line 6674
SOUTH 0° 03' 12" East 2654.71 feet to the southerly line of 6675
Section 9 on the centerline of Somers-Gratis Road; 6676

AND THENCE along said west line 500.00 feet to the point of 6677
beginning CONTAINING 30.474 acres, according to a survey (Drawing 6678
E-7631) by Duane, Hasselbring, Kuhlman and Associates, Registered 6679
Surveyors, Middletown, Ohio, December, 1980. V. Frederic Duane, 6680
Ohio Registered Surveyor No. 4494. Subject however to all rights 6681
of way, easements and restrictions of record, heretofore granted 6682
which are applicable to and effective against said property. 6683

Parcel Number C424309300000010000. 6684

Parcel Two 6685

Situated in Section 8, Town 4, Range 3 East, Gratis Township, 6686
Preble County, Ohio, and being the original 57 acre tract (61.464 6687
acres by new survey) as described in Deed Book 299, Page 74, 6688
Preble County Deed Records; said 61.464 acre tract being bounded 6689
and described as follows: 6690

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 $89^{\circ} 56' 33''$ west 1006.05 feet to the southwesterly corner of the herein described 61.464 acre tract, the same being the southwesterly corner of the aforesaid original 57 acre tract, and also being the southeasterly corner of a 40.324 acre tract (Deed Book 315, Page 387, P.C.D.R.);

thence along the westerly line of the herein described tract, the same being the easterly line of the aforesaid 40.324 acre tract and the easterly line of the 54.37 acre tract (Deed Book 271, Page 135, P.C.D.R.) the following courses:

(1) North $0^{\circ} 06' 52''$ West 1020.18 feet;

(2) North $0^{\circ} 02' 59''$ West 1592.60 feet to the northwesterly corner of the herein described tract, on the one half section line, the same being the southerly line of a 157 acre tract as described in Deed Book 271, Page 135 P.C.D.R.;

thence along the said line South $89^{\circ} 37' 15''$ east 1007.13 to the northeasterly corner of the southeasterly one quarter of Section 8, the same being the northwesterly corner of the southwesterly one quarter of Section 9;

And thence along the easterly line of Section 8 South $0^{\circ} 03' 12''$ East 2655.10 feet to the point of beginning, containing 61.464 acres according to a survey (drawing E-7631) by Duane, Hasselbring, Kuhlman & Associates, Registered Surveyors, Middletown, Ohio, December, 1980. V. Frederic Duane, Ohio Registered Surveyor No. 4494. Said land being subject to an easement granted to Dayton Power and Light by Deed Vol. 185, page 264, P.C.D.R.. Said land being further subject to all rights of way, easements and restrictions of record heretofore granted with

are applicable to and effective against said property. 6722

Parcel Number C424308400000020000 6723

(B) Consideration for conveyance of the real estate described 6724
in division (A) of this section is the purchase price of ten 6725
dollars. The real estate was originally conveyed to the State of 6726
Ohio as collateral for school construction facility bonds issued. 6727
Once the construction project was completed, the state was to have 6728
conveyed title to the real estate back to the Preble Shawnee Local 6729
School District, which conveyance never occurred. This section 6730
corrects that oversight. 6731

(C) The Preble Shawnee Local School District shall pay all 6732
costs associated with the purchase and conveyance of the real 6733
estate described in division (A) of this section, including, but 6734
not limited, to recordation costs of the deed. 6735

(D) Possession of the premises prior to transfer shall be 6736
governed by an existing interim lease between the State of Ohio 6737
and the Preble Shawnee Local School District. 6738

(E) Upon payment of the purchase price, the Auditor of State, 6739
with the assistance of the Attorney General, shall prepare a deed 6740
to the real estate described in division (A) of this section. The 6741
deed shall be executed by the Governor in the name of the state, 6742
countersigned by the Secretary of State, sealed with the Great 6743
Seal of the State, presented in the Office of the Auditor of State 6744
for recording, and delivered to the Preble Shawnee Local School 6745
District. The School District shall present the deed for recording 6746
in the Office of the Preble County Recorder. 6747

(F) The net proceeds of the sale of the real estate described 6748
in division (A) of this section shall be deposited in the State 6749
Treasury to the credit of the General Revenue Fund. 6750

(G) This section expires one year after its effective date. 6751

Section 427. (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 needed by the Ohio National Guard for armory or military purposes:

Parcel No. 1 Delaware Armory property

Situated in the County of Delaware, in the State of Ohio, and in the City of Delaware, and bounded and described as follows: Being in lot No. eighty-eight (88) as designated on the town plat of the said town of Delaware, excepting therefrom 43 feet from the east side thereof, being the same premises conveyed by H. E. Martin and wife to E. A. Adams by deed date July 2, 1869. Also all that part of a fractional lot lying immediately south of In-Lot 88 in the Town of Delaware, County of Delaware, and State of Ohio, sold by Lucy Martin and her husband to E. A. Adams not conveyed by quit-claim deed to one Calvin Welch, and being the same premises conveyed to B. H. Hyatt by William Brown, Sheriff of Delaware County on the 4th Day of January A.D. 1873, being the same more or less, but subject to all legal highways, and being the same premises conveyed by B. H. Hyatt and wife to Margaret A. Perry, March 16, 1878 and recorded on Volume 71, Page 363, Delaware County Record of Deeds.

Permanent Parcel No: 519-433-02-004-000

79 West William Street, Delaware, Ohio 43015

Parcel No. 2 Ashland Armory property

Situated in the City of Ashland, County of Ashland, State of

Ohio. Being a part of the Northeast Quarter of Section 17, 6782
Township 22, Range 16 and bounded and described as follows: 6783

Commencing at an iron pin on the North line of East Main 6784
Street at the Southwest corner of that parcel of land deeded by 6785
the heirs-at-law of Mary Cummings and L.Q. Cummings, deceased to 6786
Phillip A. Myers by deed dated November 25th, 1922, recorded in 6787
Volume 151, Page 12 Ashland County, Ohio, Deed Records, which iron 6788
pin is North 70°14' West a distance of four hundred and 6789
seventy-five and thirty hundredths (475.30) feet from an iron pin 6790
at the Northwest corner of East Main and Holbrook Streets, thence 6791
from said beginning point North 17°55' East a distance of three 6792
hundred eighty-nine and eight hundredths (389.08) feet to a stake 6793
on the south line of lands conveyed April 23, 1921 by the heirs of 6794
Mary Cummings and L.Q. Cummings, deceased, to Philip A. Myers, 6795
which deed is recorded in Volume 149, Page 93, of the Deed Records 6796
of Ashland County, Ohio, and to which reference is hereto made; 6797
thence with said last mentioned line North 74°and 23' East and 6798
along the South line of said Myers land a distance of two hundred 6799
ten and thirty-five hundredths (210.35) feet to a stake in the 6800
creek; thence South 17°55" West and parallel to the West line of 6801
lands herein conveyed a distance of five hundred nine and seven 6802
hundredths (509.07) feet to an iron pin on the North line of East 6803
Main Street; thence North 70°14' West and along the North line of 6804
said East Main Street a distance of one hundred and seventy-five 6805
and five hundredths (175.05) feet to the place of beginning as 6806
surveyed November 16, 1922, by E. L. Berry, City Engineer. 6807

Parcel No. 3 Mansfield Armory property 6808

Situated in the City of Mansfield, County of Richland, and 6809
State of Ohio and bounded and described as follows: 6810

Beginning at the intersection of the centerline of Ashland 6811
Road of Lincoln Highway and the centerline of Ritter's Run where 6812
the same crosses said Highway: thence in an easterly direction 6813

along the center line of said Ritter's Run three hundred and fifty 6814
and three tenths feet (350.3): thence east long the center of said 6815
creek following a curve of twelve degrees to the left, two hundred 6816
thirteen and nineteen hundredths (213.19) feet; thence east on a 6817
straight line along the center line of said creek six hundred a 6818
five foot (605); thence following curve of twelve degrees south 6819
and east along said center line of said creek one hundred and 6820
fifty six (156) feet; thence east one hundred feet (100) to the 6821
center line of the Rocky Fork; thence North and West along the 6822
centerline of the Rocky Fork as now constructed two hundred and 6823
fifty (250) feet; thence west fifty feet (50) to an iron pin on 6824
the west bank of said Rocky Fork; thence west and continuing on 6825
same course, parallel with the center line of said Ritter's Run 6826
and two hundred feet (200) distance therefrom a distance of four 6827
hundred and seventy seven and five tenths (477.5) feet; thence in 6828
a north westerly direction on a line at right angle to Ashland 6829
Road a distance of one hundred and ninety five and four tenths 6830
(195.4) feet to an iron pin on the south side of Ashland Road, 6831
then continuing on the previous course thirty (30) feet to the 6832
center of Ashland Road; thence south forty nine (49) degrees west 6833
along the center line of said Ashland Road, one hundred and fifty 6834
five and nine tenths (155.9) feet to the center line of East 6835
Fourth Street; thence continuing along the center line of said 6836
Ashland Road a distance of six hundred and twenty two and nine 6837
tenths (622.9) feet to the place of beginning, containing 5.64 6838
Acres, more or less. 6839

Save and except the following 0.70 acre tract as shown in 6840
Official Record Volume 960, Page 134, Recorder's Office, Richland 6841
County, Ohio: 6842

Situated in the City of Mansfield, County of Richland, and 6843
State of Ohio and being known as a part of the SE 1/4 of Section 6844
22, Twp. 21 and Range 18 of O. R. S. in the City of Mansfield, 6845

Ohio. Beginning at a point from the center line of 6846
Mansfield-Ashland Road 228.35 feet southwesterly from the center 6847
line of East Fourth Street; thence south 41 deg. 00 min. east at a 6848
right angle with Mansfield-Ashland Road, a distance of 153.95 ft. 6849
to the center of Ritter's Run; thence in a southwesterly direction 6850
along and with the center of Ritter's Run 422.15 ft. to the center 6851
of Mansfield-Ashland Road; thence north 49 deg. 00 min. east along 6852
and with the center line of the Mansfield-Ashland Road, a distance 6853
of 394.55 ft. to the place of beginning, containing 0.70 acres 6854
more or less, subject to all legal easements of record for 6855
highways, street, stream channel and other purposes. 6856

Permanent Parcel No. 027-05-084-17-000. 6857

(B) At the request of the Adjutant General, the Department of 6858
Administrative Services shall, pursuant to the procedures 6859
described in division (C) of this section, assist in the sale of 6860
any of the parcels described in division (A) of this section. 6861

(C) The Adjutant General's Department shall appraise the 6862
parcels described in division (A) of this section or have them 6863
appraised by one or more disinterested persons for a fee to be 6864
determined by the Adjutant General. The Adjutant General shall 6865
offer the parcels for sale in their "as is" condition as follows: 6866

(1) The Adjutant General first shall offer a parcel for sale 6867
at its appraised value to the municipal corporation or township in 6868
which it is located. 6869

(2) If, after sixty days, the municipal corporation or 6870
township has not accepted the Adjutant General's offer to sell the 6871
parcel at its appraised value or has accepted the offer but has 6872
failed to complete the purchase, the Adjutant General shall offer 6873
the parcel at its appraised value to the county in which it is 6874
located. 6875

(3) If, after sixty days, the county has not accepted the 6876

Adjutant General's offer to sell the parcel at its appraised value 6877
or has accepted the offer but has failed to complete the purchase, 6878
the Adjutant General shall, in concert with the Department of 6879
Administrative Services, arrange a public auction, and the parcel 6880
shall be sold to the highest bidder at a price acceptable to the 6881
Adjutant General. The Adjutant General may reject any and all bids 6882
through the auctioneer. 6883

The Adjutant General shall advertise each public auction in a 6884
newspaper of general circulation within the county in which the 6885
parcel is located, once a week for three consecutive weeks prior 6886
to the date of the auction. The terms of sale of the parcel 6887
pursuant to the public auction shall be payment of ten per cent of 6888
the purchase price in cash, bank draft, or certified check on the 6889
date of sale, with the balance payable within sixty days after the 6890
date of sale. A purchaser who does not timely complete the 6891
conditions of the sale as prescribed in this section shall forfeit 6892
to the state the ten per cent of the purchase price paid on the 6893
date of the sale as liquidated damages. 6894

Should a purchaser not complete the conditions of sale as 6895
described herein, the Adjutant General and its auctioneer is 6896
authorized to accept the next highest bid from the auction by 6897
collecting ten per cent of the purchase price from the secondary 6898
bidder and proceed to close the sale, providing said secondary bid 6899
meets all other criteria provided for in this act. 6900

(D) Advertising costs, appraisal fees, and other costs of the 6901
sale of the parcels described in division (A) of this section 6902
shall be paid by the Adjutant General. 6903

(E) Upon the payment of ten per cent of the purchase price of 6904
a parcel described in division (A) of this section in accordance 6905
with division (C)(3) of this section or upon notice from the 6906
Adjutant General's Department that a parcel described in division 6907
(A) of this section has been sold to a municipal corporation, 6908

township, or county in accordance with division (C) of this 6909
section, a deed shall be prepared for that parcel by the Auditor 6910
of State with the assistance of the Attorney General, be executed 6911
by the Governor, countersigned by the Secretary of State, sealed 6912
with the Great Seal of the State, and presented for recording in 6913
the office of the Auditor of State. The deed shall be delivered to 6914
the buyer at closing where the balance of the purchase price is 6915
collected by the state. The buyer shall present the deed for 6916
recording in the office of the county recorder of the county in 6917
which the parcel is located. 6918

(F) The net proceeds of the sales of the parcels described in 6919
division (A) of this section shall be deposited in the state 6920
treasury to the credit of the Armory Improvements Fund pursuant to 6921
section 5911.10 of the Revised Code. 6922

(G) If a parcel described in division (A) of this section is 6923
sold to a municipal corporation, township, or county and that 6924
political subdivision sells the parcel within two years after its 6925
purchase, the political subdivision shall pay to the state, for 6926
deposit in the state treasury to the credit of the Armory 6927
Improvements Fund pursuant to section 5911.10 of the Revised Code, 6928
an amount representing one-half of any net profit derived from 6929
that subsequent sale. The net profit shall be computed by first 6930
subtracting the price at which the political subdivision bought 6931
the parcel from the price at which the political subdivision sold 6932
the parcel, and then subtracting from that remainder the amount of 6933
any expenditures the political subdivision made for improvements 6934
to the parcel. 6935

(H) This section expires five years after its effective date. 6936

Section 500.01. Section 3314.03 of the Revised Code is 6937
presented in this act as a composite of the section as amended by 6938
both Sub. H.B. 428 and Am. Sub. H.B. 562 of the 127th General 6939

Assembly. The General Assembly, applying the principle stated in 6940
division (B) of section 1.52 of the Revised Code that amendments 6941
are to be harmonized if reasonably capable of simultaneous 6942
operation, finds that the composite is the resulting version of 6943
the section in effect prior to the effective date of the section 6944
as presented in this act. 6945

Section 501. The amendment or enactment by this act of the 6946
following sections are not subject to the referendum pursuant to 6947
Ohio Constitution, Article II, Section 1d and section 1.471 of the 6948
Revised Code because the amendment or enactment relates to an 6949
appropriation for current expenses; therefore the amendment or 6950
enactment goes into immediate effect when this act becomes law: 6951

Sections 201.01, 201.02, 303, and 305. 6952

Section 503. The amendment, enactment, or repeal by this act 6953
of the following sections takes effect on the dates specified 6954
below: 6955

The amendment of section 3375.49 of the Revised Code, on 6956
December 31, 2008; 6957

The repeal of sections 3375.54 and 3375.55 of the Revised 6958
Code, on the ninety-first day after the effective date of this 6959
act; 6960

The repeal of section 3375.48 of the Revised Code, on 6961
December 31, 2009; 6962

The amendment of sections 733.40, 1901.024, 1901.31, 1907.20, 6963
2949.111, 3375.50 (307.515), and 4513.35 of the Revised Code, on 6964
January 1, 2010; 6965

The enactment of section 3375.481 of the Revised Code, on 6966
January 1, 2010; 6967

The repeal of sections 3375.51, 3375.52, 3375.53, and 3375.56 6968
of the Revised Code, on January 1, 2010. 6969

Section 505. This act is hereby declared to be an emergency 6970
measure necessary for the immediate preservation of the public 6971
peace, health, and safety. The reason for such necessity is that 6972
certain changes need to be made to state and local government in 6973
order to immediately continue the effectiveness of their programs 6974
and operations. Therefore, this act shall go into immediate 6975
effect. 6976