

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 224

Senator Coughlin

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A B I L L

To contingently amend sections 3315.37, 3333.28, 1
3333.38, 3345.32, 5537.01, 5537.02, 5537.03, 2
5537.21, 5537.24, 5537.26, 5537.27, and 5537.28 3
and to contingently enact sections 3333.45, 4
3333.46, 3333.47, 3333.48, 3770.25, 5537.011, 5
5537.012, and 5537.013 of the Revised Code to 6
establish the Ohio Promise Scholarship Program, to 7
authorize the Department of Administrative 8
Services to negotiate the sale or lease of the 9
right to manage and operate the State Lottery, to 10
authorize the Department to negotiate a 11
public-private lease agreement for the operation 12
of the Ohio Turnpike, to require the proceeds from 13
the Lottery and Turnpike agreements to be paid 14
into the Ohio Promise Scholarship Program Fund, 15
and to abolish the Ohio Turnpike Commission upon 16
the transfer of control of the Ohio Turnpike to a 17
private entity. 18

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

Section 1. That sections 3315.37, 3333.28, 3333.38, 3345.32, 19
5537.01, 5537.02, 5537.03, 5537.21, 5537.24, 5537.26, 5537.27, and 20
5537.28 be amended and sections 3333.45, 3333.46, 3333.47, 21

3333.48, 3770.25, 5537.011, 5537.012, and 5537.013 of the Revised Code be enacted to read as follows:

Sec. 3315.37. The board of education of a school district may establish a teacher education loan program and may expend school funds for the program. The program shall be for the purpose of making loans to students who are residents of the school district or graduates of schools in the school district, who are enrolled in teacher preparation programs at institutions approved by the chancellor of the Ohio board of regents pursuant to section 3333.048 of the Revised Code, and who indicate an intent to teach in the school district providing the loan. The district board may forgive the obligation to repay any or all of the principal and interest on the loan if the borrower teaches in that school district.

The district board shall adopt rules establishing eligibility criteria, application procedures, procedures for review of applications, loan amounts, interest, repayment schedules, conditions under which principal and interest obligations incurred under the program will be forgiven, and any other matter incidental to the operation of the program.

The board may contract with a private, nonprofit foundation, one or more institutions of higher education, or other educational agencies to administer the program.

The receipt of a loan under this section does not affect a student's eligibility for assistance, or the amount of such assistance, granted under section 3315.33, 3333.12, 3333.122, 3333.22, 3333.26, 3333.46, 5910.04, or 5919.34 of the Revised Code, but the board's rules may provide for taking such assistance into consideration when determining a student's eligibility for a loan under this section.

Sec. 3333.28. (A) The chancellor of the Ohio board of regents shall establish the nurse education assistance program, the purpose of which shall be to make loans to students enrolled in prelicensure nurse education programs at institutions approved by the board of nursing under section 4723.06 of the Revised Code and postlicensure nurse education programs approved by the chancellor under section 3333.04 of the Revised Code or offered by an institution holding a certificate of authorization issued under Chapter 1713. of the Revised Code. The board of nursing shall assist the chancellor in administering the program.

(B) There is hereby created in the state treasury the nurse education assistance fund, which shall consist of all money transferred to it pursuant to section 4743.05 of the Revised Code. The fund shall be used by the chancellor for loans made under division (A) of this section and for expenses of administering the loan program.

(C) Between July 1, 2005, and January 1, 2012, the chancellor shall distribute money in the nurse education assistance fund in the following manner:

(1)(a) Fifty per cent of available funds shall be awarded as loans to registered nurses enrolled in postlicensure nurse education programs described in division (A) of this section. To be eligible for a loan, the applicant shall provide the chancellor with a letter of intent to practice as a faculty member at a prelicensure or postlicensure program for nursing in this state upon completion of the applicant's academic program.

(b) If the borrower of a loan under division (C)(1)(a) of this section secures employment as a faculty member of an approved nursing education program in this state within six months following graduation from an approved nurse education program, the chancellor may forgive the principal and interest of the student's

loans received under division (C)(1)(a) of this section at a rate 83
of twenty-five per cent per year, for a maximum of four years, for 84
each year in which the borrower is so employed. A deferment of the 85
service obligation, and other conditions regarding the forgiveness 86
of loans may be granted as provided by the rules adopted under 87
division (D)(7) of this section. 88

(c) Loans awarded under division (C)(1)(a) of this section 89
shall be awarded on the basis of the student's expected family 90
contribution, with preference given to those applicants with the 91
lowest expected family contribution. However, the chancellor may 92
consider other factors the chancellor determines relevant in 93
ranking the applications. 94

(d) Each loan awarded to a student under division (C)(1)(a) 95
of this section shall be not less than five thousand dollars per 96
year. 97

(2) Twenty-five per cent of available funds shall be awarded 98
to students enrolled in prelicensure nurse education programs for 99
registered nurses, as defined in section 4723.01 of the Revised 100
Code. 101

(3) Twenty-five per cent of available funds shall be awarded 102
to students enrolled in nurse education programs as determined by 103
the chancellor, with preference given to programs aimed at 104
increasing enrollment in an area of need. 105

After January 1, 2012, the chancellor shall determine the 106
manner in which to distribute loans under this section. 107

(D) Subject to the requirements specified in division (C) of 108
this section, the chancellor shall adopt rules in accordance with 109
Chapter 119. of the Revised Code establishing: 110

(1) Eligibility criteria for receipt of a loan; 111

(2) Loan application procedures; 112

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;	113 114
(4) The total amount of loans that can be made each year;	115
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	116 117
(6) Interest and principal repayment schedules;	118
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	119 120 121
(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	122 123 124
(9) Any other matters incidental to the operation of the program.	125 126
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	127 128 129 130 131 132 133
(F) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, <u>3333.46</u> , 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.	134 135 136 137 138 139 140 141
Sec. 3333.38. (A) As used in this section:	142

(1) "Institution of higher education" includes all of the	143
following:	144
(a) A state institution of higher education, as defined in	145
section 3345.011 of the Revised Code;	146
(b) A nonprofit institution issued a certificate of	147
authorization under Chapter 1713. of the Revised Code;	148
(c) A private institution exempt from regulation under	149
Chapter 3332. of the Revised Code, as prescribed in section	150
3333.046 of the Revised Code;	151
(d) An institution of higher education with a certificate of	152
registration from the state board of career colleges and schools	153
under Chapter 3332. of the Revised Code.	154
(2) "Student financial assistance supported by state funds"	155
includes assistance granted under sections 3315.33, 3333.12,	156
3333.122, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, <u>3333.46</u> ,	157
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an	158
award under the choose Ohio first scholarship program established	159
under section 3333.61 of the Revised Code, or financed by an award	160
under the Ohio co-op/internship program established under section	161
3333.72 of the Revised Code, and any other post-secondary student	162
financial assistance supported by state funds.	163
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(B) An individual who is convicted of, pleads guilty to, or	165
is adjudicated a delinquent child for one of the following	166
violations shall be ineligible to receive any student financial	167
assistance supported by state funds at an institution of higher	168
education for two calendar years from the time the individual	169
applies for assistance of that nature:	170
(1) A violation of section 2917.02 or 2917.03 of the Revised	171
Code;	172

(2) A violation of section 2917.04 of the Revised Code that 173
is a misdemeanor of the fourth degree; 174

(3) A violation of section 2917.13 of the Revised Code that 175
is a misdemeanor of the fourth or first degree and occurs within 176
the proximate area where four or more others are acting in a 177
course of conduct in violation of section 2917.11 of the Revised 178
Code. 179

(C) If an individual is convicted of, pleads guilty to, or is 180
adjudicated a delinquent child for committing a violation of 181
section 2917.02 or 2917.03 of the Revised Code, and if the 182
individual is enrolled in a state-supported institution of higher 183
education, the institution in which the individual is enrolled 184
shall immediately dismiss the individual. No state-supported 185
institution of higher education shall admit an individual of that 186
nature for one academic year after the individual applies for 187
admission to a state-supported institution of higher education. 188
This division does not limit or affect the ability of a 189
state-supported institution of higher education to suspend or 190
otherwise discipline its students. 191

Sec. 3333.45. As used in sections 3333.45 to 3333.48 of the 192
Revised Code: 193

(A) "Academic year" shall be as defined by the treasurer of 194
state for purposes of this section and sections 3333.46 to 3333.48 195
of the Revised Code. 196

(B) "Eligible institution" means a state institution of 197
higher education, a nonprofit college or university, a private 198
career school holding program authorizations issued by the state 199
board of career colleges and schools pursuant to division (C) of 200
section 3332.05 of the Revised Code, or a private institution 201
exempt from regulation under Chapter 3332. of the Revised Code as 202
prescribed in section 3333.046 of the Revised Code. 203

<u>(C) "Eligible student" means a student who satisfies all of</u>	204
<u>the following conditions:</u>	205
<u>(1) The student has been a resident of Ohio for at least two</u>	206
<u>school years prior to graduating from high school. As used in this</u>	207
<u>division, "school year" has the same meaning as in section 3313.62</u>	208
<u>of the Revised Code.</u>	209
<u>(2) The student graduates with a high school diploma or</u>	210
<u>honors diploma awarded under section 3313.61, 3313.612, or 3325.08</u>	211
<u>of the Revised Code from a public or chartered nonpublic high</u>	212
<u>school.</u>	213
<u>(3) If the student is required to pass the Ohio graduation</u>	214
<u>test prescribed under division (B) of section 3301.0710 of the</u>	215
<u>Revised Code as a condition to receiving a high school diploma,</u>	216
<u>the student has attained a proficient score on all five parts.</u>	217
<u>(4) The student has completed a high school curriculum that</u>	218
<u>meets the requirements of division (C) of section 3313.603 of the</u>	219
<u>Revised Code.</u>	220
<u>(5) The student is enrolled full-time at an eligible</u>	221
<u>institution.</u>	222
<u>(6) The student has matriculated at an eligible institution</u>	223
<u>the next academic year after graduating from high school.</u>	224
<u>(7) The student is in the top one-third of the group of</u>	225
<u>students in the graduating twelfth grade class, based on academic</u>	226
<u>rank, who enroll in an eligible institution the next academic year</u>	227
<u>after graduating from high school.</u>	228
<u>(8) While enrolled in an eligible institution, the student</u>	229
<u>maintains a cumulative grade point average of at least 3.0 out of</u>	230
<u>4.0.</u>	231
<u>(D) "Nonprofit college or university" means a nonprofit</u>	232
<u>institution of higher education in this state that has been issued</u>	233

a certificate of authorization under Chapter 1713. of the Revised Code. 234
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(E) "Scholarship" means a scholarship awarded under section 3333.46 of the Revised Code, except as otherwise indicated. 236
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(F) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 238
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Sec. 3333.46. (A) The Ohio promise scholarship program is hereby established. Under the program, the treasurer of state shall award a scholarship in the amount prescribed by division (B) of this section to each eligible student. A scholarship is renewable for up to three additional academic years. An eligible student need not enroll in the same eligible institution for all of the academic years for which a scholarship is awarded to the student. A student who becomes ineligible may regain eligibility one time. 241
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(B) Subject to division (D) of this section, the amount of a scholarship awarded to an eligible student shall be the lesser of: 250
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(1) The total amount of tuition or instructional fees and other general fees charged to the student by the eligible institution for the academic year minus other scholarships or grants, but not loans, awarded to the student by the state or another entity for that same academic year; 253
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(2) The applicable maximum scholarship amount prescribed as follows: 258
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(a) For an eligible student enrolled at the main campus of a state university, \$7,000; 260
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(b) For an eligible student enrolled at a branch campus of a state university, \$4,250; 262
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(c) For an eligible student enrolled at any state institution of higher education not described in division (B)(1)(a) or (b) of this section, \$2,750; 264
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(d) For an eligible student enrolled in a nonprofit college or university, a private career school holding program authorizations issued by the state board of career colleges and schools pursuant to division (C) of section 3332.05 of the Revised Code, or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, \$7,000. 267
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(C) In accordance with rules adopted by the treasurer of state, public and chartered nonpublic high schools and institutions of higher education shall notify the treasurer of state of each eligible student. Upon receipt of this information, the treasurer of state shall direct the director of budget and management to establish an individual account for each eligible student in the Ohio promise scholarship program fund. Upon the establishment of an eligible student's account, and annually thereafter for each academic year the student is eligible for a scholarship, the treasurer of state shall direct the director to credit to the account an amount equal to the eligible student's scholarship for that academic year. Each academic year a student is eligible for a scholarship, the treasurer of state shall cause an electronic transfer of scholarship proceeds from the student's account in the Ohio promise scholarship program fund to the eligible institution the student is attending. 274
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(D) If, for any given academic year, all eligible students cannot be awarded a scholarship in the full amount prescribed by division (B) of this section because the number of eligible students in that year exceeds the amount of money available from the Ohio promise scholarship program fund, the treasurer of state shall reduce the maximum amount of the scholarships to be awarded 290
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and credited to individual accounts in the fund for that year an 296
amount that the treasurer of state determines will not exceed the 297
amount of available money from the fund. 298

(E) The treasurer of state shall award the first scholarships 299
for the academic year that begins not later than two academic 300
years after the first amount of principal is deposited into the 301
Ohio promise scholarship program fund. 302

(F) The chancellor of the Ohio board of regents and the 303
department of education shall cooperate with the treasurer of 304
state in the administration of the program. 305

Sec. 3333.47. (A) The Ohio promise scholarship program fund 306
is hereby established in the state treasury. The fund shall 307
consist of moneys deposited from the sale or lease of the state 308
lottery under section 3770.25 of the Revised Code and the lease of 309
the Ohio turnpike under sections 5537.011 and 5537.012 of the 310
Revised Code. Investment earnings on moneys in the fund shall be 311
credited to the fund. 312

(B) The treasurer of state shall use only the investment 313
earnings to pay scholarships under the Ohio promise scholarship 314
program, and may use up to one-quarter of one per cent of the 315
investment earnings each fiscal year for administration of the 316
program. The principal shall not be spent. 317

Sec. 3333.48. The treasurer of state shall adopt rules for 318
the implementation of sections 3333.45 to 3333.47 of the Revised 319
Code. 320

Sec. 3345.32. (A) As used in this section: 321

(1) "State university or college" means the institutions 322
described in section 3345.27 of the Revised Code and the 323
northeastern Ohio universities college of medicine. 324

(2) "Resident" has the meaning specified by rule of the 325
chancellor of the Ohio board of regents. 326

(3) "Statement of selective service status" means a statement 327
certifying one of the following: 328

(a) That the individual filing the statement has registered 329
with the selective service system in accordance with the "Military 330
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 331
amended; 332

(b) That the individual filing the statement is not required 333
to register with the selective service for one of the following 334
reasons: 335

(i) The individual is under eighteen or over twenty-six years 336
of age. 337

(ii) The individual is on active duty with the armed forces 338
of the United States other than for training in a reserve or 339
national guard unit. 340

(iii) The individual is a nonimmigrant alien lawfully in the 341
United States in accordance with section 101 (a)(15) of the 342
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 343

(iv) The individual is not a citizen of the United States and 344
is a permanent resident of the Trust Territory of the Pacific 345
Islands or the Northern Mariana Islands. 346

(4) "Institution of higher education" means any eligible 347
institution approved by the United States department of education 348
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 349
amended, or any institution whose students are eligible for 350
financial assistance under any of the programs described by 351
division (E) of this section. 352

(B) The chancellor shall, by rule, specify the form of 353
statements of selective service status to be filed in compliance 354

with divisions (C) to ~~(F)~~(E) of this section. Each statement of 355
selective service status shall contain a section wherein a male 356
student born after December 31, 1959, certifies that the student 357
has registered with the selective service system in accordance 358
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 359
App. 453, as amended. For those students not required to register 360
with the selective service, as specified in divisions (A)(2)(b)(i) 361
to (iv) of this section, a section shall be provided on the 362
statement of selective service status for the certification of 363
nonregistration and for an explanation of the reason for the 364
exemption. The chancellor may require that such statements be 365
accompanied by documentation specified by rule of the chancellor. 366
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(C) A state university or college that enrolls in any course, 368
class, or program a male student born after December 31, 1959, who 369
has not filed a statement of selective service status with the 370
university or college shall, regardless of the student's 371
residency, charge the student any tuition surcharge charged 372
students who are not residents of this state. 373

(D) No male born after December 31, 1959, shall be eligible 374
to receive any loan, grant, scholarship, or other financial 375
assistance for educational expenses granted under section 3315.33, 376
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 3333.46, 377
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 378
award under the choose Ohio first scholarship program established 379
under section 3333.61 of the Revised Code, or financed by an award 380
under the Ohio co-op/internship program established under section 381
3333.72 of the Revised Code, unless that person has filed a 382
statement of selective service status with that person's 383
institution of higher education. 384

(E) If an institution of higher education receives a 385
statement from an individual certifying that the individual has 386

registered with the selective service system in accordance with 387
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 388
453, as amended or that the individual is exempt from registration 389
for a reason other than that the individual is under eighteen 390
years of age, the institution shall not require the individual to 391
file any further statements. If it receives a statement certifying 392
that the individual is not required to register because the 393
individual is under eighteen years of age, the institution shall 394
require the individual to file a new statement of selective 395
service status each time the individual seeks to enroll for a new 396
academic term or makes application for a new loan or loan 397
guarantee or for any form of financial assistance for educational 398
expenses, until it receives a statement certifying that the 399
individual has registered with the selective service system or is 400
exempt from registration for a reason other than that the 401
individual is under eighteen years of age. 402

Sec. 3770.25. (A) The department of administrative services 403
shall issue a request for proposals inviting prospective 404
contractors to propose a contract under which the prospective 405
contractor will purchase, or lease for a specified period, the 406
right to manage and operate the state lottery. The request for 407
proposals shall require that the following terms and conditions be 408
addressed in the proposal: 409

(1) The term of the contract, if the contract would involve a 410
lease of the management and operation of the state lottery; 411

(2) The compensation to be paid to the state and the manner 412
in which the compensation will be paid, which shall include an 413
initial lump sum payment and a guaranteed annual payment; 414

(3) Compliance with the requirements of this chapter; 415

(4) Other terms and conditions that the department considers 416
appropriate for inclusion in the contract. 417

(B) The department shall evaluate all the contract proposals it receives as a result of the request for proposals. The department may negotiate with any or all of the prospective contractors over the terms and conditions of the contract, and may reject any or all proposals or any part of any or all proposals and issue a new request for proposals or parts of proposals. The department is not subject to Chapter 125. of the Revised Code in its actions under this section. 418
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(C) The department shall select the contract proposal that proposes the highest amount to be paid to the state and the best material terms and conditions and that maximizes revenues for the purposes for which the net profit of the state lottery is required to be used. The department shall notify the prospective contractor of the selection in writing and enter into the contract with that contractor. 426
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(D) After the department enters into a contract under division (C) of this section, the general assembly shall enact legislation to revise this chapter and any related statutes to do all of the following: 433
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(1) Reflect the purchase or lease of the right to operate and manage the state lottery; 437
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(2) Abolish the state lottery commission and require that the attorney general carry out specified powers and duties under this chapter; and 439
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(3) Designate those powers and duties currently assigned to the state lottery commission that the operator of the state lottery shall perform and those that the attorney general shall perform, including, but not limited to, all of the following: 442
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(a) Adopting administrative rules to govern the operation of the state lottery; 446
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(b) Licensing lottery sales agents; 448

(c) Deducting child support and taxes due from lottery prize awards; and 449
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(d) Administering transfer agreements as defined in section 3770.10 of the Revised Code. 451
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(E) As used in this chapter, "operator of the state lottery" means the person selected to manage and operate the state lottery under division (C) of this section. 453
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Sec. 5537.01. As used in this chapter: 456

(A) "Commission" means the Ohio turnpike commission created by section 5537.02 of the Revised Code or, if that commission is abolished, the board, body, officer, or commission succeeding to the principal functions thereof or to which the powers given by this chapter to the commission are given by law. "Commission" does not include a private entity operating a turnpike project pursuant to an agreement under section 5537.011 of the Revised Code. 457
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(B) "Project" or "turnpike project" means any express or limited access highway, super highway, or motorway constructed, operated, or improved, under the jurisdiction of the commission and pursuant to this chapter, at a location or locations reviewed by the turnpike ~~legislative review~~ oversight committee and approved by the governor, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, those portions of connecting public roads that serve interchanges and are determined by the commission and the director of transportation to be necessary for the safe merging of traffic between the turnpike project and those public roads, toll booths, service facilities, and administration, storage, and other buildings, property, and facilities that the commission considers necessary for the operation or policing of the project, together with all property and rights which may be acquired by the commission for the construction, maintenance, or operation of the 464
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project, and includes any sections or extensions of a turnpike 480
project designated by the commission as such for the particular 481
purpose. Each turnpike project shall be separately designated, by 482
name or number, and may be constructed, improved, or extended in 483
such sections as the commission may from time to time determine. 484
Construction includes the improvement and renovation of a 485
previously constructed project, including additional interchanges, 486
whether or not the project was initially constructed by the 487
commission. 488

(C) "Cost," as applied to construction of a turnpike project, 489
includes the cost of construction, including bridges over or under 490
existing highways and railroads, acquisition of all property 491
acquired by the commission for the construction, demolishing or 492
removing any buildings or structures on land so acquired, 493
including the cost of acquiring any lands to which the buildings 494
or structures may be moved, site clearance, improvement, and 495
preparation, diverting public roads, interchanges with public 496
roads, access roads to private property, including the cost of 497
land or easements therefor, all machinery, furnishings, and 498
equipment, communications facilities, financing expenses, interest 499
prior to and during construction and for one year after completion 500
of construction, traffic estimates, indemnity and surety bonds and 501
premiums on insurance, title work and title commitments, 502
insurance, and guarantees, engineering, feasibility studies, and 503
legal expenses, plans, specifications, surveys, estimates of cost 504
and revenues, other expenses necessary or incident to determining 505
the feasibility or practicability of constructing or operating a 506
project, administrative expenses, and any other expense that may 507
be necessary or incident to the construction of the project, the 508
financing of the construction, and the placing of the project in 509
operation. Any obligation or expense incurred by the department of 510
transportation with the approval of the commission for surveys, 511
borings, preparation of plans and specifications, and other 512

engineering services in connection with the construction of a 513
project, or by the federal government with the approval of the 514
commission for any public road projects which must be reimbursed 515
as a condition to the exercise of any of the powers of the 516
commission under this chapter, shall be regarded as a part of the 517
cost of the project and shall be reimbursed to the state or the 518
federal government, as the case may be, from revenues, state 519
taxes, or the proceeds of bonds as authorized by this chapter. 520

(D) "Owner" includes all persons having any title or interest 521
in any property authorized to be acquired by the commission under 522
this chapter. 523

(E) "Revenues" means all tolls, service revenues, investment 524
income on special funds, rentals, gifts, grants, and all other 525
moneys coming into the possession of or under the control of the 526
commission by virtue of this chapter, except the proceeds from the 527
sale of bonds. "Revenues" does not include state taxes. 528

(F) "Public roads" means all public highways, roads, and 529
streets in the state, whether maintained by a state agency or any 530
other governmental agency. 531

(G) "Public utility facilities" means tracks, pipes, mains, 532
conduits, cables, wires, towers, poles, and other equipment and 533
appliances of any public utility. 534

(H) "Financing expenses" means all costs and expenses 535
relating to the authorization, issuance, sale, delivery, 536
authentication, deposit, custody, clearing, registration, 537
transfer, exchange, fractionalization, replacement, payment, and 538
servicing of bonds including, without limitation, costs and 539
expenses for or relating to publication and printing, postage, 540
delivery, preliminary and final official statements, offering 541
circulars, and informational statements, travel and 542
transportation, underwriters, placement agents, investment 543

bankers, paying agents, registrars, authenticating agents, 544
remarketing agents, custodians, clearing agencies or corporations, 545
securities depositories, financial advisory services, 546
certifications, audits, federal or state regulatory agencies, 547
accounting and computation services, legal services and obtaining 548
approving legal opinions and other legal opinions, credit ratings, 549
redemption premiums, and credit enhancement facilities. 550

(I) "Bond proceedings" means the resolutions, trust 551
agreements, certifications, notices, sale proceedings, leases, 552
lease-purchase agreements, assignments, credit enhancement 553
facility agreements, and other agreements, instruments, and 554
documents, as amended and supplemented, or any one or more or any 555
combination thereof, authorizing, or authorizing or providing for 556
the terms and conditions applicable to, or providing for the 557
security or sale or award or liquidity of, bonds, and includes the 558
provisions set forth or incorporated in those bonds and bond 559
proceedings. 560

(J) "Bond service charges" means principal, including any 561
mandatory sinking fund or mandatory redemption requirements for 562
the retirement of bonds, and interest and any redemption premium 563
payable on bonds, as those payments come due and are payable to 564
the bondholder or to a person making payment under a credit 565
enhancement facility of those bond service charges to a 566
bondholder. 567

(K) "Bond service fund" means the applicable fund created by 568
the bond proceedings for and pledged to the payment of bond 569
service charges on bonds provided for by those proceedings, 570
including all moneys and investments, and earnings from 571
investments, credited and to be credited to that fund as provided 572
in the bond proceedings. 573

(L) "Bonds" means bonds, notes, including notes anticipating 574
bonds or other notes, commercial paper, certificates of 575

participation, or other evidences of obligation, including any 576
interest coupons pertaining thereto, issued by the commission 577
pursuant to this chapter. 578

(M) "Net revenues" means revenues lawfully available to pay 579
both current operating expenses of the commission and bond service 580
charges in any fiscal year or other specified period, less current 581
operating expenses of the commission and any amount necessary to 582
maintain a working capital reserve for that period. 583

(N) "Pledged revenues" means net revenues, moneys and 584
investments, and earnings on those investments, in the applicable 585
bond service fund and any other special funds, and the proceeds of 586
any bonds issued for the purpose of refunding prior bonds, all as 587
lawfully available and by resolution of the commission committed 588
for application as pledged revenues to the payment of bond service 589
charges on particular issues of bonds. 590

(O) "Service facilities" means service stations, restaurants, 591
and other facilities for food service, roadside parks and rest 592
areas, parking, camping, tenting, rest, and sleeping facilities, 593
hotels or motels, and all similar and other facilities providing 594
services to the traveling public in connection with the use of a 595
turnpike project and owned, leased, licensed, or operated by the 596
commission. 597

(P) "Service revenues" means those revenues of the commission 598
derived from its ownership, leasing, licensing, or operation of 599
service facilities. 600

(Q) "Special funds" means the applicable bond service fund 601
and any accounts and subaccounts in that fund, any other funds or 602
accounts permitted by and established under, and identified as a 603
"special fund" or "special account" in, the bond proceedings, 604
including any special fund or account established for purposes of 605
rebate or other requirements under federal income tax laws. 606

(R) "State agencies" means the state, officers of the state, 607
and boards, departments, branches, divisions, or other units or 608
agencies of the state. 609

(S) "State taxes" means receipts of the commission from the 610
proceeds of state taxes or excises levied and collected, or 611
appropriated by the general assembly to the commission, for the 612
purposes and functions of the commission. State taxes do not 613
include tolls, or investment earnings on state taxes except on 614
those state taxes referred to in Section 5a of Article XII, Ohio 615
Constitution. 616

(T) "Tolls" means tolls, special fees or permit fees, or 617
other charges by the commission to the owners, lessors, lessees, 618
or operators of motor vehicles for the operation of or the right 619
to operate those vehicles on a turnpike project. 620

(U) "Credit enhancement facilities" means letters of credit, 621
lines of credit, standby, contingent, or firm securities purchase 622
agreements, insurance, or surety arrangements, guarantees, and 623
other arrangements that provide for direct or contingent payment 624
of bond service charges, for security or additional security in 625
the event of nonpayment or default in respect of bonds, or for 626
making payment of bond service charges and at the option and on 627
demand of bondholders or at the option of the commission or upon 628
certain conditions occurring under put or similar arrangements, or 629
for otherwise supporting the credit or liquidity of the bonds, and 630
includes credit, reimbursement, marketing, remarketing, indexing, 631
carrying, interest rate hedge, and subrogation agreements, and 632
other agreements and arrangements for payment and reimbursement of 633
the person providing the credit enhancement facility and the 634
security for that payment and reimbursement. 635

(V) "Person" has the same meaning as in section 1.59 of the 636
Revised Code and, unless the context otherwise provides, also 637
includes any governmental agency and any combination of those 638

persons. 639

(W) "Refund" means to fund and retire outstanding bonds, 640
including advance refunding with or without payment or redemption 641
prior to stated maturity. 642

(X) "Governmental agency" means any state agency, federal 643
agency, political subdivision, or other local, interstate, or 644
regional governmental agency, and any combination of those 645
agencies. 646

(Y) "Property" has the same meaning as in section 1.59 of the 647
Revised Code, and includes interests in property. 648

(Z) "Administrative agent," "agent," "commercial paper," 649
"floating rate interest structure," "indexing agent," "interest 650
rate hedge," "interest rate period," "put arrangement," and 651
"remarketing agent" have the same meanings as in section 9.98 of 652
the Revised Code. 653

(AA) "Outstanding," as applied to bonds, means outstanding in 654
accordance with the terms of the bonds and the applicable bond 655
proceedings. 656

(BB) "Ohio turnpike system" or "system" means all existing 657
and future turnpike projects constructed, operated, and maintained 658
under the jurisdiction of the commission. 659

(CC) "Ohio turnpike" means the toll freeway that runs in an 660
easterly and westerly direction across the entire northern portion 661
of this state between its borders with the state of Pennsylvania 662
in the east and the state of Indiana in the west and carries the 663
interstate highway designations of interstate seventy-six, 664
interstate eighty, and interstate eighty-ninety. 665

Sec. 5537.011. (A)(1) The department of administrative 666
services shall solicit, receive, consider, evaluate, negotiate, 667
and accept a proposal for the operation of the Ohio turnpike by a 668

private entity pursuant to a public-private lease agreement. 669

(2) In soliciting and selecting a private entity with which 670
to enter into a public-private lease agreement, the department may 671
issue a request for qualifications in connection with the proposed 672
execution of a public-private lease agreement and then may utilize 673
any competitive selection process that the department determines 674
to be appropriate or reasonable. 675

(3) The department may require that any bid submitted to 676
enter into a public-private lease agreement be accompanied by 677
security in the form of cash, letters of credit, or other 678
financial security acceptable to the department. 679

(B) The department may consider any of the following factors 680
in evaluating and selecting a bid or proposal to enter into a 681
public-private lease agreement: 682

(1) The overall value to the state from the bid or proposal 683
of the private entity; 684

(2) The general reputation, qualifications, industry 685
experience, and financial capacity of the private entity; 686

(3) The safety record of the private entity; 687

(4) Other criteria that the department considers appropriate. 688

(C) Within one year after the effective date of this section, 689
or as soon thereafter as is practicable, the department shall 690
select a private entity for a public-private lease agreement. The 691
turnpike oversight committee shall oversee the operation of the 692
Ohio turnpike by a private entity pursuant to the public-private 693
lease agreement. 694

(D) Any payment or compensation under the public-private 695
lease agreement by the private entity to the department shall 696
first be used by the department to pay debt charges on all 697
outstanding bonds, notes, and other obligations issued in 698

connection with the Ohio turnpike and any other debts or 699
obligations of the Ohio turnpike commission and then shall be 700
distributed at the direction of the department to the Ohio promise 701
scholarship program fund established in section 3333.47 of the 702
Revised Code. 703

Sec. 5537.012. (A) The public-private lease agreement between 704
the department of administrative services and a private entity for 705
the operation of the Ohio turnpike by a private entity shall 706
specify at least the following terms and conditions: 707

(1) The term of the public-private lease agreement, which 708
shall not exceed fifty years; 709

(2) Programmed reconstruction, replacement, improvement, 710
maintenance, management, and repair of the Ohio turnpike, which, 711
except as otherwise provided in the public-private lease 712
agreement, shall comply at least with the department of 713
transportation minimum standards for other projects of a similar 714
nature, and with any other applicable state or federal standards; 715

(3) A description of the actions the turnpike oversight 716
committee may take to ensure proper reconstruction, replacement, 717
improvement, maintenance, management, and repair of the Ohio 718
turnpike; 719

(4) Compliance with applicable federal, state, and local 720
laws; 721

(5) The rights and duties of the private entity and other 722
state and local governmental entities with respect to use of the 723
Ohio turnpike, including a provision that any police, fire and 724
emergency services and any other security or emergency personnel, 725
including the armed forces of the United States, shall have access 726
to the Ohio turnpike as necessary for the enforcement of police 727
powers, emergency management purposes, and homeland security 728

<u>purposes;</u>	729
<u>(6) Procedures for amendment of the agreement;</u>	730
<u>(7) The rights and remedies available in the event of default or delay;</u>	731
<u>(8) Grounds for termination of the public-private lease agreement by the state or the private entity.</u>	733
<u>(B) A public-private lease agreement under this section may provide for the following:</u>	735
<u>(1) Review and approval by the turnpike oversight committee of the private entity's plans for the operation and maintenance of the Ohio turnpike;</u>	736
<u>(2) Inspection by the turnpike oversight committee of construction, reconstruction, or maintenance of or improvements to the Ohio turnpike;</u>	737
<u>(3) Maintenance of insurance, bonds, or letters of credit by the private entity, providing coverages and amounts acceptable to the department;</u>	738
<u>(4) Filing by the private entity, on a periodic basis, of appropriate financial statements in a form acceptable to the turnpike oversight committee;</u>	739
<u>(5) Filing by the private entity, on a periodic basis, of traffic reports in a form acceptable to the turnpike oversight committee;</u>	740
<u>(6) Assignment, subcontracting, or other delegation of responsibilities of the private entity under the agreement to third parties;</u>	741
<u>(7) Traffic enforcement and other policing issues, including any reimbursement by the private entity for such services;</u>	742
<u>(8) Other terms and conditions.</u>	743
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(C) The public-private lease agreement may include the 758
imposition and collection of tolls and the development or use of 759
service revenues and other revenue sources. Tolls or user fees may 760
not be imposed by the private entity except as set forth in a 761
public-private agreement. Tolls and user fees and the setting of 762
tolls and user fee rates are not subject to supervision or 763
regulation by any commission, board, bureau, or agency of the 764
state or any municipal corporation, other than the department or 765
the turnpike oversight committee to the extent set forth in the 766
public-private agreement. 767

Sec. 5537.013. (A) Upon the termination of the public-private 768
agreement, the authority and duties of the private entity cease, 769
except for any duties and obligations that extend beyond the 770
termination as provided in the public-private agreement, and the 771
Ohio turnpike reverts to the state. 772

(B) Upon the occurrence and during the continuation of 773
material default by a private entity, the department of 774
administrative services may do any of the following: 775

(1) Seek specific performance, injunction, or other equitable 776
remedies; 777

(2) Exercise any additional rights and remedies allowed by 778
law or in equity or provided in the public-private lease 779
agreement, including the ejection of the private entity from the 780
Ohio turnpike, the assessment of liquidated damages or other 781
amounts or the liquidating of any bond, security, or reserve 782
accounts established under the lease agreement; 783

(3) Terminate the public-private lease agreement and exercise 784
any other rights and remedies that may be available. 785

(C) The general assembly specifically finds that the 786
commencement of a reorganization or liquidation proceeding under 787

federal law or under any comparable state or local law by any 788
private entity that is a party to a public-private lease agreement 789
to operate the Ohio turnpike would constitute an immediate threat 790
to the public health, safety, and welfare of the citizens of this 791
state, requiring the termination of such agreement. 792

(D) In the event that the agreement is terminated under this 793
section the department of administrative services shall notify the 794
turnpike oversight committee and the department of transportation. 795
Immediately upon the notification, the department of 796
transportation shall take all appropriate actions to continue 797
operation of the Ohio turnpike until such time as the department 798
of administrative services enters into a new agreement for the 799
lease and operation of the Ohio turnpike in accordance with 800
sections 5537.011 and 5537.012 of the Revised Code and the private 801
entity selected under those sections is prepared to operate the 802
Ohio turnpike. 803

(E) As used in this section, "material default" means any 804
failure of a private entity to perform any duties under the 805
public-private lease agreement that jeopardizes delivery of 806
adequate service to the public and remains unsatisfied after a 807
reasonable period of time and after the private entity has 808
received written notice from the department or the turnpike 809
oversight committee of the failure. 810

Sec. 5537.02. (A) ~~There is hereby created a~~ The commission to 811
be known as the "Ohio turnpike commission-" is hereby abolished 812
upon the transfer of control of the Ohio turnpike to a private 813
entity pursuant to an agreement under section 5537.011 of the 814
Revised Code. Until transfer of control of the Ohio turnpike, the 815
commission shall continue to function pursuant to authority 816
granted by this chapter. The Ohio turnpike commission is a body 817
both corporate and politic, constituting an instrumentality of the 818

state, and the exercise by it of the powers conferred by this 819
chapter in the construction, operation, and maintenance of the 820
Ohio turnpike system are and shall be held to be essential 821
governmental functions of the state, but the commission shall not 822
be immune from liability by reason thereof. The commission is 823
subject to all provisions of law generally applicable to state 824
agencies which do not conflict with this chapter. 825

(B)(1) The commission shall consist of nine members as 826
follows: 827

(a) Four members appointed by the governor with the advice 828
and consent of the senate, no more than two of whom shall be 829
members of the same political party; 830

(b) The director of transportation, the director of budget 831
and management, and the director of development, each of whom 832
shall be a member ex officio without compensation; 833

(c) One member of the senate, appointed by the president of 834
the senate, who shall represent either a district in which is 835
located or through which passes a portion of a turnpike project 836
that is part of the Ohio turnpike system or a district located in 837
the vicinity of a turnpike project that is part of the Ohio 838
turnpike system; 839

(d) One member of the house of representatives, appointed by 840
the speaker of the house of representatives, who shall represent 841
either a district in which is located or through which passes a 842
portion of a turnpike project that is part of the Ohio turnpike 843
system or a district located in the vicinity of a turnpike project 844
that is part of the Ohio turnpike system. 845

(2) The members appointed by the governor shall be residents 846
of the state, shall have been qualified electors therein for a 847
period of at least five years next preceding their appointment, 848
and shall serve terms of eight years commencing on the first day 849

of July and ending on the thirtieth day of June. Those members 850
appointed by the president of the senate or the speaker of the 851
house of representatives shall serve a term of the remainder of 852
the general assembly during which the senator or representative is 853
appointed. Each appointed member shall hold office from the date 854
of appointment until the end of the term for which the member was 855
appointed. If a commission member dies or resigns, or if a senator 856
or representative who is a member of the commission ceases to be a 857
senator or representative, or if an ex officio member ceases to 858
hold the applicable office, the vacancy shall be filled in the 859
same manner as provided in division (B)(1) of this section. Any 860
member who fills a vacancy occurring prior to the end of the term 861
for which the member's predecessor was appointed shall, if 862
appointed by the governor, hold office for the remainder of such 863
term or, if appointed by the president of the senate or the 864
speaker of the house of representatives, shall hold office for the 865
remainder of the term or for a shorter period of time as 866
determined by the president or the speaker. Any member appointed 867
by the governor shall continue in office subsequent to the 868
expiration date of the member's term until the member's successor 869
takes office, or until a period of sixty days has elapsed, 870
whichever occurs first. A member of the commission is eligible for 871
reappointment. Each member of the commission appointed by the 872
governor, before entering upon the member's duties, shall take an 873
oath as provided by Section 7 of Article XV, Ohio Constitution. 874
The governor, the president of the senate, or the speaker of the 875
house of representatives, may at any time remove their respective 876
appointees to the commission for misfeasance, nonfeasance, or 877
malfeasance in office. 878

(3)(a) A member of the commission who is appointed by the 879
president of the senate or the speaker of the house of 880
representatives shall not participate in any vote of the 881
commission. Serving as an appointed member of the commission under 882

divisions (B)(1)(c), (1)(d), or (2) of this section does not 883
constitute grounds for resignation from the senate or the house of 884
representatives under section 101.26 of the Revised Code. 885

(b) The director of budget and management and the director of 886
development shall not participate in any vote of the commission. 887

(C) The voting members of the commission shall elect one of 888
the appointed voting members as chairperson and another as 889
vice-chairperson, and shall appoint a secretary-treasurer who need 890
not be a member of the commission. Three of the voting members of 891
the commission constitute a quorum, and the affirmative vote of 892
three voting members is necessary for any action taken by the 893
commission. No vacancy in the membership of the commission impairs 894
the rights of a quorum to exercise all the rights and perform all 895
the duties of the commission. 896

(D) Each member of the commission appointed by the governor 897
shall give a surety bond to the commission in the penal sum of 898
twenty-five thousand dollars and the secretary-treasurer shall 899
give such a bond in at least the penal sum of fifty thousand 900
dollars. The commission may require any of its officers or 901
employees to file surety bonds including a blanket bond as 902
provided in section 3.06 of the Revised Code. Each such bond shall 903
be in favor of the commission and shall be conditioned upon the 904
faithful performance of the duties of the office, executed by a 905
surety company authorized to transact business in this state, 906
approved by the governor, and filed in the office of the secretary 907
of state. The costs of the surety bonds shall be paid or 908
reimbursed by the commission from revenues. Each member of the 909
commission appointed by the governor shall receive an annual 910
salary of five thousand dollars, payable in monthly installments. 911
Each member shall be reimbursed for the member's actual expenses 912
necessarily incurred in the performance of the member's duties. 913
All costs and expenses incurred by the commission in carrying out 914

this chapter shall be payable solely from revenues and state 915
taxes, and no liability or obligation shall be incurred by the 916
commission beyond the extent to which revenues have been provided 917
for pursuant to this chapter. 918

Sec. 5537.03. In order to remove present and anticipated 919
handicaps and potential hazards on the congested highways in this 920
state, to facilitate vehicular traffic throughout the state, to 921
promote the agricultural, commercial, recreational, tourism, and 922
industrial development of the state, and to provide for the 923
general welfare by the construction, improvement, and maintenance 924
of modern express highways embodying safety devices, including 925
without limitation center divisions, ample shoulder widths, 926
longsight distances, multiple lanes in each direction, and grade 927
separations at intersections with other public roads and 928
railroads, the Ohio turnpike commission, subject to section 929
5537.26 of the Revised Code, may construct, maintain, repair, and 930
operate a system of turnpike projects at locations that are 931
reviewed by the turnpike ~~legislative review~~ oversight committee 932
and approved by the governor, and in accordance with alignment and 933
design standards that are approved by the director of 934
transportation, and issue revenue bonds of this state, payable 935
solely from pledged revenues, to pay the cost of those projects. 936
The turnpikes and turnpike projects authorized by this chapter are 937
hereby or shall be made part of the Ohio turnpike system. 938

Sec. 5537.21. (A) When bond service charges on all 939
outstanding bonds issued in connection with any turnpike project 940
have been paid or provision for that payment has been made, as 941
provided in the applicable bond proceedings, or in the case of a 942
turnpike project in connection with which no bonds have been 943
issued, the project shall continue to be or be operated, and 944
improved and maintained, by the ~~Ohio turnpike~~ commission as a part 945

of the Ohio turnpike system and as a toll road, and all revenues 946
received by the commission relating to that project shall be 947
applied as provided in division (B) of this section. 948

(B) Subject to the bond proceedings for bonds relating to any 949
turnpike project, tolls relating to a turnpike project as referred 950
to in division (A) of this section shall be so fixed and adjusted 951
that the aggregate of revenues relating to that project and 952
available for the purpose are in amounts to provide moneys 953
sufficient, and those revenues shall be used, to pay the costs 954
described in division (C)(1) of section 5537.13 of the Revised 955
Code and for any purpose authorized by an agreement with a private 956
entity to operate the Ohio turnpike. 957

Sec. 5537.24. (A) There is hereby created a turnpike 958
~~legislative review~~ oversight committee consisting of ~~six~~ ten 959
members as follows: 960

(1) Three members of the senate, no more than two of whom 961
shall be members of the same political party, one of whom shall be 962
the chairperson of the committee dealing primarily with highway 963
matters, one of whom shall be appointed by the president of the 964
senate, and one of whom shall be appointed by the minority leader 965
of the senate. 966

Both the senate member who is appointed by the president of 967
the senate and the senate member appointed by the minority leader 968
of the senate shall represent either districts in which is located 969
or through which passes a portion of a turnpike project that is 970
part of the Ohio turnpike system or districts located in the 971
vicinity of a turnpike project that is part of the Ohio turnpike 972
system. 973

The president of the senate shall make the president of the 974
senate's appointment to the committee first, followed by the 975
minority leader of the senate, and they shall make their 976

appointments in such a manner that their two appointees represent 977
districts that are located in different areas of the state. If the 978
chairperson of the senate committee dealing primarily with highway 979
matters represents a district in which is located or through which 980
passes a portion of a turnpike project that is part of the Ohio 981
turnpike system or a district located in the vicinity of a 982
turnpike project that is part of the Ohio turnpike system, the 983
president of the senate and the minority leader of the senate 984
shall make their appointments in such a manner that their two 985
appointees and the chairperson of the senate committee dealing 986
primarily with highway matters all represent districts that are 987
located in different areas of the state. 988

(2) Three members of the house of representatives, no more 989
than two of whom shall be members of the same political party, one 990
of whom shall be the chairperson of the house of representatives 991
committee dealing primarily with highway matters, one of whom 992
shall be appointed by the speaker of the house of representatives, 993
and one of whom shall be appointed by the minority leader of the 994
house of representatives. 995

Both the house of representatives member who is appointed by 996
the speaker of the house of representatives and the house of 997
representatives member appointed by the minority leader of the 998
house of representatives shall represent either districts in which 999
is located or through which passes a portion of a turnpike project 1000
that is part of the Ohio turnpike system or districts located in 1001
the vicinity of a turnpike project that is part of the Ohio 1002
turnpike system. 1003

The speaker of the house of representatives shall make the 1004
speaker of the house of representative's appointment to the 1005
committee first, followed by the minority leader of the house of 1006
representatives, and they shall make their appointments in such a 1007
manner that their two appointees represent districts that are 1008

located in different areas of the state. If the chairperson of the 1009
house of representatives committee dealing primarily with highway 1010
matters represents a district in which is located or through which 1011
passes a portion of a turnpike project that is part of the Ohio 1012
turnpike system or a district located in the vicinity of a 1013
turnpike project that is part of the Ohio turnpike system, the 1014
speaker of the house of representatives and the minority leader of 1015
the house of representatives shall make their appointments in such 1016
a manner that their two appointees and the chairperson of the 1017
house of representatives committee dealing primarily with highway 1018
matters all represent districts that are located in different 1019
areas of the state. 1020

(3) Four members appointed by the governor; 1021

(4) The chairperson of the house of representatives committee 1022
shall serve as the chairperson of the turnpike ~~legislative review~~ 1023
oversight committee for the year 1996. Thereafter, the chair 1024
annually shall alternate between, first, the chairperson of the 1025
senate committee and then the chairperson of the house of 1026
representatives committee. 1027

(B) Each member of the turnpike ~~legislative review~~ oversight 1028
committee who is a member of the general assembly shall serve a 1029
term of the remainder of the general assembly during which the 1030
member is appointed or is serving as chairperson of the specified 1031
senate or house committee. In the event of the death or 1032
resignation of a committee member who is a member of the general 1033
assembly, or in the event that a member ceases to be a senator or 1034
representative, or in the event that the chairperson of the senate 1035
committee dealing primarily with highway matters or the 1036
chairperson of the house of representatives committee dealing 1037
primarily with highway matters ceases to hold that position, the 1038
vacancy shall be filled through an appointment by the president of 1039
the senate or the speaker of the house of representatives or 1040

minority leader of the senate or house of representatives, as 1041
applicable. Any member appointed to fill a vacancy occurring prior 1042
to the end of the term for which the member's predecessor was 1043
appointed shall hold office for the remainder of the term or for a 1044
shorter period of time as determined by the president or the 1045
speaker. A member of the committee is eligible for reappointment. 1046

(C) The turnpike ~~legislative review~~ oversight committee shall 1047
meet at least quarterly and may meet at the call of its 1048
chairperson, or upon the written request to the chairperson of not 1049
fewer than four members of the committee. Meetings shall be held 1050
at sites that are determined solely by the chairperson of the 1051
committee. At each meeting, the ~~Ohio turnpike~~ chairperson of the 1052
commission or the private entity operating the Ohio turnpike under 1053
a public-private lease agreement shall make a report to the 1054
committee on commission matters, including but not limited to 1055
financial and budgetary matters and proposed and on-going 1056
construction, maintenance, repair, and operational projects of the 1057
commission. 1058

The committee, by the affirmative vote of at least ~~four~~ six 1059
of its members, may submit written recommendations to the 1060
~~commission~~ governor, either at meetings held pursuant to this 1061
section or at any other time, describing new turnpike projects or 1062
new interchanges located on existing projects that the committee 1063
believes the ~~commission~~ governor should consider ~~constructing~~ 1064
approving under section 5537.03 of the Revised Code. 1065

(D) The members of the turnpike ~~legislative review~~ oversight 1066
committee who are members of the general assembly shall serve 1067
without compensation, but shall be reimbursed by the commission 1068
for their actual and necessary expenses incurred in the discharge 1069
of their official duties as committee members. Serving as a member 1070
of the turnpike ~~legislative review~~ oversight committee does not 1071
constitute grounds for resignation from the senate or house of 1072

representatives under section 101.26 of the Revised Code. 1073

Sec. 5537.26. (A) Except as provided in division (D) of this 1074
section, no increase by the Ohio turnpike commission in the toll 1075
rate structure that is applicable to vehicles operating on a 1076
turnpike project shall become effective unless the commission 1077
complies with the notice and hearing requirements prescribed in 1078
division (B) of this section, and the commission shall not take 1079
any action that expands, has the effect of expanding, or will to 1080
any degree at any time in the future have the effect of expanding 1081
the sphere of responsibility of the commission beyond the Ohio 1082
turnpike, unless the commission complies with the notice and 1083
hearing requirements prescribed in division (B) of this section. 1084

(B) Not less than ninety days prior to the date on which the 1085
commission votes to increase any part of the toll rate structure 1086
that is applicable to vehicles operating on a turnpike project, 1087
and not less than ninety days prior to the date on which the 1088
commission votes to take an action that expands, has the effect of 1089
expanding, or will to any degree at any time in the future have 1090
the effect of expanding the sphere of responsibility of the 1091
commission beyond the Ohio turnpike, the commission shall do both 1092
of the following: 1093

(1) Send notice to the governor and the presiding officers 1094
and minority leaders of the senate and house of representatives 1095
that details the proposed increase to the toll rate structure or 1096
the expansion of the sphere of responsibility of the commission 1097
beyond the Ohio turnpike, including a description of and a 1098
justification for the increase or expansion; 1099

(2) Commence holding public hearings on the proposed increase 1100
in the toll rate structure or the proposed action. If the 1101
commission is proposing an increase in the toll rate structure 1102
that is applicable to vehicles operating on a turnpike project, it 1103

shall hold not less than three public hearings in three 1104
geographically diverse locations in this state that are in the 1105
immediate vicinity of the affected project. If the commission is 1106
proposing to take an action that expands, has the effect of 1107
expanding, or will to any degree at any time in the future have 1108
the effect of expanding the sphere of responsibility of the 1109
commission beyond the Ohio turnpike, it shall hold not less than 1110
three public hearings in three locations in the immediate vicinity 1111
where the expanded responsibilities would arise. 1112

The commission shall hold the third or, if it holds more than 1113
three hearings, the last hearing of any set of hearings required 1114
to be held under this section not less than thirty days prior to 1115
the date on which it votes to increase part of the toll rate 1116
structure that is applicable to vehicles operating on a turnpike 1117
project or to take an action that expands, has the effect of 1118
expanding, or will to any degree at any time in the future have 1119
the effect of expanding the sphere of responsibility of the 1120
commission beyond the Ohio turnpike. 1121

The commission shall inform the public of all the hearings 1122
required to be held under this section by causing a notice to be 1123
published in a newspaper of general circulation in the county in 1124
which each hearing is to be held, not less than once per week for 1125
two weeks prior to the date of the hearing. 1126

(C) If the commission does not comply with the notice and 1127
hearing requirements contained in division (B) of this section and 1128
votes for an increase in the toll rate structure that is 1129
applicable to vehicles operating on a turnpike project, the 1130
increase in the toll rate structure shall not take effect, any 1131
attempt by the commission to implement the increase in the toll 1132
rate structure is void, and, if necessary, the attorney general 1133
shall file an action in the court of common pleas of the county in 1134
which the principal office of the commission is located to enjoin 1135

the commission from implementing the increase. The commission 1136
shall not implement any increase until it complies with division 1137
(B) of this section. 1138

If the commission does not comply with the notice and hearing 1139
requirements contained in division (B) of this section and votes 1140
to take an action that expands, has the effect of expanding, or 1141
will to any degree at any time in the future have the effect of 1142
expanding the sphere of responsibility of the commission beyond 1143
the Ohio turnpike, the commission shall not take the proposed 1144
action and, if necessary, the attorney general shall file an 1145
action in the court of common pleas of the county in which the 1146
principal office of the commission is located to enjoin the 1147
commission from taking the proposed action. The commission shall 1148
not take the proposed action until it complies with the notice and 1149
hearing requirements prescribed in division (B) of this section. 1150

(D) Divisions (A) to (C) of this section do not apply to any 1151
decrease made to the toll rate structure by the commission. The 1152
commission may implement a temporary decrease in the toll rate 1153
structure only if it does not exceed eighteen months in duration. 1154
Prior to instituting any decrease to the toll rate structure, the 1155
commission shall do both of the following: 1156

(1) Not less than five days prior to any public meeting under 1157
division (D)(2) of this section, send notice to the governor and 1158
the presiding officers and minority leaders of the senate and 1159
house of representatives that details the proposed decrease to the 1160
toll rate structure; 1161

(2) Hold a public meeting to explain to members of the 1162
traveling public the reasons for the upcoming decrease, to inform 1163
them of any benefits and any negative consequences, and to give 1164
them the opportunity to express their opinions as to the relative 1165
merits or drawbacks of each toll decrease. The commission shall 1166
inform the public of the meeting by causing a notice to be 1167

published in newspapers of general circulation in Cuyahoga, Lucas, 1168
Mahoning, Trumbull, Williams, and Summit counties not less than 1169
five days prior to the meeting. The commission shall not be 1170
required to hold any public hearing or meeting upon the expiration 1171
of any temporary decrease in the toll rate structure, so long as 1172
it implements the same toll rate structure that was in effect 1173
immediately prior to the temporary decrease. 1174

~~(E) As used in this section, "Ohio turnpike" means the toll 1175
freeway that is under the jurisdiction of the commission and runs 1176
in an easterly and westerly direction across the entire northern 1177
portion of this state between its borders with the state of 1178
Pennsylvania in the east and the state of Indiana in the west, and 1179
carries the interstate highway designations of interstate 1180
seventy six, interstate eighty, and interstate eighty ninety This 1181
section does not apply to toll increases by a private entity 1182
operating the Ohio turnpike pursuant to a public-private lease 1183
agreement under section 5537.011 of the Revised Code. 1184~~

Sec. 5537.27. The Ohio turnpike commission, the director of 1185
transportation or the director's designee, and another person 1186
designated by the governor shall establish a procedure whereby a 1187
political subdivision or other government agency or agencies may 1188
submit a written application to the commission, requesting the 1189
commission to construct and operate a project within the 1190
boundaries of the subdivision, agency, or agencies making the 1191
request. The procedure shall include a requirement that the 1192
commission send a written reply to the subdivision, agency, or 1193
agencies, explaining the disposition of the request. The procedure 1194
established pursuant to this section shall not become effective 1195
unless it is approved by the commission and by the director or the 1196
director's designee and the designee of the governor, and shall 1197
require submission of the proposed project to the turnpike 1198
~~legislative review~~ oversight committee if the project must be 1199

approved by the governor. 1200

Sec. 5537.28. (A) Notwithstanding any other provision of law, 1201
on and after ~~the effective date of this section~~ October 17, 1996, 1202
the Ohio turnpike commission shall not expend any toll revenues 1203
that are generated by an existing turnpike project to fund in any 1204
manner or to any degree the construction, operation, maintenance, 1205
or repair of another turnpike project the location of which must 1206
be reviewed by the turnpike ~~legislative review~~ oversight committee 1207
and approved by the governor. 1208

In paying the cost of such a project, the commission may 1209
issue bonds and bond anticipation notes as permitted by this 1210
chapter, and may accept moneys from any source to pay the cost of 1211
any portion of the project, including, but not limited to, the 1212
federal government, any department or agency of this state, and 1213
any political subdivision or other government agency. Each such 1214
project shall be constructed, operated, maintained, and repaired 1215
entirely with funds generated by that project or otherwise 1216
specifically acquired for that project from sources permitted by 1217
this chapter. 1218

(B) The commission shall not expend any toll revenues 1219
generated by the Ohio turnpike to pay any amount of the principal 1220
amount of, or interest due on, any bonds or bond anticipation 1221
notes issued by the commission to pay any portion of the cost of 1222
another turnpike project the location of which must be reviewed by 1223
the turnpike ~~legislative review~~ oversight committee and approved 1224
by the governor. The commission shall not expend any toll revenues 1225
generated by any turnpike project to pay any amount of the 1226
principal amount of, or interest due on, any bonds or bond 1227
anticipation notes issued by the commission to pay any portion of 1228
the cost of a new turnpike project the location of which must be 1229
reviewed by the turnpike ~~legislative review~~ oversight committee 1230

and approved by the governor or the cost of the operation, repair, 1231
improvement, maintenance, or reconstruction of any turnpike 1232
project other than the project that generated those toll revenues. 1233

(C) As used in this section: 1234

~~(1) "Ohio turnpike" has the same meaning as in division (E) 1235
of section 5537.26 of the Revised Code; 1236~~

~~(2) ~~Another~~, "another" turnpike project" does not include 1237
infrastructure improvements on the Ohio turnpike or on connecting 1238
roadways within one mile of an Ohio turnpike interchange. 1239~~

Section 2. That existing sections 3315.37, 3333.28, 3333.38, 1240
3345.32, 5537.01, 5537.02, 5537.03, 5537.21, 5537.24, 5537.26, 1241
5537.27, and 5537.28 of the Revised Code are hereby repealed. 1242

Section 3. Not later than one year after the beginning of the 1243
first academic year for which scholarships are awarded under the 1244
Ohio Promise Scholarship Program, the Chancellor of the Ohio Board 1245
of Regents shall recommend to the General Assembly, in accordance 1246
with section 101.68 of the Revised Code, the elimination of other 1247
scholarship programs currently authorized that the Chancellor 1248
determines are duplicative of the Ohio Promise Scholarship Program 1249
and, therefore, may be eliminated. 1250

Section 4. Upon the abolition of the Ohio Turnpike Commission 1251
under section 5537.02 of the Revised Code, all of its functions, 1252
assets, and liabilities are transferred to the Department of 1253
Administrative Services. The Department is thereupon and 1254
thereafter successor to, assumes the obligations of, and otherwise 1255
constitutes the continuation of the Ohio Turnpike Commission. 1256

Any business commenced but not completed by the Ohio Turnpike 1257
Commission when it is abolished shall be completed by the 1258
Department of Administrative Services in the same manner, and with 1259

the same effect, as if completed by the Ohio Turnpike Commission. 1260
No validation, cure, right, privilege, remedy, obligation, or 1261
liability is lost or impaired by reason of the transfer required 1262
by this section and shall be administered by the Department of 1263
Administrative Services. All of the Ohio Turnpike Commission's 1264
rules, orders, and determinations continue in effect as rules, 1265
orders, and determinations of the Department of Administrative 1266
Services until modified or rescinded by the Department of 1267
Administrative Services. If necessary to ensure the integrity of 1268
the numbering of the Administrative Code, the Director of the 1269
Legislative Service Commission shall renumber the Ohio Turnpike 1270
Commission's rules to reflect their transfer to the Department of 1271
Administrative Services. 1272

Wherever the Ohio Turnpike Commission is referred to in any 1273
law, contract, or other document, the reference shall be deemed to 1274
refer to the Department of Administrative Services. 1275

No action or proceeding pending on the effective date of this 1276
act is affected by the transfer, and shall be prosecuted or 1277
defended in the name of the Department of Administrative Services. 1278
In all such actions and proceedings, the Department of 1279
Administrative Services upon application to the court shall be 1280
substituted as a party. 1281

All employees of the Ohio Turnpike Commission cease to hold 1282
their positions of employment upon the abolishment of the Ohio 1283
Turnpike Commission. 1284

Section 5. Sections 1, 2, 3, and 4 of this act shall not take 1285
effect unless a proposal to amend Section 6 of Article XV of the 1286
Constitution of the State of Ohio to authorize the state lottery 1287
to be operated by a private entity and to authorize the net profit 1288
of the state lottery to be used for scholarships for Ohio 1289
residents who are students at institutions of higher education 1290

located in Ohio, in addition to the current use of the net profit	1291
for the support of elementary, secondary, vocational, and special	1292
education programs, is approved by the electors of the state at a	1293
general or special election held in 2009 or 2010.	1294