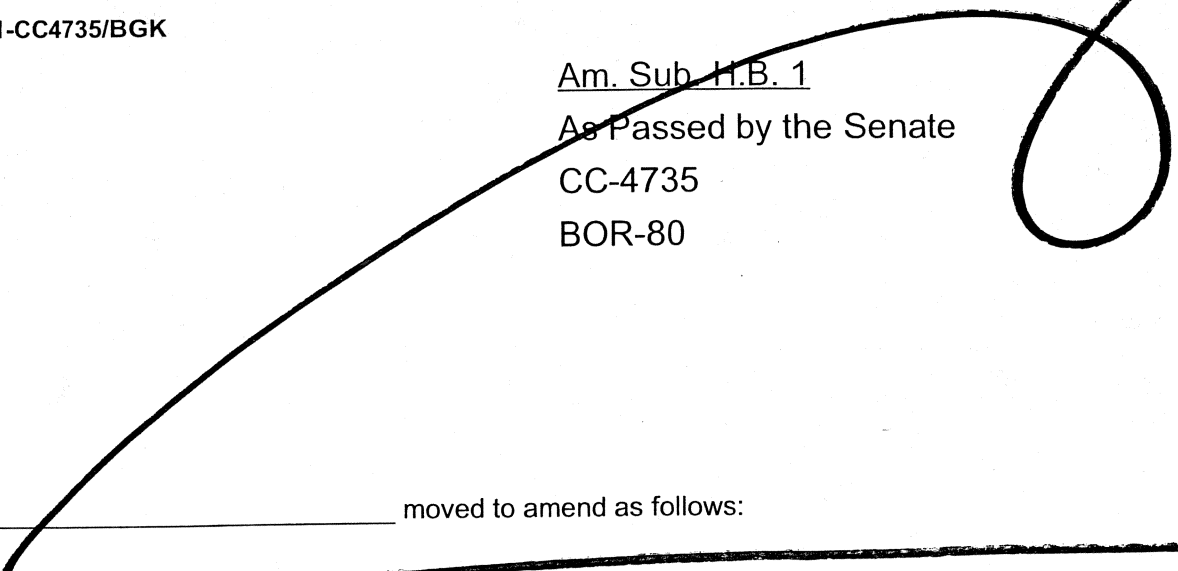


Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4735  
BOR-80



\_\_\_\_\_ moved to amend as follows:

- In line 442, after "3333.91," insert "3345.36," 1
- In line 45532, after "obligations" insert "or assurances" 2
- In line 45534, after "obligations" insert "or assurances" 3
- In line 45540, after "obligations" insert "or assurances" 4
- In line 45541, after "obligations" insert "or assurances" 5
- In line 45574, after "facilities" insert "or entrepreneurial projects" 6
- In line 45577, after "obligations" insert "or assurances" in both places 8
- In line 45578, after "obligations" insert "or assurances" 10
- Between lines 45586 and 45587, insert: 11
- "(15) "Assurances" means bonds, notes, or other evidence of indebtedness, including interest coupons pertaining thereto, authorized to be issued under section 3345.36 of the Revised Code." 12-14
- (16) "Entrepreneurial project" has the same meaning as in section 3345.36 of the Revised Code. 15-16
- (17) "Costs of entrepreneurial projects" means any costs related to the establishment or development of entrepreneurial 17-18

projects pursuant to a resolution adopted under section 3345.36 of the Revised Code." 19  
20

In line 45594, after "obligations" insert "and assurances"; 21  
after "Obligations" insert "and assurances" 22

In line 45595, after "facilities" insert "or entrepreneurial projects" 23  
24

In line 45598, after "Obligations" insert "and assurances" 25

In line 45608, after "Obligations" insert "or assurances" 26

In line 45615, after "obligations" insert "or assurances" 27

In line 45618, after "obligation" insert "or assurance" 28

In line 45623, after "obligations" insert "or assurances" 29

In line 45628, after "obligations" insert "or assurances" 30

In line 45634, after "obligations" insert "or assurances" 31

In line 45642, after "obligations" insert "or assurances" 32

In line 45660, after "obligations" insert "or assurances" 33

In line 45661, after "obligations" insert "and assurances" 34

In line 45664, after "facilities" insert "or entrepreneurial projects" 35  
36

In line 45666, after "obligations" insert "or assurances" 37

In line 45672, after "obligations" insert "or assurances" 38

In line 45674, after "facilities" insert "or entrepreneurial projects"; after "obligations" insert "or assurances" 39  
40

In line 45676, after "obligations" insert "or assurances"; 41  
after "assuring" insert "any applicable" 42

In line 45682, after "facilities" insert "or entrepreneurial projects" 43  
44

In line 45686, after "obligations" insert " <u>or assurances</u> "	45
In line 45688, after "obligations" insert " <u>or assurances</u> "	46
In line 45706, after "education" insert " <u>or its</u> <u>entrepreneurial projects</u> "	47 48
In line 45708, after "facilities" insert " <u>or entrepreneurial</u> <u>projects</u> "	49 50
In line 45710, after "obligations" insert " <u>or assurances</u> "	51
In line 45714, after "obligations" insert " <u>or assurances</u> "	52
In line 45716, after "obligations" insert " <u>or assurances</u> "	53
In line 45718, after "obligation" insert " <u>or assurance</u> "	54
In line 45723, after "obligations" insert " <u>or assurances</u> "	55
In line 45724, after "obligations" insert " <u>or assurances</u> " in both places	56 57
In line 45727, after "obligations" insert " <u>or assurances</u> "	58
In line 45730, after "obligations" insert " <u>or assurances</u> "	59
In line 45732, after "obligations" insert " <u>or assurances</u> "	60
In line 45733, after "obligations" insert " <u>or assurances</u> "	61
In line 45735, after "obligations" insert " <u>or assurances</u> " in both places	62 63
In line 45739, after "obligations" insert " <u>or assurances</u> "	64
In line 45742, after "obligations" insert " <u>or assurances</u> "	65
In line 45743, after "obligations" insert " <u>or assurances</u> "	66
In line 45749, after "obligations" insert " <u>or assurances</u> "	67
In line 45757, after "obligations" insert " <u>or assurances</u> "	68
In line 45762, after "obligations" insert " <u>or assurances</u> "	69
In line 45766, after "obligations" insert " <u>or assurances</u> "	70

In line 45769, after "obligations" insert " <u>or assurances</u> "	71
In line 45770, after "obligations" insert " <u>or assurances</u> "	72
In line 45785, after "obligations" insert " <u>or assurances</u> "	73
In line 45787, after "obligations" insert " <u>or assurances</u> "	74
In line 45789, after "obligations" insert " <u>or assurances</u> "	75
In line 45803, after "obligations" insert " <u>or assurances</u> "	76
In line 45805, after "obligations" insert " <u>or assurances</u> "	77
In line 45806, after "obligations" insert " <u>or assurances</u> "	78
In line 45807, after "facilities" insert " <u>or entrepreneurial projects</u> "; after "obligations" insert " <u>or assurances</u> "	79 80
In line 45808, after "obligations" insert " <u>or assurances</u> "	81
In line 45810, after "obligations" insert " <u>or assurances</u> "	82
In line 45811, after "obligations" insert " <u>or assurances</u> "	83
In line 45813, after "obligations" insert " <u>or assurances</u> "	84
In line 45815, after "obligations" insert " <u>or assurances</u> "	85
In line 45816, after "Obligations" insert " <u>and assurances</u> "	86
In line 45833, after "facilities" insert " <u>or entrepreneurial projects</u> "	87 88
In line 45835, after "obligations" insert " <u>or assurances</u> "	89
In line 45840, after "obligations" insert " <u>or assurances</u> "	90
In line 45844, after "3345.11," insert " <u>3345.36,</u> "	91
In line 45859, after "facilities" insert " <u>or entrepreneurial projects</u> "	92 93
In line 45863, after "facilities" insert " <u>or entrepreneurial projects</u> "	94 95
In line 45873, after "Code" insert " <u>or entrepreneurial</u> "	96

<u>projects authorized under section 3345.36 of the Revised Code"</u>	97
In line 45881, after "Code" insert " <u>or, if the proceeds</u>	98
<u>relate to the sale or lease of entrepreneurial projects, for</u>	99
<u>purposes of section 3345.36 of the Revised Code"</u>	100
In line 45887, after "3345.11," insert " <u>3345.36,</u> "	101
Between lines 45970 and 45971, insert:	102
<u>"Sec. 3345.36. (A) For purposes of this section:</u>	103
<u>(1) "Entrepreneurial project" means an effort to develop or</u>	104
<u>commercialize technology through research or technology transfer</u>	105
<u>or investment of real or personal property, or both, including</u>	106
<u>undivided and other interests therein, acquired by gift or</u>	107
<u>purchase, constructed, reconstructed, enlarged, improved,</u>	108
<u>furnished, or equipped, or any combination thereof, by an</u>	109
<u>institution of higher education or by others.</u>	110
<u>(2) "Governmental agency" has the same meaning as in section</u>	111
<u>166.01 of the Revised Code.</u>	112
<u>(3) "Person" means individuals or entities engaged in</u>	113
<u>industry, commerce, distribution, or research.</u>	114
<u>(4) "Institution of higher education" has the same meaning as</u>	115
<u>in section 3345.12 of the Revised Code.</u>	116
<u>(5) "Stock or other ownership" means equity or other</u>	117
<u>ownership rights held or received in return for the grant of</u>	118
<u>rights to intellectual property developed by an institution of</u>	119
<u>higher education. "Stock or other ownership" excludes equity or</u>	120
<u>other ownership rights held or received in return for the</u>	121
<u>investment of money.</u>	122
<u>(B) To create or preserve jobs and employment opportunities</u>	123
<u>and to improve the economic welfare of the people of the state</u>	124
<u>pursuant to Section 13 of Article VIII, Ohio Constitution, it is</u>	125

hereby declared to be the public policy of the state for 126  
institutions of higher education to facilitate and assist with 127  
establishing and developing entrepreneurial projects or to assist 128  
and cooperate with any governmental agency in achieving such 129  
purpose. An entrepreneurial project is hereby determined to 130  
qualify as property, structures, equipment, and facilities 131  
described in Section 13 of Article VIII, Ohio Constitution. 132

In furtherance of such public policy, and pursuant to Section 133  
13 of Article VIII, Ohio Constitution, a board of trustees of an 134  
institution of higher education may do any of the following by 135  
resolution: 136

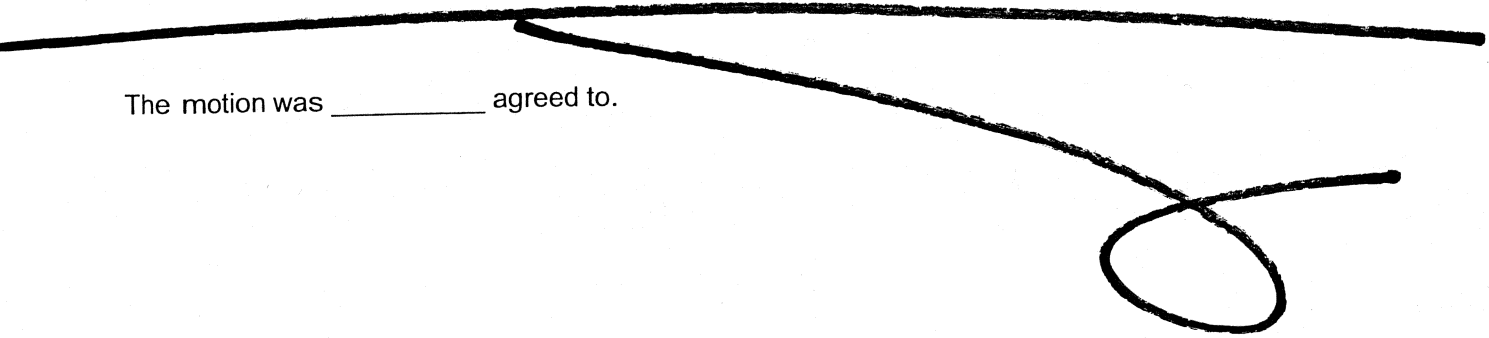
(1) Enter into an agreement with persons and with 137  
governmental agencies to induce such persons to acquire, 138  
construct, reconstruct, rehabilitate, renovate, enlarge, improve, 139  
equip, furnish, or otherwise develop entrepreneurial projects; 140

(2) Acquire stock or other ownership in an entrepreneurial 141  
project or a legal entity formed in connection with an 142  
entrepreneurial project; 143

(3) Make or guarantee loans and borrow money and issue bonds, 144  
notes, or other evidence of indebtedness to provide moneys for the 145  
acquisition, construction, enlargement, improvement, equipment, 146  
maintenance, repair, or operation of entrepreneurial projects, 147  
provided that such bonds, notes, or other evidence of indebtedness 148  
shall not constitute debt for which the full faith and credit of 149  
the state or an instrumentality or political subdivision of the 150  
state may be pledged and moneys raised by taxation shall not be 151  
obligated or pledged for their repayment." 152

In line 202 of the title, after "3333.91," insert "3345.36," 153

The motion was \_\_\_\_\_ agreed to.



SYNOPSIS

Entrepreneurial Projects for Economic Development 154

R.C. 3345.12 and 3345.36 155

Restores all provisions relating to entrepreneurial projects 156  
for economic development in the As Passed by the House version of 157  
the bill, which provisions do the following: 158

(1) Declare it the public policy of the state for boards of 159  
trustees of state institutions of higher education to facilitate 160  
and assist with establishing and developing entrepreneurial 161  
projects for economic development pursuant to Section 13 of 162  
Article VIII, Ohio Constitution, and declare that such projects 163  
qualify as property, structures, equipment, and facilities under 164  
that constitutional provision. 165

(2) Authorize such boards of trustees by resolution (a) to 166  
enter into agreements to induce persons to develop entrepreneurial 167  
projects; (b) to acquire stock or other ownership in 168  
entrepreneurial projects or connected legal entities in return for 169  
granting rights to intellectual property developed by such an 170  
institution; and (c) to make or guarantee loans and borrow money 171  
and issue bonds, notes, and other evidence of indebtedness to 172  
provide money for entrepreneurial projects. 173

(3) Require that bond proceeding law governing the issuance 174  
of bonds, notes, and other evidence of obligations by institutions 175  
of higher education for housing and dining, auxiliary, or 176  
education facilities also to apply to the bonds, notes, and other 177  
evidence of indebtedness issued for entrepreneurial projects. 178

Am. Sub. H.B. 1  
As Passed by the Senate  
CO-4740-1  
DEV083-01

\_\_\_\_\_ moved to amend as follows:

In line 430, after "166.061," insert "166.22," 1

Between lines 15705 and 15706, insert: 2

"Sec. 166.22. (A) There is hereby created in the state 3  
treasury the rapid outreach loan fund, which shall consist of 4  
money transferred to the fund from the funds created and used 5  
under sections 166.20, 166.21, 166.25, and 166.26 of the Revised 6  
Code. Money in the fund shall be used for eligible projects only, 7  
as limited by the purposes for which money may be used under each 8  
fund from which the money is transferred, and applied to allowable 9  
costs as provided under those sections. The fund shall also 10  
consist of any other money appropriated to it and money received 11  
by the state from the repayment of loans and recovery on loan 12  
guarantees, including interest thereon, and the repayment and 13  
recovery of grants, made from the fund. All investment earnings on 14  
the cash balance in the fund shall be credited to the fund. The 15  
fund shall not be comprised, in any part, of money raised by 16  
taxation. 17

(B) The director of development, with the approval of the 18  
controlling board and subject to other applicable provisions of 19  
this chapter, may lend or grant money in the rapid outreach loan 20



fund to persons for the purpose of paying allowable costs of 21  
eligible projects, if the director determines that all of the 22  
following conditions are met: 23

(1) The project is economically sound; 24

(2) The project is an eligible project under division (D) of 25  
section 166.01 of the Revised Code or is otherwise eligible for 26  
funding under the applicable fund from which the money is 27  
transferred to the rapid outreach loan fund; 28

(3) The amount to be provided from the rapid outreach loan 29  
fund is a reasonable amount given the scope of the eligible 30  
project as determined by the director; 31

(4) If the money provided is in the form of a loan, the 32  
director shall determine whether the loan is to be repaid or may 33  
be forgiven. If the loan must be repaid, the director must 34  
determine whether the loan has been secured by a mortgage, 35  
assignment, pledge, lien provided for under section 9.661 of the 36  
Revised Code, or other interest in property or other assets of the 37  
borrower, at such level of priority and value as the director 38  
considers necessary, provided that, in making such a 39  
determination, the director shall take into account the value of 40  
any rights granted by the borrower to the director to control the 41  
use of any assets of the borrower under the circumstances 42  
described in the loan documents. 43

(C) The determinations of the director under division (B) of 44  
this section shall be conclusive for purposes of the validity of a 45  
loan or grant agreement signed by the director. 46

(D) Fees, charges, rates of interest, times of payment of 47  
interest and principal, and other terms and conditions of, and 48  
security for, loans and grants made from the rapid outreach loan 49  
fund shall be such as the director determines to be appropriate 50

and in furtherance of the purpose for which the loans and grants 51  
are made. The moneys used in making loans and grants shall be 52  
disbursed from the fund upon order of the director. Unless 53  
otherwise specified in any indenture or other instrument securing 54  
obligations under division (D) of section 166.08 of the Revised 55  
Code, any payments of principal and interest from loans and grants 56  
made from the fund, including any proceeds of actions to collect 57  
the loans or to recover grant funds, shall be paid to the fund and 58  
used for the purpose of making loans and grants under this 59  
section. 60

(E) The director may take actions necessary or appropriate to 61  
collect or otherwise deal with any loan or grant made under this 62  
section. 63

(F) The director may fix service charges for the making of a 64  
loan. The charges shall be payable at such times and place and in 65  
such amounts and manner as may be prescribed by the director. 66

(G) (1) There shall be credited to the rapid outreach loan 67  
fund money received by this state from the repayment of loans, 68  
including interest thereon, made from the fund, and money received 69  
from the sale, lease, or other disposition of property acquired or 70  
constructed with money in the fund derived from the proceeds of 71  
the sale of obligations under section 166.08 of the Revised Code. 72  
Money in the fund shall be applied as provided in this chapter 73  
pursuant to appropriations made by the general assembly. 74

(2) In addition to the requirements in division (G) (1) of 75  
this section, money referred to in that division may be deposited 76  
to the credit of separate accounts established by the director 77  
within the rapid outreach loan fund or in the bond service fund 78  
and pledged to the security of obligations, applied to the payment 79  
of bond service charges without need for appropriation, released 80  
 81

from any such pledge and transferred to the rapid outreach loan 82  
fund, all as, and to the extent, provided in the bond proceedings 83  
pursuant to written directions of the director. Accounts may be 84  
established by the director in the rapid outreach loan fund for 85  
particular projects or otherwise. The director may withdraw from 86  
the fund or, subject to provisions of the applicable bond 87  
proceedings, from any special funds established pursuant to the 88  
bond proceedings, or from any accounts in such funds, any amounts 89  
of investment income required to be rebated and paid to the 90  
federal government in order to maintain the exemption from federal 91  
income taxation of interest on obligations issued under this 92  
chapter, which withdrawal and payment may be made without the 93  
necessity for appropriation." 94

Between lines 93224 and 93225, insert: 95

**"Section 259.10.30. RAPID OUTREACH GRANTS** 96

Of the foregoing appropriation item 195412, Rapid Outreach 97  
 Grants, \$5,000,000 in each fiscal year shall be used as an 98  
 incentive for attracting, expanding, and retaining business 99  
 opportunities for the state in accordance with Chapter 166. of the 100  
 Revised Code. Of that amount, no more than five per cent in each 101  
 fiscal year shall be used for administrative costs of Rapid 102  
 Outreach Program. 103

The department shall award funds directly to business 104  
 entities considering Ohio for their expansion or new site location 105  
 opportunities. Rapid Outreach grants shall be used by recipients 106  
 to purchase equipment, make infrastructure improvements, make real 107  
 property improvements, or fund other fixed assets. To meet the 108  
 particular needs of economic development in a region, the 109  
 department may elect to award funds directly to a political 110  
 subdivision to assist with making on- or off-site infrastructure 111

improvements to water and sewage treatment facilities, electric or gas service connections, fiber optic access, rail facilities, site preparation, and parking facilities. The Director of Development may recommend that the funds be used for alternative purposes when considered appropriate to satisfy an economic development opportunity or need deemed extraordinary in nature by the Director including, but not limited to, construction, rehabilitation, and acquisition projects for rail freight assistance as requested by the Department of Transportation. The Director of Transportation shall submit the proposed projects to the Director of Development for an evaluation of potential economic benefit.

Moneys awarded directly to business entities from the foregoing appropriation item 195412, Rapid Outreach Grants, may be expended only after the submission of a request to the Controlling Board by the Department of Development outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board."

Delete line 93485

In line 93486, delete "Grants;"

Delete lines 93491 through 93529

Between lines 93590 and 93591, insert:

"Section 259.\_\_\_\_.\_\_\_\_. RAPID OUTREACH LOANS

Of the foregoing appropriation item 195606, Rapid Outreach Loans, \$15,000,000 in each fiscal year shall be used to provide financial assistance in the form of forgivable loans or grants for eligible projects in accordance with Chapter 166. of the Revised Code. Such loans or grants shall be awarded on the same basis as awards from appropriation item 195412, Rapid Outreach Grants, and shall be repaid in such a manner as determined by the Director of

Development in accordance with section 166.22 of the Revised Code. 142

When necessary, the Director of Budget and Management may 143  
transfer the cash arising from the issuance of obligations under 144  
section 166.08 of the Revised Code or from the funds mentioned in 145  
sections 166.20, 166.21, 166.25, and 166.26 of the Revised Code, 146  
into the Rapid Outreach Loan Fund (Fund 7022). The Director may 147  
make additional transfers on later dates as determined by the 148  
Director, in consultation with the Director of Development, 149  
provided the total amount of transfers does not exceed \$30,000,000 150  
for fiscal years 2010 and 2011. 151

The foregoing appropriation item 195606, Rapid Outreach 152  
Loans, may be expended only after the submission of a request to 153  
the Controlling Board by the Department of Development outlining 154  
the planned use of the funds, and the subsequent approval of the 155  
request by the Controlling Board." 156

In line 188 of the title, after "166.061," insert "166.22," 157

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Department of Development: Rapid Outreach Loans and Grants 158

R.C. 166.22 159

Creates the Rapid Outreach Loan Fund to be used for making 160  
loans, including forgivable loans, and grants for "eligible 161  
projects" under existing Department of Development loan programs. 162

Authorizes proceeds from the issuance of Chapter 166. bonds 163  
to be used for making loans and grants from the Rapid Outreach 164  
Loan Fund. 165

Department of Development	166
Sections 259.10.30, 259.20.90, and 259. . . .	167
Relocates temporary law governing the distribution of moneys from GRF appropriation item 195412, Rapid Outreach Grants, to reflect the restoration of that appropriation item and to conform it to changes made in this amendment that require awards to be issued in accordance with Chapter 166. of the Revised Code.	168 169 170 171 172
Requires that no more than five per cent of the appropriation item be used for administrative costs.	173 174
Removes the earmark of \$20,000,000 in each fiscal year from appropriation item 195615, Facilities Establishment, for Rapid Outreach Grants.	175 176 177
Requires \$15,000,000 in each fiscal year from appropriation item 195606, Rapid Outreach Loans, to be used to provide forgivable loan or grant assistance to eligible projects under Chapter 166. of the Revised Code; requires such loans or grants to be issued on the same basis as Rapid Outreach Grants; and requires such loans to be repaid in accordance with Chapter 166.22 of the Revised Code. Authorizes the Director of Budget and Management to transfer cash from the issuance of obligations under section 166.08 of the Revised Code or from the funds mentioned in sections 166.20, 166.21, 166.25, and 166.26 of the Revised Code into the Rapid Outreach Loan Fund (Fund 7022), and limits the total amount of transfers to \$30,000,000 for fiscal years 2010 and 2011.	178 179 180 181 182 183 184 185 186 187 188 189
Requires that appropriation item 195606, Rapid Outreach Loans, be expended only upon approval by the Controlling Board.	190 191 192

1 128HB1-CC4742.docx/ar

2  
3  
4  
5

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4742  
TTA-1

6 \_\_\_\_\_ moved to amend as follows:

7 In line 44941, reinsert "voting"

8 In line 44942, delete "nonvoting"

9 The motion was \_\_\_\_\_ agreed to.

10 SYNOPSIS

11 **Tuition Trust Authority Board Membership**

12 **R.C. 3334.03**

13 Restores the Chancellor of the Board of Regents as a voting  
14 (instead of nonvoting) member of the Tuition Trust Authority  
15 Board. (The bill renames the 11-member panel that currently  
16 constitutes the Tuition Trust Authority as the Ohio Tuition  
17 Trust Authority Board and limits its powers and duties. The  
18 Chancellor is currently a voting member of the Authority.)

✓

1 128HB1-CC4744.docx/ss

2  
3  
4  
5

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4744  
DOH058

6 \_\_\_\_\_ moved to amend as follows:

7 Delete lines 96675 through 96695

8 The motion was \_\_\_\_\_ agreed to.

9 SYNOPSIS

10 **Department of Health**

11 **Section 289.20**

12 Removes temporary language detailing the transfer, at the  
13 request of the Director of Health to the Director of Budget and  
14 Management, from appropriation item 440469, Health - Federal  
15 Stimulus, to the following GRF appropriation items: \$300,000 in  
16 fiscal year 2010 and \$257,709 in fiscal year 2011 to 440407,  
17 Animal Borne Disease and Prevention; \$50,000 in each fiscal year  
18 to 440412, Cancer Incidence Surveillance System; \$106,194 in  
19 each fiscal year to 440413, Local Health Department Support;  
20 \$800,000 in fiscal year 2010 and \$700,000 in fiscal year 2011 to  
21 440418, Immunizations; \$200,000 in each fiscal year to 440431,  
22 Free Clinics Safety Net Services; \$200,000 in each fiscal year  
23 to 440446, Infectious Disease Protection and Surveillance;  
24 \$100,000 in each fiscal year to 440454, Local Environmental  
25 Health; \$50,000 in each fiscal year to 440465, Federally  
26 Qualified Health Centers; \$100,000 in each fiscal year to  
27 440468, Chronic Disease and Injury Prevention; and \$773,841 in  
28 fiscal year 2010 and \$700,000 in fiscal year 2011 to 440511,  
29 Uncompensated Care/Emergency Medical Assistance.



1 128HB1-CC4755.docx/ar

2  
3  
4

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4755

5 \_\_\_\_\_ moved to amend as follows:

6 In line 96496, delete "\$440,086 \$440,086" and insert  
7 "\$544,543 \$588,943"

8 In line 96498, delete "\$440,086 \$440,086" and insert  
9 "\$544,543 \$588,943"

10 In line 96499, delete "\$2,099,396 \$2,099,396" and insert  
11 "\$2,203,853 \$2,248,253"

12 The motion was \_\_\_\_\_ agreed to.

13 SYNOPSIS

14 **Ethics Commission**

15 **Section 283.10**

16 Increases GSF appropriation item 146601, Operating  
17 Expenses, by \$104,457 in FY 2010 and \$148,857 in FY 2011 to  
18 \$544,543 in FY 2010 and \$588,943 in FY 2011.

5 \_\_\_\_\_ moved to amend as follows:

6 In line 61857, after "training" insert " provided that  
7 such serving or consumption of beer or intoxicating liquor shall  
8 be done according to the policies and procedures agreed upon by  
9 the commanding officers of the foreign military units, the  
10 adjutant general, and the United States department of defense  
11 liaisons or their designated representatives to the foreign  
12 military units."

13 The motion was \_\_\_\_\_ agreed to.

14 SYNOPSIS

15 **Serving or Consumption of Alcohol on Certain State Property**

16 **R.C. 4301.85**

17 Adds to the provision in the Senate-passed version of the  
18 bill that states that the serving or consumption of beer or  
19 intoxicating liquor cannot be prohibited in a facility that is  
20 owned or leased by the state and that is used by visiting  
21 foreign military units for training a requirement that such  
22 serving or consumption of beer or intoxicating liquor be done  
23 according to the policies and procedures agreed upon by the  
24 commanding officers of the foreign military units, the Adjutant  
25 General, and the United States Department of Defense liaisons or  
26 their designated representatives to the foreign military units.

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4758-1

\_\_\_\_\_ moved to amend as follows:

In line 430, delete "166.061," 1

Delete lines 15591 through 15634 2

Between lines 103302 and 103303, insert: 3

"Section 521.90. FEDERAL FUNDS FOR HISTORIC PRESERVATION LOAN  
GUARANTEE 4  
5

(A) As used in this section: 6

(1) "Approved historic rehabilitation project" means a 7  
rehabilitation of a historic building that the Director of 8  
Development has approved for a rehabilitation tax credit under 9  
section 149.311 of the Revised Code. 10

(2) "Federal funds" means federal money available to states 11  
under the American Recovery and Reinvestment Act of 2009 or any 12  
other source of federal money available to the states, that may 13  
lawfully be used for the purposes of this section. 14

(3) "Owner" and "qualified rehabilitation expenditures" have 15  
the same meanings as in section 149.311 of the Revised Code. 16

(B) There is hereby created in the state treasury the Ohio 17  
Historic Preservation Tax Credit Fund. The fund shall consist of 18  
money obtained by the Director of Development under division (C) 19  
of this section. Money in the fund shall be used to secure and pay 20

guarantees of loans for approved historic rehabilitation projects 21  
as provided in this section. 22

(C) The Director of Development may undertake to secure 23  
\$75,000,000 of federal funds for crediting to the Ohio Historic 24  
Preservation Tax Credit Fund. If the Director secures such funds, 25  
the Director, for the purpose of creating new jobs or preserving 26  
existing jobs and employment opportunities and improving the 27  
economic welfare of the people of this state, shall enter into 28  
loan guarantee contracts under section 166.06 of the Revised Code 29  
in connection with approved historic rehabilitation projects, 30  
except that the guarantees shall be secured solely by and be 31  
payable solely from the Ohio Historic Preservation Tax Credit 32  
Fund. Money deposited into the Ohio Historic Preservation Tax 33  
Credit Fund shall be prioritized by providing loan guarantees for 34  
approved historic rehabilitation projects from the first funding 35  
round of the Ohio Historic Preservation Tax Credit Program before 36  
being used to provide loan guarantees for approved historic 37  
rehabilitation projects approved in subsequent funding rounds. The 38  
amount of a loan guarantee provided under this section shall not 39  
exceed the amount of the credit to be awarded for the approved 40  
historic rehabilitation project. References to the loan guarantee 41  
fund in divisions (C) and (F) of section 166.06 of the Revised 42  
Code shall be construed as references to the Ohio Historic 43  
Preservation Tax Credit Fund for the purposes of loan guarantees 44  
authorized by this section, except that no transfer shall be made 45  
to the Ohio Historic Preservation Tax Credit Fund from the 46  
facilities establishment fund as may otherwise be required by that 47  
section. 48

(D) Nothing in this section is a determination by the General 49  
Assembly that federal funds are currently available for the 50  
purposes of this section. Rather, this section evidences a 51

determination by the General Assembly that public purposes will be	52
advanced by the use of current or future federal funds for the	53
purposes of this section."	54

In line 188 of the title, delete "166.061,"	55
---	----

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Loan Guarantees for Historic Rehabilitation Projects	56
--	----

Section 521.90	57
----------------	----

Relocates a provision from the senate-passed bill authorizing	58
the Director of Development to guarantee loans "in connection	59
with" rehabilitation projects that have been approved for historic	60
rehabilitation tax credits. The source of the funds securing the	61
loan guarantees would be federal money, which the amendment	62
authorizes the Director to seek (up to \$75 million). A guarantee	63
would be for an amount less than or equal to the tax credit.	64
Rehabilitation projects approved in the first round of	65
rehabilitation tax credit awards would be given priority over	66
projects approved in later rounds.	67

The relocation of the section from codified to uncodified law	68
presumably subjects it to the two-year sunset provision applicable	69
to uncodified sections (Section 809.10).	70

Am. Sub. H.B. 1

As Passed by the Senate

CC-4759

OBM076

\_\_\_\_\_ moved to amend as follows:

In line 304, after "131.33," insert "133.01," 1

Between lines 12810 and 12811, insert: 2

"Sec. 133.01. As used in this chapter, in sections 9.95, 3  
9.96, and 2151.655 of the Revised Code, in other sections of the 4  
Revised Code that make reference to this chapter unless the 5  
context does not permit, and in related proceedings, unless 6  
otherwise expressly provided: 7

(A) "Acquisition" as applied to real or personal property 8  
includes, among other forms of acquisition, acquisition by 9  
exercise of a purchase option, and acquisition of interests in 10  
property, including, without limitation, easements and 11  
rights-of-way, and leasehold and other lease interests initially 12  
extending or extendable for a period of at least sixty months. 13

(B) "Anticipatory securities" means securities, including 14  
notes, issued in anticipation of the issuance of other securities. 15

(C) "Board of elections" means the county board of elections 16  
of the county in which the subdivision is located. If the 17  
subdivision is located in more than one county, "board of 18  
elections" means the county board of elections of the county that 19

contains the largest portion of the population of the subdivision 20  
or that otherwise has jurisdiction in practice over and 21  
customarily handles election matters relating to the subdivision. 22

(D) "Bond retirement fund" means the bond retirement fund 23  
provided for in section 5705.09 of the Revised Code, and also 24  
means a sinking fund or any other special fund, regardless of the 25  
name applied to it, established by or pursuant to law or the 26  
proceedings for the payment of debt charges. Provision may be made 27  
in the applicable proceedings for the establishment in a bond 28  
retirement fund of separate accounts relating to debt charges on 29  
particular securities, or on securities payable from the same or 30  
common sources, and for the application of moneys in those 31  
accounts only to specified debt charges on specified securities or 32  
categories of securities. Subject to law and any provisions in the 33  
applicable proceedings, moneys in a bond retirement fund or 34  
separate account in a bond retirement fund may be transferred to 35  
other funds and accounts. 36

(E) "Capitalized interest" means all or a portion of the 37  
interest payable on securities from their date to a date stated or 38  
provided for in the applicable legislation, which interest is to 39  
be paid from the proceeds of the securities. 40

(F) "Chapter 133. securities" means securities authorized by 41  
or issued pursuant to or in accordance with this chapter. 42

(G) "County auditor" means the county auditor of the county 43  
in which the subdivision is located. If the subdivision is located 44  
in more than one county, "county auditor" means the county auditor 45  
of the county that contains the highest amount of the tax 46  
valuation of the subdivision or that otherwise has jurisdiction in 47  
practice over and customarily handles property tax matters 48  
relating to the subdivision. In the case of a county that has 49  
adopted a charter, "county auditor" means the officer who 50

generally has the duties and functions provided in the Revised Code for a county auditor.

51  
52

(H) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that provide for direct or contingent payment of debt charges, for security or additional security in the event of nonpayment or default in respect of securities, or for making payment of debt charges to and at the option and on demand of securities holders or at the option of the issuer or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the securities, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67

(I) "Current operating expenses" or "current expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and for payments of debt charges of the subdivision.

68  
69  
70  
71

(J) "Debt charges" means the principal, including any mandatory sinking fund deposits and mandatory redemption payments, interest, and any redemption premium, payable on securities as those payments come due and are payable. The use of "debt charges" for this purpose does not imply that any particular securities constitute debt within the meaning of the Ohio Constitution or other laws.

72  
73  
74  
75  
76  
77  
78

(K) "Financing costs" means all costs and expenses relating to the authorization, including any required election, issuance, sale, delivery, authentication, deposit, custody, clearing,

79  
80  
81



registration, transfer, exchange, fractionalization, replacement, 82  
 payment, and servicing of securities, including, without 83  
 limitation, costs and expenses for or relating to publication and 84  
 printing, postage, delivery, preliminary and final official 85  
 statements, offering circulars, and informational statements, 86  
 travel and transportation, underwriters, placement agents, 87  
 investment bankers, paying agents, registrars, authenticating 88  
 agents, remarketing agents, custodians, clearing agencies or 89  
 corporations, securities depositories, financial advisory 90  
 services, certifications, audits, federal or state regulatory 91  
 agencies, accounting and computation services, legal services and 92  
 obtaining approving legal opinions and other legal opinions, 93  
 credit ratings, redemption premiums, and credit enhancement 94  
 facilities. Financing costs may be paid from any moneys available 95  
 for the purpose, including, unless otherwise provided in the 96  
 proceedings, from the proceeds of the securities to which they 97  
 relate and, as to future financing costs, from the same sources 98  
 from which debt charges on the securities are paid and as though 99  
 debt charges. 100

(L) "Fiscal officer" means the following, or, in the case of 101  
 absence or vacancy in the office, a deputy or assistant authorized 102  
 by law or charter to act in the place of the named officer, or if 103  
 there is no such authorization then the deputy or assistant 104  
 authorized by legislation to act in the place of the named officer 105  
 for purposes of this chapter, in the case of the following 106  
 subdivisions: 107

(1) A county, the county auditor; 108

(2) A municipal corporation, the city auditor or village 109  
 clerk or clerk-treasurer, or the officer who, by virtue of a 110  
 charter, has the duties and functions provided in the Revised Code 111  
 for the city auditor or village clerk or clerk-treasurer; 112

(3) A school district, the treasurer of the board of education;	113 114
(4) A regional water and sewer district, the secretary of the board of trustees;	115 116
(5) A joint township hospital district, the treasurer of the district;	117 118
(6) A joint ambulance district, the clerk of the board of trustees;	119 120
(7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code;	121 122
(8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district;	123 124 125 126 127
(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	128 129 130
(10) A joint fire district, the clerk of the board of trustees of that district;	131 132
(11) A regional or county library district, the person responsible for the financial affairs of that district;	133 134
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	135 136 137
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	138 139 140
(14) A fire and ambulance district, the person appointed as	141

fiscal officer under division (B) of section 505.375 of the Revised Code; 142  
143

(15) A subdivision described in division (MM)(17) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer. 144  
145  
146

(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code. 147  
148

(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations. 149  
150  
151  
152  
153  
154  
155

(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both principal and interest in the name of the owner. 156  
157  
158

(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise. 159  
160  
161

(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged. 162  
163  
164  
165

(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time. 166  
167  
168  
169

(S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 170  
171

includes any laws of the United States providing for application	172
of that code.	173
(T) "Issuer" means any public issuer and any nonprofit	174
corporation authorized to issue securities for or on behalf of any	175
public issuer.	176
(U) "Legislation" means an ordinance or resolution passed by	177
a majority affirmative vote of the then members of the taxing	178
authority unless a different vote is required by charter	179
provisions governing the passage of the particular legislation by	180
the taxing authority.	181
(V) "Mandatory sinking fund redemption requirements" means	182
amounts required by proceedings to be deposited in a bond	183
retirement fund for the purpose of paying in any year or fiscal	184
year by mandatory redemption prior to stated maturity the	185
principal of securities that is due and payable, except for	186
mandatory prior redemption requirements as provided in those	187
proceedings, in a subsequent year or fiscal year.	188
(W) "Mandatory sinking fund requirements" means amounts	189
required by proceedings to be deposited in a year or fiscal year	190
in a bond retirement fund for the purpose of paying the principal	191
of securities that is due and payable in a subsequent year or	192
fiscal year.	193
(X) "Net indebtedness" has the same meaning as in division	194
(A) of section 133.04 of the Revised Code.	195
(Y) "Obligor," in the case of securities or fractionalized	196
interests in public obligations issued by another person the debt	197
charges or their equivalents on which are payable from payments	198
made by a public issuer, means that public issuer.	199
(Z) "One purpose" relating to permanent improvements means	200
any one permanent improvement or group or category of permanent	201

improvements for the same utility, enterprise, system, or project,	202
development or redevelopment project, or for or devoted to the	203
same general purpose, function, or use or for which	204
self-supporting securities, based on the same or different sources	205
of revenues, may be issued or for which special assessments may be	206
levied by a single ordinance or resolution. "One purpose"	207
includes, but is not limited to, in any case any off-street	208
parking facilities relating to another permanent improvement, and:	209
(1) Any number of roads, highways, streets, bridges,	210
sidewalks, and viaducts;	211
(2) Any number of off-street parking facilities;	212
(3) In the case of a county, any number of permanent	213
improvements for courthouse, jail, county offices, and other	214
county buildings, and related facilities;	215
(4) In the case of a school district, any number of	216
facilities and buildings for school district purposes, and related	217
facilities.	218
(AA) "Outstanding," referring to securities, means securities	219
that have been issued, delivered, and paid for, except any of the	220
following:	221
(1) Securities canceled upon surrender, exchange, or	222
transfer, or upon payment or redemption;	223
(2) Securities in replacement of which or in exchange for	224
which other securities have been issued;	225
(3) Securities for the payment, or redemption or purchase for	226
cancellation prior to maturity, of which sufficient moneys or	227
investments, in accordance with the applicable legislation or	228
other proceedings or any applicable law, by mandatory sinking fund	229
redemption requirements, mandatory sinking fund requirements, or	230
otherwise, have been deposited, and credited for the purpose in a	231

bond retirement fund or with a trustee or paying or escrow agent, 232  
 whether at or prior to their maturity or redemption, and, in the 233  
 case of securities to be redeemed prior to their stated maturity, 234  
 notice of redemption has been given or satisfactory arrangements 235  
 have been made for giving notice of that redemption, or waiver of 236  
 that notice by or on behalf of the affected security holders has 237  
 been filed with the subdivision or its agent for the purpose. 238

(BB) "Paying agent" means the one or more banks, trust 239  
 companies, or other financial institutions or qualified persons, 240  
 including an appropriate office or officer of the subdivision, 241  
 designated as a paying agent or place of payment of debt charges 242  
 on the particular securities. 243

(CC) "Permanent improvement" or "improvement" means any 244  
 property, asset, or improvement certified by the fiscal officer, 245  
 which certification is conclusive, as having an estimated life or 246  
 period of usefulness of five years or more, and includes, but is 247  
 not limited to, real estate, buildings, and personal property and 248  
 interests in real estate, buildings, and personal property, 249  
 equipment, furnishings, and site improvements, and reconstruction, 250  
 rehabilitation, renovation, installation, improvement, 251  
 enlargement, and extension of property, assets, or improvements so 252  
 certified as having an estimated life or period of usefulness of 253  
 five years or more. The acquisition of all the stock ownership of 254  
 a corporation is the acquisition of a permanent improvement to the 255  
 extent that the value of that stock is represented by permanent 256  
 improvements. A permanent improvement for parking, highway, road, 257  
 and street purposes includes resurfacing, but does not include 258  
 ordinary repair. 259

(DD) "Person" has the same meaning as in section 1.59 of the 260  
 Revised Code and also includes any federal, state, interstate, 261  
 regional, or local governmental agency, any subdivision, and any 262

combination of those persons. 263

(EE) "Proceedings" means the legislation, certifications, 264  
notices, orders, sale proceedings, trust agreement or indenture, 265  
mortgage, lease, lease-purchase agreement, assignment, credit 266  
enhancement facility agreements, and other agreements, 267  
instruments, and documents, as amended and supplemented, and any 268  
election proceedings, authorizing, or providing for the terms and 269  
conditions applicable to, or providing for the security or sale or 270  
award of, public obligations, and includes the provisions set 271  
forth or incorporated in those public obligations and proceedings. 272

(FF) "Public issuer" means any of the following that is 273  
authorized by law to issue securities or enter into public 274  
obligations: 275

(1) The state, including an agency, commission, officer, 276  
institution, board, authority, or other instrumentality of the 277  
state; 278

(2) A taxing authority, subdivision, district, or other local 279  
public or governmental entity, and any combination or consortium, 280  
or public division, district, commission, authority, department, 281  
board, officer, or institution, thereof; 282

(3) Any other body corporate and politic, or other public 283  
entity. 284

(GG) "Public obligations" means both of the following: 285

(1) Securities; 286

(2) Obligations of a public issuer to make payments under 287  
installment sale, lease, lease purchase, or similar agreements, 288  
which obligations may bear interest or interest equivalent. 289

(HH) "Refund" means to fund and retire outstanding 290  
securities, including advance refunding with or without payment or 291

redemption prior to maturity.	292
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	293 294 295
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	296 297 298
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG) (2) of this section.	299 300 301 302 303 304 305 306
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system, project, or categories of improvements and the debt charges payable from those receipts on securities issued for the purpose. Until such time as the improvements or increases in rates and charges have been in operation or effect for a period of at least six months, the receipts therefrom, for purposes of this definition, shall be those estimated by the fiscal officer, except	307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322



that those receipts may include, without limitation, payments made 323  
 and to be made to the subdivision under leases or agreements in 324  
 effect at the time the estimate is made. In the case of an 325  
 operation, improvements, or enterprise, system, project, or 326  
 category of improvements without at least a six-month history of 327  
 receipts, the estimate of receipts by the fiscal officer, other 328  
 than those to be derived under leases and agreements then in 329  
 effect, shall be confirmed by the taxing authority. 330

(MM) "Subdivision" means any of the following: 331

(1) A county, including a county that has adopted a charter 332  
 under Article X, Ohio Constitution; 333

(2) A municipal corporation, including a municipal 334  
 corporation that has adopted a charter under Article XVIII, Ohio 335  
 Constitution; 336

(3) A school district; 337

(4) A regional water and sewer district organized under 338  
 Chapter 6119. of the Revised Code; 339

(5) A joint township hospital district organized under 340  
 section 513.07 of the Revised Code; 341

(6) A joint ambulance district organized under section 505.71 342  
 of the Revised Code; 343

(7) A joint recreation district organized under division (C) 344  
 of section 755.14 of the Revised Code; 345

(8) A detention facility district organized under section 346  
 2152.41, a district organized under section 2151.65, or a combined 347  
 district organized under sections 2152.41 and 2151.65 of the 348  
 Revised Code; 349

(9) A township police district organized under section 505.48 350  
 of the Revised Code; 351

(10) A township;	352
(11) A joint fire district organized under section 505.371 of the Revised Code;	353 354
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	355 356 357
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	358 359
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	360 361
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	362 363
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	364 365
(17) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	366 367 368
(NN) "Taxing authority" means in the case of the following subdivisions:	369 370
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	371 372 373 374 375 376
(2) A municipal corporation, the legislative authority;	377
(3) A school district, the board of education;	378
(4) A regional water and sewer district, a joint ambulance	379

district, a joint recreation district, a fire and ambulance 380  
 district, or a joint fire district, the board of trustees of the 381  
 district; 382

(5) A joint township hospital district, the joint township 383  
 hospital board; 384

(6) A detention facility district or a district organized 385  
 under section 2151.65 of the Revised Code, a combined district 386  
 organized under sections 2152.41 and 2151.65 of the Revised Code, 387  
 or a joint emergency medical services district, the joint board of 388  
 county commissioners; 389

(7) A township, a fire district organized under division (C) 390  
 of section 505.37 of the Revised Code, or a township police 391  
 district, the board of township trustees; 392

(8) A joint solid waste management district organized under 393  
 section 343.01 or 343.012 of the Revised Code, the board of 394  
 directors of the district; 395

(9) A subdivision described in division (MM)(17) of this 396  
 section, the legislative or governing body or official. 397

(OO) "Tax limitation" means the "ten-mill limitation" as 398  
 defined in section 5705.02 of the Revised Code without diminution 399  
 by reason of section 5705.313 of the Revised Code or otherwise, 400  
 or, in the case of a municipal corporation or county with a 401  
 different charter limitation on property taxes levied to pay debt 402  
 charges on unvoted securities, that charter limitation. Those 403  
 limitations shall be respectively referred to as the "ten-mill 404  
 limitation" and the "charter tax limitation." 405

(PP) "Tax valuation" means the aggregate of the valuations of 406  
 property subject to ad valorem property taxation by the 407  
 subdivision on the real property, personal property, and public 408  
 utility property tax lists and duplicates most recently certified 409

for collection, and shall be calculated without deductions of the 410  
valuations of otherwise taxable property exempt in whole or in 411  
part from taxation by reason of exemptions of certain amounts of 412  
taxable value under division (C) of section 5709.01, tax 413  
reductions under section 323.152 of the Revised Code, or similar 414  
laws now or in the future in effect. 415

For purposes of section 133.06 of the Revised Code, "tax 416  
valuation" shall not include the valuation of tangible personal 417  
property used in business, telephone or telegraph property, 418  
interexchange telecommunications company property, or personal 419  
property owned or leased by a railroad company and used in 420  
railroad operations listed under or described in section 5711.22, 421  
division (B) or (F) of section 5727.111, or section 5727.12 of the 422  
Revised Code. 423

(QQ) "Year" means the calendar year. 424

(RR) "Administrative agent," "agent," "commercial paper," 425  
"floating rate interest structure," "indexing agent," "interest 426  
rate hedge," "interest rate period," "put arrangement," and 427  
"remarketing agent" have the same meanings as in section 9.98 of 428  
the Revised Code. 429

(SS) "Sales tax supported" means obligations to the payment 430  
of debt charges on which an additional sales tax or additional 431  
sales taxes have been pledged by the taxing authority of a county 432  
pursuant to section 133.081 of the Revised Code." 433

In line 90806, after "131.33," insert "133.01," 434

In lint 16 of the title, after "131.33," insert "133.01," 435

The motion was \_\_\_\_\_ agreed to.



SYNOPSIS

**Non-interest-bearing Public Obligations**

436

**R.C. 133.01 (GG)**

437

Includes non-interest bearing government issued obligations 438  
as a type of "public obligation" the state may issue. Current law 439  
provides for interest-bearing public obligations only. There is no 440  
related provision in the House-passed or Senate-passed versions of 441  
the bill. 442

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4760  
OBM077

\_\_\_\_\_ moved to amend as follows:

In line 304, after "133.06," insert "133.18," 1

Between lines 13067 and 13068, insert: 2

"Sec. 133.18. (A) The taxing authority of a subdivision may 3  
by legislation submit to the electors of the subdivision the 4  
question of issuing any general obligation bonds, for one purpose, 5  
that the subdivision has power or authority to issue. 6

(B) When the taxing authority of a subdivision desires or is 7  
required by law to submit the question of a bond issue to the 8  
electors, it shall pass legislation that does all of the 9  
following: 10

(1) Declares the necessity and purpose of the bond issue; 11

(2) States the date of the authorized election at which the 12  
question shall be submitted to the electors; 13

(3) States the amount, approximate date, estimated net 14  
average rate of interest, and maximum number of years over which 15  
the principal of the bonds may be paid; 16

(4) Declares the necessity of levying a tax outside the tax 17  
limitation to pay the debt charges on the bonds and any 18

anticipatory securities.

19

The estimated net average interest rate shall be determined  
by the taxing authority based on, among other factors, then  
existing market conditions, and may reflect adjustments for any  
anticipated direct payments expected to be received by the taxing  
authority from the government of the United States relating to the  
bonds and the effect of any federal tax credits anticipated to be  
available to owners of all or a portion of the bonds. The  
estimated net average rate of interest, and any statutory or  
charter limit on interest rates that may then be in effect and  
that is subsequently amended, shall not be a limitation on the  
actual interest rate or rates on the securities when issued.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

(C) (1) The taxing authority shall certify a copy of the  
legislation passed under division (B) of this section to the  
county auditor. The county auditor shall promptly calculate and  
advise and, not later than seventy-five days before the election,  
confirm that advice by certification to, the taxing authority the  
estimated average annual property tax levy, expressed in cents or  
dollars and cents for each one hundred dollars of tax valuation  
and in mills for each one dollar of tax valuation, that the county  
auditor estimates to be required throughout the stated maturity of  
the bonds to pay the debt charges on the bonds. In calculating the  
estimated average annual property tax levy for this purpose, the  
county auditor shall assume that the bonds are issued in one  
series bearing interest and maturing in substantially equal  
principal amounts in each year over the maximum number of years  
over which the principal of the bonds may be paid as stated in  
that legislation, and that the amount of the tax valuation of the  
subdivision for the current year remains the same throughout the  
maturity of the bonds, except as otherwise provided in division  
(C) (2) of this section. If the tax valuation for the current year

31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

is not determined, the county auditor shall base the calculation 50  
on the estimated amount of the tax valuation submitted by the 51  
county auditor to the county budget commission. If the subdivision 52  
is located in more than one county, the county auditor shall 53  
obtain the assistance of the county auditors of the other 54  
counties, and those county auditors shall provide assistance, in 55  
establishing the tax valuation of the subdivision for purposes of 56  
certifying the estimated average annual property tax levy. 57

(2) When considering the tangible personal property component 58  
of the tax valuation of the subdivision, the county auditor shall 59  
take into account the assessment percentages prescribed in section 60  
5711.22 of the Revised Code. The tax commissioner may issue rules, 61  
orders, or instructions directing how the assessment percentages 62  
must be utilized. 63

(D) After receiving the county auditor's advice under 64  
division (C) of this section, the taxing authority by legislation 65  
may determine to proceed with submitting the question of the issue 66  
of securities, and shall, not later than the seventy-fifth day 67  
before the day of the election, file the following with the board 68  
of elections: 69

(1) Copies of the legislation provided for in divisions (B) 70  
and (D) of this section; 71

(2) The amount of the estimated average annual property tax 72  
levy, expressed in cents or dollars and cents for each one hundred 73  
dollars of tax valuation and in mills for each one dollar of tax 74  
valuation, as estimated and certified to the taxing authority by 75  
the county auditor. 76

(E) (1) The board of elections shall prepare the ballots and 77  
make other necessary arrangements for the submission of the 78  
question to the electors of the subdivision. If the subdivision is 79  
located in more than one county, the board shall inform the boards 80



of elections of the other counties of the filings with it, and 81  
 those other boards shall if appropriate make the other necessary 82  
 arrangements for the election in their counties. The election 83  
 shall be conducted, canvassed, and certified in the manner 84  
 provided in Title XXXV of the Revised Code. 85

(2) The election shall be held at the regular places for 86  
 voting in the subdivision. If the electors of only a part of a 87  
 precinct are qualified to vote at the election the board of 88  
 elections may assign the electors in that part to an adjoining 89  
 precinct, including an adjoining precinct in another county if the 90  
 board of elections of the other county consents to and approves 91  
 the assignment. Each elector so assigned shall be notified of that 92  
 fact prior to the election by notice mailed by the board of 93  
 elections, in such manner as it determines, prior to the election. 94

(3) The board of elections shall publish a notice of the 95  
 election, in one or more newspapers of general circulation in the 96  
 subdivision, at least once no later than ten days prior to the 97  
 election. The notice shall state all of the following: 98

(a) The principal amount of the proposed bond issue; 99

(b) The stated purpose for which the bonds are to be issued; 100

(c) The maximum number of years over which the principal of 101  
 the bonds may be paid; 102

(d) The estimated additional average annual property tax 103  
 levy, expressed in cents or dollars and cents for each one hundred 104  
 dollars of tax valuation and in mills for each one dollar of tax 105  
 valuation, to be levied outside the tax limitation, as estimated 106  
 and certified to the taxing authority by the county auditor; 107

(e) The first calendar year in which the tax is expected to 108  
 be due. 109

(F) (1) The form of the ballot to be used at the election 110

shall be substantially either of the following, as applicable: 111

(a) "Shall bonds be issued by the ..... (name of subdivision) for the purpose of ..... (purpose of the bond issue) in the principal amount of ..... (principal amount of the bond issue), to be repaid annually over a maximum period of ..... (the maximum number of years over which the principal of the bonds may be paid) years, and an annual levy of property taxes be made outside the ..... (as applicable, "ten-mill" or "...charter tax") limitation, estimated by the county auditor to average over the repayment period of the bond issue ..... (number of mills) mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each one hundred dollars of tax valuation, commencing in ..... (first year the tax will be levied), first due in calendar year ..... (first calendar year in which the tax shall be due), to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds? 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128

	For the bond issue
	Against the bond issue

"

129 130 131 132

(b) In the case of an election held pursuant to legislation adopted under section 3375.43 or 3375.431 of the Revised Code: 133 134

"Shall bonds be issued for ..... (name of library) for the purpose of ..... (purpose of the bond issue), in the principal amount of ..... (amount of the bond issue) by ..... (the name of the subdivision that is to issue the bonds and levy the tax) as the issuer of the bonds, to be repaid annually over a maximum period of ..... (the maximum number 135 136 137 138 139 140

of years over which the principal of the bonds may be paid) years, 141  
 and an annual levy of property taxes be made outside the ten-mill 142  
 limitation, estimated by the county auditor to average over the 143  
 repayment period of the bond issue ..... (number of mills) 144  
 mills for each one dollar of tax valuation, which amounts to 145  
 ..... (rate expressed in cents or dollars and cents, such as 146  
 "36 cents" or "\$1.41") for each one hundred dollars of tax 147  
 valuation, commencing in ..... (first year the tax will be 148  
 levied), first due in calendar year ..... (first calendar 149  
 year in which the tax shall be due), to pay the annual debt 150  
 charges on the bonds, and to pay debt charges on any notes issued 151  
 in anticipation of those bonds? 152

	For the bond issue
	Against the bond issue

"

153  
 154  
 155  
 156

(2) The purpose for which the bonds are to be issued shall be 157  
 printed in the space indicated, in boldface type. 158

(G) The board of elections shall promptly certify the results 159  
 of the election to the tax commissioner, the county auditor of 160  
 each county in which any part of the subdivision is located, and 161  
 the fiscal officer of the subdivision. The election, including the 162  
 proceedings for and result of the election, is incontestable other 163  
 than in a contest filed under section 3515.09 of the Revised Code 164  
 in which the plaintiff prevails. 165

(H) If a majority of the electors voting upon the question 166  
 vote for it, the taxing authority of the subdivision may proceed 167  
 under sections 133.21 to 133.33 of the Revised Code with the 168  
 issuance of the securities and with the levy and collection of a 169  
 property tax outside the tax limitation during the period the 170

securities are outstanding sufficient in amount to pay the debt 171  
 charges on the securities, including debt charges on any 172  
 anticipatory securities required to be paid from that tax. If 173  
 legislation passed under section 133.22 or 133.23 of the Revised 174  
 Code authorizing those securities is filed with the county auditor 175  
 on or before the last day of November, the amount of the voted 176  
 property tax levy required to pay debt charges or estimated debt 177  
 charges on the securities payable in the following year shall if 178  
 requested by the taxing authority be included in the taxes levied 179  
 for collection in the following year under section 319.30 of the 180  
 Revised Code. 181

(I) (1) If, before any securities authorized at an election 182  
 under this section are issued, the net indebtedness of the 183  
 subdivision exceeds that applicable to that subdivision or those 184  
 securities, then and so long as that is the case none of the 185  
 securities may be issued. 186

(2) No securities authorized at an election under this 187  
 section may be initially issued after the first day of the sixth 188  
 January following the election, but this period of limitation 189  
 shall not run for any time during which any part of the permanent 190  
 improvement for which the securities have been authorized, or the 191  
 issuing or validity of any part of the securities issued or to be 192  
 issued, or the related proceedings, is involved or questioned 193  
 before a court or a commission or other tribunal, administrative 194  
 agency, or board. 195

(3) Securities representing a portion of the amount 196  
 authorized at an election that are issued within the applicable 197  
 limitation on net indebtedness are valid and in no manner affected 198  
 by the fact that the balance of the securities authorized cannot 199  
 be issued by reason of the net indebtedness limitation or lapse of 200  
 time. 201

(4) Nothing in this division (I) shall be interpreted or 202  
 applied to prevent the issuance of securities in an amount to fund 203  
 or refund anticipatory securities lawfully issued. 204

(5) The limitations of divisions (I) (1) and (2) of this 205  
 section do not apply to any securities authorized at an election 206  
 under this section if at least ten per cent of the principal 207  
 amount of the securities, including anticipatory securities, 208  
 authorized has theretofore been issued, or if the securities are 209  
 to be issued for the purpose of participating in any federally or 210  
 state-assisted program. 211

(6) The certificate of the fiscal officer of the subdivision 212  
 is conclusive proof of the facts referred to in this division." 213

In line 90806, after "133.06," insert "133.18," 214

In line 16 of the title, after "133.06," insert "133.18," 215

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

General Obligation Bonds: Estimated Interest Rate 216

R.C. 133.18 217

Provides that the estimated interest rate for local 218  
 government general obligation bonds be expressed as a net average 219  
 based on factors that include "existing market conditions," 220  
 expected direct payments from the U.S. government, and the effect 221  
 of expected federal tax credits related to the bonds. The 222  
 House-passed and Senate-passed versions of the bill do not have 223  
 any related provisions. 224

Am. Sub. H.B. 1

As Passed by the Senate

CC-4761

OBM078

\_\_\_\_\_ moved to amend as follows:

In line 304, after "133.20," insert "133.21," 1

Between lines 13173 and 13174 insert: 2

"Sec. 133.21. (A) Except as provided in divisions (B) and (C) 3  
of this section, the principal amount of securities issued by any 4  
subdivision shall be payable in semiannual or annual installments, 5  
as serial securities or by mandatory sinking fund or mandatory 6  
sinking fund redemption requirements, in: 7

(1) Substantially equal principal installments; or 8

(2) In such principal installments that the total principal 9  
and interest payments on those securities in any fiscal year in 10  
which principal is payable is: 11

(a) Not more than three times the amount of those payments in 12  
any other fiscal year; or 13

(b) Substantially equal; or 14

(c) In the case of self-supporting securities, those payments 15  
on the securities and on other securities, except anticipatory 16  
securities, issued for the self-supporting purpose, substantially 17  
equal. 18

(B) Except for refunding securities issued pursuant to 19  
 section 133.34 of the Revised Code, and except for securities 20  
 issued to fund or refund anticipatory securities to the extent 21  
 required to comply with division (C) (2) or (3) of section 133.22 22  
 of the Revised Code, the first principal payment of securities 23  
 issued with semiannual payments shall not be later than the first 24  
 day of the second February following the fifteenth day of July 25  
 next following the passage of the legislation that authorized the 26  
 issue of the securities and of securities issued with annual 27  
 payments shall not be later than the first day of the third August 28  
 next following the fifteenth day of July next following such 29  
 passage. 30

(C) Divisions (A) and (B) of this section do not apply to any 31  
 of the following: 32

(1) Anticipatory securities; 33

(2) Securities that are not general obligation securities; 34

(3) General obligation securities issued for the purpose of 35  
 the acquisition of real property and the clearance and preparation 36  
 thereof for redevelopment as an urban development project, which 37  
 may mature or be payable in annual or semiannual installments and 38  
 in such amounts as may be determined by the taxing authority of 39  
 the municipal corporation issuing the securities, and which may 40  
 have a first principal payment date set at any date not later than 41  
 sixty months from the date the securities are issued. 42

(D) For purposes of this section, payments of principal, in 43  
 the case of principal payable in accordance with mandatory sinking 44  
 fund or mandatory sinking fund redemption requirements, means the 45  
 sinking fund deposits on account of principal; and, in the case of 46  
securities issued in multiple installments or series for the same 47  
purpose, the principal payment requirement of division (A) of this 48  
section may be met either with respect to each installment or 49

<u>series of the securities or with respect to all installments or</u>	50
<u>series on a consolidated basis."</u>	51

In line 90806, after "133.20," insert "133.21,"	52
---	----

In line 16 of the title, after "133.20," insert "133.21,"	53
---	----

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

Political Subdivision Securities: Payment of Principal	54
--	----

R.C. 133.21	55
-------------	----

Specifies that current law's limitations on principal	56
payments for securities issued in multiple installments or series	57
by a political subdivision for the same purpose may be applied	58
with reference to either each installment or series, or all	59
installments or series on a consolidated basis.	60



Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4762  
OBM079

\_\_\_\_\_ moved to amend as follows:

In line 304, after "133.20," insert "133.34," 1

Between lines 13173 and 13174, insert: 2

"Sec. 133.34. (A) Upon the determination of the taxing 3  
authority that such ~~issuance~~ funding or refunding will be in the 4  
subdivision's best interest, the subdivision may: 5

(1) Issue general obligation securities to fund or refund any 6  
outstanding revenue or mortgage revenue, sales tax supported, or 7  
other special obligation securities previously issued by it for 8  
permanent improvements pursuant to authorization by law or the 9  
Ohio Constitution. Any general obligation bonds issued pursuant to 10  
this division (A)(1) shall be payable as to principal at such 11  
times and in such installments as determined by the taxing 12  
authority consistent with section 133.21 of the Revised Code, but 13  
their last maturity shall not be later than thirty years from the 14  
date of issuance of the original securities issued for the 15  
original purpose. 16

(2) Issue revenue or mortgage revenue securities, if 17  
authorized by other law or the Ohio Constitution to issue such 18  
securities for the original purpose, to fund or refund any 19

outstanding general obligation or ~~sale~~ sales tax supported 20  
securities previously issued by it pursuant to authorization by 21  
law. The taxing authority shall establish the maturity date or 22  
dates, the interest payable, and other terms of such securities as 23  
it considers necessary or appropriate for their issuance. 24

(3) Issue general obligation securities to fund or refund 25  
outstanding general obligation bonds issued in one or more issues 26  
for any purpose or purposes. General obligation securities issued 27  
pursuant to this division (A) (3) shall be payable as to principal 28  
at such times and in such installments as determined by the taxing 29  
authority. Section 133.21 of the Revised Code is not applicable to 30  
these refunding securities, but the last maturity of these 31  
refunding securities shall not be later than the year of last 32  
maturity permitted by law for the general obligation bonds 33  
refunded. Tax levies for debt charges on the refunding general 34  
obligation securities shall be considered to have the same status 35  
with respect to the provisions of the applicable tax limitation as 36  
the levies for debt charges on, and the refunding general 37  
obligation securities shall be considered to have the same status 38  
with respect to net indebtedness limitations as, the general 39  
obligation bonds that are refunded. 40

(4) Issue sales tax supported securities to fund or refund 41  
any outstanding revenue or mortgage revenue or general obligation 42  
or other special obligation securities previously issued by it for 43  
permanent improvements pursuant to authorization by law or the 44  
Ohio Constitution. Any sales tax supported bonds issued pursuant 45  
to this division (A) (4) shall be payable as to principal at such 46  
times and in such installments as determined by the taxing 47  
authority consistent with division (E) of section 133.081 of the 48  
Revised Code, but their last maturity shall be consistent with 49  
division (B) of section 133.081 of the Revised Code. 50

(5) Apply moneys from other sources to fund any outstanding securities or public obligations issued by the taxing authority pursuant to authorization by law or the Ohio Constitution, including the funding of any mandatory sinking fund redemption requirements.

51  
52  
53  
54  
55

(B) Securities issued pursuant to this section shall be considered to be issued for the same purpose or purposes as the securities that they are issued to fund or refund, and their proceeds shall be used as determined by the taxing authority consistent with their purpose. That use may include the payment of the outstanding principal amount of, any redemption premium on, and any interest to redemption or maturity on, the securities being funded or refunded, and any expenses relating to the funding or refunding or the issuance of the refunding bonds, including financing costs, all as determined by the taxing authority. Proceeds of securities issued pursuant to this section may also be used to provide additional money for the purpose or purposes for which the securities being funded or refunded, or which they funded or refunded, were issued, but section 133.21 of the Revised Code is applicable to any such portion of general obligation securities.

56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71

(C) Securities may be issued and other moneys may be applied pursuant to this section to fund or refund all or any portion of the outstanding securities, and whether or not the securities to be funded or refunded were issued subject to call or redemption prior to maturity or are the original securities or are themselves refunding securities.

72  
73  
74  
75  
76  
77

(D) Moneys derived from the proceeds of securities issued pursuant to this section to fund or refund general obligation bonds, or moneys from other sources, and required for the purpose shall, under an escrow agreement or otherwise, to the extent

78  
79  
80  
81

required by the legislation be placed in an escrow fund, which may  
be in the bond retirement fund in the case of the funded or  
refunded bonds being payable within ninety days of issuance of the  
refunding securities, and other moneys applied pursuant to this  
section to fund general obligation bonds shall, under an escrow  
agreement or otherwise, to the extent required by the legislation,  
be placed in an escrow fund that may be in the sinking fund or  
bond retirement fund, and in either case are pledged for the  
purpose of funding or refunding the refunded general obligation  
bonds and shall be used, together with any other available funds  
as provided in this section, for that purpose. Pending that use,  
the moneys in escrow shall be invested in direct obligations of or  
obligations guaranteed as to payment by the United States that  
mature or are subject to redemption by and at the option of the  
holder not later than the date or dates when the moneys, together  
with interest or other investment income accrued on those moneys,  
will be required for that use. Any moneys in the escrow fund  
derived from the issuance of revenue or mortgage revenue or sales  
tax supported securities that will not be needed to pay debt  
charges on the funded or refunded general obligation bonds may be  
used for and pledged to the payment of debt charges on the  
refunding securities and on any securities issued on a parity with  
the refunding securities. Any moneys in the escrow fund derived  
from the proceeds of refunding general obligation securities and  
that will not be needed to pay debt charges on the refunded  
general obligation bonds shall be transferred to the bond  
retirement fund. When the subdivision has placed in escrow moneys,  
derived from proceeds of refunding obligations or otherwise, or  
those direct or guaranteed obligations of the United States, or a  
combination of both, determined by an independent public  
accounting firm to be sufficient, with the interest or other  
investment income accruing on those direct or guaranteed

obligations, for the payment of debt charges on the funded or 114  
 refunded general obligation bonds, the funded or refunded general 115  
 obligation bonds shall no longer be considered to be outstanding, 116  
 shall not be considered for purposes of determining any 117  
 limitation, direct or indirect, on the indebtedness or net 118  
 indebtedness of the subdivision, and the levy of taxes or other 119  
 charges for the payment of debt charges on the funded or refunded 120  
 general obligation bonds under this chapter, Chapter 5705., or 121  
 other provisions of the Revised Code, shall not be required. For 122  
 purposes of this division, "direct obligations of or obligations 123  
 guaranteed as to payment by the United States" includes rights to 124  
 receive payment or portions of payments of the principal of or 125  
 interest or other investment income on: 126

(1) Those obligations; and 127

(2) Other obligations fully secured as to payment by those 128  
 obligations and the interest or other investment income on those 129  
 obligations. 130

(E) The authority granted by this section is in addition to 131  
 and not a limitation on any other authorizations granted by or 132  
 pursuant to law or the Ohio Constitution for the same or similar 133  
 purposes, and does not limit or restrict the authority of 134  
 municipal corporations to issue, under authority of Article XVIII, 135  
 Ohio Constitution, revenue or mortgage revenue securities to fund 136  
 or refund either general obligation securities or other revenue or 137  
 mortgage revenue securities." 138

In line 90806, after "133.20," insert "133.34," 139

In line 16 of the title, after "133.20," insert "133.34," 140

---

The motion was \_\_\_\_\_ agreed to.



SYNOPSIS

Political Subdivision: Funding Securities	141
R.C. 133.34	142
Authorizes a taxing authority to fund or refund outstanding securities from a source other than new securities.	143
	144

1 128HB1-CC4764X1.docx/th

2  
3  
4  
5

Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4764-1  
PUC-5

6 \_\_\_\_\_ moved to amend as follows:

7 In line 396, delete "4928.64,"

8 In line 50183, delete "solid wastes, as"

9 In line 50184, delete "defined in section 3734.01 of the  
10 Revised Code,"

11 In line 50185, delete "such"; reinsert ", as defined in  
12 section 3734.01 of the Revised"

13 In line 50186, reinsert "Code,"

14 In line 72880, delete "solid wastes, as"

15 In line 72881, delete "defined in section 3734.01 of the  
16 Revised Code,"

17 In line 72882, delete "such"; reinsert ", as defined in  
18 section 3734.01 of the Revised"

19 In line 72883, reinsert "Code,"

20 Delete lines 72966 through 73195

21 In line 90898, delete "4928.64,"

22 In line 142 of the title, delete "4928.64,"

23 The motion was \_\_\_\_\_ agreed to.

24 SYNOPSIS

25 **Renewable Energy Resource Changes**

26 **R.C. 3706.25, 4928.01, and 4928.64**

27 Retains fuel derived from solid wastes, and removes solid  
28 wastes themselves, as a renewable energy resource under both the  
29 Ohio Air Quality Development Authority and public utilities  
30 laws.

31 Removes the provision allowing an electric distribution  
32 utility or electric services company to comply with the  
33 renewable energy resource requirements of continuing law through  
34 a renewable resource that is eligible to receive a renewable  
35 energy credit through a renewable energy certificate pursuant to  
36 the laws of any state served by a regional transmission  
37 organization that also serves Ohio provided such eligibility  
38 occurred on or after January 1, 1998.



Am. Sub. H.B. 1  
As Passed by the Senate  
CC-4765  
OBM075

\_\_\_\_\_ moved to amend as follows:

- In line 360, after "3706.01," insert "3706.04," 1
- Between lines 50143 and 50144, insert: 2
- "Sec. 3706.04. The Ohio air quality development authority 3  
may: 4
- (A) Adopt bylaws for the regulation of its affairs and the 5  
conduct of its business; 6
- (B) Adopt an official seal; 7
- (C) Maintain a principal office and suboffices at such places 8  
within the state as it designates; 9
- (D) Sue and plead in its own name; be sued and impleaded in 10  
its own name with respect to its contracts or torts of its 11  
members, employees, or agents acting within the scope of their 12  
employment, or to enforce its obligations and covenants made under 13  
sections 3706.05, 3706.07, and 3706.12 of the Revised Code. Any 14  
such actions against the authority shall be brought in the court 15  
of common pleas of the county in which the principal office of the 16  
authority is located, or in the court of common pleas of the 17  
county in which the cause of action arose, provided such county is 18  
located within this state, and all summonses, exceptions, and 19

notices of every kind shall be served on the authority by leaving 20  
a copy thereof at the principal office with the person in charge 21  
thereof or with the secretary-treasurer of the authority. 22

(E) Make loans and grants to governmental agencies for the 23  
acquisition or construction of air quality projects by any such 24  
governmental agency and adopt rules and procedures for making such 25  
loans and grants; 26

(F) Acquire, construct, reconstruct, enlarge, improve, 27  
furnish, equip, maintain, repair, operate, lease or rent to, or 28  
contract for operation by, a person or governmental agency, air 29  
quality projects, and establish rules for the use of such 30  
projects; 31

(G) Make available the use or services of any air quality 32  
project to one or more persons, one or more governmental agencies, 33  
or any combination thereof; 34

(H) Issue air quality revenue bonds and notes and air quality 35  
revenue refunding bonds of the state, payable solely from revenues 36  
as provided in section 3706.05 of the Revised Code, unless the 37  
bonds be refunded by refunding bonds, for the purpose of paying 38  
any part of the cost of one or more air quality projects or parts 39  
thereof; 40

(I) Acquire by gift or purchase, hold, and dispose of real 41  
and personal property in the exercise of the powers of the 42  
authority and the performance of its duties under this chapter; 43

(J) Acquire, in the name of the state, by purchase or 44  
otherwise, on such terms and in such manner as the authority finds 45  
proper, or by the exercise of the right of condemnation in the 46  
manner provided by section 3706.17 of the Revised Code, such 47  
public or private lands, including public parks, playgrounds, or 48  
reservations, or parts thereof or rights therein, rights-of-way, 49

property, rights, easements, and interests as it finds necessary 50  
 for carrying out this chapter, but excluding the acquisition by 51  
 the exercise of the right of condemnation of any air quality 52  
 facility owned by any person or governmental agency; and 53  
 compensation shall be paid for public or private lands so taken; 54

(K) Make and enter into all contracts and agreements and 55  
 execute all instruments necessary or incidental to the performance 56  
 of its duties and the execution of its powers under this chapter. 57

(1) When the cost under any such contract or agreement, other 58  
 than compensation for personal services, involves an expenditure 59  
 of more than two thousand dollars, the authority shall make a 60  
 written contract with the lowest responsive and responsible 61  
 bidder, in accordance with section 9.312 of the Revised Code, 62  
 after advertisement for not less than two consecutive weeks in a 63  
 newspaper of general circulation in Franklin county, and in such 64  
 other publications as the authority determines, which notice shall 65  
 state the general character of the work and the general character 66  
 of the materials to be furnished, the place where plans and 67  
 specifications therefor may be examined, and the time and place of 68  
 receiving bids; provided, that a contract or lease for the 69  
 operation of an air quality project constructed and owned by the 70  
 authority or an agreement for cooperation in the acquisition or 71  
 construction of an air quality project pursuant to section 3706.12 72  
 of the Revised Code or any contract for the construction of an air 73  
 quality project that is to be leased by the authority to, and 74  
 operated by, persons who are not governmental agencies and the 75  
 cost of such project is to be amortized exclusively from rentals 76  
 or other charges paid to the authority by persons who are not 77  
 governmental agencies is not subject to the foregoing requirements 78  
 and the authority may enter into such contract, lease, or 79  
 agreement pursuant to negotiation and upon such terms and 80

conditions and for such period as it finds to be reasonable and 81  
 proper in the circumstances and in the best interests of proper 82  
 operation or of efficient acquisition or construction of such 83  
 project. 84

(2) Each bid for a contract for the construction, demolition, 85  
 alteration, repair, or reconstruction of an improvement shall 86  
 contain the full name of every person interested in it and meet 87  
 the requirements of section 153.54 of the Revised Code. 88

(3) Each bid for a contract except as provided in division 89  
 (K) (2) of this section shall contain the full name of every person 90  
 interested in it and shall be accompanied by a sufficient bond or 91  
 certified check on a solvent bank that if the bid is accepted a 92  
 contract will be entered into and the performance thereof secured. 93

(4) The authority may reject any and all bids. 94

(5) A bond with good and sufficient surety, approved by the 95  
 authority, shall be required of every contractor awarded a 96  
 contract except as provided in division (K) (2) of this section, in 97  
 an amount equal to at least fifty per cent of the contract price, 98  
 conditioned upon the faithful performance of the contract. 99

(L) Employ managers, superintendents, and other employees and 100  
 retain or contract with consulting engineers, financial 101  
 consultants, accounting experts, architects, attorneys, and such 102  
 other consultants and independent contractors as are necessary in 103  
 its judgment to carry out this chapter, and fix the compensation 104  
 thereof. All expenses thereof shall be payable solely from the 105  
 proceeds of air quality revenue bonds or notes issued under this 106  
 chapter, from revenues, or from funds appropriated for such 107  
 purpose by the general assembly. 108

(M) Receive and accept from any federal agency, subject to 109  
 the approval of the governor, grants for or in aid of the 110

construction of any air quality project or for research and	111
development with respect to air quality facilities, and receive	112
and accept aid or contributions from any source of money,	113
property, labor, or other things of value, to be held, used, and	114
applied only for the purposes for which such grants and	115
contributions are made;	116
 (N) Engage in research and development with respect to air	117
quality facilities;	118
 (O) Purchase fire and extended coverage and liability	119
insurance for any air quality project and for the principal office	120
and suboffices of the authority, insurance protecting the	121
authority and its officers and employees against liability for	122
damage to property or injury to or death of persons arising from	123
its operations, and any other insurance the authority may agree to	124
provide under any resolution authorizing its air quality revenue	125
bonds or in any trust agreement securing the same;	126
 (P) Charge, alter, and collect rentals and other charges for	127
the use or services of any air quality project as provided in	128
section 3706.13 of the Revised Code;	129
 (Q) Provide coverage for its employees under Chapters 145.,	130
4123., and 4141. of the Revised Code;	131
 (R) <u>In accordance with section 54D(e) of the Internal Revenue</u>	132
<u>Code, 26 U.S.C. 54D(e), allocate the national qualified energy</u>	133
<u>conservation bond limitation allocated to the state and reallocate</u>	134
<u>any portion of an allocation waived by a county or municipality.</u>	135
	136
 (S) Do all acts necessary or proper to carry out the powers	137
expressly granted in this chapter.	138
 Any instrument by which real property is acquired pursuant to	139
this section shall identify the agency of the state that has the	140

use and benefit of the real property as specified in section	141
5301.012 of the Revised Code."	142
In line 90862, after "3706.01," insert "3706.04,"	143
In line 106542, after "3704.143," insert "3706.04,"	144
In line 92 of the title, after "3706.01," insert "3706.04,"	145

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

National Qualified Energy Conservation Bonds	146
R.C. 3706.04	147
Authorizes the Ohio Air Quality Development Authority to	148
allocate the national Qualified Energy Conservation Bond	149
limitation allocated to Ohio and to reallocate any portion of an	150
allocation waived by a county or municipality in accordance with	151
Section 54D(e) of the Internal Revenue Code, which generally sets	152
out the bonds' purposes and the limitation on the amount that may	153
be issued by the states in total and the allocation of the	154
limitation among the states.	155