

# As Introduced

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 489**

**Representatives Dovilla, Hagan, C.**

**Cosponsors: Representatives Sears, Maag, Hackett, Grossman, Stebelton,  
Baker, Gardner**

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## A BILL

To amend sections 9.981, 102.03, 121.02, 121.03, 1  
121.22, 122.01, 122.011, 122.07, 122.071, 122.17, 2  
122.171, 122.174, 122.175, 122.39, 122.41, 122.42, 3  
122.43, 122.44, 122.48, 122.49, 122.50, 122.51, 4  
122.52, 122.53, 122.561, 122.57, 122.60, 122.601, 5  
122.602, 122.603, 122.61, 122.62, 122.64, 122.76, 6  
122.80, 122.86, 149.43, 164.05, 164.06, 164.08, 7  
166.01, 166.04, 166.05, 166.13, 166.14, 166.18, 8  
166.19, 166.25, 166.30, 174.01, 184.01, 184.02, 9  
187.01, 187.03, 187.04, 187.05, 929.03, 1551.01, 10  
3735.672, 3746.35, 5117.22, 5709.68, 6103.052, and 11  
6117.062, to amend, for the purpose of adopting 12  
new section numbers as indicated in parentheses, 13  
sections 122.07 (122.073) and 122.071 (122.072), 14  
to enact new sections 122.07 and 122.071 and 15  
sections 122.97, 184.011, 3735.01, and 5701.15, 16  
and to repeal sections 1525.11, 1525.12, 1525.13, 17  
and 6111.034 of the Revised Code; to repeal 18  
section 122.40 of the Revised Code on July 1, 19  
2012; to amend Sections 261.10.40, 261.10.70, 20  
261.20.40, 261.20.50, 261.20.60, 261.20.80, 21  
261.20.90, 261.30.10, 261.30.20, 261.30.30, 22

261.30.40, 261.30.60, 261.30.70, 261.30.80, 23  
261.30.90, and 261.40.10 of Am. Sub. H.B. 153 of 24  
the 129th General Assembly; to amend Sections 25  
261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 26  
129th General Assembly, as subsequently amended by 27  
Sub. H.B. 371 of the 129th General Assembly; and 28  
to repeal Sections 261.10.10, 261.10.20, 29  
261.10.30, 261.10.50, 261.10.60, 261.10.80, 30  
261.10.90, 261.20.10, 261.20.20, 261.20.70, and 31  
261.30.50 of Am. Sub. H.B. 153 of the 129th 32  
General Assembly to rename the Department of 33  
Development the "Development Services Agency"; to 34  
establish the Office of TourismOhio within the 35  
Development Services Agency, create the 36  
TourismOhio Advisory Board, and establish a pilot 37  
program to test a new funding mechanism for the 38  
state's travel and tourism marketing; to modify 39  
the operation of JobsOhio; to makes changes to the 40  
Capital Access Loan Program Fund and to allow 41  
transfers to the Capital Access Loan Program Fund 42  
from the Minority Business Enterprise Loan Fund; 43  
to increase the membership of the Ohio Tax Credit 44  
Authority and provide for projects that were 45  
started prior to receiving a tax credit; to modify 46  
reporting requirements under the Voluntary Action 47  
Program; to require the Director of Development 48  
Services to administer federal funds received for 49  
Brownfields revitalization purposes; to terminate 50  
the Water and Sewer Commission; to terminate the 51  
Development Financing Advisory Council as of July 52  
1, 2012; to increase the membership of the Third 53  
Frontier Commission; and to make an appropriation. 54

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

**Section 1.** That sections 9.981, 102.03, 121.02, 121.03, 55  
121.22, 122.01, 122.011, 122.07, 122.071, 122.17, 122.171, 56  
122.174, 122.175, 122.39, 122.41, 122.42, 122.43, 122.44, 122.48, 57  
122.49, 122.50, 122.51, 122.52, 122.53, 122.561, 122.57, 122.60, 58  
122.601, 122.602, 122.603, 122.61, 122.62, 122.64, 122.76, 122.80, 59  
122.86, 149.43, 164.05, 164.06, 164.08, 166.01, 166.04, 166.05, 60  
166.13, 166.14, 166.18, 166.19, 166.25, 166.30, 174.01, 184.01, 61  
184.02, 187.01, 187.03, 187.04, 187.05, 929.03, 1551.01, 3735.672, 62  
3746.35, 5117.22, 5709.68, 6103.052, and 6117.062 be amended, 63  
sections 122.07 (122.073) and 122.071 (122.072) be amended for the 64  
purpose of adopting new section numbers as indicated in 65  
parentheses, and new sections 122.07 and 122.071 and sections 66  
122.97, 184.011, 3735.01, and 5701.15 of the Revised Code be 67  
enacted to read as follows: 68

**Sec. 9.981.** (A) Sections 9.98 to 9.983 of the Revised Code 69  
are applicable to bonds: 70

(1) The payment of the debt service on which is to be 71  
provided for directly or indirectly by payments contracted to be 72  
made in the bond proceedings by the absolute obligors, being 73  
persons other than the issuer; and 74

(2) Which are authorized to be issued under sections 122.39 75  
and 122.41 to 122.62, Chapter 165., 902., 3377., 3706., division 76  
(A)(4) of section 4582.06, division (A)(8) of section 4582.31, 77  
section 4582.48, or Chapter 6121. or 6123. of the Revised Code, 78  
notwithstanding other provisions therein. 79

(B) Sections 9.98 to 9.983 of the Revised Code are applicable 80  
to bonds issued under sections 306.37 and 6119.12 of the Revised 81  
Code and Chapters 140., 152., 154., 175., and 349. of the Revised 82

Code, and to any bonds authorized under laws which expressly make 83  
those sections applicable. 84

(C) Subject to division (A) of this section, the authority 85  
provided in sections 9.98 to 9.983 of the Revised Code is 86  
supplemental to and not in derogation of any similar authority 87  
provided by, derived from, or implied by, any law, the Ohio 88  
Constitution, or any charter, resolution, or ordinance, and no 89  
inference shall be drawn to negate the authority thereunder by 90  
reason of the express provisions of sections 9.98 to 9.983 of the 91  
Revised Code. 92

(D) Sections 9.98 to 9.983 of the Revised Code shall be 93  
liberally construed to permit flexibility in the arrangements 94  
therein provided to enhance the issuance of such bonds and provide 95  
for terms most beneficial and satisfactory to the persons which 96  
undertake to provide for their payment, security, and liquidity. 97

**Sec. 102.03.** (A)(1) No present or former public official or 98  
employee shall, during public employment or service or for twelve 99  
months thereafter, represent a client or act in a representative 100  
capacity for any person on any matter in which the public official 101  
or employee personally participated as a public official or 102  
employee through decision, approval, disapproval, recommendation, 103  
the rendering of advice, investigation, or other substantial 104  
exercise of administrative discretion. 105

(2) For twenty-four months after the conclusion of service, 106  
no former commissioner or attorney examiner of the public 107  
utilities commission shall represent a public utility, as defined 108  
in section 4905.02 of the Revised Code, or act in a representative 109  
capacity on behalf of such a utility before any state board, 110  
commission, or agency. 111

(3) For twenty-four months after the conclusion of employment 112  
or service, no former public official or employee who personally 113

participated as a public official or employee through decision, 114  
approval, disapproval, recommendation, the rendering of advice, 115  
the development or adoption of solid waste management plans, 116  
investigation, inspection, or other substantial exercise of 117  
administrative discretion under Chapter 343. or 3734. of the 118  
Revised Code shall represent a person who is the owner or operator 119  
of a facility, as defined in section 3734.01 of the Revised Code, 120  
or who is an applicant for a permit or license for a facility 121  
under that chapter, on any matter in which the public official or 122  
employee personally participated as a public official or employee. 123

(4) For a period of one year after the conclusion of 124  
employment or service as a member or employee of the general 125  
assembly, no former member or employee of the general assembly 126  
shall represent, or act in a representative capacity for, any 127  
person on any matter before the general assembly, any committee of 128  
the general assembly, or the controlling board. Division (A)(4) of 129  
this section does not apply to or affect a person who separates 130  
from service with the general assembly on or before December 31, 131  
1995. As used in division (A)(4) of this section "person" does not 132  
include any state agency or political subdivision of the state. 133

(5) As used in divisions (A)(1), (2), and (3) of this 134  
section, "matter" includes any case, proceeding, application, 135  
determination, issue, or question, but does not include the 136  
proposal, consideration, or enactment of statutes, rules, 137  
ordinances, resolutions, or charter or constitutional amendments. 138  
As used in division (A)(4) of this section, "matter" includes the 139  
proposal, consideration, or enactment of statutes, resolutions, or 140  
constitutional amendments. As used in division (A) of this 141  
section, "represent" includes any formal or informal appearance 142  
before, or any written or oral communication with, any public 143  
agency on behalf of any person. 144

(6) Nothing contained in division (A) of this section shall 145

prohibit, during such period, a former public official or employee 146  
from being retained or employed to represent, assist, or act in a 147  
representative capacity for the public agency by which the public 148  
official or employee was employed or on which the public official 149  
or employee served. 150

(7) Division (A) of this section shall not be construed to 151  
prohibit the performance of ministerial functions, including, but 152  
not limited to, the filing or amendment of tax returns, 153  
applications for permits and licenses, incorporation papers, and 154  
other similar documents. 155

(8) Division (A) of this section does not prohibit a 156  
nonelected public official or employee of a state agency, as 157  
defined in section 1.60 of the Revised Code, from becoming a 158  
public official or employee of another state agency. Division (A) 159  
of this section does not prohibit such an official or employee 160  
from representing or acting in a representative capacity for the 161  
official's or employee's new state agency on any matter in which 162  
the public official or employee personally participated as a 163  
public official or employee at the official's or employee's former 164  
state agency. However, no public official or employee of a state 165  
agency shall, during public employment or for twelve months 166  
thereafter, represent or act in a representative capacity for the 167  
official's or employee's new state agency on any audit or 168  
investigation pertaining to the official's or employee's new state 169  
agency in which the public official or employee personally 170  
participated at the official's or employee's former state agency 171  
through decision, approval, disapproval, recommendation, the 172  
rendering of advice, investigation, or other substantial exercise 173  
of administrative discretion. 174

(9) Division (A) of this section does not prohibit a 175  
nonelected public official or employee of a political subdivision 176  
from becoming a public official or employee of a different 177

department, division, agency, office, or unit of the same 178  
political subdivision. Division (A) of this section does not 179  
prohibit such an official or employee from representing or acting 180  
in a representative capacity for the official's or employee's new 181  
department, division, agency, office, or unit on any matter in 182  
which the public official or employee personally participated as a 183  
public official or employee at the official's or employee's former 184  
department, division, agency, office, or unit of the same 185  
political subdivision. As used in this division, "political 186  
subdivision" means a county, township, municipal corporation, or 187  
any other body corporate and politic that is responsible for 188  
government activities in a geographic area smaller than that of 189  
the state. 190

(10) No present or former Ohio casino control commission 191  
official shall, during public service or for two years thereafter, 192  
represent a client, be employed or compensated by a person 193  
regulated by the commission, or act in a representative capacity 194  
for any person on any matter before or concerning the commission. 195

No present or former commission employee shall, during public 196  
employment or for two years thereafter, represent a client or act 197  
in a representative capacity on any matter in which the employee 198  
personally participated as a commission employee through decision, 199  
approval, disapproval, recommendation, the rendering of advice, 200  
investigation, or other substantial exercise of administrative 201  
discretion. 202

(B) No present or former public official or employee shall 203  
disclose or use, without appropriate authorization, any 204  
information acquired by the public official or employee in the 205  
course of the public official's or employee's official duties that 206  
is confidential because of statutory provisions, or that has been 207  
clearly designated to the public official or employee as 208  
confidential when that confidential designation is warranted 209

because of the status of the proceedings or the circumstances 210  
under which the information was received and preserving its 211  
confidentiality is necessary to the proper conduct of government 212  
business. 213

(C) No public official or employee shall participate within 214  
the scope of duties as a public official or employee, except 215  
through ministerial functions as defined in division (A) of this 216  
section, in any license or rate-making proceeding that directly 217  
affects the license or rates of any person, partnership, trust, 218  
business trust, corporation, or association in which the public 219  
official or employee or immediate family owns or controls more 220  
than five per cent. No public official or employee shall 221  
participate within the scope of duties as a public official or 222  
employee, except through ministerial functions as defined in 223  
division (A) of this section, in any license or rate-making 224  
proceeding that directly affects the license or rates of any 225  
person to whom the public official or employee or immediate 226  
family, or a partnership, trust, business trust, corporation, or 227  
association of which the public official or employee or the public 228  
official's or employee's immediate family owns or controls more 229  
than five per cent, has sold goods or services totaling more than 230  
one thousand dollars during the preceding year, unless the public 231  
official or employee has filed a written statement acknowledging 232  
that sale with the clerk or secretary of the public agency and the 233  
statement is entered in any public record of the agency's 234  
proceedings. This division shall not be construed to require the 235  
disclosure of clients of attorneys or persons licensed under 236  
section 4732.12 or 4732.15 of the Revised Code, or patients of 237  
persons certified under section 4731.14 of the Revised Code. 238

(D) No public official or employee shall use or authorize the 239  
use of the authority or influence of office or employment to 240  
secure anything of value or the promise or offer of anything of 241



value that is of such a character as to manifest a substantial and 242  
improper influence upon the public official or employee with 243  
respect to that person's duties. 244

(E) No public official or employee shall solicit or accept 245  
anything of value that is of such a character as to manifest a 246  
substantial and improper influence upon the public official or 247  
employee with respect to that person's duties. 248

(F) No person shall promise or give to a public official or 249  
employee anything of value that is of such a character as to 250  
manifest a substantial and improper influence upon the public 251  
official or employee with respect to that person's duties. 252

(G) In the absence of bribery or another offense under the 253  
Revised Code or a purpose to defraud, contributions made to a 254  
campaign committee, political party, legislative campaign fund, 255  
political action committee, or political contributing entity on 256  
behalf of an elected public officer or other public official or 257  
employee who seeks elective office shall be considered to accrue 258  
ordinarily to the public official or employee for the purposes of 259  
divisions (D), (E), and (F) of this section. 260

As used in this division, "contributions," "campaign 261  
committee," "political party," "legislative campaign fund," 262  
"political action committee," and "political contributing entity" 263  
have the same meanings as in section 3517.01 of the Revised Code. 264

(H)(1) No public official or employee, except for the 265  
president or other chief administrative officer of or a member of 266  
a board of trustees of a state institution of higher education as 267  
defined in section 3345.011 of the Revised Code, who is required 268  
to file a financial disclosure statement under section 102.02 of 269  
the Revised Code shall solicit or accept, and no person shall give 270  
to that public official or employee, an honorarium. Except as 271  
provided in division (H)(2) of this section, this division and 272

divisions (D), (E), and (F) of this section do not prohibit a 273  
public official or employee who is required to file a financial 274  
disclosure statement under section 102.02 of the Revised Code from 275  
accepting and do not prohibit a person from giving to that public 276  
official or employee the payment of actual travel expenses, 277  
including any expenses incurred in connection with the travel for 278  
lodging, and meals, food, and beverages provided to the public 279  
official or employee at a meeting at which the public official or 280  
employee participates in a panel, seminar, or speaking engagement 281  
or provided to the public official or employee at a meeting or 282  
convention of a national organization to which any state agency, 283  
including, but not limited to, any state legislative agency or 284  
state institution of higher education as defined in section 285  
3345.011 of the Revised Code, pays membership dues. Except as 286  
provided in division (H)(2) of this section, this division and 287  
divisions (D), (E), and (F) of this section do not prohibit a 288  
public official or employee who is not required to file a 289  
financial disclosure statement under section 102.02 of the Revised 290  
Code from accepting and do not prohibit a person from promising or 291  
giving to that public official or employee an honorarium or the 292  
payment of travel, meal, and lodging expenses if the honorarium, 293  
expenses, or both were paid in recognition of demonstrable 294  
business, professional, or esthetic interests of the public 295  
official or employee that exist apart from public office or 296  
employment, including, but not limited to, such a demonstrable 297  
interest in public speaking and were not paid by any person or 298  
other entity, or by any representative or association of those 299  
persons or entities, that is regulated by, doing business with, or 300  
seeking to do business with the department, division, institution, 301  
board, commission, authority, bureau, or other instrumentality of 302  
the governmental entity with which the public official or employee 303  
serves. 304

(2) No person who is a member of the board of a state 305

retirement system, a state retirement system investment officer, 306  
or an employee of a state retirement system whose position 307  
involves substantial and material exercise of discretion in the 308  
investment of retirement system funds shall solicit or accept, and 309  
no person shall give to that board member, officer, or employee, 310  
payment of actual travel expenses, including expenses incurred 311  
with the travel for lodging, meals, food, and beverages. 312

(I) A public official or employee may accept travel, meals, 313  
and lodging or expenses or reimbursement of expenses for travel, 314  
meals, and lodging in connection with conferences, seminars, and 315  
similar events related to official duties if the travel, meals, 316  
and lodging, expenses, or reimbursement is not of such a character 317  
as to manifest a substantial and improper influence upon the 318  
public official or employee with respect to that person's duties. 319  
The house of representatives and senate, in their code of ethics, 320  
and the Ohio ethics commission, under section 111.15 of the 321  
Revised Code, may adopt rules setting standards and conditions for 322  
the furnishing and acceptance of such travel, meals, and lodging, 323  
expenses, or reimbursement. 324

A person who acts in compliance with this division and any 325  
applicable rules adopted under it, or any applicable, similar 326  
rules adopted by the supreme court governing judicial officers and 327  
employees, does not violate division (D), (E), or (F) of this 328  
section. This division does not preclude any person from seeking 329  
an advisory opinion from the appropriate ethics commission under 330  
section 102.08 of the Revised Code. 331

(J) For purposes of divisions (D), (E), and (F) of this 332  
section, the membership of a public official or employee in an 333  
organization shall not be considered, in and of itself, to be of 334  
such a character as to manifest a substantial and improper 335  
influence on the public official or employee with respect to that 336  
person's duties. As used in this division, "organization" means a 337

church or a religious, benevolent, fraternal, or professional 338  
organization that is tax exempt under subsection 501(a) and 339  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 340  
"Internal Revenue Code of 1986." This division does not apply to a 341  
public official or employee who is an employee of an organization, 342  
serves as a trustee, director, or officer of an organization, or 343  
otherwise holds a fiduciary relationship with an organization. 344  
This division does not allow a public official or employee who is 345  
a member of an organization to participate, formally or 346  
informally, in deliberations, discussions, or voting on a matter 347  
or to use ~~his~~ the public official's or employee's official 348  
position with regard to the interests of the organization on the 349  
matter if the public official or employee has assumed a particular 350  
responsibility in the organization with respect to the matter or 351  
if the matter would affect that person's personal, pecuniary 352  
interests. 353

(K) It is not a violation of this section for a prosecuting 354  
attorney to appoint assistants and employees in accordance with 355  
division (B) of section 309.06 and section 2921.421 of the Revised 356  
Code, for a chief legal officer of a municipal corporation or an 357  
official designated as prosecutor in a municipal corporation to 358  
appoint assistants and employees in accordance with sections 359  
733.621 and 2921.421 of the Revised Code, for a township law 360  
director appointed under section 504.15 of the Revised Code to 361  
appoint assistants and employees in accordance with sections 362  
504.151 and 2921.421 of the Revised Code, or for a coroner to 363  
appoint assistants and employees in accordance with division (B) 364  
of section 313.05 of the Revised Code. 365

As used in this division, "chief legal officer" has the same 366  
meaning as in section 733.621 of the Revised Code. 367

(L) No present public official or employee with a casino 368  
gaming regulatory function shall indirectly invest, by way of an 369

entity the public official or employee has an ownership interest 370  
or control in, or directly invest in a casino operator, management 371  
company, holding company, casino facility, or gaming-related 372  
vendor. No present public official or employee with a casino 373  
gaming regulatory function shall directly or indirectly have a 374  
financial interest in, have an ownership interest in, be the 375  
creditor or hold a debt instrument issued by, or have an interest 376  
in a contractual or service relationship with a casino operator, 377  
management company, holding company, casino facility, or 378  
gaming-related vendor. This section does not prohibit or limit 379  
permitted passive investing by the public official or employee. 380

As used in this division, "passive investing" means 381  
investment by the public official or employee by means of a mutual 382  
fund in which the public official or employee has no control of 383  
the investments or investment decisions. "Casino operator," 384  
"holding company," "management company," "casino facility," and 385  
"gaming-related vendor" have the same meanings as in section 386  
3772.01 of the Revised Code. 387

(M) A member of the Ohio casino control commission, the 388  
executive director of the commission, or an employee of the 389  
commission shall not: 390

(1) Accept anything of value, including but not limited to a 391  
gift, gratuity, emolument, or employment from a casino operator, 392  
management company, or other person subject to the jurisdiction of 393  
the commission, or from an officer, attorney, agent, or employee 394  
of a casino operator, management company, or other person subject 395  
to the jurisdiction of the commission; 396

(2) Solicit, suggest, request, or recommend, directly or 397  
indirectly, to a casino operator, management company, or other 398  
person subject to the jurisdiction of the commission, or to an 399  
officer, attorney, agent, or employee of a casino operator, 400  
management company, or other person subject to the jurisdiction of 401

the commission, the appointment of a person to an office, place, 402  
position, or employment; 403

(3) Participate in casino gaming or any other amusement or 404  
activity at a casino facility in this state or at an affiliate 405  
gaming facility of a licensed casino operator, wherever located. 406

In addition to the penalty provided in section 102.99 of the 407  
Revised Code, whoever violates division (M)(1), (2), or (3) of 408  
this section forfeits the individual's office or employment. 409

**Sec. 121.02.** The following administrative departments and 410  
their respective directors are hereby created: 411

(A) The office of budget and management, which shall be 412  
administered by the director of budget and management; 413

(B) The department of commerce, which shall be administered 414  
by the director of commerce; 415

(C) The department of administrative services, which shall be 416  
administered by the director of administrative services; 417

(D) The department of transportation, which shall be 418  
administered by the director of transportation; 419

(E) The department of agriculture, which shall be 420  
administered by the director of agriculture; 421

(F) The department of natural resources, which shall be 422  
administered by the director of natural resources; 423

(G) The department of health, which shall be administered by 424  
the director of health; 425

(H) The department of job and family services, which shall be 426  
administered by the director of job and family services; 427

(I) Until July 1, 1997, the department of liquor control, 428  
which shall be administered by the director of liquor control; 429

(J) The department of public safety, which shall be 430  
administered by the director of public safety; 431

(K) The department of mental health, which shall be 432  
administered by the director of mental health; 433

(L) The department of developmental disabilities, which shall 434  
be administered by the director of developmental disabilities; 435

(M) The department of insurance, which shall be administered 436  
by the superintendent of insurance as director thereof; 437

(N) The ~~department of development~~ services agency, which 438  
shall be administered by the director of development services; 439

(O) The department of youth services, which shall be 440  
administered by the director of youth services; 441

(P) The department of rehabilitation and correction, which 442  
shall be administered by the director of rehabilitation and 443  
correction; 444

(Q) The environmental protection agency, which shall be 445  
administered by the director of environmental protection; 446

(R) The department of aging, which shall be administered by 447  
the director of aging; 448

(S) The department of alcohol and drug addiction services, 449  
which shall be administered by the director of alcohol and drug 450  
addiction services; 451

(T) The department of veterans services, which shall be 452  
administered by the director of veterans services. 453

The director of each department shall exercise the powers and 454  
perform the duties vested by law in such department. 455

**Sec. 121.03.** The following administrative department heads 456  
shall be appointed by the governor, with the advice and consent of 457  
the senate, and shall hold their offices during the term of the 458

appointing governor, and are subject to removal at the pleasure of	459
the governor.	460
(A) The director of budget and management;	461
(B) The director of commerce;	462
(C) The director of transportation;	463
(D) The director of agriculture;	464
(E) The director of job and family services;	465
(F) Until July 1, 1997, the director of liquor control;	466
(G) The director of public safety;	467
(H) The superintendent of insurance;	468
(I) The director of development <u>services</u> ;	469
(J) The tax commissioner;	470
(K) The director of administrative services;	471
(L) The director of natural resources;	472
(M) The director of mental health;	473
(N) The director of developmental disabilities;	474
(O) The director of health;	475
(P) The director of youth services;	476
(Q) The director of rehabilitation and correction;	477
(R) The director of environmental protection;	478
(S) The director of aging;	479
(T) The director of alcohol and drug addiction services;	480
(U) The administrator of workers' compensation who meets the	481
qualifications required under division (A) of section 4121.121 of	482
the Revised Code;	483
(V) The director of veterans services who meets the	484



qualifications required under section 5902.01 of the Revised Code; 485

(W) The chancellor of the Ohio board of regents. 486

**Sec. 121.22.** (A) This section shall be liberally construed to 487  
require public officials to take official action and to conduct 488  
all deliberations upon official business only in open meetings 489  
unless the subject matter is specifically excepted by law. 490

(B) As used in this section: 491

(1) "Public body" means any of the following: 492

(a) Any board, commission, committee, council, or similar 493  
decision-making body of a state agency, institution, or authority, 494  
and any legislative authority or board, commission, committee, 495  
council, agency, authority, or similar decision-making body of any 496  
county, township, municipal corporation, school district, or other 497  
political subdivision or local public institution; 498

(b) Any committee or subcommittee of a body described in 499  
division (B)(1)(a) of this section; 500

(c) A court of jurisdiction of a sanitary district organized 501  
wholly for the purpose of providing a water supply for domestic, 502  
municipal, and public use when meeting for the purpose of the 503  
appointment, removal, or reappointment of a member of the board of 504  
directors of such a district pursuant to section 6115.10 of the 505  
Revised Code, if applicable, or for any other matter related to 506  
such a district other than litigation involving the district. As 507  
used in division (B)(1)(c) of this section, "court of 508  
jurisdiction" has the same meaning as "court" in section 6115.01 509  
of the Revised Code. 510

(2) "Meeting" means any prearranged discussion of the public 511  
business of the public body by a majority of its members. 512

(3) "Regulated individual" means either of the following: 513

(a) A student in a state or local public educational institution;	514 515
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	516 517 518 519
(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	520 521
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	522 523 524 525 526
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	527 528 529 530 531
(D) This section does not apply to any of the following:	532
(1) A grand jury;	533
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	534 535 536
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	537 538 539
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	540 541
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted	542 543

pursuant to sections 5153.171 to 5153.173 of the Revised Code; 544

(6) The state medical board when determining whether to 545  
suspend a certificate without a prior hearing pursuant to division 546  
(G) of either section 4730.25 or 4731.22 of the Revised Code; 547

(7) The board of nursing when determining whether to suspend 548  
a license or certificate without a prior hearing pursuant to 549  
division (B) of section 4723.281 of the Revised Code; 550

(8) The state board of pharmacy when determining whether to 551  
suspend a license without a prior hearing pursuant to division (D) 552  
of section 4729.16 of the Revised Code; 553

(9) The state chiropractic board when determining whether to 554  
suspend a license without a hearing pursuant to section 4734.37 of 555  
the Revised Code; 556

(10) The executive committee of the emergency response 557  
commission when determining whether to issue an enforcement order 558  
or request that a civil action, civil penalty action, or criminal 559  
action be brought to enforce Chapter 3750. of the Revised Code; 560

(11) The board of directors of the nonprofit corporation 561  
formed under section 187.01 of the Revised Code or any committee 562  
thereof, and the board of directors of any subsidiary of that 563  
corporation or a committee thereof; 564

(12) An audit conference conducted by the audit staff of the 565  
department of job and family services with officials of the public 566  
office that is the subject of that audit under section 5101.37 of 567  
the Revised Code. 568

(E) The controlling board, the ~~development financing advisory~~ 569  
~~council~~, the industrial technology and enterprise advisory 570  
council, the tax credit authority, or the minority development 571  
financing advisory board, when meeting to consider granting 572  
assistance pursuant to Chapter 122. or 166. of the Revised Code, 573

in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.

The vote by the authority, council, or board to accept or reject the application, as well as all proceedings of the authority, council, or board not subject to this division, shall be open to the public and governed by this section.

(F) Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public

business is to be discussed. Provisions for advance notification 604  
may include, but are not limited to, mailing the agenda of 605  
meetings to all subscribers on a mailing list or mailing notices 606  
in self-addressed, stamped envelopes provided by the person. 607

(G) Except as provided in division (J) of this section, the 608  
members of a public body may hold an executive session only after 609  
a majority of a quorum of the public body determines, by a roll 610  
call vote, to hold an executive session and only at a regular or 611  
special meeting for the sole purpose of the consideration of any 612  
of the following matters: 613

(1) To consider the appointment, employment, dismissal, 614  
discipline, promotion, demotion, or compensation of a public 615  
employee or official, or the investigation of charges or 616  
complaints against a public employee, official, licensee, or 617  
regulated individual, unless the public employee, official, 618  
licensee, or regulated individual requests a public hearing. 619  
Except as otherwise provided by law, no public body shall hold an 620  
executive session for the discipline of an elected official for 621  
conduct related to the performance of the elected official's 622  
official duties or for the elected official's removal from office. 623  
If a public body holds an executive session pursuant to division 624  
(G)(1) of this section, the motion and vote to hold that executive 625  
session shall state which one or more of the approved purposes 626  
listed in division (G)(1) of this section are the purposes for 627  
which the executive session is to be held, but need not include 628  
the name of any person to be considered at the meeting. 629

(2) To consider the purchase of property for public purposes, 630  
or for the sale of property at competitive bidding, if premature 631  
disclosure of information would give an unfair competitive or 632  
bargaining advantage to a person whose personal, private interest 633  
is adverse to the general public interest. No member of a public 634  
body shall use division (G)(2) of this section as a subterfuge for 635

providing covert information to prospective buyers or sellers. A 636  
purchase or sale of public property is void if the seller or buyer 637  
of the public property has received covert information from a 638  
member of a public body that has not been disclosed to the general 639  
public in sufficient time for other prospective buyers and sellers 640  
to prepare and submit offers. 641

If the minutes of the public body show that all meetings and 642  
deliberations of the public body have been conducted in compliance 643  
with this section, any instrument executed by the public body 644  
purporting to convey, lease, or otherwise dispose of any right, 645  
title, or interest in any public property shall be conclusively 646  
presumed to have been executed in compliance with this section 647  
insofar as title or other interest of any bona fide purchasers, 648  
lessees, or transferees of the property is concerned. 649

(3) Conferences with an attorney for the public body 650  
concerning disputes involving the public body that are the subject 651  
of pending or imminent court action; 652

(4) Preparing for, conducting, or reviewing negotiations or 653  
bargaining sessions with public employees concerning their 654  
compensation or other terms and conditions of their employment; 655

(5) Matters required to be kept confidential by federal law 656  
or regulations or state statutes; 657

(6) Details relative to the security arrangements and 658  
emergency response protocols for a public body or a public office, 659  
if disclosure of the matters discussed could reasonably be 660  
expected to jeopardize the security of the public body or public 661  
office; 662

(7) In the case of a county hospital operated pursuant to 663  
Chapter 339. of the Revised Code, a joint township hospital 664  
operated pursuant to Chapter 513. of the Revised Code, or a 665  
municipal hospital operated pursuant to Chapter 749. of the 666

Revised Code, to consider trade secrets, as defined in section 667  
1333.61 of the Revised Code. 668

If a public body holds an executive session to consider any 669  
of the matters listed in divisions (G)(2) to (7) of this section, 670  
the motion and vote to hold that executive session shall state 671  
which one or more of the approved matters listed in those 672  
divisions are to be considered at the executive session. 673

A public body specified in division (B)(1)(c) of this section 674  
shall not hold an executive session when meeting for the purposes 675  
specified in that division. 676

(H) A resolution, rule, or formal action of any kind is 677  
invalid unless adopted in an open meeting of the public body. A 678  
resolution, rule, or formal action adopted in an open meeting that 679  
results from deliberations in a meeting not open to the public is 680  
invalid unless the deliberations were for a purpose specifically 681  
authorized in division (G) or (J) of this section and conducted at 682  
an executive session held in compliance with this section. A 683  
resolution, rule, or formal action adopted in an open meeting is 684  
invalid if the public body that adopted the resolution, rule, or 685  
formal action violated division (F) of this section. 686

(I)(1) Any person may bring an action to enforce this 687  
section. An action under division (I)(1) of this section shall be 688  
brought within two years after the date of the alleged violation 689  
or threatened violation. Upon proof of a violation or threatened 690  
violation of this section in an action brought by any person, the 691  
court of common pleas shall issue an injunction to compel the 692  
members of the public body to comply with its provisions. 693

(2)(a) If the court of common pleas issues an injunction 694  
pursuant to division (I)(1) of this section, the court shall order 695  
the public body that it enjoins to pay a civil forfeiture of five 696  
hundred dollars to the party that sought the injunction and shall 697

award to that party all court costs and, subject to reduction as 698  
described in division (I)(2) of this section, reasonable 699  
attorney's fees. The court, in its discretion, may reduce an award 700  
of attorney's fees to the party that sought the injunction or not 701  
award attorney's fees to that party if the court determines both 702  
of the following: 703

(i) That, based on the ordinary application of statutory law 704  
and case law as it existed at the time of violation or threatened 705  
violation that was the basis of the injunction, a well-informed 706  
public body reasonably would believe that the public body was not 707  
violating or threatening to violate this section; 708

(ii) That a well-informed public body reasonably would 709  
believe that the conduct or threatened conduct that was the basis 710  
of the injunction would serve the public policy that underlies the 711  
authority that is asserted as permitting that conduct or 712  
threatened conduct. 713

(b) If the court of common pleas does not issue an injunction 714  
pursuant to division (I)(1) of this section and the court 715  
determines at that time that the bringing of the action was 716  
frivolous conduct, as defined in division (A) of section 2323.51 717  
of the Revised Code, the court shall award to the public body all 718  
court costs and reasonable attorney's fees, as determined by the 719  
court. 720

(3) Irreparable harm and prejudice to the party that sought 721  
the injunction shall be conclusively and irrebuttably presumed 722  
upon proof of a violation or threatened violation of this section. 723

(4) A member of a public body who knowingly violates an 724  
injunction issued pursuant to division (I)(1) of this section may 725  
be removed from office by an action brought in the court of common 726  
pleas for that purpose by the prosecuting attorney or the attorney 727  
general. 728



(J)(1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

**Sec. 122.01.** (A) As used in the Revised Code, the "department of development" means the development services agency and the "director of development" means the director of development services. Whenever the department or director of development is

referred to or designated in any statute, rule, contract, grant, 759  
or other document, the reference or designation shall be deemed to 760  
refer to the development services agency or director of 761  
development services, as the case may be. 762

(B) As used in this chapter: 763

~~(A)~~(1) "Community problems" includes, but is not limited to, 764  
taxation, fiscal administration, governmental structure and 765  
organization, intergovernmental cooperation, education and 766  
training, employment needs, community planning and development, 767  
air and water pollution, public safety and the administration of 768  
justice, housing, mass transportation, community facilities and 769  
services, health, welfare, recreation, open space, and the 770  
development of human resources. 771

~~(B)~~(2) "Professional personnel" means either of the 772  
following: 773

~~(1)~~(a) Personnel who have earned a bachelor's degree from a 774  
college or university; 775

~~(2)~~(b) Personnel who serve as or have the working title of 776  
director, assistant director, deputy director, assistant deputy 777  
director, manager, office chief, assistant office chief, or 778  
program director. 779

~~(C)~~(3) "Technical personnel" means any of the following: 780

~~(1)~~(a) Personnel who provide technical assistance according 781  
to their job description or in accordance with the Revised Code; 782

~~(2)~~(b) Personnel employed in the director of ~~development's~~ 783  
development services' office or the legal office, communications 784  
office, finance office, legislative affairs office, or human 785  
resources office of the ~~department of~~ development services agency; 786

~~(3)~~(c) Personnel employed in the technology division of the 787  
~~department~~ agency. 788

**Sec. 122.011.** (A) The ~~department of~~ development services 789  
agency shall develop and promote plans and programs designed to 790  
assure that state resources are efficiently used, economic growth 791  
is properly balanced, community growth is developed in an orderly 792  
manner, and local governments are coordinated with each other and 793  
the state, and for such purposes may do all of the following: 794

(1) Serve as a clearinghouse for information, data, and other 795  
materials that may be helpful or necessary to persons or local 796  
governments, as provided in section ~~122.07~~ 122.073 of the Revised 797  
Code; 798

(2) Prepare and activate plans for the retention, 799  
development, expansion, and use of the resources and commerce of 800  
the state, as provided in section 122.04 of the Revised Code; 801

(3) Assist and cooperate with federal, state, and local 802  
governments and agencies of federal, state, and local governments 803  
in the coordination of programs to carry out the functions and 804  
duties of the ~~department~~ agency; 805

(4) Encourage and foster research and development activities, 806  
conduct studies related to the solution of community problems, and 807  
develop recommendations for administrative or legislative actions, 808  
as provided in section 122.03 of the Revised Code; 809

(5) Serve as the economic and community development planning 810  
agency, which shall prepare and recommend plans and programs for 811  
the orderly growth and development of this state and which shall 812  
provide planning assistance, as provided in section 122.06 of the 813  
Revised Code; 814

(6) Cooperate with and provide technical assistance to state 815  
departments, political subdivisions, regional and local planning 816  
commissions, tourist associations, councils of government, 817  
community development groups, community action agencies, and other 818

appropriate organizations for carrying out the functions and 819  
duties of the ~~department~~ development services agency or for the 820  
solution of community problems; 821

(7) Coordinate the activities of state agencies that have an 822  
impact on carrying out the functions and duties of the ~~department~~ 823  
development services agency; 824

(8) Encourage and assist the efforts of and cooperate with 825  
local governments to develop mutual and cooperative solutions to 826  
their common problems that relate to carrying out the purposes of 827  
this section; 828

(9) Study existing structure, operations, and financing of 829  
regional or local government and those state activities that 830  
involve significant relations with regional or local governmental 831  
units, recommend to the governor and to the general assembly such 832  
changes in these provisions and activities as will improve the 833  
operations of regional or local government, and conduct other 834  
studies of legal provisions that affect problems related to 835  
carrying out the purposes of this section; 836

(10) Create and operate a division of community development 837  
to develop and administer programs and activities that are 838  
authorized by federal statute or the Revised Code; 839

(11) Until October 15, 2007, establish fees and charges, in 840  
consultation with the director of agriculture, for purchasing 841  
loans from financial institutions and providing loan guarantees 842  
under the family farm loan program created under sections 901.80 843  
to 901.83 of the Revised Code; 844

(12) Provide loan servicing for the loans purchased and loan 845  
guarantees provided under section 901.80 of the Revised Code as 846  
that section existed prior to October 15, 2007; 847

(13) Until October 15, 2007, and upon approval by the 848  
controlling board under division (A)(3) of section 901.82 of the 849

Revised Code of the release of money to be used for purchasing a 850  
loan or providing a loan guarantee, request the release of that 851  
money in accordance with division (B) of section 166.03 of the 852  
Revised Code for use for the purposes of the fund created by 853  
section 166.031 of the Revised Code. 854

(14) Allocate that portion of the national recovery zone 855  
economic development bond limitation and that portion of the 856  
national recovery zone facility bond limitation that has been 857  
allocated to the state under section 1400U-1 of the Internal 858  
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 859  
corporation waives any portion of an allocation it receives under 860  
division (A)(14) of this section, the ~~department~~ agency may 861  
reallocate that amount. Any allocation or reallocation shall be 862  
made in accordance with this section and section 1400U-1 of the 863  
Internal Revenue Code. 864

(B) The director of development services may request the 865  
attorney general to, and the attorney general, in accordance with 866  
section 109.02 of the Revised Code, shall bring a civil action in 867  
any court of competent jurisdiction. The director may be sued in 868  
the director's official capacity, in connection with this chapter, 869  
in accordance with Chapter 2743. of the Revised Code. 870

(C) The director ~~of development~~ shall execute a contract 871  
pursuant to section 187.04 of the Revised Code with the nonprofit 872  
corporation formed under section 187.01 of the Revised Code, and 873  
may execute any additional contracts with the corporation 874  
providing for the corporation to assist the director or ~~department~~ 875  
agency in carrying out any duties of the director or ~~department~~ 876  
agency under this chapter, under any other provision of the 877  
Revised Code dealing with economic development, or under a 878  
contract with the director, subject to section 187.04 of the 879  
Revised Code. 880

Sec. 122.07. (A) There is hereby created within the 881  
development services agency an office to be known as the office of 882  
TourismOhio. The office shall be under the supervision of a 883  
director who shall be of equivalent rank of deputy director of the 884  
agency and shall serve at the pleasure of the director of 885  
development services. 886

(B) The office shall do both of the following: 887

(1) Promote the state as a travel destination and provide 888  
related services or otherwise carry out the promotional functions 889  
or duties of the agency, as necessary; 890

(2) Perform an annual return-on-investment study analyzing 891  
the office's success in promoting Ohio tourism. A report 892  
containing the findings of the study shall be submitted to the 893  
governor, the speaker of the house of representatives, and the 894  
president of the senate. The report shall also be made available 895  
to the public. 896

Sec. 122.071. (A) The TourismOhio advisory board is hereby 897  
established to advise the director of development services and the 898  
director of the office of TourismOhio on strategies for promoting 899  
tourism in this state. The board shall consist of the chief 900  
investment officer of the nonprofit corporation formed under 901  
section 187.01 of the Revised Code, the director of the office of 902  
TourismOhio, and eight members to be appointed by the governor as 903  
provided in division (B) of this section. All members of the 904  
board, except the director of the office of TourismOhio, shall be 905  
voting members. 906

(B)(1) The governor shall, within sixty days after the 907  
effective date of this section, appoint to the TourismOhio 908  
advisory board one individual who is a representative of 909  
convention and visitors' bureaus, one individual who is a 910

representative of the lodging industry, one individual who is a 911  
representative of the restaurant industry, one individual who is a 912  
representative of attractions, one individual who is a 913  
representative of special events and festivals, and three 914  
individuals who are representatives of the tourism industry. Of 915  
the initial appointments, two individuals shall serve a term of 916  
one year, two individuals shall serve a term of two years, and the 917  
remainder shall serve a term of three years. Each individual 918  
appointed to the board shall be a United States citizen. 919

(2) For purposes of division (B)(1) of this section, an 920  
individual is a "representative of the tourism industry" if the 921  
individual possesses five years or more executive-level experience 922  
in the attractions, lodging, restaurant, transportation, or retail 923  
industry or five years or more executive-level experience with a 924  
destination marketing organization. 925

(C)(1) Each member of the TourismOhio advisory board shall 926  
hold office from the date of the member's appointment until the 927  
end of the term for which the member is appointed. Vacancies that 928  
occur on the board shall be filled in the manner prescribed for 929  
regular appointments to the board. A member appointed to fill a 930  
vacancy occurring prior to the expiration of the term for which 931  
the member's predecessor was appointed shall hold office for the 932  
remainder of that predecessor's term. A member shall continue in 933  
office subsequent to the expiration date of the member's term 934  
until the member's successor takes office or until sixty days have 935  
elapsed, whichever occurs first. Any member appointed to the board 936  
is eligible for reappointment. 937

(2) The governor shall designate one member of the board as 938  
chairperson. 939

(3) Members appointed to the board may be reimbursed for 940  
actual and necessary expenses incurred in connection with their 941  
official duties. 942

**Sec. ~~122.071~~ 122.072.** There is hereby created in the state 943  
treasury the ~~travel and tourism cooperative projects~~ fund 944  
consisting of ~~all~~ money credited or transferred to it and grants, 945  
gifts, and contributions made directly to ~~the director of~~ 946  
~~development for marketing and promotion of travel and tourism~~ 947  
within it. Money in the fund shall be used to defray costs 948  
incurred by the office of TourismOhio in promoting this state 949  
~~pursuant to division (F) of section 122.04 and section 122.07 of~~ 950  
~~the Revised Code as a travel destination.~~ 951

**Sec. ~~122.07~~ 122.073.** (A) The ~~department of~~ development 952  
services agency may do either of the following: 953

(1) Disseminate information concerning the industrial, 954  
commercial, governmental, educational, cultural, recreational, 955  
agricultural, and other advantages and attractions of the state; 956

(2) Provide technical assistance to public and private 957  
agencies in the preparation of promotional programs designed to 958  
attract business, industry, and tourists to the state. 959

(B) Records related to tourism market research submitted to 960  
or generated by the ~~research~~ office of ~~the division of travel and~~ 961  
~~tourism of the department of development~~ TourismOhio, and any 962  
information taken for any purpose from such research, are not 963  
public records for the purposes of section 149.43 of the Revised 964  
Code. The ~~department~~ agency may use, however, such tourism market 965  
research in a public report if the director of ~~the department~~ 966  
development services determines that issuing and distributing the 967  
report would promote or market the state's travel and tourism 968  
industry or otherwise advance the purposes of this section. 969

**Sec. 122.17.** (A) As used in this section: 970

(1) "Income tax revenue" means the total amount withheld 971



under section 5747.06 of the Revised Code by the taxpayer during 972  
the taxable year, or during the calendar year that includes the 973  
tax period, from the compensation of each employee employed in the 974  
project to the extent the employee's withholdings are not used to 975  
determine the credit under section 122.171 of the Revised Code. 976  
"Income tax revenue" excludes amounts withheld before the day the 977  
taxpayer becomes eligible for the credit. 978

(2) "Baseline income tax revenue" means income tax revenue 979  
except that the applicable withholding period is the twelve months 980  
immediately preceding the date the tax credit authority approves 981  
the taxpayer's application or the date the tax credit authority 982  
receives the recommendation described in division (C)(3) of this 983  
section, whichever occurs first, multiplied by the sum of one plus 984  
an annual pay increase factor to be determined by the tax credit 985  
authority. If the taxpayer becomes eligible for the credit after 986  
the first day of the taxpayer's taxable year or after the first 987  
day of the calendar year that includes the tax period, the 988  
taxpayer's baseline income tax revenue for the first such taxable 989  
or calendar year of credit eligibility shall be reduced in 990  
proportion to the number of days during the taxable or calendar 991  
year for which the taxpayer was not eligible for the credit. For 992  
subsequent taxable or calendar years, "baseline income tax 993  
revenue" equals the unreduced baseline income tax revenue for the 994  
preceding taxable or calendar year multiplied by the sum of one 995  
plus the pay increase factor. 996

(3) "Excess income tax revenue" means income tax revenue 997  
minus baseline income tax revenue. 998

(B) The tax credit authority may make grants under this 999  
section to foster job creation in this state. Such a grant shall 1000  
take the form of a refundable credit allowed against the tax 1001  
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 1002  
under Chapter 5751. of the Revised Code. The credit shall be 1003

claimed for the taxable years or tax periods specified in the 1004  
taxpayer's agreement with the tax credit authority under division 1005  
(D) of this section. With respect to taxes imposed under section 1006  
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 1007  
credit shall be claimed in the order required under section 1008  
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 1009  
the credit available for a taxable year or for a calendar year 1010  
that includes a tax period equals the excess income tax revenue 1011  
for that year multiplied by the percentage specified in the 1012  
agreement with the tax credit authority. Any credit granted under 1013  
this section against the tax imposed by section 5733.06 or 5747.02 1014  
of the Revised Code, to the extent not fully utilized against such 1015  
tax for taxable years ending prior to 2008, shall automatically be 1016  
converted without any action taken by the tax credit authority to 1017  
a credit against the tax levied under Chapter 5751. of the Revised 1018  
Code for tax periods beginning on or after July 1, 2008, provided 1019  
that the person to whom the credit was granted is subject to such 1020  
tax. The converted credit shall apply to those calendar years in 1021  
which the remaining taxable years specified in the agreement end. 1022

(C) A taxpayer or potential taxpayer who proposes a project 1023  
to create new jobs in this state may apply to the tax credit 1024  
authority to enter into an agreement for a tax credit under this 1025  
section. The director of development services shall prescribe the 1026  
form of the application. After receipt of an application, the 1027  
authority may enter into an agreement with the taxpayer for a 1028  
credit under this section if it determines all of the following: 1029

(1) The taxpayer's project will increase payroll and income 1030  
tax revenue; 1031

(2) The taxpayer's project is economically sound and will 1032  
benefit the people of this state by increasing opportunities for 1033  
employment and strengthening the economy of this state; 1034

(3) Receiving the tax credit is a major factor in the 1035

taxpayer's decision to go forward with the project, as recommended 1036  
to the tax credit authority by the chief investment officer of the 1037  
nonprofit corporation formed under section 187.01 of the Revised 1038  
Code and the director of development services, or, if the taxpayer 1039  
has already begun the project, receiving the tax credit is a major 1040  
factor in the taxpayer's decision to do so and the chief 1041  
investment officer and director make a recommendation to the 1042  
authority, within six months after the application was received by 1043  
the authority, that the taxpayer's application be considered. 1044

(D) An agreement under this section shall include all of the 1045  
following: 1046

(1) A detailed description of the project that is the subject 1047  
of the agreement; 1048

(2) The term of the tax credit, which shall not exceed 1049  
fifteen years, and the first taxable year, or first calendar year 1050  
that includes a tax period, for which the credit may be claimed; 1051

(3) A requirement that the taxpayer shall maintain operations 1052  
at the project location for at least the greater of seven years or 1053  
the term of the credit plus three years; 1054

(4) The percentage, as determined by the tax credit 1055  
authority, of excess income tax revenue that will be allowed as 1056  
the amount of the credit for each taxable year or for each 1057  
calendar year that includes a tax period; 1058

(5) The pay increase factor to be applied to the taxpayer's 1059  
baseline income tax revenue; 1060

(6) A requirement that the taxpayer annually shall report to 1061  
the director of development services employment, tax withholding, 1062  
investment, and other information the director needs to perform 1063  
the director's duties under this section; 1064

(7) A requirement that the director of development services 1065

annually review the information reported under division (D)(6) of 1066  
this section and verify compliance with the agreement; if the 1067  
taxpayer is in compliance, a requirement that the director issue a 1068  
certificate to the taxpayer stating that the information has been 1069  
verified and identifying the amount of the credit that may be 1070  
claimed for the taxable or calendar year; 1071

(8) A provision providing that the taxpayer may not relocate 1072  
a substantial number of employment positions from elsewhere in 1073  
this state to the project location unless the director of 1074  
development services determines that the legislative authority of 1075  
the county, township, or municipal corporation from which the 1076  
employment positions would be relocated has been notified by the 1077  
taxpayer of the relocation. 1078

For purposes of this section, the movement of an employment 1079  
position from one political subdivision to another political 1080  
subdivision shall be considered a relocation of an employment 1081  
position unless the employment position in the first political 1082  
subdivision is replaced. 1083

(E) If a taxpayer fails to meet or comply with any condition 1084  
or requirement set forth in a tax credit agreement, the tax credit 1085  
authority may amend the agreement to reduce the percentage or term 1086  
of the tax credit. The reduction of the percentage or term may 1087  
take effect in the current taxable or calendar year. 1088

(F) Projects that consist solely of point-of-final-purchase 1089  
retail facilities are not eligible for a tax credit under this 1090  
section. If a project consists of both point-of-final-purchase 1091  
retail facilities and nonretail facilities, only the portion of 1092  
the project consisting of the nonretail facilities is eligible for 1093  
a tax credit and only the excess income tax revenue from the 1094  
nonretail facilities shall be considered when computing the amount 1095  
of the tax credit. If a warehouse facility is part of a 1096  
point-of-final-purchase retail facility and supplies only that 1097

facility, the warehouse facility is not eligible for a tax credit. 1098  
Catalog distribution centers are not considered 1099  
point-of-final-purchase retail facilities for the purposes of this 1100  
division, and are eligible for tax credits under this section. 1101

(G) Financial statements and other information submitted to 1102  
the ~~department of~~ development services agency or the tax credit 1103  
authority by an applicant or recipient of a tax credit under this 1104  
section, and any information taken for any purpose from such 1105  
statements or information, are not public records subject to 1106  
section 149.43 of the Revised Code. However, the chairperson of 1107  
the authority may make use of the statements and other information 1108  
for purposes of issuing public reports or in connection with court 1109  
proceedings concerning tax credit agreements under this section. 1110  
Upon the request of the tax commissioner or, if the applicant or 1111  
recipient is an insurance company, upon the request of the 1112  
superintendent of insurance, the chairperson of the authority 1113  
shall provide to the commissioner or superintendent any statement 1114  
or information submitted by an applicant or recipient of a tax 1115  
credit in connection with the credit. The commissioner or 1116  
superintendent shall preserve the confidentiality of the statement 1117  
or information. 1118

(H) A taxpayer claiming a credit under this section shall 1119  
submit to the tax commissioner or, if the taxpayer is an insurance 1120  
company, to the superintendent of insurance, a copy of the 1121  
director of ~~development's~~ development services' certificate of 1122  
verification under division (D)(7) of this section with the 1123  
taxpayer's tax report or return for the taxable year or for the 1124  
calendar year that includes the tax period. Failure to submit a 1125  
copy of the certificate with the report or return does not 1126  
invalidate a claim for a credit if the taxpayer submits a copy of 1127  
the certificate to the commissioner or superintendent within sixty 1128  
days after the commissioner or superintendent requests it. 1129

(I) The director of development services, after consultation 1130  
with the tax commissioner and the superintendent of insurance and 1131  
in accordance with Chapter 119. of the Revised Code, shall adopt 1132  
rules necessary to implement this section. The rules may provide 1133  
for recipients of tax credits under this section to be charged 1134  
fees to cover administrative costs of the tax credit program. The 1135  
fees collected shall be credited to the ~~tax incentive programs~~ 1136  
~~operating~~ business assistance fund created in section 122.174 of 1137  
the Revised Code. At the time the director gives public notice 1138  
under division (A) of section 119.03 of the Revised Code of the 1139  
adoption of the rules, the director shall submit copies of the 1140  
proposed rules to the chairpersons of the standing committees on 1141  
economic development in the senate and the house of 1142  
representatives. 1143

(J) For the purposes of this section, a taxpayer may include 1144  
a partnership, a corporation that has made an election under 1145  
subchapter S of chapter one of subtitle A of the Internal Revenue 1146  
Code, or any other business entity through which income flows as a 1147  
distributive share to its owners. A partnership, S-corporation, or 1148  
other such business entity may elect to pass the credit received 1149  
under this section through to the persons to whom the income or 1150  
profit of the partnership, S-corporation, or other entity is 1151  
distributed. The election shall be made on the annual report 1152  
required under division (D)(6) of this section. The election 1153  
applies to and is irrevocable for the credit for which the report 1154  
is submitted. If the election is made, the credit shall be 1155  
apportioned among those persons in the same proportions as those 1156  
in which the income or profit is distributed. 1157

(K) If the director of development services determines that a 1158  
taxpayer who has received a credit under this section is not 1159  
complying with the requirement under division (D)(3) of this 1160  
section, the director shall notify the tax credit authority of the 1161

noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

(1) If the taxpayer maintained operations at the project location for a period less than or equal to the term of the credit, an amount not exceeding one hundred per cent of the sum of any credits allowed and received under this section;

(2) If the taxpayer maintained operations at the project location for a period longer than the term of the credit, but less than the greater of seven years or the term of the credit plus three years, an amount not exceeding seventy-five per cent of the sum of any credits allowed and received under this section.

In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

(L) On or before the first day of August each year, the director of development services shall submit a report to the

governor, the president of the senate, and the speaker of the 1194  
house of representatives on the tax credit program under this 1195  
section. The report shall include information on the number of 1196  
agreements that were entered into under this section during the 1197  
preceding calendar year, a description of the project that is the 1198  
subject of each such agreement, and an update on the status of 1199  
projects under agreements entered into before the preceding 1200  
calendar year. 1201

(M) There is hereby created the tax credit authority, which 1202  
consists of the director of development services, the chief 1203  
investment officer of the nonprofit corporation formed under 1204  
section 187.01 of the Revised Code, and ~~four~~ five other members 1205  
appointed as follows: the governor, the president of the senate, 1206  
and the speaker of the house of representatives each shall appoint 1207  
one member who shall be a specialist in economic development; the 1208  
governor also shall appoint a member who is a specialist in 1209  
taxation and a member who is a specialist in the development of 1210  
new technology. Of the initial appointees, the members appointed 1211  
by the governor shall serve a term of two years; the members 1212  
appointed by the president of the senate and the speaker of the 1213  
house of representatives shall serve a term of four years. 1214  
Thereafter, terms of office shall be for four years. Initial 1215  
appointments to the authority shall be made within thirty days 1216  
after January 13, 1993. Each member shall serve on the authority 1217  
until the end of the term for which the member was appointed. 1218  
Vacancies shall be filled in the same manner provided for original 1219  
appointments. Any member appointed to fill a vacancy occurring 1220  
prior to the expiration of the term for which the member's 1221  
predecessor was appointed shall hold office for the remainder of 1222  
that term. Members may be reappointed to the authority. Members of 1223  
the authority shall receive their necessary and actual expenses 1224  
while engaged in the business of the authority. The director of 1225  
development services shall serve as chairperson of the authority, 1226



and the members annually shall elect a vice-chairperson from among 1227  
themselves. ~~Three~~ Four members of the authority constitute a 1228  
quorum to transact and vote on the business of the authority. The 1229  
majority vote of the membership of the authority is necessary to 1230  
approve any such business, including the election of the 1231  
vice-chairperson. 1232

The director of development services may appoint a 1233  
professional employee of the ~~department of development~~ services 1234  
agency to serve as the director's substitute at a meeting of the 1235  
authority. The director shall make the appointment in writing. In 1236  
the absence of the director from a meeting of the authority, the 1237  
appointed substitute shall serve as chairperson. In the absence of 1238  
both the director and the director's substitute from a meeting, 1239  
the vice-chairperson shall serve as chairperson. 1240

(N) For purposes of the credits granted by this section 1241  
against the taxes imposed under sections 5725.18 and 5729.03 of 1242  
the Revised Code, "taxable year" means the period covered by the 1243  
taxpayer's annual statement to the superintendent of insurance. 1244

**Sec. 122.171.** (A) As used in this section: 1245

(1) "Capital investment project" means a plan of investment 1246  
at a project site for the acquisition, construction, renovation, 1247  
or repair of buildings, machinery, or equipment, or for 1248  
capitalized costs of basic research and new product development 1249  
determined in accordance with generally accepted accounting 1250  
principles, but does not include any of the following: 1251

(a) Payments made for the acquisition of personal property 1252  
through operating leases; 1253

(b) Project costs paid before January 1, 2002; 1254

(c) Payments made to a related member as defined in section 1255  
5733.042 of the Revised Code or to a consolidated elected taxpayer 1256

or a combined taxpayer as defined in section 5751.01 of the Revised Code.

(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:

(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(iii) If the taxpayer is applying to enter into an agreement for a tax credit authorized under division (B)(3) of this section, at least five million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions

(C), (D), and (E) of this section.	1288
(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code.	1289 1290 1291 1292 1293
(4) "Income tax revenue" means the total amount withheld under section 5747.06 of the Revised Code by the taxpayer during the taxable year, or during the calendar year that includes the tax period, from the compensation of all employees employed in the project whose hours of compensation are included in calculating the number of full-time equivalent employees.	1294 1295 1296 1297 1298 1299
(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.	1300 1301
(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.	1302 1303 1304 1305
(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997.	1306 1307 1308 1309
(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.	1310 1311 1312 1313 1314 1315
(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application	1316 1317 1318

by an eligible business and upon consideration of the 1319  
recommendation of the director of budget and management, tax 1320  
commissioner, the superintendent of insurance in the case of an 1321  
insurance company, and director of development services under 1322  
division (C) of this section, the tax credit authority may grant 1323  
the following credits against the tax imposed by section 5725.18, 1324  
5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code: 1325

(1) A nonrefundable credit to an eligible business; 1326

(2) A refundable credit to an eligible business meeting the 1327  
following conditions, provided that the director of budget and 1328  
management, tax commissioner, superintendent of insurance in the 1329  
case of an insurance company, and director of development services 1330  
have recommended the granting of the credit to the tax credit 1331  
authority before July 1, 2011: 1332

(a) The business retains at least one thousand full-time 1333  
equivalent employees at the project site. 1334

(b) The business makes or causes to be made payments for a 1335  
capital investment project of at least twenty-five million dollars 1336  
in the aggregate at the project site during a period of three 1337  
consecutive calendar years, including the calendar year that 1338  
includes a day of the business' taxable year or tax period with 1339  
respect to which the credit is granted. 1340

(c) In 2010, the business received a written offer of 1341  
financial incentives from another state of the United States that 1342  
the director determines to be sufficient inducement for the 1343  
business to relocate the business' operations from this state to 1344  
that state. 1345

(3) A refundable credit to an eligible business with a total 1346  
annual payroll of at least twenty million dollars, provided that 1347  
the tax credit authority grants the tax credit on or after July 1, 1348  
2011, and before January 1, 2014. 1349

The credits authorized in divisions (B)(1), (2), and (3) of 1350  
this section may be granted for a period up to fifteen taxable 1351  
years or, in the case of the tax levied by section 5751.02 of the 1352  
Revised Code, for a period of up to fifteen calendar years. The 1353  
credit amount for a taxable year or a calendar year that includes 1354  
the tax period for which a credit may be claimed equals the income 1355  
tax revenue for that year multiplied by the percentage specified 1356  
in the agreement with the tax credit authority. The percentage may 1357  
not exceed seventy-five per cent. The credit shall be claimed in 1358  
the order required under section 5725.98, 5729.98, 5733.98, 1359  
5747.98, or 5751.98 of the Revised Code. In determining the 1360  
percentage and term of the credit, the tax credit authority shall 1361  
consider both the number of full-time equivalent employees and the 1362  
value of the capital investment project. The credit amount may not 1363  
be based on the income tax revenue for a calendar year before the 1364  
calendar year in which the tax credit authority specifies the tax 1365  
credit is to begin, and the credit shall be claimed only for the 1366  
taxable years or tax periods specified in the eligible business' 1367  
agreement with the tax credit authority. In no event shall the 1368  
credit be claimed for a taxable year or tax period terminating 1369  
before the date specified in the agreement. Any credit granted 1370  
under this section against the tax imposed by section 5733.06 or 1371  
5747.02 of the Revised Code, to the extent not fully utilized 1372  
against such tax for taxable years ending prior to 2008, shall 1373  
automatically be converted without any action taken by the tax 1374  
credit authority to a credit against the tax levied under Chapter 1375  
5751. of the Revised Code for tax periods beginning on or after 1376  
July 1, 2008, provided that the person to whom the credit was 1377  
granted is subject to such tax. The converted credit shall apply 1378  
to those calendar years in which the remaining taxable years 1379  
specified in the agreement end. 1380

If a nonrefundable credit allowed under division (B)(1) of 1381  
this section for a taxable year or tax period exceeds the 1382

taxpayer's tax liability for that year or period, the excess may 1383  
be carried forward for the three succeeding taxable or calendar 1384  
years, but the amount of any excess credit allowed in any taxable 1385  
year or tax period shall be deducted from the balance carried 1386  
forward to the succeeding year or period. 1387

(C) A taxpayer that proposes a capital investment project to 1388  
retain jobs in this state may apply to the tax credit authority to 1389  
enter into an agreement for a tax credit under this section. The 1390  
director of development services shall prescribe the form of the 1391  
application. After receipt of an application, the authority shall 1392  
forward copies of the application to the director of budget and 1393  
management, the tax commissioner, the superintendent of insurance 1394  
in the case of an insurance company, and the director of 1395  
development services, each of whom shall review the application to 1396  
determine the economic impact the proposed project would have on 1397  
the state and the affected political subdivisions and shall submit 1398  
a summary of their determinations and recommendations to the 1399  
authority. 1400

(D) Upon review and consideration of the determinations and 1401  
recommendations described in division (C) of this section, the tax 1402  
credit authority may enter into an agreement with the taxpayer for 1403  
a credit under this section if the authority determines all of the 1404  
following: 1405

(1) The taxpayer's capital investment project will result in 1406  
the retention of employment in this state. 1407

(2) The taxpayer is economically sound and has the ability to 1408  
complete the proposed capital investment project. 1409

(3) The taxpayer intends to and has the ability to maintain 1410  
operations at the project site for at least the greater of (a) the 1411  
term of the credit plus three years, or (b) seven years. 1412

(4) Receiving the credit is a major factor in the taxpayer's 1413

decision to begin, continue with, or complete the project. 1414

(5) If the taxpayer is applying to enter into an agreement 1415  
for a tax credit authorized under division (B)(3) of this section, 1416  
the taxpayer's capital investment project will be located in the 1417  
political subdivision in which the taxpayer maintains its 1418  
principal place of business. 1419

(E) An agreement under this section shall include all of the 1420  
following: 1421

(1) A detailed description of the project that is the subject 1422  
of the agreement, including the amount of the investment, the 1423  
period over which the investment has been or is being made, the 1424  
number of full-time equivalent employees at the project site, and 1425  
the anticipated income tax revenue to be generated. 1426

(2) The term of the credit, the percentage of the tax credit, 1427  
the maximum annual value of tax credits that may be allowed each 1428  
year, and the first year for which the credit may be claimed. 1429

(3) A requirement that the taxpayer maintain operations at 1430  
the project site for at least the greater of (a) the term of the 1431  
credit plus three years, or (b) seven years. 1432

(4)(a) In the case of a credit granted under division (B)(1) 1433  
of this section, a requirement that the taxpayer retain at least 1434  
five hundred full-time equivalent employees at the project site 1435  
and within this state for the entire term of the credit, or a 1436  
requirement that the taxpayer maintain an annual payroll of at 1437  
least thirty-five million dollars for the entire term of the 1438  
credit; 1439

(b) In the case of a credit granted under division (B)(2) of 1440  
this section, a requirement that the taxpayer retain at least one 1441  
thousand full-time equivalent employees at the project site and 1442  
within this state for the entire term of the credit; 1443

(c) In the case of a credit granted under division (B)(3) of 1444  
this section, either of the following: 1445

(i) A requirement that the taxpayer retain at least five 1446  
hundred full-time equivalent employees at the project site and 1447  
within this state for the entire term of the credit and a 1448  
requirement that the taxpayer maintain an annual payroll of at 1449  
least twenty million dollars for the entire term of the credit; 1450

(ii) A requirement that the taxpayer maintain an annual 1451  
payroll of at least thirty-five million dollars for the entire 1452  
term of the credit. 1453

(5) A requirement that the taxpayer annually report to the 1454  
director of development services employment, tax withholding, 1455  
capital investment, and other information the director needs to 1456  
perform the director's duties under this section. 1457

(6) A requirement that the director of development services 1458  
annually review the annual reports of the taxpayer to verify the 1459  
information reported under division (E)(5) of this section and 1460  
compliance with the agreement. Upon verification, the director 1461  
shall issue a certificate to the taxpayer stating that the 1462  
information has been verified and identifying the amount of the 1463  
credit for the taxable year or calendar year that includes the tax 1464  
period. In determining the number of full-time equivalent 1465  
employees, no position shall be counted that is filled by an 1466  
employee who is included in the calculation of a tax credit under 1467  
section 122.17 of the Revised Code. 1468

(7) A provision providing that the taxpayer may not relocate 1469  
a substantial number of employment positions from elsewhere in 1470  
this state to the project site unless the director of development 1471  
services determines that the taxpayer notified the legislative 1472  
authority of the county, township, or municipal corporation from 1473  
which the employment positions would be relocated. 1474



For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

(8) A waiver by the taxpayer of any limitations periods relating to assessments or adjustments resulting from the taxpayer's failure to comply with the agreement.

(F) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the credit. The reduction of the percentage or term may take effect in the current taxable or calendar year.

(G) Financial statements and other information submitted to the department of development services or the tax credit authority by an applicant for or recipient of a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the chairperson of the authority may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credit agreements under this section. Upon the request of the tax commissioner, or the superintendent of insurance in the case of an insurance company, the chairperson of the authority shall provide to the commissioner or superintendent any statement or other information submitted by an applicant for or recipient of a tax credit in connection with the credit. The commissioner or superintendent shall preserve the confidentiality

of the statement or other information. 1507

(H) A taxpayer claiming a tax credit under this section shall 1508  
submit to the tax commissioner or, in the case of an insurance 1509  
company, to the superintendent of insurance, a copy of the 1510  
director of ~~development's~~ development services' certificate of 1511  
verification under division (E)(6) of this section with the 1512  
taxpayer's tax report or return for the taxable year or for the 1513  
calendar year that includes the tax period. Failure to submit a 1514  
copy of the certificate with the report or return does not 1515  
invalidate a claim for a credit if the taxpayer submits a copy of 1516  
the certificate to the commissioner or superintendent within sixty 1517  
days after the commissioner or superintendent requests it. 1518

(I) For the purposes of this section, a taxpayer may include 1519  
a partnership, a corporation that has made an election under 1520  
subchapter S of chapter one of subtitle A of the Internal Revenue 1521  
Code, or any other business entity through which income flows as a 1522  
distributive share to its owners. A partnership, S-corporation, or 1523  
other such business entity may elect to pass the credit received 1524  
under this section through to the persons to whom the income or 1525  
profit of the partnership, S-corporation, or other entity is 1526  
distributed. The election shall be made on the annual report 1527  
required under division (E)(5) of this section. The election 1528  
applies to and is irrevocable for the credit for which the report 1529  
is submitted. If the election is made, the credit shall be 1530  
apportioned among those persons in the same proportions as those 1531  
in which the income or profit is distributed. 1532

(J) If the director of development services determines that a 1533  
taxpayer that received a tax credit under this section is not 1534  
complying with the requirement under division (E)(3) of this 1535  
section, the director shall notify the tax credit authority of the 1536  
noncompliance. After receiving such a notice, and after giving the 1537  
taxpayer an opportunity to explain the noncompliance, the 1538

authority may terminate the agreement and require the taxpayer to 1539  
refund to the state all or a portion of the credit claimed in 1540  
previous years, as follows: 1541

(1) If the taxpayer maintained operations at the project site 1542  
for less than or equal to the term of the credit, an amount not to 1543  
exceed one hundred per cent of the sum of any tax credits allowed 1544  
and received under this section. 1545

(2) If the taxpayer maintained operations at the project site 1546  
longer than the term of the credit, but less than the greater of 1547  
(a) the term of the credit plus three years, or (b) seven years, 1548  
the amount required to be refunded shall not exceed seventy-five 1549  
per cent of the sum of any tax credits allowed and received under 1550  
this section. 1551

In determining the portion of the credit to be refunded to 1552  
this state, the authority shall consider the effect of market 1553  
conditions on the taxpayer's project and whether the taxpayer 1554  
continues to maintain other operations in this state. After making 1555  
the determination, the authority shall certify the amount to be 1556  
refunded to the tax commissioner or the superintendent of 1557  
insurance. If the taxpayer is not an insurance company, the 1558  
commissioner shall make an assessment for that amount against the 1559  
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 1560  
If the taxpayer is an insurance company, the superintendent of 1561  
insurance shall make an assessment under section 5725.222 or 1562  
5729.102 of the Revised Code. The time limitations on assessments 1563  
under those chapters and sections do not apply to an assessment 1564  
under this division, but the commissioner or superintendent shall 1565  
make the assessment within one year after the date the authority 1566  
certifies to the commissioner or superintendent the amount to be 1567  
refunded. 1568

(K) The director of development services, after consultation 1569  
with the tax commissioner and the superintendent of insurance and 1570

in accordance with Chapter 119. of the Revised Code, shall adopt 1571  
rules necessary to implement this section. The rules may provide 1572  
for recipients of tax credits under this section to be charged 1573  
fees to cover administrative costs of the tax credit program. The 1574  
fees collected shall be credited to the ~~tax incentive programs~~ 1575  
~~operating~~ business assistance fund created in section 122.174 of 1576  
the Revised Code. At the time the director gives public notice 1577  
under division (A) of section 119.03 of the Revised Code of the 1578  
adoption of the rules, the director shall submit copies of the 1579  
proposed rules to the chairpersons of the standing committees on 1580  
economic development in the senate and the house of 1581  
representatives. 1582

(L) On or before the first day of August of each year, the 1583  
director of development services shall submit a report to the 1584  
governor, the president of the senate, and the speaker of the 1585  
house of representatives on the tax credit program under this 1586  
section. The report shall include information on the number of 1587  
agreements that were entered into under this section during the 1588  
preceding calendar year, a description of the project that is the 1589  
subject of each such agreement, and an update on the status of 1590  
projects under agreements entered into before the preceding 1591  
calendar year. 1592

(M)(1) The aggregate amount of tax credits issued under 1593  
division (B)(1) of this section during any calendar year for 1594  
capital investment projects reviewed and approved by the tax 1595  
credit authority may not exceed the following amounts: 1596

(a) For 2010, thirteen million dollars; 1597

(b) For 2011 through 2023, the amount of the limit for the 1598  
preceding calendar year plus thirteen million dollars; 1599

(c) For 2024 and each year thereafter, one hundred 1600  
ninety-five million dollars. 1601

(2) The aggregate amount of tax credits authorized under 1602  
divisions (B)(2) and (3) of this section and allowed to be claimed 1603  
by taxpayers in any calendar year for capital improvement projects 1604  
reviewed and approved by the tax credit authority in 2011, 2012, 1605  
and 2013 combined shall not exceed twenty-five million dollars. An 1606  
amount equal to the aggregate amount of credits first authorized 1607  
in calendar year 2011, 2012, and 2013 may be claimed over the 1608  
ensuing period up to fifteen years, subject to the terms of 1609  
individual tax credit agreements. 1610

The limitations in division (M) of this section do not apply 1611  
to credits for capital investment projects approved by the tax 1612  
credit authority before July 1, 2009. 1613

**Sec. 122.174.** There is hereby created in the state treasury 1614  
the ~~tax incentive programs operating~~ business assistance fund. 1615  
~~Money collected~~ The fund shall consist of any amounts appropriated 1616  
to it and money credited to the fund pursuant to division (I) of 1617  
section 121.17, division (K) of section 122.171, division (K) of 1618  
section 122.175, division (C) of section 3735.672, and division 1619  
(C) of section 5709.68 of the Revised Code ~~shall be credited to~~ 1620  
~~the fund.~~ The director of development services shall use money in 1621  
the fund to pay expenses related to the administration of the ~~tax~~ 1622  
~~credit programs authorized by sections 122.17, 122.171, 3735.672,~~ 1623  
~~and 5709.68 of the Revised Code~~ business services division of the 1624  
development services agency. 1625

**Sec. 122.175.** (A) As used in this section: 1626

(1) "Capital investment project" means a plan of investment 1627  
at a project site for the acquisition, construction, renovation, 1628  
expansion, replacement, or repair of a computer data center or of 1629  
computer data center equipment, but does not include any of the 1630  
following: 1631

- (a) Project costs paid before a date determined by the tax credit authority for each capital investment project; 1632  
1633
- (b) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code. 1634  
1635  
1636  
1637
- (2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting a computer data center business, as determined by the tax credit authority. 1638  
1639  
1640  
1641
- (3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c) of section 5739.01 of the Revised Code. "Computer data center business" does not include providing electronic publishing as defined in division (LLL) of that section. 1642  
1643  
1644  
1645  
1646  
1647
- (4) "Computer data center equipment" means tangible personal property used or to be used for any of the following: 1648  
1649
- (a) To conduct a computer data center business, including equipment cooling systems to manage the performance of computer data center equipment; 1650  
1651  
1652
- (b) To generate, transform, transmit, distribute, or manage electricity necessary to operate the tangible personal property used or to be used in conducting a computer data center business; 1653  
1654  
1655
- (c) As building and construction materials sold to construction contractors for incorporation into a computer data center. 1656  
1657  
1658
- (5) "Eligible computer data center" means a computer data center that satisfies all of the following requirements: 1659  
1660
- (a) The taxpayer will make payments for a capital investment 1661

project of at least one hundred million dollars in the aggregate 1662  
at the project site during a period of three consecutive calendar 1663  
years; 1664

(b) The taxpayer will pay annual compensation that is subject 1665  
to the withholding obligation imposed under section 5747.06 of the 1666  
Revised Code of at least five million dollars to employees 1667  
employed at the project site for the term of the agreement. 1668

(6) "Person" has the same meaning as in section 5701.01 of 1669  
the Revised Code. 1670

(7) "Project site," "related member," and "tax credit 1671  
authority" have the same meanings as in sections 122.17 and 1672  
122.171 of the Revised Code. 1673

(8) "Taxpayer" means any person subject to the taxes imposed 1674  
under Chapters 5739. and 5741. of the Revised Code. 1675

(B) The tax credit authority may completely or partially 1676  
exempt from the taxes levied under Chapters 5739. and 5741. of the 1677  
Revised Code the sale, storage, use, or other consumption of 1678  
computer data center equipment used or to be used at an eligible 1679  
computer data center. Any such exemption shall extend to charges 1680  
for the delivery, installation, or repair of the computer data 1681  
center equipment subject to the exemption under this section. 1682

(C) A taxpayer that proposes a capital improvement project 1683  
for an eligible computer data center in this state may apply to 1684  
the tax credit authority to enter into an agreement under this 1685  
section for a complete or partial exemption from the taxes imposed 1686  
under Chapters 5739. and 5741. of the Revised Code on computer 1687  
data center equipment used or to be used at the eligible computer 1688  
data center. The director of development services shall prescribe 1689  
the form of the application. After receipt of an application, the 1690  
authority shall forward copies of the application to the director 1691  
of budget and management, the tax commissioner, and the director 1692

of development services, each of whom shall review the application 1693  
to determine the economic impact that the proposed eligible 1694  
computer data center would have on the state and any affected 1695  
political subdivisions and submit to the authority a summary of 1696  
their determinations and recommendations. 1697

(D) Upon review and consideration of such determinations and 1698  
recommendations, the tax credit authority may enter into an 1699  
agreement with the taxpayer for a complete or partial exemption 1700  
from the taxes imposed under Chapters 5739. and 5741. of the 1701  
Revised Code on computer data center equipment used or to be used 1702  
at an eligible computer data center if the authority determines 1703  
all of the following: 1704

(1) The taxpayer's capital investment project for the 1705  
eligible computer data center will increase payroll and the amount 1706  
of income taxes to be withheld from employee compensation pursuant 1707  
to section 5747.06 of the Revised Code. 1708

(2) The taxpayer is economically sound and has the ability to 1709  
complete the proposed capital investment project. 1710

(3) The taxpayer intends to and has the ability to maintain 1711  
operations at the project site for the term of the agreement. 1712

(4) Receiving the exemption is a major factor in the 1713  
taxpayer's decision to begin, continue with, or complete the 1714  
capital investment project. 1715

(E) An agreement entered into under this section shall 1716  
include all of the following: 1717

(1) A detailed description of the capital investment project 1718  
that is the subject of the agreement, including the amount of the 1719  
investment, the period over which the investment has been or is 1720  
being made, the annual compensation to be paid by the taxpayer to 1721  
its employees at the project site, and the anticipated amount of 1722  
income taxes to be withheld from employee compensation pursuant to 1723



section 5747.06 of the Revised Code. 1724

(2) The percentage of the exemption from the taxes imposed 1725  
under Chapters 5739. and 5741. of the Revised Code for the 1726  
computer data center equipment used or to be used at the eligible 1727  
computer data center, the length of time the computer data center 1728  
equipment will be exempted, and the first date on which the 1729  
exemption applies. 1730

(3) A requirement that the taxpayer maintain the computer 1731  
data center as an eligible computer data center during the term of 1732  
the agreement and that the taxpayer maintain operations at the 1733  
eligible computer data center during that term. 1734

(4) A requirement that during each year of the term of the 1735  
agreement the taxpayer pay annual compensation that is subject to 1736  
the withholding obligation imposed under section 5747.06 of the 1737  
Revised Code of at least five million dollars to its employees at 1738  
the eligible computer data center. 1739

(5) A requirement that the taxpayer annually report to the 1740  
director of development services employment, tax withholding, 1741  
capital investment, and other information required by the director 1742  
to perform the director's duties under this section. 1743

(6) A requirement that the director of development services 1744  
annually review the annual reports of the taxpayer to verify the 1745  
information reported under division (E)(5) of this section and 1746  
compliance with the agreement. Upon verification, the director 1747  
shall issue a certificate to the taxpayer stating that the 1748  
information has been verified and that the taxpayer remains 1749  
eligible for the exemption specified in the agreement. 1750

(7) A provision providing that the taxpayer may not relocate 1751  
a substantial number of employment positions from elsewhere in 1752  
this state to the project site unless the director of development 1753  
services determines that the taxpayer notified the legislative 1754

authority of the county, township, or municipal corporation from 1755  
which the employment positions would be relocated. For purposes of 1756  
this paragraph, the movement of an employment position from one 1757  
political subdivision to another political subdivision shall be 1758  
considered a relocation of an employment position unless the 1759  
movement is confined to the project site. The transfer of an 1760  
employment position from one political subdivision to another 1761  
political subdivision shall not be considered a relocation of an 1762  
employment position if the employment position in the first 1763  
political subdivision is replaced by another employment position. 1764

(8) A waiver by the taxpayer of any limitations periods 1765  
relating to assessments or adjustments resulting from the 1766  
taxpayer's failure to comply with the agreement. 1767

(F) The term of an agreement under this section shall be 1768  
determined by the tax credit authority, and the amount of the 1769  
exemption shall not exceed one hundred per cent of such taxes that 1770  
would otherwise be owed in respect to the exempted computer data 1771  
center equipment. 1772

(G) If a taxpayer fails to meet or comply with any condition 1773  
or requirement set forth in an agreement under this section, the 1774  
tax credit authority may amend the agreement to reduce the 1775  
percentage of the exemption or term during which the exemption 1776  
applies to the computer data center equipment used or to be used 1777  
at an eligible computer data center. The reduction of the 1778  
percentage or term may take effect in the current calendar year. 1779

(H) Financial statements and other information submitted to 1780  
the department of development services or the tax credit authority 1781  
by an applicant for or recipient of an exemption under this 1782  
section, and any information taken for any purpose from such 1783  
statements or information, are not public records subject to 1784  
section 149.43 of the Revised Code. However, the chairperson of 1785  
the authority may make use of the statements and other information 1786

for purposes of issuing public reports or in connection with court 1787  
proceedings concerning tax exemption agreements under this 1788  
section. Upon the request of the tax commissioner, the chairperson 1789  
of the authority shall provide to the tax commissioner any 1790  
statement or other information submitted by an applicant for or 1791  
recipient of an exemption under this section. The tax commissioner 1792  
shall preserve the confidentiality of the statement or other 1793  
information. 1794

(I) The tax commissioner shall issue a direct payment permit 1795  
under section 5739.031 of the Revised Code to a taxpayer that 1796  
enters into an agreement under this section. Such direct payment 1797  
permit shall authorize the taxpayer to pay any sales and use taxes 1798  
due on purchases of computer data center equipment used or to be 1799  
used in an eligible computer data center and to pay any sales and 1800  
use taxes due on purchases of tangible personal property or 1801  
taxable services other than computer data center equipment used or 1802  
to be used in an eligible computer data center directly to the tax 1803  
commissioner. Each taxpayer shall pay pursuant to such direct 1804  
payment permit all sales tax levied on such purchases under 1805  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 1806  
Code and all use tax levied on such purchases under sections 1807  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 1808  
consistent with the terms of the agreement entered into under this 1809  
section. 1810

During the term of an agreement under this section the 1811  
taxpayer shall submit to the tax commissioner a return that shows 1812  
the amount of computer data center equipment purchased for use at 1813  
the eligible computer data center, the amount of tangible personal 1814  
property and taxable services other than computer data center 1815  
equipment purchased for use at the eligible computer data center, 1816  
the amount of tax under Chapter 5739. or 5741. of the Revised Code 1817  
that would be due in the absence of the agreement under this 1818

section, the exemption percentage for computer data center 1819  
equipment specified in the agreement, and the amount of tax due 1820  
under Chapter 5739. or 5741. of the Revised Code as a result of 1821  
the agreement under this section. The taxpayer shall pay the tax 1822  
shown on the return to be due in the manner and at the times as 1823  
may be further prescribed by the tax commissioner. The taxpayer 1824  
shall include a copy of the director of ~~development's~~ development  
services' certificate of verification issued under division (E)(6) 1825  
of this section. Failure to submit a copy of the certificate with 1826  
the return does not invalidate the claim for exemption if the 1827  
taxpayer submits a copy of the certificate to the tax commissioner 1828  
within sixty days after the tax commissioner requests it. 1829  
1830

(J) If the director of development services determines that a 1831  
taxpayer that received an exemption under this section is not 1832  
complying with the requirement under division (E)(3) of this 1833  
section, the director shall notify the tax credit authority of the 1834  
noncompliance. After receiving such a notice, and after giving the 1835  
taxpayer an opportunity to explain the noncompliance, the 1836  
authority may terminate the agreement and require the taxpayer to 1837  
pay to the state all or a portion of the taxes that would have 1838  
been owed in regards to the exempt equipment in previous years, 1839  
all as determined under rules adopted pursuant to division (K) of 1840  
this section. In determining the portion of the taxes that would 1841  
have been owed on the previously exempted equipment to be paid to 1842  
this state by the taxpayer, the authority shall consider the 1843  
effect of market conditions on the taxpayer's eligible computer 1844  
data center and whether the taxpayer continues to maintain other 1845  
operations in this state. After making the determination, the 1846  
authority shall certify to the tax commissioner the amount to be 1847  
paid by the taxpayer. The tax commissioner shall make an 1848  
assessment for that amount against the taxpayer under Chapter 1849  
5739. or 5741. of the Revised Code. The time limitations on 1850  
assessments under those chapters do not apply to an assessment 1851

under this division, but the tax commissioner shall make the 1852  
assessment within one year after the date the authority certifies 1853  
to the tax commissioner the amount to be paid by the taxpayer. 1854

(K) The director of development services, after consultation 1855  
with the tax commissioner and in accordance with Chapter 119. of 1856  
the Revised Code, shall adopt rules necessary to implement this 1857  
section. The rules may provide for recipients of tax exemptions 1858  
under this section to be charged fees to cover administrative 1859  
costs incurred in the administration of this section. The fees 1860  
collected shall be credited to the ~~tax incentive programs~~ 1861  
~~operating~~ business assistance fund created in section 122.174 of 1862  
the Revised Code. At the time the director gives public notice 1863  
under division (A) of section 119.03 of the Revised Code of the 1864  
adoption of the rules, the director shall submit copies of the 1865  
proposed rules to the chairpersons of the standing committees on 1866  
economic development in the senate and the house of 1867  
representatives. 1868

(L) On or before the first day of August of each year, the 1869  
director of development services shall submit a report to the 1870  
governor, the president of the senate, and the speaker of the 1871  
house of representatives on the tax exemption authorized under 1872  
this section. The report shall include information on the number 1873  
of agreements that were entered into under this section during the 1874  
preceding calendar year, a description of the eligible computer 1875  
data center that is the subject of each such agreement, and an 1876  
update on the status of eligible computer data centers under 1877  
agreements entered into before the preceding calendar year. 1878

**Sec. 122.39.** As used in sections 122.39 and 122.41 to 122.62 1879  
of the Revised Code: 1880

(A) "Financial institution" means any banking corporation, 1881  
trust company, insurance company, savings and loan association, 1882

building and loan association, or corporation, partnership, 1883  
federal lending agency, foundation, or other institution engaged 1884  
in lending or investing funds for industrial or business purposes. 1885

(B) "Project" means any real or personal property connected 1886  
with or being a part of an industrial, distribution, commercial, 1887  
or research facility to be acquired, constructed, reconstructed, 1888  
enlarged, improved, furnished, or equipped, or any combination 1889  
thereof, with aid furnished pursuant to Chapter 122. of the 1890  
Revised Code, for industrial, commercial, distribution, and 1891  
research development of the state. 1892

(C) "Community improvement corporation" means a corporation 1893  
organized under Chapter 1724. of the Revised Code. 1894

(D) "Ohio development corporation" means a corporation 1895  
organized under Chapter 1726. of the Revised Code. 1896

(E) "Mortgage" means the lien imposed on a project by a 1897  
mortgage on real property, or by financing statements on personal 1898  
property, or by a combination of a mortgage and financing 1899  
statements when a project consists of both real and personal 1900  
property. 1901

(F) "Mortgagor" means the principal user of a project or the 1902  
person, corporation, partnership, or association unconditionally 1903  
guaranteeing performance by such principal user of its obligations 1904  
under the mortgage. 1905

**Sec. 122.41.** ~~(A) The development financing advisory council~~ 1906  
~~and the director of development are~~ services is invested with the 1907  
powers and duties provided in Chapter 122. of the Revised Code, in 1908  
order to promote the welfare of the people of the state, to 1909  
stabilize the economy, to provide employment, to assist in the 1910  
development within the state of industrial, commercial, 1911  
distribution, and research activities required for the people of 1912

the state, and for their gainful employment, or otherwise to 1913  
create or preserve jobs and employment opportunities, or improve 1914  
the economic welfare of the people of the state, and also to 1915  
assist in the financing of air, water, or thermal pollution 1916  
control facilities and solid waste disposal facilities by mortgage 1917  
insurance as provided in section 122.451 of the Revised Code. It 1918  
is hereby determined that the accomplishment of such purposes is 1919  
essential so that the people of the state may maintain their 1920  
present high standards in comparison with the people of other 1921  
states and so that opportunities for employment and for favorable 1922  
markets for the products of the state's natural resources, 1923  
agriculture, and manufacturing shall be improved and that it is 1924  
necessary for the state to establish the programs authorized 1925  
pursuant to Chapter 122. of the Revised Code, ~~to establish the~~ 1926  
~~development financing advisory council,~~ and to invest it and the 1927  
director of development services with the powers and duties 1928  
provided in Chapter 122. of the Revised Code. The powers granted 1929  
to the director ~~of development~~ by Chapter 165. of the Revised Code 1930  
are independent of and in addition and alternate to, and are not 1931  
limited or restricted by, Chapter 122. of the Revised Code. 1932

~~(B) The development financing advisory council shall:~~ 1933

~~(1) Make recommendations to the director of development as to 1934  
applications for assistance pursuant to sections 122.39 to 122.62 1935  
or Chapter 166. of the Revised Code. The council may revise its 1936  
recommendations to reflect any changes in the proposed assistance 1937  
made by the director. 1938~~

~~(2) Advise the director in the administration of sections 1939  
122.39 to 122.62 and Chapter 166. of the Revised Code; 1940~~

~~(3) Adopt bylaws to govern the conduct of the council's 1941  
business. 1942~~

**Sec. 122.42.** (A) The director of development services shall 1943

do all of the following:	1944
(1) Receive applications for assistance under sections 122.39	1945
<del>and 122.41</del> to 122.62 of the Revised Code, <del>and, after processing,</del>	1946
<del>forward them to the development financing advisory board together</del>	1947
<del>with necessary supporting information;</del>	1948
(2) <del>Receive the recommendations of the board and make</del> <u>Make</u> a	1949
final determination whether to approve the application for	1950
assistance;	1951
(3) Transmit determinations to approve assistance to the	1952
controlling board together with any information the controlling	1953
board requires for the board's review and decision as to whether	1954
to approve the assistance;	1955
(4) Issue revenue bonds of the state through the treasurer of	1956
state, as necessary, payable solely from revenues and other	1957
sources as provided in sections 122.39 <u>and 122.41</u> to 122.62 of the	1958
Revised Code.	1959
(B) The director may do all of the following:	1960
(1) Fix the rate of interest and charges to be made upon or	1961
with respect to moneys loaned by the director and the terms upon	1962
which mortgages and lease rentals may be guaranteed and the rates	1963
of charges to be made for the loans and guarantees and to make	1964
provisions for the operation of the funds established by the	1965
director in accordance with this section and sections 122.54,	1966
122.55, 122.56, and 122.57 of the Revised Code;	1967
(2) Loan moneys from the fund established in accordance with	1968
section 122.54 of the Revised Code pursuant to and in compliance	1969
with sections 122.39 <u>and 122.41</u> to 122.62 of the Revised Code;	1970
(3) Acquire in the name of the director any property of any	1971
kind or character in accordance with sections 122.39 <u>and 122.41</u> to	1972
122.62 of the Revised Code, by purchase, purchase at foreclosure,	1973



or exchange on such terms and in such manner as the director  
considers proper;

(4) Make and enter into all contracts and agreements  
necessary or incidental to the performance of the director's  
duties and the exercise of the director's powers under sections  
122.39 and 122.41 to 122.62 of the Revised Code;

(5) Maintain, protect, repair, improve, and insure any  
property which the director has acquired and dispose of the same  
by sale, exchange, or lease for the consideration and on the terms  
and in the manner as the director considers proper, but is not  
authorized to operate any such property as a business except as  
the lessor of the property;

(6)(a) When the cost of any contract for the maintenance,  
protection, repair, or improvement of any property held by the  
director other than compensation for personal services involves an  
expenditure of more than one thousand dollars, the director shall  
make a written contract with the lowest responsive and responsible  
bidder in accordance with section 9.312 of the Revised Code after  
advertisement for not less than two consecutive weeks in a  
newspaper of general circulation in the county where such  
contract, or some substantial part of it, is to be performed, and  
in such other publications as the director determines, which  
notice shall state the general character of the work and the  
general character of the materials to be furnished, the place  
where plans and specifications may be examined, and the time and  
place of receiving bids.

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

(c) Each bid for a contract, except as provided in division

(B)(6)(b) of this section, shall contain the full name of every person interested in it and shall be accompanied by bond or certified check on a solvent bank, in such amount as the director considers sufficient, that if the bid is accepted a contract will be entered into and the performance of the proposal secured.

(d) The director may reject any and all bids.

(e) A bond with good and sufficient surety, approved by the director, shall be required of every contractor awarded a contract except as provided in division (B)(6)(b) of this section, in an amount equal to at least fifty per cent of the contract price, conditioned upon faithful performance of the contract.

(7) Employ financial consultants, appraisers, consulting engineers, superintendents, managers, construction and accounting experts, attorneys, and other employees and agents as are necessary in the director's judgment and fix their compensation;

(8) Assist qualified persons in the coordination and formation of a small business development company, having a statewide area of operation, conditional upon the company's agreeing to seek to obtain certification from the federal small business administration as a certified statewide development company and participation in the guaranteed loan program administered by the small business administration pursuant to the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the initial period of formation of the statewide small business development company, the director shall provide technical and financial expertise, legal and managerial assistance, and other services as are necessary and proper to enable the company to obtain and maintain federal certification and participation in the federal guaranteed loan program. The director may charge a fee, in such amount and on such terms and conditions as the director determines necessary and proper, for assistance and services provided pursuant to division (B)(8) of this section.

Persons chosen by the director to receive assistance in the 2037  
formation of a statewide small business development company 2038  
pursuant to division (B)(8) of this section shall make a special 2039  
effort to use their participation in the federal guaranteed loan 2040  
program to assist small businesses which are minority business 2041  
enterprises as defined in division (E) of section 122.71 of the 2042  
Revised Code. The director, with the assistance of the minority 2043  
business development division of the department of development, 2044  
shall provide technical and financial expertise, legal and 2045  
managerial assistance, and other services in such a manner to 2046  
enable the development company to provide assistance to small 2047  
businesses which are minority business enterprises, and shall make 2048  
available to the development company information pertaining to 2049  
assistance available to minority business enterprises under 2050  
programs established pursuant to sections 122.71 to 122.83, 122.87 2051  
to 122.89, 122.92 to 122.94, 123.151, and 125.081 of the Revised 2052  
Code. 2053

(9) Receive and accept grants, gifts, and contributions of 2054  
money, property, labor, and other things of value to be held, 2055  
used, and applied only for the purpose for which such grants, 2056  
gifts, and contributions are made, from individuals, private and 2057  
public corporations, from the United States or any agency of the 2058  
United States, from the state or any agency of the state, and from 2059  
any political subdivision of the state, and may agree to repay any 2060  
contribution of money or to return any property contributed or the 2061  
value of the property at such times, in such amounts, and on such 2062  
terms and conditions, excluding the payment of interest, as the 2063  
director determines at the time such contribution is made, and may 2064  
evidence such obligations by notes, bonds, or other written 2065  
instruments; 2066

(10) Establish with the treasurer of state the funds provided 2067  
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 2068

Code, in addition to such funds as the director determines are 2069  
necessary or proper; 2070

(11) Do all acts and things necessary or proper to carry out 2071  
the powers expressly granted and the duties imposed in sections 2072  
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 2073

(C) All expenses and obligations incurred by the director in 2074  
carrying out the director's powers and in exercising the 2075  
director's duties under sections 122.39 and 122.41 to 122.62 of 2076  
the Revised Code, shall be payable solely from the proceeds of 2077  
revenue bonds issued pursuant to those sections, from revenues or 2078  
other receipts or income of the director, from grants, gifts, and 2079  
contributions, or funds established in accordance with those 2080  
sections. Those sections do not authorize the director to incur 2081  
indebtedness or to impose liability on the state or any political 2082  
subdivision of the state. 2083

(D) Financial statements and financial data submitted to the 2084  
director by any corporation, partnership, or person in connection 2085  
with a loan application, or any information taken from such 2086  
statements or data for any purpose, shall not be open to public 2087  
inspection. 2088

**Sec. 122.43.** The director of development services, with 2089  
controlling board approval, may lend funds which are obtained from 2090  
the sale of revenue bonds issued by the treasurer of state 2091  
pursuant to sections 122.39 and 122.41 to 122.62 of the Revised 2092  
Code, from revenues or other receipts or income of the director, 2093  
or funds established in accordance with sections 122.39 and 122.41 2094  
to 122.62 of the Revised Code, and from grants, gifts, and 2095  
contributions subject to any provisions of resolutions authorizing 2096  
the revenue bonds or of trust agreements securing such bonds, to 2097  
community improvement corporations and Ohio development 2098  
corporations and other corporations, partnerships, and persons for 2099

the purpose of procuring or improving real or personal property, 2100  
or both, for the establishment, location, or expansion of 2101  
industrial, distribution, commercial, or research facilities in 2102  
the state, and to community improvement corporations and Ohio 2103  
development corporations for the purpose of loaning funds to other 2104  
corporations, partnerships, and persons for the purpose of 2105  
procuring or improving real or personal property, or both, for the 2106  
establishment, location, or expansion of industrial, distribution, 2107  
commercial, or research facilities in the state, if the director 2108  
finds that: 2109

(A) The project is economically sound and will benefit the 2110  
people of the state by increasing opportunities for employment and 2111  
strengthening the economy of the state; 2112

(B) The proposed borrower, if other than a community 2113  
improvement corporation or an Ohio development corporation, is 2114  
unable to finance the proposed project through ordinary financial 2115  
channels upon reasonable terms and at comparable interest rates, 2116  
or the borrower, if a community improvement corporation or an Ohio 2117  
development corporation, should not, in the opinion of the 2118  
director, be required to finance the proposed project without a 2119  
loan from the director; 2120

(C) The value of the project is, or upon completion thereof 2121  
will be, at least equal to the total amount of the money expended 2122  
in such procurement or improvement of which amount one or more 2123  
financial institutions have loaned or invested not less than forty 2124  
per cent; 2125

(D) The amount to be loaned by the director will not exceed 2126  
fifty per cent of the total amount expended in the procurement or 2127  
improvement of the project; 2128

(E) The amount to be loaned by the director will be 2129  
adequately secured by a first or second mortgage upon the project, 2130

and by mortgages, leases, liens, assignments, or pledges on or of 2131  
such other property or contracts as the director shall require and 2132  
that such mortgage will not be subordinate to any other liens or 2133  
mortgages except the liens securing loans or investments made by 2134  
financial institutions referred to in division (C) of this 2135  
section, and the liens securing loans previously made by any 2136  
financial institution in connection with the procurement or 2137  
expansion of all or part of a project. 2138

In no event may the ~~director~~ DIRECTOR director lend funds 2139  
under the authority of this section for the purpose of procuring 2140  
or improving motor vehicles, power driven vehicles, office 2141  
equipment, raw materials, small tools, supplies, inventories, or 2142  
accounts receivable. 2143

**Sec. 122.44.** Fees, charges, rates of interest, times of 2144  
payment of interest and principal, and other terms, conditions, 2145  
and provisions of the loans made by the director of development 2146  
services pursuant to sections 122.39 and 122.41 to 122.62 of the 2147  
Revised Code shall be such as the director determines to be 2148  
appropriate and in furtherance of the purpose for which the loans 2149  
are made, but the mortgage lien securing any money loaned by the 2150  
director may be subordinate to the mortgage lien securing any 2151  
money loaned or invested by a financial institution, but shall be 2152  
superior to that securing any money loaned or expended by any 2153  
other corporation or person. The funds used in making such loans 2154  
shall be disbursed upon order of the director. 2155

**Sec. 122.48.** Each issue of revenue bonds issued by the 2156  
treasurer of state pursuant to sections 122.39 and 122.41 to 2157  
122.62 of the Revised Code, shall be dated, shall bear interest at 2158  
a rate or rates or at a variable rate, as provided in or 2159  
authorized by the proceedings authorizing or providing for the 2160  
terms and conditions of the revenue bonds, shall mature at such 2161

time or times, not to exceed forty years from date, as determined 2162  
by the director of development services and may be made redeemable 2163  
before maturity at the option of the director at such price or 2164  
prices and under such terms and conditions as are fixed by the 2165  
director prior to the issuance of the bonds. The director shall 2166  
determine the form of the bonds, including any interest coupons to 2167  
be attached thereto, and the denomination or denominations of the 2168  
bonds and the place or places of payment of principal and 2169  
interest, which may be at any bank or trust company within or 2170  
without the state. 2171

The bonds shall be executed by the signature or facsimile 2172  
signature of the treasurer of state, the official seal or a 2173  
facsimile thereof of the state shall be affixed thereto and 2174  
attested by the treasurer of state or designated treasurer of 2175  
state, and any coupons attached thereto shall bear the facsimile 2176  
signature of the treasurer of state. In case the person whose 2177  
signature, or a facsimile of whose signature, appears on any bonds 2178  
or coupons ceases to be such officer before delivery of bonds or 2179  
in case such person was not at the date of such bonds or coupons 2180  
such officer but at the actual date of execution of such bonds or 2181  
coupons was the proper officer, such signature or facsimile shall 2182  
nevertheless be valid and sufficient for all purposes the same as 2183  
if ~~he~~ the person had remained in office until such delivery. 2184

All revenue bonds issued under sections 122.39 and 122.41 to 2185  
122.62 of the Revised Code, shall be negotiable instruments. The 2186  
bonds may be issued in coupon or in registered form or both, as 2187  
the treasurer determines. Provision may be made for the 2188  
registration of any coupon bonds as to the principal alone and 2189  
also as to both principal and interest, and for the reconversion 2190  
into coupon bonds of any bonds registered as to both principal and 2191  
interest. The treasurer of state may sell such bonds in the manner 2192  
and for the price ~~he~~ the treasurer of state determines to be for 2193

the best interest of the state. 2194

Prior to the preparation of definitive bonds, the treasurer 2195  
of state may, under like restrictions, issue interim receipts or 2196  
temporary bonds, with or without coupons, exchangeable for 2197  
definitive bonds when such bonds have been executed and are 2198  
available for delivery. The treasurer of state may also provide 2199  
for the replacement of any bonds which become mutilated or are 2200  
destroyed, stolen, or lost. Bonds may be issued under sections 2201  
122.39 to 122.62 of the Revised Code, without obtaining the 2202  
consent of any department, division, commission, board, bureau, or 2203  
agency of the state, and without any other proceeding or the 2204  
happening of any other conditions or things than those 2205  
proceedings, conditions, or things which are specifically required 2206  
by such sections. 2207

**Sec. 122.49.** The proceeds of each issue of revenue bonds 2208  
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 2209  
Revised Code shall be used for the making of loans authorized in 2210  
sections 122.43 and 122.45 of the Revised Code, for the purchase 2211  
and improvement of property authorized in section 122.46 of the 2212  
Revised Code, for insuring mortgage payments authorized in section 2213  
122.451 of the Revised Code, and for the crediting into and among 2214  
the funds established in accordance with sections 122.35, 122.54, 2215  
122.55, 122.56, 122.561, and 122.57 of the Revised Code, but 2216  
subject to such conditions, limitations, and covenants with the 2217  
purchasers and holders of the bonds as shall be provided for in 2218  
the bond authorization proceedings and in the trust agreement 2219  
securing the same. 2220

Provision shall be made by the director of development 2221  
services for the payment of the expenses of the director in 2222  
operating the assistance programs authorized under this chapter in 2223  
such manner and to such extent as shall be determined by the 2224



director. 2225

**Sec. 122.50.** Revenue bonds issued under sections 122.39 and 2226  
122.41 to 122.62, inclusive, of the Revised Code, do not 2227  
constitute a debt, or a pledge of the faith and credit, of the 2228  
state or of any political subdivision thereof, but such bonds 2229  
shall be payable solely from the funds pledged for their payment 2230  
as authorized by such sections, or by funds derived from the 2231  
issuance of refunding bonds as authorized in section 122.52 of the 2232  
Revised Code, which refunding bonds shall be payable solely from 2233  
funds pledged for their payment as authorized by such section. All 2234  
such revenue bonds shall contain on the face thereof a statement 2235  
to the effect that the bonds, as to both principal and interest, 2236  
are not an obligation of the state or of any political subdivision 2237  
thereof, but are payable solely from revenues pledged for their 2238  
payment. 2239

**Sec. 122.51.** All revenue bonds issued under sections 122.39 2240  
and 122.41 to 122.62, inclusive, of the Revised Code, are lawful 2241  
investments of banks, building and loan and savings and loan 2242  
associations, deposit guarantee associations, trust companies, 2243  
trustees, fiduciaries, trustees or other officers having charge of 2244  
sinking or bond retirement funds of municipal corporations and 2245  
other subdivisions of this state, and of domestic insurance 2246  
companies notwithstanding sections 3907.14 and 3925.08 of the 2247  
Revised Code, and are acceptable as security for the deposit of 2248  
public moneys. 2249

**Sec. 122.52.** The director of development services may provide 2250  
for the issuance of revenue refunding bonds of the state by the 2251  
treasurer of state, payable solely from the sinking funds 2252  
established in accordance with section 122.51 of the Revised Code 2253  
at the times and in the order and manner provided by the director 2254

and in any trust agreement securing such bonds and shall also be 2255  
secured by moneys in the other funds established pursuant to 2256  
sections 122.39 and 122.41 to 122.62 of the Revised Code to the 2257  
extent and on the terms specified by the director, for the purpose 2258  
of refunding any revenue bonds then outstanding which have been 2259  
issued under sections 122.39 and 122.41 to 122.62 of the Revised 2260  
Code, including the payment of any redemption premium thereon and 2261  
any interest accrued or to accrue to the date of redemption of 2262  
such bonds. The issuance of such bonds, the maturities and other 2263  
details thereof, the rights of the holders thereof, and the 2264  
rights, duties, and obligations of the director and treasurer of 2265  
state in respect to such bonds shall be governed by such sections 2266  
insofar as they are applicable. 2267

**Sec. 122.53.** In the discretion of the treasurer of state, any 2268  
bonds issued under sections 122.39 and 122.41 to 122.62 of the 2269  
Revised Code, may be secured by a trust agreement between the 2270  
treasurer of state and a corporate trustee, which trustee may be 2271  
any trust company or bank having the powers of a trust company 2272  
within or without the state. 2273

Any such trust agreement may pledge or assign payments of 2274  
principal of and interest on loans, charges, fees, and other 2275  
revenue to be received by the director of development services, 2276  
all rentals received under leases made by the director, and all 2277  
proceeds of the sale or other disposition of property held by the 2278  
director, and may provide for the holding in trust by the trustee 2279  
to the extent provided for in the proceedings authorizing such 2280  
bonds, of all such moneys and moneys otherwise payable into the 2281  
mortgage guarantee fund created by section 122.56 of the Revised 2282  
Code, and all moneys otherwise payable into the mortgage insurance 2283  
fund created by section 122.561 of the Revised Code, and of moneys 2284  
payable into the sinking fund or funds referred to in section 2285  
122.57 of the Revised Code, but shall not convey or mortgage any 2286

of the real or personal property held by the director or any part 2287  
thereof. Any such trust agreement, or any proceedings providing 2288  
for the issuance of such bonds, may contain such provisions for 2289  
protecting and enforcing the rights and remedies of the 2290  
bondholders as are reasonable and proper and not in violation of 2291  
law, including covenants setting forth the duties of the director 2292  
in relation to the acquisition of property, and the construction, 2293  
improvement, maintenance, repair, operation, and insurance of 2294  
facilities, the making of loans and leases and the terms and 2295  
provisions thereof, and the custody, safeguarding, investment, and 2296  
application of all moneys, and provisions for the employment of 2297  
consulting engineers or other consultants in connection with the 2298  
making of loans and leases and the construction or operation of 2299  
any facility. Any bank or trust company incorporated under the 2300  
laws of this state which may act as trustee or as depository of 2301  
the proceeds of bonds or of revenue may furnish such indemnifying 2302  
bonds or may pledge such securities as are required by the 2303  
treasurer of state. Any such trust agreement may set forth the 2304  
rights and remedies of the bondholders and of the trustee, and may 2305  
restrict the individual right of action by bondholders as is 2306  
customary in trust agreements or trust indentures securing bonds 2307  
or debentures of corporations. Such trust agreement may contain 2308  
such other provisions as the treasurer of state deems reasonable 2309  
and proper for the security of the bondholders. All expenses 2310  
incurred by the treasurer of state in carrying out the provisions 2311  
of any such trust agreement shall be treated as a part of the cost 2312  
of the operation of the assistance programs authorized pursuant to 2313  
Chapter 122. of the Revised Code. Any such trust agreement may 2314  
provide the method whereby general administrative overhead expense 2315  
of the director with respect to those assistance programs shall be 2316  
allocated among the funds established pursuant to Chapter 122. of 2317  
the Revised Code with respect to the operating expenses of the 2318  
director payable out of the income of the assistance programs. 2319

**Sec. 122.561.** The mortgage insurance fund of the director of 2320  
development services is hereby created to consist of all money 2321  
allocated by the director from the proceeds of the sale of any 2322  
issue of revenue bonds, to the extent and subject to the 2323  
conditions provided in the proceedings authorizing such bonds or 2324  
in the trust agreements securing such bonds, for the purpose of 2325  
insuring mortgage payments pursuant to section 122.451 of the 2326  
Revised Code, all grants and contributions made to the director 2327  
for such purpose, all moneys deposited or credited to the mortgage 2328  
insurance fund pursuant to section 169.05 of the Revised Code, all 2329  
other moneys and property designated by the director and by law 2330  
for such purpose, all mortgage insurance premiums charged and 2331  
collected as provided in this section, and all receipts and 2332  
proceeds from the sale, disposal, lease, or rental of real or 2333  
personal property which the director may hold as a result of a 2334  
default in an insured mortgage. The director shall fix mortgage 2335  
insurance premiums for the insurance of mortgage payments pursuant 2336  
to section 122.451 of the Revised Code, to be computed as a 2337  
percentage of the principal obligation of the mortgage outstanding 2338  
at the beginning of each mortgage year. Such insurance premiums 2339  
shall not be more than three per cent per annum of the outstanding 2340  
principal obligation, and shall be calculated on the basis of all 2341  
pertinent available data. Such premiums shall be payable by the 2342  
mortgagors or the mortgagees in such manner as is prescribed by 2343  
the director. The amount of premium need not be uniform among the 2344  
various mortgages insured. The director may provide for the 2345  
custody, investment, and use of the unclaimed funds trust fund 2346  
created by section 169.05 of the Revised Code and all mortgage 2347  
insurance premiums, including the payment therefrom of the 2348  
expenses and costs of the director in insuring mortgage payments 2349  
pursuant to section 122.451 of the Revised Code. Any financial 2350  
statements or financial data submitted to the director, ~~the~~ 2351

~~development financing advisory council~~, or the controlling board 2352  
in connection with any application for the insurance of mortgage 2353  
payments, or any information taken from such statements or data, 2354  
is not open to public inspection. 2355

**Sec. 122.57.** All payments of principal of and interest on the 2356  
loans made by the director of development services, all rentals 2357  
received under leases made by ~~him~~ the director, and all proceeds 2358  
of the sale or other disposition of property held by ~~him~~ the 2359  
director shall be placed in separate sinking funds to the extent 2360  
provided in the proceedings authorizing revenue bonds which are 2361  
hereby pledged to and charged with the payment of interest on, 2362  
principal of and redemption premium on, the revenue bonds issued 2363  
pursuant to sections 122.39 and 122.41 to 122.62 of the Revised 2364  
Code to the extent provided in the proceedings authorizing and the 2365  
trust agreements securing such bonds. The moneys therein in excess 2366  
of the amounts required by the bond proceedings and trust 2367  
agreements and all payments not so required to be paid into such 2368  
sinking funds shall be retained or placed in such fund or in the 2369  
other funds provided for by sections 122.35, 122.54, 122.42, 2370  
122.55, 122.56, 122.561, and 122.57 of the Revised Code as the 2371  
director shall determine, and shall be available for the uses for 2372  
which such funds are established. 2373

**Sec. 122.60.** As used in sections 122.60 to 122.605 of the 2374  
Revised Code: 2375

(A) "Capital access loan" means a loan made by a 2376  
participating financial institution to an eligible business that 2377  
may be secured by a deposit of money from the fund into the 2378  
participating financial institution's program reserve account. 2379

(B) "Department of development" means the ~~department of~~ 2380  
development services agency. 2381

(C) "Eligible business" means a for-profit business entity, 2382  
or a nonprofit entity, that had total annual sales in its most 2383  
recently completed fiscal year of less than ten million dollars 2384  
and that has a principal place of for-profit business or nonprofit 2385  
entity activity within the state, the operation of which, alone or 2386  
in conjunction with other facilities, will create new jobs or 2387  
preserve existing jobs and employment opportunities and will 2388  
improve the economic welfare of the people of the state. As used 2389  
in this division, "new jobs" does not include existing jobs 2390  
transferred from another facility within the state, and "existing 2391  
jobs" means only existing jobs at facilities within the same 2392  
municipal corporation or township in which the project, activity, 2393  
or enterprise that is the subject of a capital access loan is 2394  
located. 2395

(D) "Financial institution" means any bank, trust company, 2396  
savings bank, or savings and loan association that is chartered by 2397  
and has a significant presence in the state, or any national bank, 2398  
federal savings and loan association, or federal savings bank that 2399  
has a significant presence in the state. 2400

(E) "Fund" means the capital access loan program fund. 2401

(F) "Minority business supplier development council" has the 2402  
same meaning as in section 122.71 of the Revised Code. 2403

(G) "Participating financial institution" means a financial 2404  
institution that has a valid, current participation agreement with 2405  
the ~~department~~ development services agency. 2406

~~(G)~~(H) "Participation agreement" means the agreement between 2407  
a financial institution and the ~~department~~ agency under which a 2408  
financial institution may participate in the program. 2409

~~(H)~~(I) "Passive real estate ownership" means the ownership of 2410  
real estate for the sole purpose of deriving income from it by 2411  
speculation, trade, or rental. 2412

~~(I)~~(J) "Program" means the capital access loan program 2413  
created under section 122.602 of the Revised Code. 2414

~~(J)~~(K) "Program reserve account" means a dedicated account at 2415  
each participating financial institution that is the property of 2416  
the state and may be used by the participating financial 2417  
institution only for the purpose of recovering a claim under 2418  
section 122.604 of the Revised Code arising from a default on a 2419  
loan made by the participating financial institution under the 2420  
program. 2421

**Sec. 122.601.** There is hereby created in the state treasury 2422  
the capital access loan program fund. The fund shall consist of 2423  
money deposited into it from the minority business enterprise loan 2424  
fund pursuant to section 122.80 of the Revised Code and the 2425  
facilities establishment fund pursuant to section 166.03 of the 2426  
Revised Code and all money deposited into it pursuant to section 2427  
122.602 of the Revised Code. The total amount of money deposited 2428  
into the fund from the minority business enterprise loan fund or 2429  
the facilities establishment fund shall not exceed three million 2430  
dollars during any particular fiscal year of the ~~department~~ 2431  
development services agency. 2432

The ~~department~~ agency shall disburse money from the fund only 2433  
to pay the operating costs of the program, including the 2434  
administrative costs incurred by the ~~department~~ agency in 2435  
connection with the program, and only in keeping with the purposes 2436  
specified in sections 122.60 to 122.605 of the Revised Code. 2437

**Sec. 122.602.** (A) There is hereby created in the department 2438  
of development the capital access loan program to assist 2439  
participating financial institutions in making program loans to 2440  
eligible businesses that face barriers in accessing working 2441  
capital and obtaining fixed asset financing. In administering the 2442

program, the director of development may do any of the following: 2443

(1) Receive and accept grants, gifts, and contributions of 2444  
money, property, labor, and other things of value to be held, 2445  
used, and applied only for the purpose for which the grants, 2446  
gifts, and contributions are made, from individuals, private and 2447  
public corporations, the United States or any agency of the United 2448  
States, the state or any agency of the state, or any political 2449  
subdivision of the state; 2450

(2) Agree to repay any contribution of money or return any 2451  
property contributed or the value of that property at the times, 2452  
in the amounts, and on the terms and conditions, excluding the 2453  
payment of interest, that the director consents to at the time a 2454  
contribution is made; and evidence obligations by notes, bonds, or 2455  
other written instruments; 2456

(3) Adopt rules under Chapter 119. of the Revised Code to 2457  
carry out the purposes of the program specified in sections 122.60 2458  
to 122.605 of the Revised Code; 2459

(4) Engage in all other acts, and enter into contracts and 2460  
execute all instruments, necessary or appropriate to carry out the 2461  
purposes specified in sections 122.60 to 122.605 of the Revised 2462  
Code. 2463

(B) The director shall determine the eligibility of a 2464  
financial institution to participate in the program and may set a 2465  
limit on the number of financial institutions that may participate 2466  
in the program. 2467

(C) To be considered eligible by the director to participate 2468  
in the program, a financial institution shall enter into a 2469  
participation agreement with the department that sets out the 2470  
terms and conditions under which the department will deposit 2471  
moneys from the fund into the financial institution's program 2472  
reserve account, specifies the criteria for loan qualification 2473



under the program, and contains any additional terms the director  
considers necessary.

(D) After receiving the certification required under division  
(C) of section 122.603 of the Revised Code, the director may  
disburse moneys from the fund to a participating financial  
institution for deposit in its program reserve account if the  
director determines that the capital access loan involved meets  
all of the following criteria:

(1) It will be made to an eligible business.

(2) It will be used by the eligible business for a project,  
activity, or enterprise that fosters economic development.

(3) It will not be made in order to enroll in the program  
prior debt that is not covered under the program and that is owed  
or was previously owed by an eligible business to the financial  
institution.

(4) It will not be utilized for a project or development  
related to the on-site construction or purchase of residential  
housing.

(5) It will not be used to finance passive real estate  
ownership.

(6) It conforms to the requirements of divisions (E), (F),  
(G), (H), and (I) of this section, and to the rules adopted by the  
director under division (A)(3) of this section.

(E) The director shall not approve a deposit amount from the  
fund for a capital access loan to an eligible business that  
exceeds two hundred fifty thousand dollars for working capital or  
five hundred thousand dollars for the purchase of fixed assets. An  
eligible business may apply for the maximum deposit amount ~~of~~ for  
both working capital and the purchase of fixed assets in the same  
capital access loan enrollment.

(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program.

(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code.

(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution.

(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program.

**Sec. 122.603.** (A)(1) Upon approval by the director of development services and after entering into a participation agreement with the ~~department of~~ development services agency, a participating financial institution making a capital access loan shall establish a program reserve account. The account shall be an interest-bearing account and shall contain only moneys deposited into it under the program and the interest payable on the moneys in the account.

(2) All interest payable on the moneys in the program reserve account shall be added to the moneys and held as an additional loss reserve. The director may require that a portion or all of the accrued interest so held in the account be released to the ~~department~~ agency. If the director causes a release of accrued interest, the director shall deposit the released amount into the capital access loan program fund created in section 122.601 of the Revised Code. The director shall not require the release of that accrued interest more than twice in a fiscal year.

(B) When a participating financial institution makes a capital access loan, it shall require the eligible business to pay to the participating financial institution a fee in an amount that is not less than one and one-half per cent, and not more than three per cent, of the principal amount of the loan. The participating financial institution shall deposit the fee into its program reserve account, and it also shall deposit into the account an amount of its own funds equal to the amount of the fee. The participating financial institution may recover from the eligible business all or part of the amount that the participating financial institution is required to deposit into the account under this division in any manner agreed to by the participating financial institution and the eligible business.

(C) For each capital access loan made by a participating financial institution, the participating financial institution shall certify to the director, within a period specified by the director, that the participating financial institution has made the loan. The certification shall include the amount of the loan, the amount of the fee received from the eligible business, the amount of its own funds that the participating financial institution deposited into its program reserve account to reflect that fee, and any other information specified by the director. The certification also shall indicate if the eligible business receiving the capital access loan is a minority business enterprise as defined in section 122.71 of the Revised Code or certified by the minority business supplier development council.

(D)(1)(a) Upon receipt of each of the first three certifications from a participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount ~~equal~~ not to exceed fifty per cent of the

principal amount of the particular capital access loan for deposit 2567  
into the participating financial institution's program reserve 2568  
account. Thereafter, upon receipt of a certification from that 2569  
participating financial institution made under division (C) of 2570  
this section and subject to section 122.602 of the Revised Code, 2571  
the director shall disburse to the participating financial 2572  
institution from the capital access loan program fund an amount 2573  
equal to ten per cent of the principal amount of the particular 2574  
capital access loan for deposit into the participating financial 2575  
institution's program reserve account. 2576

(b) Notwithstanding division (D)(1)(a) of this section, and 2577  
subject to section 122.602 of the Revised Code, upon receipt of 2578  
any certification from a participating financial institution made 2579  
under division (C) of this section with respect to a capital 2580  
access loan made to an eligible business that is a minority 2581  
business enterprise, the director shall disburse to the 2582  
participating financial institution from the capital access loan 2583  
program fund an amount ~~equal~~ not to exceed eighty per cent of the 2584  
principal amount of the particular capital access loan for deposit 2585  
into the participating financial institution's program reserve 2586  
account. 2587

(2) The disbursement of moneys from the fund to a 2588  
participating financial institution does not require approval from 2589  
the controlling board. 2590

(E) If the amount in a program reserve account exceeds an 2591  
amount equal to thirty-three per cent of a participating financial 2592  
institution's outstanding capital access loans, the ~~department~~ 2593  
agency may cause the withdrawal of the excess amount and the 2594  
deposit of the withdrawn amount into the capital access loan 2595  
program fund. 2596

(F)(1) The ~~department~~ agency may cause the withdrawal of the 2597  
total amount in a participating financial institution's program 2598

reserve account if any of the following applies: 2599

(a) The financial institution is no longer eligible to 2600  
participate in the program. 2601

(b) The participation agreement expires without renewal by 2602  
the ~~department~~ agency or the financial institution. 2603

(c) The financial institution has no outstanding capital 2604  
access loans. 2605

(d) The financial institution has not made a capital access 2606  
loan within the preceding twenty-four months. 2607

(2) If the ~~department~~ agency causes a withdrawal under 2608  
division (F)(1) of this section, the ~~department~~ agency shall 2609  
deposit the withdrawn amount into the capital access loan program 2610  
fund. 2611

**Sec. 122.61.** The exercise of the powers granted by sections 2612  
122.39 and 122.41 to 122.62 of the Revised Code, will be in all 2613  
respects for the benefit of the people of the state, for the 2614  
increase of their commerce and prosperity, and for the improvement 2615  
of conditions of employment, and will constitute the performance 2616  
of essential governmental functions; therefore the director of 2617  
development services shall not be required to pay any taxes upon 2618  
any ~~of~~ property or assets held by ~~him~~ the director, or upon any 2619  
property acquired or used by ~~him~~ the director under sections 2620  
122.39 and 122.41 to 122.62 of the Revised Code, or upon the 2621  
income therefrom, provided, such exemption shall not apply to any 2622  
property held by the director while it is in the possession of a 2623  
private person, partnership, or corporation and used for private 2624  
purposes for profit. The bonds, notes, or other obligations issued 2625  
under such sections, their transfer, and the income therefrom, 2626  
including any profit made on the sale thereof, shall at all times 2627  
be free from taxation within the state. 2628

**Sec. 122.62.** All moneys received under sections 122.39 and 2629  
122.41 to 122.62 of the Revised Code as proceeds from the sale of 2630  
bonds are trust funds. All moneys received under those sections 2631  
shall be held and applied solely as provided in such sections and 2632  
section 166.03 of the Revised Code. All such moneys, except as 2633  
otherwise provided in any proceedings authorizing revenue bonds or 2634  
in any trust agreement securing such bonds or except when 2635  
deposited with the treasurer of state, or except as they may be 2636  
invested pursuant to section 122.58 of the Revised Code, shall be 2637  
kept in depositories as selected by the director of development 2638  
services in the manner provided in sections 135.01 to 135.21 of 2639  
the Revised Code, insofar as such sections are applicable, and the 2640  
deposits shall be secured as provided in sections 135.01 to 135.21 2641  
of the Revised Code. The proceedings authorizing the issuance of 2642  
bonds of any issue or the trust agreement securing such bonds 2643  
shall provide that any official to whom, or any bank or trust 2644  
company to which, such moneys are paid, shall act as trustee of 2645  
such moneys and hold and apply them for the purposes of sections 2646  
122.39 and 122.41 to 122.62 of the Revised Code, subject to such 2647  
rules as such sections and such bond issuance proceedings or trust 2648  
agreement provide. 2649

**Sec. 122.64.** (A) There is hereby established in the 2650  
~~department of development~~ services agency a business services 2651  
~~division of economic development~~. The division shall be supervised 2652  
by a deputy director appointed by the director of development 2653  
services. 2654

The division is responsible for the administration of the 2655  
state economic development financing programs established pursuant 2656  
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 2657  
122.62, and Chapter 166. of the Revised Code ~~and for coordinating~~ 2658  
~~the activities of the development financing advisory council so as~~ 2659

~~to ensure the efficient administration of the programs.~~ 2660

(B) The director of development services shall: 2661

(1) ~~Appoint an individual to serve as director of the development financing advisory council;~~ 2662  
2663

~~(2) Receive applications for assistance pursuant to sections 122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. The director shall process the applications and, ~~except as provided in division (C)(2) of section 166.05 of the Revised Code, forward them to the development financing advisory council. As appropriate, the director shall receive the recommendations of the council as to applications for assistance.~~~~ 2664  
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~~(3)(2) With the approval of the director of administrative services, establish salary schedules for employees of the various positions of employment with the division and assign the various positions to those salary schedules;~~ 2671  
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2673  
2674

~~(4) Furnish and pay for, out of funds appropriated to the department of development for that purpose, office space and associated utilities service, for the development financing advisory council;~~ 2675  
2676  
2677  
2678

~~(5)(3) Employ and fix the compensation of financial consultants, appraisers, consulting engineers, superintendents, managers, construction and accounting experts, attorneys, and other agents for the assistance programs authorized pursuant to sections 122.17 and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. of the Revised Code as are necessary;~~ 2679  
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2684

~~(6)(4) Supervise the administrative operations of the division;~~ 2685  
2686

~~(7)(5) On or before the first day of October in each year, make an annual report of the activities and operations under assistance programs authorized pursuant to sections 122.39 and~~ 2687  
2688  
2689

122.41 to 122.62 and Chapter 166. of the Revised Code for the 2690  
preceding fiscal year to the governor and the general assembly. 2691  
Each such report shall set forth a complete operating and 2692  
financial statement covering such activities and operations during 2693  
the year in accordance with generally accepted accounting 2694  
principles and shall be audited by a certified public accountant. 2695  
The director of development services shall transmit a copy of the 2696  
audited financial report to the office of budget and management. 2697

**Sec. 122.76.** (A) The director of development services, with 2698  
controlling board approval, may lend funds to minority business 2699  
enterprises and to community improvement corporations, Ohio 2700  
development corporations, minority contractors business assistance 2701  
organizations, and minority business supplier development councils 2702  
for the purpose of loaning funds to minority business enterprises 2703  
and for the purpose of procuring or improving real or personal 2704  
property, or both, for the establishment, location, or expansion 2705  
of industrial, distribution, commercial, or research facilities in 2706  
the state, and to community development corporations that 2707  
predominantly benefit minority business enterprises or are located 2708  
in a census tract that has a population that is sixty per cent or 2709  
more minority if the director determines, in the director's sole 2710  
discretion, that all of the following apply: 2711

(1) The project is economically sound and will benefit the 2712  
people of the state by increasing opportunities for employment, by 2713  
strengthening the economy of the state, or expanding minority 2714  
business enterprises. 2715

(2) The proposed minority business enterprise borrower is 2716  
unable to finance the proposed project through ordinary financial 2717  
channels at comparable terms. 2718

(3) The value of the project is or, upon completion, will be 2719  
at least equal to the total amount of the money expended in the 2720



procurement or improvement of the project. 2721

(4) The amount to be loaned by the director will not exceed 2722  
~~sixty~~ seventy-five per cent of the total amount expended in the 2723  
procurement or improvement of the project. 2724

(5) The amount to be loaned by the director will be 2725  
adequately secured by a first or second mortgage upon the project 2726  
or by mortgages, leases, liens, assignments, or pledges on or of 2727  
other property or contracts as the director requires, and such 2728  
mortgage will not be subordinate to any other liens or mortgages 2729  
except the liens securing loans or investments made by financial 2730  
institutions referred to in division (A)(3) of this section, and 2731  
the liens securing loans previously made by any financial 2732  
institution in connection with the procurement or expansion of all 2733  
or part of a project. 2734

(B) Any proposed minority business enterprise borrower 2735  
submitting an application for assistance under this section shall 2736  
not have defaulted on a previous loan from the director, and no 2737  
full or limited partner, major shareholder, or holder of an equity 2738  
interest of the proposed minority business enterprise borrower 2739  
shall have defaulted on a loan from the director. 2740

(C) The proposed minority business enterprise borrower shall 2741  
demonstrate to the satisfaction of the director that it is able to 2742  
successfully compete in the private sector if it obtains the 2743  
necessary financial, technical, or managerial support and that 2744  
support is available through the director, the minority business 2745  
development office of the department of development, or other 2746  
identified and acceptable sources. In determining whether a 2747  
minority business enterprise borrower will be able to successfully 2748  
compete, the director may give consideration to such factors as 2749  
the successful completion of or participation in courses of study, 2750  
recognized by the board of regents as providing financial, 2751  
technical, or managerial skills related to the operation of the 2752

business, by the economically disadvantaged individual, owner, or 2753  
partner, and the prior success of the individual, owner, or 2754  
partner in personal, career, or business activities, as well as to 2755  
other factors identified by the director. 2756

(D) The director shall not lend funds for the purpose of 2757  
procuring or improving motor vehicles or accounts receivable. 2758

**Sec. 122.80.** There is hereby created in the state treasury 2759  
the minority business enterprise loan fund. The fund shall consist 2760  
of money deposited into the fund from the facilities establishment 2761  
fund pursuant to section 166.03 of the Revised Code and all money 2762  
deposited into the fund pursuant to section 122.81 of the Revised 2763  
Code. The director of development shall use the fund to pay 2764  
operating costs of the minority development financing advisory 2765  
board, make loans to minority business enterprises as authorized 2766  
in division (A) of section 122.76 of the Revised Code ~~and~~, loan 2767  
guarantees to small businesses as authorized in division (A) of 2768  
section 122.77 of the Revised Code, and for transfer to the 2769  
capital access loan program fund established in section 122.601 of 2770  
the Revised Code. 2771

**Sec. 122.86.** (A) As used in this section and section 5747.81 2772  
of the Revised Code: 2773

(1) "Small business enterprise" means a corporation, 2774  
pass-through entity, or other person satisfying all of the 2775  
following: 2776

(a) At the time of a qualifying investment, the enterprise 2777  
meets all of the following requirements: 2778

(i) Has no outstanding tax or other liabilities owed to the 2779  
state; 2780

(ii) Is in good standing with the secretary of state, if the 2781  
enterprise is required to be registered with the secretary; 2782

<u>(iii) Is current with any court-ordered payments;</u>	2783
<u>(iv) Is not engaged in any illegal activity.</u>	2784
<u>(b) At the time of a qualifying investment, the enterprise's assets according to generally accepted accounting principles do not exceed fifty million dollars, or its annual sales do not exceed ten million dollars. When making this determination, the assets and annual sales of all of the enterprise's related or affiliated entities shall be included in the calculation.</u>	2785 2786 2787 2788 2789 2790
<del>(b)</del> (c) The enterprise employs at least fifty full-time equivalent employees in this state for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, or more than one-half the enterprise's total number of full-time equivalent employees employed anywhere in the United States are employed in this state and are subject to that withholding requirement.	2791 2792 2793 2794 2795 2796 2797
<del>(e)</del> (d) The enterprise, within six months after an eligible investor's qualifying investment is made, invests in or incurs cost for one or more of the following in an amount at least equal to the amount of the qualifying investment:	2798 2799 2800 2801
(i) Tangible personal property, other than motor vehicles operated on public roads and highways, used in business and physically located in this state from the time of its acquisition by the enterprise until the end of the investor's holding period;	2802 2803 2804 2805
(ii) Motor vehicles operated on public roads and highways if, from the time of acquisition by the enterprise until the end of the investor's holding period, the motor vehicles are purchased in this state, registered in this state under Chapter 4503. of the Revised Code, are used primarily for business purposes, and are necessary for the operation of the enterprise's business;	2806 2807 2808 2809 2810 2811
(iii) Real property located in this state that is used in business from the time of its acquisition by the enterprise until	2812 2813

the end of the holding period; 2814

(iv) Intangible personal property, including patents, 2815  
copyrights, trademarks, service marks, or licenses used in 2816  
business primarily in this state from the time of its acquisition 2817  
by the enterprise until the end of the holding period; 2818

(v) Compensation for new employees of the enterprise for whom 2819  
the enterprise is required to withhold income tax under section 2820  
5747.06 of the Revised Code, not including increased compensation 2821  
for owners, officers, or managers of the enterprise. For this 2822  
purpose compensation for new employees includes compensation for 2823  
newly hired or retained employees. 2824

(2) "Qualifying investment" means an investment of money made 2825  
on or after July 1, 2011, to acquire capital stock or other equity 2826  
interest in a small business enterprise. "Qualifying investment" 2827  
does not include any either of the following: 2828

(a) Any investment of money an eligible investor derives, 2829  
directly or indirectly, from a grant or loan from the federal 2830  
government or the state or a political subdivision, including the 2831  
third frontier program under Chapter 184. of the Revised Code; 2832

(b) Any investment of money which is the basis of a tax 2833  
credit granted under any other section of the Revised Code. 2834

(3) "Eligible investor" means an individual, estate, or trust 2835  
subject to the tax imposed by section 5747.02 of the Revised Code, 2836  
or a pass-through entity in which such an individual, estate, or 2837  
trust holds a direct or indirect ownership or other equity 2838  
interest. To qualify as an eligible investor, the individual, 2839  
estate, trust, or pass-through entity shall not owe any 2840  
outstanding tax or other liability to the state at the time of a 2841  
qualifying investment. 2842

(4) "Holding period" means: 2843

(a) For qualifying investments made on or after July 1, 2011, 2844  
but before July 1, 2013, the two-year period beginning on the day 2845  
the investment was made; 2846

(b) For qualifying investments made on or after July 1, 2013, 2847  
the five-year period beginning on the day the investment was made. 2848

(5) "Pass-through entity" has the same meaning as in section 2849  
5733.04 of the Revised Code. 2850

(B) Any eligible investor that makes a qualifying investment 2851  
in a small business enterprise on or after July 1, 2011, may apply 2852  
to the director of development services to obtain a small business 2853  
investment certificate from the director. Alternatively, a small 2854  
business enterprise may apply on behalf of eligible investors to 2855  
obtain the certificates for those investors. The director, in 2856  
consultation with the tax commissioner, shall prescribe the form 2857  
or manner in which an applicant shall apply for the certificate, 2858  
devise the form of the certificate, and prescribe any records or 2859  
other information an applicant shall furnish with the application 2860  
to evidence the qualifying investment. The applicant shall state 2861  
the amount of the intended investment. The applicant shall pay an 2862  
application fee equal to the greater of one-tenth of one per cent 2863  
of the amount of the intended investment or one hundred dollars. 2864

A small business investment certificate entitles the 2865  
certificate holder to receive a tax credit under section 5747.81 2866  
of the Revised Code if the certificate holder qualifies for the 2867  
credit as otherwise provided in this section. If the certificate 2868  
holder is a pass-through entity, the certificate entitles the 2869  
entity's equity owners to receive their distributive or 2870  
proportionate shares of the credit. In any fiscal biennium, an 2871  
eligible investor may not apply for small business investment 2872  
certificates representing intended investment amounts in excess of 2873  
ten million dollars. Such certificates are not transferable. 2874

The director of development ~~shall issue~~ services may reserve 2875  
small business investment certificates to qualifying applicants in 2876  
the order in which the director receives applications, but may 2877  
issue the certificates as the applications are completed. An 2878  
application is completed when the director has validated that an 2879  
eligible investor has made a qualified investment and the small 2880  
business enterprise has made the appropriate reinvestment of the 2881  
qualified investment pursuant to the requirements of division 2882  
(A)(1)(d) of this section. To qualify for a certificate, an 2883  
eligible investor must satisfy both of the following, subject to 2884  
the limitation on the amount of qualifying investments for which 2885  
certificates may be issued under division (C) of this section: 2886

(1) The eligible investor makes a qualifying investment on or 2887  
after July 1, 2011. 2888

(2) The eligible investor pledges not to sell or otherwise 2889  
dispose of the qualifying investment before the conclusion of the 2890  
applicable holding period. 2891

(C)(1) The amount of any eligible investor's qualifying 2892  
investments for which small business investment certificates may 2893  
be issued for a fiscal biennium shall not exceed ten million 2894  
dollars. 2895

(2) The director of development services shall not issue a 2896  
small business investment certificate to an eligible investor 2897  
representing an amount of qualifying investment in excess of the 2898  
amount of the intended investment indicated on the investor's 2899  
application for the certificate. 2900

(3) The director of development services shall not issue 2901  
small business investment certificates in a total amount that 2902  
would cause the tax credits claimed in any fiscal biennium to 2903  
exceed one hundred million dollars. 2904

(4) The director of development services may issue a small 2905

business investment certificate only if both of the following 2906  
apply at the time of issuance: 2907

(a) The small business enterprise meets all the requirements 2908  
listed in divisions (A)(1)(a)(i) to (iv) of this section; 2909

(b) The eligible investor does not owe any outstanding tax or 2910  
other liability to the state. 2911

(D) Before the end of the applicable holding period of a 2912  
qualifying investment, each enterprise in which a qualifying 2913  
investment was made for which a small business investment 2914  
certificate has been issued, upon the request of the director of 2915  
development services, shall provide to the director records or 2916  
other evidence satisfactory to the director that the enterprise is 2917  
a small business enterprise for the purposes of this section. Each 2918  
enterprise shall also provide to the director records or evidence 2919  
regarding the number of jobs created or retained in the state. No 2920  
credit may be claimed under this section and section 5747.81 of 2921  
the Revised Code if the director finds that an enterprise is not a 2922  
small business enterprise for the purposes of this section. The 2923  
director shall compile and maintain a register of small business 2924  
enterprises qualifying under this section and shall certify the 2925  
register to the tax commissioner. The director shall also compile 2926  
and maintain a record of the number of jobs created or retained as 2927  
a result of qualifying investments made pursuant to this section. 2928

(E) After the conclusion of the applicable holding period for 2929  
a qualifying investment, a person to whom a small business 2930  
investment certificate has been issued under this section may 2931  
claim a credit as provided under section 5747.81 of the Revised 2932  
Code. 2933

(F) The director of development services, in consultation 2934  
with the tax commissioner, may adopt rules for the administration 2935  
of this section, including rules governing the following: 2936

(1) Documents, records, or other information eligible 2937  
investors shall provide to the director; 2938

(2) Any information a small business enterprise shall provide 2939  
for the purposes of this section and section 5747.81 of the 2940  
Revised Code; 2941

(3) Determination of the number of full-time equivalent 2942  
employees of a small business enterprise; 2943

(4) Verification of a small business enterprise's investment 2944  
in tangible personal property and intangible personal property 2945  
under division (A)(1)~~(e)~~(d) of this section, including when such 2946  
investments have been made and where the property is used in 2947  
business; 2948

(5) Circumstances under which small business enterprises or 2949  
eligible investors may be subverting the purposes of this section 2950  
and section 5747.81 of the Revised Code. 2951

There is hereby created in the state treasury the InvestOhio 2952  
support fund. The fund shall consist of the fees paid under 2953  
division (B) of this section and shall be used by the development 2954  
services agency to pay the costs of administering the small 2955  
business investment certificate program established under this 2956  
section. 2957

Sec. 122.97. (A) The business development and assistance fund 2958  
is hereby created in the state treasury. Investment earnings on 2959  
moneys in the fund shall be credited to the fund. The development 2960  
services agency shall deposit any money it receives for business 2961  
development services and business assistance services to the 2962  
credit of the fund, including: 2963

(1) Reimbursements for services provided for business 2964  
development and business assistance services; 2965

(2) Contract or grant payments from private entities; 2966



<u>(3) Donations or sponsorship payments from private entities;</u>	2967
<u>(4) Contract or grant payments from public agencies or political subdivisions.</u>	2968 2969
<u>(B) The agency shall use money in the fund for any agency operating purposes or programs providing business support or business assistance, including grants, loans, or administrative expenses.</u>	2970 2971 2972 2973
<b>Sec. 149.43.</b> (A) As used in this section:	2974
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	2975 2976 2977 2978 2979 2980 2981
(a) Medical records;	2982
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	2983 2984 2985
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	2986 2987 2988
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	2989 2990 2991
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a	2992 2993 2994 2995 2996

child support enforcement agency;	2997
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	2998 2999 3000
(g) Trial preparation records;	3001
(h) Confidential law enforcement investigatory records;	3002
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	3003 3004
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	3005 3006
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	3007 3008 3009 3010
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	3011 3012 3013 3014
(m) Intellectual property records;	3015
(n) Donor profile records;	3016
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	3017 3018
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	3019 3020 3021 3022 3023
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated	3024 3025

pursuant to Chapter 749. of the Revised Code, information that 3026  
constitutes a trade secret, as defined in section 1333.61 of the 3027  
Revised Code; 3028

(r) Information pertaining to the recreational activities of 3029  
a person under the age of eighteen; 3030

(s) Records provided to, statements made by review board 3031  
members during meetings of, and all work products of a child 3032  
fatality review board acting under sections 307.621 to 307.629 of 3033  
the Revised Code, and child fatality review data submitted by the 3034  
child fatality review board to the department of health or a 3035  
national child death review database, other than the report 3036  
prepared pursuant to division (A) of section 307.626 of the 3037  
Revised Code; 3038

(t) Records provided to and statements made by the executive 3039  
director of a public children services agency or a prosecuting 3040  
attorney acting pursuant to section 5153.171 of the Revised Code 3041  
other than the information released under that section; 3042

(u) Test materials, examinations, or evaluation tools used in 3043  
an examination for licensure as a nursing home administrator that 3044  
the board of examiners of nursing home administrators administers 3045  
under section 4751.04 of the Revised Code or contracts under that 3046  
section with a private or government entity to administer; 3047

(v) Records the release of which is prohibited by state or 3048  
federal law; 3049

(w) Proprietary information of or relating to any person that 3050  
is submitted to or compiled by the Ohio venture capital authority 3051  
created under section 150.01 of the Revised Code; 3052

(x) Information reported and evaluations conducted pursuant 3053  
to section 3701.072 of the Revised Code; 3054

(y) Financial statements and data any person submits for any 3055

purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(z) Records listed in section 5101.29 of the Revised Code;

(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;

(bb) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(cc) Records created or received by the nonprofit corporation formed under section 187.01 of the Revised Code that are not designated to be made available to the public under division (B)(2) of section 187.04 of the Revised Code, regardless of who may have custody of the records, notwithstanding section 149.431 of the Revised Code.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or 3087  
procedures or specific investigatory work product; 3088

(d) Information that would endanger the life or physical 3089  
safety of law enforcement personnel, a crime victim, a witness, or 3090  
a confidential information source. 3091

(3) "Medical record" means any document or combination of 3092  
documents, except births, deaths, and the fact of admission to or 3093  
discharge from a hospital, that pertains to the medical history, 3094  
diagnosis, prognosis, or medical condition of a patient and that 3095  
is generated and maintained in the process of medical treatment. 3096

(4) "Trial preparation record" means any record that contains 3097  
information that is specifically compiled in reasonable 3098  
anticipation of, or in defense of, a civil or criminal action or 3099  
proceeding, including the independent thought processes and 3100  
personal trial preparation of an attorney. 3101

(5) "Intellectual property record" means a record, other than 3102  
a financial or administrative record, that is produced or 3103  
collected by or for faculty or staff of a state institution of 3104  
higher learning in the conduct of or as a result of study or 3105  
research on an educational, commercial, scientific, artistic, 3106  
technical, or scholarly issue, regardless of whether the study or 3107  
research was sponsored by the institution alone or in conjunction 3108  
with a governmental body or private concern, and that has not been 3109  
publicly released, published, or patented. 3110

(6) "Donor profile record" means all records about donors or 3111  
potential donors to a public institution of higher education 3112  
except the names and reported addresses of the actual donors and 3113  
the date, amount, and conditions of the actual donation. 3114

(7) "Peace officer, parole officer, probation officer, 3115  
bailiff, prosecuting attorney, assistant prosecuting attorney, 3116  
correctional employee, youth services employee, firefighter, EMT, 3117

or investigator of the bureau of criminal identification and 3118  
investigation residential and familial information" means any 3119  
information that discloses any of the following about a peace 3120  
officer, parole officer, probation officer, bailiff, prosecuting 3121  
attorney, assistant prosecuting attorney, correctional employee, 3122  
youth services employee, firefighter, EMT, or investigator of the 3123  
bureau of criminal identification and investigation: 3124

(a) The address of the actual personal residence of a peace 3125  
officer, parole officer, probation officer, bailiff, assistant 3126  
prosecuting attorney, correctional employee, youth services 3127  
employee, firefighter, EMT, or an investigator of the bureau of 3128  
criminal identification and investigation, except for the state or 3129  
political subdivision in which the peace officer, parole officer, 3130  
probation officer, bailiff, assistant prosecuting attorney, 3131  
correctional employee, youth services employee, firefighter, EMT, 3132  
or investigator of the bureau of criminal identification and 3133  
investigation resides; 3134

(b) Information compiled from referral to or participation in 3135  
an employee assistance program; 3136

(c) The social security number, the residential telephone 3137  
number, any bank account, debit card, charge card, or credit card 3138  
number, or the emergency telephone number of, or any medical 3139  
information pertaining to, a peace officer, parole officer, 3140  
probation officer, bailiff, prosecuting attorney, assistant 3141  
prosecuting attorney, correctional employee, youth services 3142  
employee, firefighter, EMT, or investigator of the bureau of 3143  
criminal identification and investigation; 3144

(d) The name of any beneficiary of employment benefits, 3145  
including, but not limited to, life insurance benefits, provided 3146  
to a peace officer, parole officer, probation officer, bailiff, 3147  
prosecuting attorney, assistant prosecuting attorney, correctional 3148  
employee, youth services employee, firefighter, EMT, or 3149

investigator of the bureau of criminal identification and 3150  
investigation by the peace officer's, parole officer's, probation 3151  
officer's, bailiff's, prosecuting attorney's, assistant 3152  
prosecuting attorney's, correctional employee's, youth services 3153  
employee's, firefighter's, EMT's, or investigator of the bureau of 3154  
criminal identification and investigation's employer; 3155

(e) The identity and amount of any charitable or employment 3156  
benefit deduction made by the peace officer's, parole officer's, 3157  
probation officer's, bailiff's, prosecuting attorney's, assistant 3158  
prosecuting attorney's, correctional employee's, youth services 3159  
employee's, firefighter's, EMT's, or investigator of the bureau of 3160  
criminal identification and investigation's employer from the 3161  
peace officer's, parole officer's, probation officer's, bailiff's, 3162  
prosecuting attorney's, assistant prosecuting attorney's, 3163  
correctional employee's, youth services employee's, firefighter's, 3164  
EMT's, or investigator of the bureau of criminal identification 3165  
and investigation's compensation unless the amount of the 3166  
deduction is required by state or federal law; 3167

(f) The name, the residential address, the name of the 3168  
employer, the address of the employer, the social security number, 3169  
the residential telephone number, any bank account, debit card, 3170  
charge card, or credit card number, or the emergency telephone 3171  
number of the spouse, a former spouse, or any child of a peace 3172  
officer, parole officer, probation officer, bailiff, prosecuting 3173  
attorney, assistant prosecuting attorney, correctional employee, 3174  
youth services employee, firefighter, EMT, or investigator of the 3175  
bureau of criminal identification and investigation; 3176

(g) A photograph of a peace officer who holds a position or 3177  
has an assignment that may include undercover or plain clothes 3178  
positions or assignments as determined by the peace officer's 3179  
appointing authority. 3180

As used in divisions (A)(7) and (B)(9) of this section, 3181

"peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

(8) "Information pertaining to the recreational activities of



a person under the age of eighteen" means information that is kept 3213  
in the ordinary course of business by a public office, that 3214  
pertains to the recreational activities of a person under the age 3215  
of eighteen years, and that discloses any of the following: 3216

(a) The address or telephone number of a person under the age 3217  
of eighteen or the address or telephone number of that person's 3218  
parent, guardian, custodian, or emergency contact person; 3219

(b) The social security number, birth date, or photographic 3220  
image of a person under the age of eighteen; 3221

(c) Any medical record, history, or information pertaining to 3222  
a person under the age of eighteen; 3223

(d) Any additional information sought or required about a 3224  
person under the age of eighteen for the purpose of allowing that 3225  
person to participate in any recreational activity conducted or 3226  
sponsored by a public office or to use or obtain admission 3227  
privileges to any recreational facility owned or operated by a 3228  
public office. 3229

(9) "Community control sanction" has the same meaning as in 3230  
section 2929.01 of the Revised Code. 3231

(10) "Post-release control sanction" has the same meaning as 3232  
in section 2967.01 of the Revised Code. 3233

(11) "Redaction" means obscuring or deleting any information 3234  
that is exempt from the duty to permit public inspection or 3235  
copying from an item that otherwise meets the definition of a 3236  
"record" in section 149.011 of the Revised Code. 3237

(12) "Designee" and "elected official" have the same meanings 3238  
as in section 109.43 of the Revised Code. 3239

(B)(1) Upon request and subject to division (B)(8) of this 3240  
section, all public records responsive to the request shall be 3241  
promptly prepared and made available for inspection to any person 3242

at all reasonable times during regular business hours. Subject to 3243  
division (B)(8) of this section, upon request, a public office or 3244  
person responsible for public records shall make copies of the 3245  
requested public record available at cost and within a reasonable 3246  
period of time. If a public record contains information that is 3247  
exempt from the duty to permit public inspection or to copy the 3248  
public record, the public office or the person responsible for the 3249  
public record shall make available all of the information within 3250  
the public record that is not exempt. When making that public 3251  
record available for public inspection or copying that public 3252  
record, the public office or the person responsible for the public 3253  
record shall notify the requester of any redaction or make the 3254  
redaction plainly visible. A redaction shall be deemed a denial of 3255  
a request to inspect or copy the redacted information, except if 3256  
federal or state law authorizes or requires a public office to 3257  
make the redaction. 3258

(2) To facilitate broader access to public records, a public 3259  
office or the person responsible for public records shall organize 3260  
and maintain public records in a manner that they can be made 3261  
available for inspection or copying in accordance with division 3262  
(B) of this section. A public office also shall have available a 3263  
copy of its current records retention schedule at a location 3264  
readily available to the public. If a requester makes an ambiguous 3265  
or overly broad request or has difficulty in making a request for 3266  
copies or inspection of public records under this section such 3267  
that the public office or the person responsible for the requested 3268  
public record cannot reasonably identify what public records are 3269  
being requested, the public office or the person responsible for 3270  
the requested public record may deny the request but shall provide 3271  
the requester with an opportunity to revise the request by 3272  
informing the requester of the manner in which records are 3273  
maintained by the public office and accessed in the ordinary 3274  
course of the public office's or person's duties. 3275

(3) If a request is ultimately denied, in part or in whole, 3276  
the public office or the person responsible for the requested 3277  
public record shall provide the requester with an explanation, 3278  
including legal authority, setting forth why the request was 3279  
denied. If the initial request was provided in writing, the 3280  
explanation also shall be provided to the requester in writing. 3281  
The explanation shall not preclude the public office or the person 3282  
responsible for the requested public record from relying upon 3283  
additional reasons or legal authority in defending an action 3284  
commenced under division (C) of this section. 3285

(4) Unless specifically required or authorized by state or 3286  
federal law or in accordance with division (B) of this section, no 3287  
public office or person responsible for public records may limit 3288  
or condition the availability of public records by requiring 3289  
disclosure of the requester's identity or the intended use of the 3290  
requested public record. Any requirement that the requester 3291  
disclose the requestor's identity or the intended use of the 3292  
requested public record constitutes a denial of the request. 3293

(5) A public office or person responsible for public records 3294  
may ask a requester to make the request in writing, may ask for 3295  
the requester's identity, and may inquire about the intended use 3296  
of the information requested, but may do so only after disclosing 3297  
to the requester that a written request is not mandatory and that 3298  
the requester may decline to reveal the requester's identity or 3299  
the intended use and when a written request or disclosure of the 3300  
identity or intended use would benefit the requester by enhancing 3301  
the ability of the public office or person responsible for public 3302  
records to identify, locate, or deliver the public records sought 3303  
by the requester. 3304

(6) If any person chooses to obtain a copy of a public record 3305  
in accordance with division (B) of this section, the public office 3306  
or person responsible for the public record may require that 3307

person to pay in advance the cost involved in providing the copy 3308  
of the public record in accordance with the choice made by the 3309  
person seeking the copy under this division. The public office or 3310  
the person responsible for the public record shall permit that 3311  
person to choose to have the public record duplicated upon paper, 3312  
upon the same medium upon which the public office or person 3313  
responsible for the public record keeps it, or upon any other 3314  
medium upon which the public office or person responsible for the 3315  
public record determines that it reasonably can be duplicated as 3316  
an integral part of the normal operations of the public office or 3317  
person responsible for the public record. When the person seeking 3318  
the copy makes a choice under this division, the public office or 3319  
person responsible for the public record shall provide a copy of 3320  
it in accordance with the choice made by the person seeking the 3321  
copy. Nothing in this section requires a public office or person 3322  
responsible for the public record to allow the person seeking a 3323  
copy of the public record to make the copies of the public record. 3324

(7) Upon a request made in accordance with division (B) of 3325  
this section and subject to division (B)(6) of this section, a 3326  
public office or person responsible for public records shall 3327  
transmit a copy of a public record to any person by United States 3328  
mail or by any other means of delivery or transmission within a 3329  
reasonable period of time after receiving the request for the 3330  
copy. The public office or person responsible for the public 3331  
record may require the person making the request to pay in advance 3332  
the cost of postage if the copy is transmitted by United States 3333  
mail or the cost of delivery if the copy is transmitted other than 3334  
by United States mail, and to pay in advance the costs incurred 3335  
for other supplies used in the mailing, delivery, or transmission. 3336

Any public office may adopt a policy and procedures that it 3337  
will follow in transmitting, within a reasonable period of time 3338  
after receiving a request, copies of public records by United 3339

States mail or by any other means of delivery or transmission 3340  
pursuant to this division. A public office that adopts a policy 3341  
and procedures under this division shall comply with them in 3342  
performing its duties under this division. 3343

In any policy and procedures adopted under this division, a 3344  
public office may limit the number of records requested by a 3345  
person that the office will transmit by United States mail to ten 3346  
per month, unless the person certifies to the office in writing 3347  
that the person does not intend to use or forward the requested 3348  
records, or the information contained in them, for commercial 3349  
purposes. For purposes of this division, "commercial" shall be 3350  
narrowly construed and does not include reporting or gathering 3351  
news, reporting or gathering information to assist citizen 3352  
oversight or understanding of the operation or activities of 3353  
government, or nonprofit educational research. 3354

(8) A public office or person responsible for public records 3355  
is not required to permit a person who is incarcerated pursuant to 3356  
a criminal conviction or a juvenile adjudication to inspect or to 3357  
obtain a copy of any public record concerning a criminal 3358  
investigation or prosecution or concerning what would be a 3359  
criminal investigation or prosecution if the subject of the 3360  
investigation or prosecution were an adult, unless the request to 3361  
inspect or to obtain a copy of the record is for the purpose of 3362  
acquiring information that is subject to release as a public 3363  
record under this section and the judge who imposed the sentence 3364  
or made the adjudication with respect to the person, or the 3365  
judge's successor in office, finds that the information sought in 3366  
the public record is necessary to support what appears to be a 3367  
justiciable claim of the person. 3368

(9)(a) Upon written request made and signed by a journalist 3369  
on or after December 16, 1999, a public office, or person 3370  
responsible for public records, having custody of the records of 3371

the agency employing a specified peace officer, parole officer, 3372  
probation officer, bailiff, prosecuting attorney, assistant 3373  
prosecuting attorney, correctional employee, youth services 3374  
employee, firefighter, EMT, or investigator of the bureau of 3375  
criminal identification and investigation shall disclose to the 3376  
journalist the address of the actual personal residence of the 3377  
peace officer, parole officer, probation officer, bailiff, 3378  
prosecuting attorney, assistant prosecuting attorney, correctional 3379  
employee, youth services employee, firefighter, EMT, or 3380  
investigator of the bureau of criminal identification and 3381  
investigation and, if the peace officer's, parole officer's, 3382  
probation officer's, bailiff's, prosecuting attorney's, assistant 3383  
prosecuting attorney's, correctional employee's, youth services 3384  
employee's, firefighter's, EMT's, or investigator of the bureau of 3385  
criminal identification and investigation's spouse, former spouse, 3386  
or child is employed by a public office, the name and address of 3387  
the employer of the peace officer's, parole officer's, probation 3388  
officer's, bailiff's, prosecuting attorney's, assistant 3389  
prosecuting attorney's, correctional employee's, youth services 3390  
employee's, firefighter's, EMT's, or investigator of the bureau of 3391  
criminal identification and investigation's spouse, former spouse, 3392  
or child. The request shall include the journalist's name and 3393  
title and the name and address of the journalist's employer and 3394  
shall state that disclosure of the information sought would be in 3395  
the public interest. 3396

(b) Division (B)(9)(a) of this section also applies to 3397  
journalist requests for customer information maintained by a 3398  
municipally owned or operated public utility, other than social 3399  
security numbers and any private financial information such as 3400  
credit reports, payment methods, credit card numbers, and bank 3401  
account information. 3402

(c) As used in division (B)(9) of this section, "journalist" 3403

means a person engaged in, connected with, or employed by any news 3404  
medium, including a newspaper, magazine, press association, news 3405  
agency, or wire service, a radio or television station, or a 3406  
similar medium, for the purpose of gathering, processing, 3407  
transmitting, compiling, editing, or disseminating information for 3408  
the general public. 3409

(C)(1) If a person allegedly is aggrieved by the failure of a 3410  
public office or the person responsible for public records to 3411  
promptly prepare a public record and to make it available to the 3412  
person for inspection in accordance with division (B) of this 3413  
section or by any other failure of a public office or the person 3414  
responsible for public records to comply with an obligation in 3415  
accordance with division (B) of this section, the person allegedly 3416  
aggrieved may commence a mandamus action to obtain a judgment that 3417  
orders the public office or the person responsible for the public 3418  
record to comply with division (B) of this section, that awards 3419  
court costs and reasonable attorney's fees to the person that 3420  
instituted the mandamus action, and, if applicable, that includes 3421  
an order fixing statutory damages under division (C)(1) of this 3422  
section. The mandamus action may be commenced in the court of 3423  
common pleas of the county in which division (B) of this section 3424  
allegedly was not complied with, in the supreme court pursuant to 3425  
its original jurisdiction under Section 2 of Article IV, Ohio 3426  
Constitution, or in the court of appeals for the appellate 3427  
district in which division (B) of this section allegedly was not 3428  
complied with pursuant to its original jurisdiction under Section 3429  
3 of Article IV, Ohio Constitution. 3430

If a requestor transmits a written request by hand delivery 3431  
or certified mail to inspect or receive copies of any public 3432  
record in a manner that fairly describes the public record or 3433  
class of public records to the public office or person responsible 3434  
for the requested public records, except as otherwise provided in 3435

this section, the requestor shall be entitled to recover the 3436  
amount of statutory damages set forth in this division if a court 3437  
determines that the public office or the person responsible for 3438  
public records failed to comply with an obligation in accordance 3439  
with division (B) of this section. 3440

The amount of statutory damages shall be fixed at one hundred 3441  
dollars for each business day during which the public office or 3442  
person responsible for the requested public records failed to 3443  
comply with an obligation in accordance with division (B) of this 3444  
section, beginning with the day on which the requester files a 3445  
mandamus action to recover statutory damages, up to a maximum of 3446  
one thousand dollars. The award of statutory damages shall not be 3447  
construed as a penalty, but as compensation for injury arising 3448  
from lost use of the requested information. The existence of this 3449  
injury shall be conclusively presumed. The award of statutory 3450  
damages shall be in addition to all other remedies authorized by 3451  
this section. 3452

The court may reduce an award of statutory damages or not 3453  
award statutory damages if the court determines both of the 3454  
following: 3455

(a) That, based on the ordinary application of statutory law 3456  
and case law as it existed at the time of the conduct or 3457  
threatened conduct of the public office or person responsible for 3458  
the requested public records that allegedly constitutes a failure 3459  
to comply with an obligation in accordance with division (B) of 3460  
this section and that was the basis of the mandamus action, a 3461  
well-informed public office or person responsible for the 3462  
requested public records reasonably would believe that the conduct 3463  
or threatened conduct of the public office or person responsible 3464  
for the requested public records did not constitute a failure to 3465  
comply with an obligation in accordance with division (B) of this 3466  
section; 3467



(b) That a well-informed public office or person responsible 3468  
for the requested public records reasonably would believe that the 3469  
conduct or threatened conduct of the public office or person 3470  
responsible for the requested public records would serve the 3471  
public policy that underlies the authority that is asserted as 3472  
permitting that conduct or threatened conduct. 3473

(2)(a) If the court issues a writ of mandamus that orders the 3474  
public office or the person responsible for the public record to 3475  
comply with division (B) of this section and determines that the 3476  
circumstances described in division (C)(1) of this section exist, 3477  
the court shall determine and award to the relator all court 3478  
costs. 3479

(b) If the court renders a judgment that orders the public 3480  
office or the person responsible for the public record to comply 3481  
with division (B) of this section, the court may award reasonable 3482  
attorney's fees subject to reduction as described in division 3483  
(C)(2)(c) of this section. The court shall award reasonable 3484  
attorney's fees, subject to reduction as described in division 3485  
(C)(2)(c) of this section when either of the following applies: 3486

(i) The public office or the person responsible for the 3487  
public records failed to respond affirmatively or negatively to 3488  
the public records request in accordance with the time allowed 3489  
under division (B) of this section. 3490

(ii) The public office or the person responsible for the 3491  
public records promised to permit the relator to inspect or 3492  
receive copies of the public records requested within a specified 3493  
period of time but failed to fulfill that promise within that 3494  
specified period of time. 3495

(c) Court costs and reasonable attorney's fees awarded under 3496  
this section shall be construed as remedial and not punitive. 3497  
Reasonable attorney's fees shall include reasonable fees incurred 3498

to produce proof of the reasonableness and amount of the fees and 3499  
to otherwise litigate entitlement to the fees. The court may 3500  
reduce an award of attorney's fees to the relator or not award 3501  
attorney's fees to the relator if the court determines both of the 3502  
following: 3503

(i) That, based on the ordinary application of statutory law 3504  
and case law as it existed at the time of the conduct or 3505  
threatened conduct of the public office or person responsible for 3506  
the requested public records that allegedly constitutes a failure 3507  
to comply with an obligation in accordance with division (B) of 3508  
this section and that was the basis of the mandamus action, a 3509  
well-informed public office or person responsible for the 3510  
requested public records reasonably would believe that the conduct 3511  
or threatened conduct of the public office or person responsible 3512  
for the requested public records did not constitute a failure to 3513  
comply with an obligation in accordance with division (B) of this 3514  
section; 3515

(ii) That a well-informed public office or person responsible 3516  
for the requested public records reasonably would believe that the 3517  
conduct or threatened conduct of the public office or person 3518  
responsible for the requested public records as described in 3519  
division (C)(2)(c)(i) of this section would serve the public 3520  
policy that underlies the authority that is asserted as permitting 3521  
that conduct or threatened conduct. 3522

(D) Chapter 1347. of the Revised Code does not limit the 3523  
provisions of this section. 3524

(E)(1) To ensure that all employees of public offices are 3525  
appropriately educated about a public office's obligations under 3526  
division (B) of this section, all elected officials or their 3527  
appropriate designees shall attend training approved by the 3528  
attorney general as provided in section 109.43 of the Revised 3529  
Code. In addition, all public offices shall adopt a public records 3530

policy in compliance with this section for responding to public 3531  
records requests. In adopting a public records policy under this 3532  
division, a public office may obtain guidance from the model 3533  
public records policy developed and provided to the public office 3534  
by the attorney general under section 109.43 of the Revised Code. 3535  
Except as otherwise provided in this section, the policy may not 3536  
limit the number of public records that the public office will 3537  
make available to a single person, may not limit the number of 3538  
public records that it will make available during a fixed period 3539  
of time, and may not establish a fixed period of time before it 3540  
will respond to a request for inspection or copying of public 3541  
records, unless that period is less than eight hours. 3542

(2) The public office shall distribute the public records 3543  
policy adopted by the public office under division (E)(1) of this 3544  
section to the employee of the public office who is the records 3545  
custodian or records manager or otherwise has custody of the 3546  
records of that office. The public office shall require that 3547  
employee to acknowledge receipt of the copy of the public records 3548  
policy. The public office shall create a poster that describes its 3549  
public records policy and shall post the poster in a conspicuous 3550  
place in the public office and in all locations where the public 3551  
office has branch offices. The public office may post its public 3552  
records policy on the internet web site of the public office if 3553  
the public office maintains an internet web site. A public office 3554  
that has established a manual or handbook of its general policies 3555  
and procedures for all employees of the public office shall 3556  
include the public records policy of the public office in the 3557  
manual or handbook. 3558

(F)(1) The bureau of motor vehicles may adopt rules pursuant 3559  
to Chapter 119. of the Revised Code to reasonably limit the number 3560  
of bulk commercial special extraction requests made by a person 3561  
for the same records or for updated records during a calendar 3562

year. The rules may include provisions for charges to be made for 3563  
bulk commercial special extraction requests for the actual cost of 3564  
the bureau, plus special extraction costs, plus ten per cent. The 3565  
bureau may charge for expenses for redacting information, the 3566  
release of which is prohibited by law. 3567

(2) As used in division (F)(1) of this section: 3568

(a) "Actual cost" means the cost of depleted supplies, 3569  
records storage media costs, actual mailing and alternative 3570  
delivery costs, or other transmitting costs, and any direct 3571  
equipment operating and maintenance costs, including actual costs 3572  
paid to private contractors for copying services. 3573

(b) "Bulk commercial special extraction request" means a 3574  
request for copies of a record for information in a format other 3575  
than the format already available, or information that cannot be 3576  
extracted without examination of all items in a records series, 3577  
class of records, or data base by a person who intends to use or 3578  
forward the copies for surveys, marketing, solicitation, or resale 3579  
for commercial purposes. "Bulk commercial special extraction 3580  
request" does not include a request by a person who gives 3581  
assurance to the bureau that the person making the request does 3582  
not intend to use or forward the requested copies for surveys, 3583  
marketing, solicitation, or resale for commercial purposes. 3584

(c) "Commercial" means profit-seeking production, buying, or 3585  
selling of any good, service, or other product. 3586

(d) "Special extraction costs" means the cost of the time 3587  
spent by the lowest paid employee competent to perform the task, 3588  
the actual amount paid to outside private contractors employed by 3589  
the bureau, or the actual cost incurred to create computer 3590  
programs to make the special extraction. "Special extraction 3591  
costs" include any charges paid to a public agency for computer or 3592  
records services. 3593

(3) For purposes of divisions (F)(1) and (2) of this section, 3594  
"surveys, marketing, solicitation, or resale for commercial 3595  
purposes" shall be narrowly construed and does not include 3596  
reporting or gathering news, reporting or gathering information to 3597  
assist citizen oversight or understanding of the operation or 3598  
activities of government, or nonprofit educational research. 3599

**Sec. 164.05.** (A) The director of the Ohio public works 3600  
commission shall do all of the following: 3601

(1) Approve requests for financial assistance from district 3602  
public works integrating committees and enter into agreements with 3603  
one or more local subdivisions to provide loans, grants, and local 3604  
debt support and credit enhancements for a capital improvement 3605  
project if the director determines that: 3606

(a) The project is an eligible project pursuant to this 3607  
chapter; 3608

(b) The financial assistance for the project has been 3609  
properly approved and requested by the district committee of the 3610  
district which includes the recipient of the loan or grant; 3611

(c) The amount of the financial assistance, when added to all 3612  
other financial assistance provided during the fiscal year for 3613  
projects within the district, does not exceed that district's 3614  
allocation of money from the state capital improvements fund for 3615  
that fiscal year; 3616

(d) The district committee has provided such documentation 3617  
and other evidence as the director may require that the district 3618  
committee has satisfied the requirements of section 164.06 or 3619  
164.14 of the Revised Code; 3620

(e) The portion of a district's annual allocation which the 3621  
director approves in the form of loans and local debt support and 3622  
credit enhancements for eligible projects is consistent with 3623

divisions (E) and (F) of this section. 3624

(2) Authorize payments to local subdivisions or their 3625  
contractors for costs incurred for capital improvement projects 3626  
which have been approved pursuant to this chapter. All requests 3627  
for payments shall be submitted to the director on forms and in 3628  
accordance with procedures specified in rules adopted by the 3629  
director pursuant to division (A)(4) of this section. 3630

(3) Retain the services of or employ financial consultants, 3631  
engineers, accountants, attorneys, and such other employees as the 3632  
director determines are necessary to carry out the director's 3633  
duties under this chapter and fix the compensation for their 3634  
services; 3635

(4) Adopt rules establishing the procedures for making 3636  
applications, reviewing, approving, and rejecting projects for 3637  
which assistance is authorized under this chapter, and any other 3638  
rules needed to implement the provisions of this chapter. Such 3639  
rules shall be adopted under Chapter 119. of the Revised Code. 3640

(5) Provide information and other assistance to local 3641  
subdivisions and district public works integrating committees in 3642  
developing their requests for financial assistance for capital 3643  
improvements under this chapter and encourage cooperation and 3644  
coordination of requests and the development of multisubdivision 3645  
and multidistrict projects in order to maximize the benefits that 3646  
may be derived by districts from each year's allocation; 3647

(6) Require local subdivisions, to the extent practicable, to 3648  
use Ohio products, materials, services, and labor in connection 3649  
with any capital improvement project financed in whole or in part 3650  
under this chapter; 3651

(7) Notify the director of budget and management of all 3652  
approved projects, and supply all information necessary to track 3653  
approved projects through the state accounting system; 3654

(8) Appoint the administrator of the Ohio small government capital improvements commission; 3655  
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(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter; 3657  
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(10) Develop a standardized methodology for evaluating capital improvement needs which will be used by local subdivisions in preparing the plans required by division (C) of section 164.06 of the Revised Code. The director shall develop this methodology not later than July 1, 1991. 3659  
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(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own. 3664  
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(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations. 3669  
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(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer 3675  
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shall, at the direction of the director, pay the amount of such 3686  
reductions to the state capital improvements revolving loan fund. 3687  
The director may renegotiate a loan repayment schedule with a 3688  
local subdivision whose payments from the county undivided local 3689  
government fund could be reduced pursuant to this division, but 3690  
such a renegotiation may occur only one time with respect to any 3691  
particular loan agreement. 3692

(D) Grants approved for the repair and replacement of 3693  
existing infrastructure pursuant to this chapter shall not exceed 3694  
ninety per cent of the estimated total cost of the capital 3695  
improvement project. Grants approved for new or expanded 3696  
infrastructure shall not exceed fifty per cent of the estimated 3697  
cost of the new or expansion elements of the capital improvement 3698  
project. A local subdivision share of the estimated cost of a 3699  
capital improvement may consist of any of the following: 3700

(1) The reasonable value, as determined by the director or 3701  
the administrator, of labor, materials, and equipment that will be 3702  
contributed by the local subdivision in performing the capital 3703  
improvement project; 3704

(2) Moneys received by the local subdivision in any form from 3705  
an authority, commission, or agency of the United States for use 3706  
in performing the capital improvement project; 3707

(3) Loans made to the local subdivision under this chapter; 3708

(4) Engineering costs incurred by the local subdivision in 3709  
performing engineering activities related to the project. 3710

A local subdivision share of the cost of a capital 3711  
improvement shall not include any amounts awarded to it from the 3712  
local transportation improvement program fund created in section 3713  
164.14 of the Revised Code. 3714

(E) The following portion of a district public works 3715  
integrating committee's annual allocation share pursuant to 3716



section 164.08 of the Revised Code may be awarded to subdivisions 3717  
only in the form of interest-free, low-interest, market rate of 3718  
interest, or blended-rate loans: 3719

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	3722
Year 2	0%	3723
Year 3	10%	3724
Year 4	12%	3725
Year 5	15%	3726
Year 6	20%	3727
Year 7, 8, 9, and 10	22%	3728

(F) The following portion of a district public works 3729  
integrating committee's annual allocation pursuant to section 3730  
164.08 of the Revised Code shall be awarded to subdivisions in the 3731  
form of local debt supported and credit enhancements: 3732

YEAR IN WHICH	PORTIONS USED FOR	
MONEYS ARE ALLOCATED	LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 1	0%	3736
Year 2	0%	3737
Year 3	3%	3738
Year 4	5%	3739
Year 5	5%	3740
Year 6	7%	3741
Year 7	7%	3742
Year 8	8%	3743
Year 9	8%	3744
Year 10	8%	3745

(G) For the period commencing on March 29, 1988 and ending on 3746  
June 30, 1993, for the period commencing July 1, 1993, and ending 3747  
June 30, 1999, and for each five-year period thereafter, the total 3748

amount of financial assistance awarded under sections 164.01 to 3749  
 164.08 of the Revised Code for capital improvement projects 3750  
 located wholly or partially within a county shall be equal to at 3751  
 least thirty per cent of the amount of what the county would have 3752  
 been allocated from the obligations authorized to be sold under 3753  
 this chapter during each period, if such amounts had been 3754  
 allocable to each county on a per capita basis. 3755

(H) The amount of the annual allocations made pursuant to 3756  
 divisions (B)(1) and ~~(6)~~(5) of section 164.08 of the Revised Code 3757  
 which can be used for new or expanded infrastructure is limited as 3758  
 follows: 3759

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION WHICH MAY BE USED FOR NEW OR EXPANSION INFRASTRUCTURE	
Year 1	5%	3763
Year 2	5%	3764
Year 3	10%	3765
Year 4	10%	3766
Year 5	10%	3767
Year 6	15%	3768
Year 7	15%	3769
Year 8	20%	3770
Year 9	20%	3771
Year 10 and each year thereafter	20%	3772 3773

(I) The following portion of a district public works 3774  
 integrating committee's annual allocation share pursuant to 3775  
 section 164.08 of the Revised Code shall be awarded to 3776  
 subdivisions in the form of interest-free, low-interest, market 3777  
 rate of interest, or blended-rate loans, or local debt support and 3778  
 credit enhancements: 3779

PORTION USED FOR LOANS 3780

YEAR IN WHICH	OR LOCAL DEBT SUPPORT	3781
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	3782
Year 11 and each year		3783
thereafter	20%	3784

(J) No project shall be approved under this section unless 3785  
the project is designed to have a useful life of at least seven 3786  
years. In addition, the average useful life of all projects for 3787  
which grants or loans are awarded in each district during a 3788  
program year shall not be less than twenty years. 3789

**Sec. 164.06.** (A) Each district public works integrating 3790  
committee shall evaluate materials submitted to it by the local 3791  
subdivisions located in the district concerning capital 3792  
improvements for which assistance is sought from the state capital 3793  
improvements fund and shall, pursuant to division (B) of this 3794  
section, select the requests for financial assistance that will be 3795  
formally submitted by the district to the director of the Ohio 3796  
public works commission. In order to provide for the efficient use 3797  
of the district's state capital improvements fund allocation each 3798  
year, a district committee shall assist its subdivisions in the 3799  
preparation and coordination of project plans. 3800

(B) In selecting the requests for assistance for capital 3801  
improvement projects which will be submitted to the director, and 3802  
in determining the nature, amount, and terms of the assistance 3803  
that will be requested, a district public works integrating 3804  
committee shall give priority to capital improvement projects for 3805  
the repair or replacement of existing infrastructure and which 3806  
would be unlikely to be undertaken without assistance under this 3807  
chapter, and shall specifically consider all of the following 3808  
factors: 3809

(1) The infrastructure repair and replacement needs of the 3810  
district; 3811

(2) The age and condition of the system to be repaired or replaced;	3812 3813
(3) Whether the project would generate revenue in the form of user fees or assessments;	3814 3815
(4) The importance of the project to the health and safety of the citizens of the district;	3816 3817
(5) The cost of the project and whether it is consistent with division (G) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support and credit enhancements for that year;	3818 3819 3820 3821
(6) The effort and ability of the benefited local subdivisions to assist in financing the project;	3822 3823
(7) The availability of federal or other funds for the project;	3824 3825
(8) The overall economic health of the particular local subdivision;	3826 3827
(9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;	3828 3829 3830
(10) Any other factors relevant to a particular project.	3831
(C) Prior to filing an application with its district public works integrating committee for assistance in financing a capital improvement project under this section, a local subdivision shall conduct a study of its existing capital improvements, the condition of those improvements, and the projected capital improvement needs of the subdivision in the ensuing five-year period. After completing this study, the subdivision shall compile a report that includes an inventory of its existing capital improvements, a plan detailing the capital improvement needs of the subdivision in the ensuing five-year period, and a list of the	3832 3833 3834 3835 3836 3837 3838 3839 3840 3841

subdivision's priorities with respect to addressing those needs. 3842  
Each year, the report shall be reviewed and updated by the 3843  
subdivision to reflect capital improvement projects undertaken or 3844  
completed in the past year and any changes in the subdivision's 3845  
plan or priorities. The report and annual updates shall be made 3846  
available upon request to the Ohio public works commission, the 3847  
Ohio small government capital improvements commission, and the 3848  
district public works integrating committee of the district of 3849  
which the subdivision is a part. 3850

(D) In addition to reviewing and selecting the projects for 3851  
which approval will be sought from the director of the Ohio public 3852  
works commission for financial assistance from the state capital 3853  
improvements fund, each district public works integrating 3854  
committee shall appoint a subcommittee of its members that will 3855  
represent the interests of villages and townships and that will 3856  
review and select the capital improvement projects which will be 3857  
submitted by the subcommittee to the administrator of the Ohio 3858  
small government capital improvements commission for consideration 3859  
of assistance from the portion of the net proceeds of obligations 3860  
issued and sold by the treasurer of state which is allocated 3861  
pursuant to division (B)(1) of section 164.08 of the Revised Code. 3862  
In reviewing and approving the projects selected by its 3863  
subcommittee, the administrator, and the Ohio small government 3864  
capital improvements commission shall be guided by the provisions 3865  
of division (B) of this section, and shall also take into account 3866  
the fact that villages and townships may have different public 3867  
infrastructure needs than larger subdivisions. 3868

(E) The district public works integrating committee for each 3869  
district that includes at least one county with a population of 3870  
less than eighty-five thousand according to the most recent 3871  
decennial census shall appoint a subcommittee of its members for 3872  
the purposes of the small counties capital improvement program 3873

created under division (F) of section 164.02 of the Revised Code. 3874  
The subcommittee shall select and submit to the director the 3875  
projects that will be considered for assistance from the money 3876  
allocated to the program under division (B)~~(4)~~(3) of section 3877  
164.08 of the Revised Code. 3878

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 3879  
151.08 or section 164.09 of the Revised Code, the net proceeds of 3880  
obligations issued and sold by the treasurer of state pursuant to 3881  
section 164.09 of the Revised Code before September 30, 2000, or 3882  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 3883  
the purpose of financing or assisting in the financing of the cost 3884  
of public infrastructure capital improvement projects of local 3885  
subdivisions, as provided for in Section 2k, 2m, or 2p of Article 3886  
VIII, Ohio Constitution, and this chapter, shall be paid into the 3887  
state capital improvements fund, which is hereby created in the 3888  
state treasury. Investment earnings on moneys in the fund shall be 3889  
credited to the fund. 3890

(B) Beginning July 1, 2011, each program year the amount of 3891  
obligations authorized by the general assembly in accordance with 3892  
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 3893  
excluding the proceeds of refunding or renewal obligations, shall 3894  
be allocated by the director of the Ohio public works commission 3895  
as follows: 3896

(1) First, fifteen million dollars of the amount of 3897  
obligations authorized shall be allocated to provide financial 3898  
assistance to villages and to townships with populations in the 3899  
unincorporated areas of the township of less than five thousand 3900  
persons, for capital improvements in accordance with section 3901  
164.051 and division (D) of section 164.06 of the Revised Code. As 3902  
used in division (B)(1) of this section, "capital improvements" 3903  
includes resurfacing and improving roads. 3904

(2) Following the allocation required by division (B)(1) of this section, the director may allocate three million dollars of the authorized obligations to provide financial assistance to local subdivisions for capital improvement projects which in the judgment of the director of the Ohio public works commission are necessary for the immediate preservation of the health, safety, and welfare of the citizens of the local subdivision requesting assistance.

~~(3) For the second, third, fourth, and fifth years that obligations are authorized and are available for allocation under this chapter, one million dollars shall be allocated to the sewer and water fund created in section 1525.11 of the Revised Code. Money from this allocation shall be transferred to that fund when needed to support specific payments from that fund.~~

~~(4)~~ For program years twelve and fourteen that obligations are authorized and available for allocation under this chapter, two million dollars each program year shall be allocated to the small county capital improvement program for use in providing financial assistance under division (F) of section 164.02 of the Revised Code.

~~(5)~~ After the allocation required by division (B)(3) of this section is made, (4) The director shall determine the amount of the remaining obligations authorized to be issued and sold that each county would receive if such amounts were allocated on a per capita basis each year. If a county's per capita share for the year would be less than three hundred thousand dollars, the director shall allocate to the district in which that county is located an amount equal to the difference between three hundred thousand dollars and the county's per capita share.

~~(6)~~(5) After making the allocation required by division (B)~~(5)~~(4) of this section, the director shall allocate the remaining amount to each district on a per capita basis.

(C)(1) There is hereby created in the state treasury the 3937  
state capital improvements revolving loan fund, into which shall 3938  
be deposited all repayments of loans made to local subdivisions 3939  
for capital improvements pursuant to this chapter. Investment 3940  
earnings on moneys in the fund shall be credited to the fund. 3941

(2) There may also be deposited in the state capital 3942  
improvements revolving loan fund moneys obtained from federal or 3943  
private grants, or from other sources, which are to be used for 3944  
any of the purposes authorized by this chapter. Such moneys shall 3945  
be allocated each year in accordance with division (B)~~(6)~~(5) of 3946  
this section. 3947

(3) Moneys deposited into the state capital improvements 3948  
revolving loan fund shall be used to make loans for the purpose of 3949  
financing or assisting in the financing of the cost of capital 3950  
improvement projects of local subdivisions. 3951

(4) Investment earnings credited to the state capital 3952  
improvements revolving loan fund that exceed the amounts required 3953  
to meet estimated federal arbitrage rebate requirements shall be 3954  
used to pay costs incurred by the public works commission in 3955  
administering this section. Investment earnings credited to the 3956  
state capital improvements revolving loan fund that exceed the 3957  
amounts required to pay for the administrative costs and estimated 3958  
rebate requirements shall be allocated to each district on a per 3959  
capita basis. 3960

(5) Each program year, loan repayments received and on 3961  
deposit in the state capital improvements revolving loan fund 3962  
shall be allocated as follows: 3963

(a) Each district public works integrating committee shall be 3964  
allocated an amount equal to the sum of all loan repayments made 3965  
to the state capital improvements revolving loan fund by local 3966  
subdivisions that are part of the district. Moneys not used in a 3967



program year may be used in the next program year in the same 3968  
manner and for the same purpose as originally allocated. 3969

(b) Loan repayments made pursuant to projects approved under 3970  
division (B)(1) of this section shall be used to make loans in 3971  
accordance with section 164.051 and division (D) of section 164.06 3972  
of the Revised Code. Allocations for this purpose made pursuant to 3973  
division (C)(5) of this section shall be in addition to the 3974  
allocation provided in division (B)(1) of this section. 3975

(c) Loan repayments made pursuant to projects approved under 3976  
division (B)(2) of this section shall be used to make loans in 3977  
accordance with division (B)(2) of this section. Allocations for 3978  
this purpose made pursuant to division (C)(5) of this section 3979  
shall be in addition to the allocation provided in division (B)(2) 3980  
of this section. 3981

(d) Loans made from the state capital improvements revolving 3982  
loan fund shall not be limited in their usage by divisions (E), 3983  
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 3984

(D) Investment earnings credited to the state capital 3985  
improvements fund that exceed the amounts required to meet 3986  
estimated federal arbitrage rebate requirements shall be used to 3987  
pay costs incurred by the public works commission in administering 3988  
sections 164.01 to 164.12 of the Revised Code. 3989

(E) The director of the Ohio public works commission shall 3990  
notify the director of budget and management of the amounts 3991  
allocated pursuant to this section and such information shall be 3992  
entered into the state accounting system. The director of budget 3993  
and management shall establish appropriation line items as needed 3994  
to track these allocations. 3995

(F) If the amount of a district's allocation in a program 3996  
year exceeds the amount of financial assistance approved for the 3997  
district by the commission for that year, the remaining portion of 3998

the district's allocation shall be added to the district's 3999  
allocation pursuant to division (B) of this section for the next 4000  
succeeding year for use in the same manner and for the same 4001  
purposes as it was originally allocated, except that any portion 4002  
of a district's allocation which was available for use on new or 4003  
expanded infrastructure pursuant to division (H) of section 164.05 4004  
of the Revised Code shall be available in succeeding years only 4005  
for the repair and replacement of existing infrastructure. 4006

(G) When an allocation based on population is made by the 4007  
director pursuant to division (B) of this section, the director 4008  
shall use the most recent decennial census statistics, and shall 4009  
not make any reallocations based upon a change in a district's 4010  
population. 4011

**Sec. 166.01.** As used in this chapter: 4012

(A) "Allowable costs" means all or part of the costs of 4013  
project facilities, eligible projects, eligible innovation 4014  
projects, eligible research and development projects, eligible 4015  
advanced energy projects, or eligible logistics and distribution 4016  
projects, including costs of acquiring, constructing, 4017  
reconstructing, rehabilitating, renovating, enlarging, improving, 4018  
equipping, or furnishing project facilities, eligible projects, 4019  
eligible innovation projects, eligible research and development 4020  
projects, eligible advanced energy projects, or eligible logistics 4021  
and distribution projects, site clearance and preparation, 4022  
supplementing and relocating public capital improvements or 4023  
utility facilities, designs, plans, specifications, surveys, 4024  
studies, and estimates of costs, expenses necessary or incident to 4025  
determining the feasibility or practicability of assisting an 4026  
eligible project, an eligible innovation project, an eligible 4027  
research and development project, an eligible advanced energy 4028  
project, or an eligible logistics and distribution project, or 4029

providing project facilities or facilities related to an eligible 4030  
project, an eligible innovation project, an eligible research and 4031  
development project, an eligible advanced energy project, or an 4032  
eligible logistics and distribution project, architectural, 4033  
engineering, and legal services fees and expenses, the costs of 4034  
conducting any other activities as part of a voluntary action, and 4035  
such other expenses as may be necessary or incidental to the 4036  
establishment or development of an eligible project, an eligible 4037  
innovation project, an eligible research and development project, 4038  
an eligible advanced energy project, or an eligible logistics and 4039  
distribution project, and reimbursement of moneys advanced or 4040  
applied by any governmental agency or other person for allowable 4041  
costs. 4042

(B) "Allowable innovation costs" includes allowable costs of 4043  
eligible innovation projects and, in addition, includes the costs 4044  
of research and development of eligible innovation projects; 4045  
obtaining or creating any requisite software or computer hardware 4046  
related to an eligible innovation project or the products or 4047  
services associated therewith; testing (including, without 4048  
limitation, quality control activities necessary for initial 4049  
production), perfecting, and marketing of such products and 4050  
services; creating and protecting intellectual property related to 4051  
an eligible innovation project or any products or services related 4052  
thereto, including costs of securing appropriate patent, 4053  
trademark, trade secret, trade dress, copyright, or other form of 4054  
intellectual property protection for an eligible innovation 4055  
project or related products and services; all to the extent that 4056  
such expenditures could be capitalized under then-applicable 4057  
generally accepted accounting principles; and the reimbursement of 4058  
moneys advanced or applied by any governmental agency or other 4059  
person for allowable innovation costs. 4060

(C) "Eligible innovation project" includes an eligible 4061

project, including any project facilities associated with an 4062  
eligible innovation project and, in addition, includes all 4063  
tangible and intangible property related to a new product or 4064  
process based on new technology or the creative application of 4065  
existing technology, including research and development, product 4066  
or process testing, quality control, market research, and related 4067  
activities, that is to be acquired, established, expanded, 4068  
remodeled, rehabilitated, or modernized for industry, commerce, 4069  
distribution, or research, or any combination thereof, the 4070  
operation of which, alone or in conjunction with other eligible 4071  
projects, eligible innovation projects, or innovation property, 4072  
will create new jobs or preserve existing jobs and employment 4073  
opportunities and improve the economic welfare of the people of 4074  
the state. 4075

(D) "Eligible project" means project facilities to be 4076  
acquired, established, expanded, remodeled, rehabilitated, or 4077  
modernized for industry, commerce, distribution, or research, or 4078  
any combination thereof, the operation of which, alone or in 4079  
conjunction with other facilities, will create new jobs or 4080  
preserve existing jobs and employment opportunities and improve 4081  
the economic welfare of the people of the state. "Eligible 4082  
project" includes, without limitation, a voluntary action. For 4083  
purposes of this division, "new jobs" does not include existing 4084  
jobs transferred from another facility within the state, and 4085  
"existing jobs" includes only those existing jobs with work places 4086  
within the municipal corporation or unincorporated area of the 4087  
county in which the eligible project is located. 4088

"Eligible project" does not include project facilities to be 4089  
acquired, established, expanded, remodeled, rehabilitated, or 4090  
modernized for industry, commerce, distribution, or research, or 4091  
any combination of industry, commerce, distribution, or research, 4092  
if the project facilities consist solely of 4093

point-of-final-purchase retail facilities. If the project 4094  
facilities consist of both point-of-final-purchase retail 4095  
facilities and nonretail facilities, only the portion of the 4096  
project facilities consisting of nonretail facilities is an 4097  
eligible project. If a warehouse facility is part of a 4098  
point-of-final-purchase retail facility and supplies only that 4099  
facility, the warehouse facility is not an eligible project. 4100  
Catalog distribution facilities are not considered 4101  
point-of-final-purchase retail facilities for purposes of this 4102  
paragraph, and are eligible projects. 4103

(E) "Eligible research and development project" means an 4104  
eligible project, including project facilities, comprising, 4105  
within, or related to, a facility or portion of a facility at 4106  
which research is undertaken for the purpose of discovering 4107  
information that is technological in nature and the application of 4108  
which is intended to be useful in the development of a new or 4109  
improved product, process, technique, formula, or invention, a new 4110  
product or process based on new technology, or the creative 4111  
application of existing technology. 4112

(F) "Financial assistance" means inducements under division 4113  
(B) of section 166.02 of the Revised Code, loan guarantees under 4114  
section 166.06 of the Revised Code, and direct loans under section 4115  
166.07 of the Revised Code. 4116

(G) "Governmental action" means any action by a governmental 4117  
agency relating to the establishment, development, or operation of 4118  
an eligible project, eligible innovation project, eligible 4119  
research and development project, eligible advanced energy 4120  
project, or eligible logistics and distribution project, and 4121  
project facilities that the governmental agency acting has 4122  
authority to take or provide for the purpose under law, including, 4123  
but not limited to, actions relating to contracts and agreements, 4124  
zoning, building, permits, acquisition and disposition of 4125

property, public capital improvements, utility and transportation 4126  
service, taxation, employee recruitment and training, and liaison 4127  
and coordination with and among governmental agencies. 4128

(H) "Governmental agency" means the state and any state 4129  
department, division, commission, institution or authority; a 4130  
municipal corporation, county, or township, and any agency 4131  
thereof, and any other political subdivision or public corporation 4132  
or the United States or any agency thereof; any agency, 4133  
commission, or authority established pursuant to an interstate 4134  
compact or agreement; and any combination of the above. 4135

(I) "Innovation financial assistance" means inducements under 4136  
division (B) of section 166.12 of the Revised Code, innovation 4137  
Ohio loan guarantees under section 166.15 of the Revised Code, and 4138  
innovation Ohio loans under section 166.16 of the Revised Code. 4139

(J) "Innovation Ohio loan guarantee reserve requirement" 4140  
means, at any time, with respect to innovation loan guarantees 4141  
made under section 166.15 of the Revised Code, a balance in the 4142  
innovation Ohio loan guarantee fund equal to the greater of twenty 4143  
per cent of the then-outstanding principal amount of all 4144  
outstanding innovation loan guarantees made pursuant to section 4145  
166.15 of the Revised Code or fifty per cent of the principal 4146  
amount of the largest outstanding guarantee made pursuant to 4147  
section 166.15 of the Revised Code. 4148

(K) "Innovation property" includes property and also includes 4149  
software, inventory, licenses, contract rights, goodwill, 4150  
intellectual property, including without limitation, patents, 4151  
patent applications, trademarks and service marks, and trade 4152  
secrets, and other tangible and intangible property, and any 4153  
rights and interests in or connected to the foregoing. 4154

(L) "Loan guarantee reserve requirement" means, at any time, 4155  
with respect to loan guarantees made under section 166.06 of the 4156

Revised Code, a balance in the loan guarantee fund equal to the 4157  
greater of twenty per cent of the then-outstanding principal 4158  
amount of all outstanding guarantees made pursuant to section 4159  
166.06 of the Revised Code or fifty per cent of the principal 4160  
amount of the largest outstanding guarantee made pursuant to 4161  
section 166.06 of the Revised Code. 4162

(M) "Person" means any individual, firm, partnership, 4163  
association, corporation, or governmental agency, and any 4164  
combination thereof. 4165

(N) "Project facilities" means buildings, structures, and 4166  
other improvements, and equipment and other property, excluding 4167  
small tools, supplies, and inventory, and any one, part of, or 4168  
combination of the above, comprising all or part of, or serving or 4169  
being incidental to, an eligible project, an eligible innovation 4170  
project, an eligible research and development project, an eligible 4171  
advanced energy project, or an eligible logistics and distribution 4172  
project, including, but not limited to, public capital 4173  
improvements. 4174

(O) "Property" means real and personal property and interests 4175  
therein. 4176

(P) "Public capital improvements" means capital improvements 4177  
or facilities that any governmental agency has authority to 4178  
acquire, pay the costs of, own, maintain, or operate, or to 4179  
contract with other persons to have the same done, including, but 4180  
not limited to, highways, roads, streets, water and sewer 4181  
facilities, railroad and other transportation facilities, and air 4182  
and water pollution control and solid waste disposal facilities. 4183  
For purposes of this division, "air pollution control facilities" 4184  
includes, without limitation, solar, geothermal, biofuel, biomass, 4185  
wind, hydro, wave, and other advanced energy projects as defined 4186  
in section 3706.25 of the Revised Code. 4187

(Q) "Research and development financial assistance" means 4188  
inducements under section 166.17 of the Revised Code, research and 4189  
development loans under section 166.21 of the Revised Code, and 4190  
research and development tax credits under sections 5733.352 and 4191  
5747.331 of the Revised Code. 4192

(R) "Targeted innovation industry sectors" means industry 4193  
sectors involving the production or use of advanced materials, 4194  
instruments, controls and electronics, power and propulsion, 4195  
biosciences, and information technology, or such other sectors as 4196  
may be designated by the director of development services. 4197

(S) "Voluntary action" means a voluntary action, as defined 4198  
in section 3746.01 of the Revised Code, that is conducted under 4199  
the voluntary action program established in Chapter 3746. of the 4200  
Revised Code. 4201

(T) "Project financing obligations" means obligations issued 4202  
pursuant to section 166.08 of the Revised Code other than 4203  
obligations for which the bond proceedings provide that bond 4204  
service charges shall be paid from receipts of the state 4205  
representing gross profit on the sale of spirituous liquor as 4206  
referred to in division (B)(4) of section 4310.10 of the Revised 4207  
Code. 4208

(U) "Regional economic development entity" means an entity 4209  
that is under contract with the director ~~of development~~ to 4210  
administer a loan program under this chapter in a particular area 4211  
of this state. 4212

(V) "Advanced energy research and development fund" means the 4213  
advanced energy research and development fund created in section 4214  
3706.27 of the Revised Code. 4215

(W) "Advanced energy research and development taxable fund" 4216  
means the advanced energy research and development taxable fund 4217  
created in section 3706.27 of the Revised Code. 4218



(X) "Eligible advanced energy project" means an eligible project that is an "advanced energy project" as defined in section 3706.25 of the Revised Code.

(Y) "Eligible logistics and distribution project" means an eligible project, including project facilities, to be acquired, established, expanded, remodeled, rehabilitated, or modernized for transportation logistics and distribution infrastructure purposes. As used in this division, "transportation logistics and distribution infrastructure purposes" means promoting, providing for, and enabling improvements to the ground, air, and water transportation infrastructure comprising the transportation system in this state, including, without limitation, highways, streets, roads, bridges, railroads carrying freight, and air and water ports and port facilities, and all related supporting facilities.

(Z) "Department of development" means the development services agency and "director of development" means the director of development services.

**Sec. 166.04.** (A) Prior to entering into each agreement to provide assistance under sections 166.02, 166.06, and 166.07 of the Revised Code, the director of development services shall determine whether the assistance will conform to the requirements of sections 166.01 to 166.11 of the Revised Code. Such determination, and the facts upon which it is based, shall be set forth, where required, by the director in submissions made to the controlling board ~~for purposes of section 166.03 and, unless provision of the assistance has been recommended to the director by a regional economic development entity, to the development financing advisory council under section 166.05~~ when the director seeks a release of moneys under section 166.02 of the Revised Code. An agreement to provide assistance under sections 166.02, 166.06, and 166.07 of the Revised Code shall set forth such

determination, which shall be conclusive for purposes of the 4250  
validity and enforceability of such agreement and any loan 4251  
guarantees, loans, or other agreements entered into pursuant to 4252  
such agreement to provide assistance. 4253

(B) Whenever a person applies for financial assistance under 4254  
sections 166.02, 166.06, and 166.07 of the Revised Code and the 4255  
project for which assistance is requested is to relocate 4256  
facilities that are currently being operated by the person and 4257  
that are located in another county, municipal corporation, or 4258  
township, the director shall provide written notification to the 4259  
appropriate local governmental bodies and state officials. The 4260  
notification shall contain the following information: 4261

(1) The name of the person applying for financial assistance; 4262

(2) The county, and the municipal corporation or township, in 4263  
which the project for which assistance is requested is located; 4264  
and 4265

(3) The county, and the municipal corporation or township, in 4266  
which the facility to be replaced is located. 4267

~~The director shall provide the written notification to the 4268  
appropriate local governmental bodies and state officials so that 4269  
they receive the notification at least five days before the 4270  
development financing advisory council meeting at which the 4271  
council considers the request for financial assistance pursuant to 4272  
section 166.05 of the Revised Code. 4273~~

(C) As used in division (B) of this section: 4274

(1) "Appropriate local governmental bodies" means: 4275

(a) The boards of county commissioners or legislative 4276  
authorities of the county in which the project for which 4277  
assistance is requested is located and of the county in which the 4278  
facility to be replaced is located; 4279

(b) The legislative authority of the municipal corporation or 4280  
the board of township trustees of the township in which the 4281  
project for which assistance is requested is located; and 4282

(c) The legislative authority of the municipal corporation or 4283  
the board of township trustees of the township in which the 4284  
facility to be replaced is located. 4285

(2) "State officials" means: 4286

(a) The state representative and state senator in whose 4287  
districts the project for which assistance is requested is 4288  
located; 4289

(b) The state representative and state senator in whose 4290  
districts the facility to be replaced is located. 4291

**Sec. 166.05.** (A) In determining the projects to be assisted 4292  
and the nature, amount, and terms of assistance to be provided for 4293  
an eligible project under sections 166.02, 166.06, and 166.07 of 4294  
the Revised Code: 4295

(1) ~~Except as otherwise provided in division (A)(3) of this~~ 4296  
~~section, the~~ The director of development services shall take into 4297  
consideration all of the following: 4298

(a) The number of jobs to be created or preserved, directly 4299  
or indirectly; 4300

(b) Payrolls, and the taxes generated, at both state and 4301  
local levels, by the eligible project and by the employment 4302  
created or preserved by the eligible project; 4303

(c) The size, nature, and cost of the eligible project, 4304  
including the prospect of the project for providing long-term jobs 4305  
in enterprises consistent with the changing economics of the state 4306  
and the nation; 4307

(d) The needs, and degree of needs, of the area in which the 4308

eligible project is to be located;	4309
(e) The needs of any private sector enterprise to be assisted;	4310 4311
(f) The competitive effect of the assistance on other enterprises providing jobs for people of the state;	4312 4313
(g) The amount and kind of assistance, if any, to be provided to the private sector enterprise by other governmental agencies through tax exemption or abatement, financing assistance with industrial development bonds, and otherwise, with respect to the eligible project;	4314 4315 4316 4317 4318
(h) The impact of the eligible project and its operations on local government services, including school services, and on public facilities;	4319 4320 4321
(i) The effect of the assistance on the loss of or damage to or destruction of prime farmland, or the removal from agricultural production of prime farmland. As used in this section, "prime farmland" means agricultural land that meets the criteria for this classification as defined by the United States soil conservation service.	4322 4323 4324 4325 4326 4327
(j) The length of time the operator of the project has been operating facilities within the state.	4328 4329
(2) The benefits to the local area, including taxes, jobs, and reduced unemployment and reduced welfare costs, among others, may be accorded value in the leasing or sales of project facilities and in loan and guarantee arrangements.	4330 4331 4332 4333
(B) Prior to granting final approval of the assistance to be provided, the director shall determine that the benefits to be derived by the state and local area from the establishment or development, and operation, of the eligible project will exceed the cost of providing such assistance and, <del>except as provided in</del>	4334 4335 4336 4337 4338

~~division (C)(2) of this section, shall submit to the development 4339  
financing advisory council and to the controlling board a copy of 4340  
that determination including the basis for the determination. 4341~~

~~(C)(1) Except as provided in division (C)(2) of this section, 4342  
prior to the submission provided for in division (B) of this 4343  
section to the controlling board, the director shall submit to the 4344  
development financing advisory council data pertinent to the 4345  
considerations set forth in division (A) of this section, the 4346  
terms of the proposed assistance, and such other relevant 4347  
information as the development financing advisory council may 4348  
request. 4349~~

~~(2) The director is not required to submit any determination, 4350  
data, terms, or other application materials or information to the 4351  
development financing advisory council when provision of the 4352  
assistance has been recommended to the director by a regional 4353  
economic development entity. 4354~~

~~(D) The development financing advisory council, on the basis 4355  
of such data, shall make recommendations as to the appropriateness 4356  
of the assistance to be provided. The recommendations may be 4357  
revised to reflect any changes in the proposed assistance as the 4358  
director may submit to the council. The recommendations, as 4359  
amended, of the council as to the appropriateness of the proposed 4360  
assistance shall be submitted to the controlling board. 4361~~

~~(E) Financial statements and other data submitted to the 4362  
director of development, the development financing advisory 4363  
council, services or the controlling board by any private sector 4364  
person in connection with financial assistance under sections 4365  
166.02, 166.06, and 166.07 of the Revised Code, or any information 4366  
taken from such statements or data for any purpose, shall not be 4367  
open to public inspection. The development financing advisory 4368  
council in considering confidential information in connection with 4369  
financial assistance under sections 166.02, 166.06, and 166.07 of 4370~~

~~the Revised Code may, only for consideration of the confidential 4371  
information referred to, and in the manner provided in division 4372  
(E) of section 121.22 of the Revised Code, close the meeting 4373  
during such consideration. 4374~~

**Sec. 166.13.** (A) Prior to entering into each agreement to 4375  
provide innovation financial assistance under sections 166.12, 4376  
166.15, and 166.16 of the Revised Code, the director of 4377  
development services shall determine whether the assistance will 4378  
conform to the requirements of sections 166.12 to 166.16 of the 4379  
Revised Code. Such determination, and the facts upon which it is 4380  
based, shall be set forth by the director in submissions made to 4381  
the controlling board ~~for purposes of section 166.16 of the 4382  
Revised Code and to the development financing advisory council 4383  
under section 166.14~~ when the director seeks a release of moneys 4384  
under section 166.12 of the Revised Code. An agreement to provide 4385  
assistance under sections 166.12, 166.15, and 166.16 of the 4386  
Revised Code shall set forth the determination, which shall be 4387  
conclusive for purposes of the validity and enforceability of the 4388  
agreement and any innovation loan guarantees, innovation loans, or 4389  
other agreements entered into pursuant to the agreement to provide 4390  
innovation financial assistance. 4391

(B) Whenever a person applies for innovation financial 4392  
assistance under sections 166.12, 166.15, and 166.16 of the 4393  
Revised Code and the eligible innovation project for which 4394  
innovation financial assistance is requested is to relocate an 4395  
eligible innovation project that is currently being operated by 4396  
the person and that is located in another county, municipal 4397  
corporation, or township, the director shall provide written 4398  
notification to the appropriate local governmental bodies and 4399  
state officials. The notification shall contain the following 4400  
information: 4401

(1) The name of the person applying for innovation financial assistance; 4402  
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(2) The county, and the municipal corporation or township, in which the eligible innovation project for which innovation financial assistance is requested is located; and 4404  
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(3) The county, and the municipal corporation or township, in which the eligible innovation project to be replaced is located. 4407  
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~~The director shall provide the written notification to the appropriate local governmental bodies and state officials so that they receive the notification at least five days before the development financing advisory council meeting at which the council considers the request for innovation financial assistance pursuant to sections 166.12, 166.15, and 166.16 of the Revised Code.~~ 4409  
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(C) As used in division (B) of this section: 4416

(1) "Appropriate local governmental bodies" means: 4417

(a) The boards of county commissioners or legislative authorities of the county in which the project for which innovation financial assistance is requested is located and of the county in which the eligible innovation project to be replaced is located; 4418  
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(b) The legislative authority of the municipal corporation or the board of township trustees of the township in which the eligible innovation project for which innovation financial assistance is requested is located; and 4423  
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(c) The legislative authority of the municipal corporation or the board of township trustees of the township in which the eligible innovation project to be replaced is located. 4427  
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(2) "State officials" means: 4430

(a) The state representative and state senator in whose 4431

districts the project for which innovation financial assistance is requested is located; 4432  
4433

(b) The state representative and state senator in whose districts the innovation project to be replaced is located. 4434  
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**Sec. 166.14.** (A) In determining the eligible innovation projects to be assisted and the nature, amount, and terms of innovation financial assistance to be provided for an eligible innovation project under sections 166.12 to 166.16 of the Revised Code: 4436  
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(1) The director of development services shall take into consideration all of the following: 4441  
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(a) The number of jobs to be created or preserved by the eligible innovation project, directly or indirectly; 4443  
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(b) Payrolls, and the taxes generated, at both state and local levels, by or in connection with the eligible innovation project and by the employment created or preserved by or in connection with the eligible innovation project; 4445  
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(c) The size, nature, and cost of the eligible innovation project, including the prospect of the eligible innovation project for providing long-term jobs in enterprises consistent with the changing economics of the state and the nation; 4449  
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(d) The needs of any private sector enterprise to be assisted; 4453  
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(e) The amount and kind of assistance, if any, to be provided to the private sector enterprise by other governmental agencies through tax exemption or abatement, financing assistance with industrial development bonds, and otherwise, with respect to the eligible innovation project or with respect to any providers of innovation property to be included as part of the eligible innovation project; 4455  
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(f) The likelihood of the successful implementation of the 4462  
proposed eligible innovation project; 4463

(g) Whether the eligible innovation project involves the use 4464  
of technology in a targeted innovation industry sector. 4465

(2) The benefits to the local area, including taxes, jobs, 4466  
and reduced unemployment and reduced welfare costs, among others, 4467  
may be accorded value in the leasing or sales of innovation 4468  
project facilities and in loan and guarantee arrangements. 4469

(3) In making determinations under division (A)(1) of this 4470  
section, the director may consider the effect of an eligible 4471  
innovation project upon any entity engaged to provide innovation 4472  
property to be acquired, leased, or licensed in connection with 4473  
such assistance. 4474

~~(B) The director shall submit to the development financing 4475  
advisory council data pertinent to the considerations set forth in 4476  
division (A) of this section, the terms of the proposed innovation 4477  
financial assistance, and such other relevant information as the 4478  
council may request. 4479~~

~~(C) The development financing advisory council, on the basis 4480  
of such data, shall make recommendations as to the appropriateness 4481  
of the innovation financial assistance to be provided. The 4482  
recommendations may be revised to reflect any changes in the 4483  
proposed innovation financial assistance as the director may 4484  
submit to the council. The recommendations, as amended, of the 4485  
council as to the appropriateness of the proposed innovation 4486  
financial assistance shall be submitted to the controlling board. 4487~~

~~(D) Financial statements and other data submitted to the 4488  
director of development, the development financing advisory 4489  
council, services or the controlling board by any private sector 4490  
person in connection with innovation financial assistance under 4491  
sections 166.12, 166.15, and 166.16 of the Revised Code, or any 4492~~

information taken from such statements or data for any purpose, 4493  
shall not be open to public inspection. ~~The development financing 4494~~  
~~advisory council in considering confidential information in 4495~~  
~~connection with innovation financial assistance under this chapter 4496~~  
~~may, only for consideration of the confidential information 4497~~  
~~referred to, and in the manner provided in division (E) of section 4498~~  
~~121.22 of the Revised Code, close the meeting during such 4499~~  
~~consideration. 4500~~

**Sec. 166.18.** (A) Prior to entering into each agreement to 4501  
provide research and development financial assistance, the 4502  
director of development services shall determine whether the 4503  
assistance will conform to the requirements of sections 166.17 to 4504  
166.21, 5733.352, and 5747.331 of the Revised Code. Such 4505  
determination, and the facts upon which it is based, shall be set 4506  
forth by the director in submissions made to the controlling board 4507  
~~for purposes of section 166.17 of the Revised Code and to the 4508~~  
~~development financing advisory council under section 166.19 when 4509~~  
~~the director seeks a release of moneys under section 166.17 of the 4510~~  
Revised Code. An agreement to provide research and development 4511  
financial assistance under section 166.17 or 166.21 of the Revised 4512  
Code shall set forth the determination, which shall be conclusive 4513  
for purposes of the validity and enforceability of the agreement, 4514  
and any loans or other agreements entered into pursuant to the 4515  
agreement, to provide research and development financial 4516  
assistance. 4517

(B) Whenever a person applies for research and development 4518  
financial assistance, and the eligible research and development 4519  
project for which that assistance is requested is to relocate an 4520  
eligible research and development project that is currently being 4521  
operated by the person and that is located in another county, 4522  
municipal corporation, or township within the state, the director 4523  
shall provide written notification to the appropriate local 4524

governmental bodies and state officials. The notification shall 4525  
state all of the following: 4526

(1) The name of the person applying for research and 4527  
development financial assistance; 4528

(2) The county, and the municipal corporation or township, in 4529  
which the project for which research and development financial 4530  
assistance is requested will be located; 4531

(3) The county, and the municipal corporation or township, in 4532  
which the eligible research and development project is located at 4533  
the time such financial assistance is requested. 4534

~~The director shall provide the written notification to the 4535  
appropriate local governmental bodies and state officials so that 4536  
they receive the notification at least five days before the 4537  
development financing advisory council meeting at which the 4538  
council considers the request for research and development 4539  
financial assistance. 4540~~

(C) As used in division (B) of this section: 4541

(1) "Appropriate local governmental bodies" means all of the 4542  
following: 4543

(a) The board of county commissioners of or legislative 4544  
authorities of special districts in the county in which the 4545  
eligible research and development project for which research and 4546  
development financial assistance is requested is located and of 4547  
the county in which the project will be located; 4548

(b) The legislative authority of the municipal corporation or 4549  
the board of township trustees of the township in which the 4550  
eligible research and development project for which research and 4551  
development financial assistance is requested is located and of 4552  
the municipal corporation or township in which the project will be 4553  
located. 4554

(2) "State officials" means both of the following: 4555

(a) The state representative and state senator in whose 4556  
district the eligible research and development project for which 4557  
research and development financial assistance is requested is 4558  
located; 4559

(b) The state representative and state senator in whose 4560  
district the eligible research and development project will be 4561  
located. 4562

**Sec. 166.19.** (A)(1) In determining the eligible research and 4563  
development projects to be assisted and the nature, amount, and 4564  
terms of the research and development financial assistance to be 4565  
provided, the director of development services shall consider all 4566  
of the following: 4567

(a) The number of jobs to be created or preserved, directly 4568  
or indirectly, by or in connection with the eligible research and 4569  
development project; 4570

(b) Payrolls, and the taxes generated at both state and local 4571  
levels, by the eligible research and development project and by 4572  
the employment created or preserved by or in connection with the 4573  
project; 4574

(c) The size, nature, and cost of the eligible research and 4575  
development project; 4576

(d) The likelihood that the eligible research and development 4577  
project will create long-term jobs in enterprises consistent with 4578  
the changing economy of the state and nation; 4579

(e) The needs of any private sector enterprise to be 4580  
assisted, taking into consideration the amount and kind of 4581  
assistance, if any, to be provided to the private sector 4582  
enterprise by other governmental agencies through tax exemption or 4583  
abatment, financing assistance with industrial development bonds, 4584

and otherwise, with respect to the eligible research and 4585  
development project or with respect to any providers of research 4586  
and development property to be included as part of the project; 4587

(f) The likelihood that the eligible research and development 4588  
project will be successfully implemented. 4589

(2) The director may consider the benefits to the local area, 4590  
including taxes, jobs, and reduced unemployment and reduced 4591  
welfare costs, in the leasing or sale of eligible research and 4592  
development project facilities and in loan arrangements. 4593

(3) The director may consider the effect of an eligible 4594  
research and development project upon any entity engaged to 4595  
provide research and development property to be acquired, leased, 4596  
or licensed in connection with research and development financial 4597  
assistance. 4598

~~(B) The director shall submit to the development financing 4599  
advisory council data pertinent to the considerations set forth in 4600  
division (A) of this section, the terms of the proposed research 4601  
and development assistance, and such other relevant information as 4602  
the council may request. 4603~~

~~(C) The development financing advisory council, on the basis 4604  
of the data submitted under division (B) of this section, shall 4605  
make recommendations as to the appropriateness of the research and 4606  
development financial assistance to be provided. The 4607  
recommendations may be revised to reflect any changes in the 4608  
proposed research and development financial assistance that the 4609  
director may submit to the council. The recommendations of the 4610  
council as to the appropriateness of the proposed research and 4611  
development financial assistance shall be submitted to the 4612  
controlling board. 4613~~

~~(D) Financial statements and other data submitted to the 4614  
director of development, the development financing advisory 4615~~

~~council, services or the controlling board by any private sector 4616  
person in connection with research and development financial 4617  
assistance, or any information taken from such statements or data 4618  
for any purpose, shall not be open to public inspection. ~~The 4619  
development financing advisory council, in considering 4620  
confidential information in connection with research and 4621  
development financial assistance may, only for consideration of 4622  
the confidential information referred to and in the manner 4623  
provided in division (E) of section 121.22 of the Revised Code, 4624  
close the meeting during such consideration.~~ 4625~~

**Sec. 166.25.** (A) The director of development services, with 4626  
the approval of the controlling board and subject to the other 4627  
applicable provisions of this chapter, may lend money in the 4628  
logistics and distribution infrastructure fund and the logistics 4629  
and distribution infrastructure taxable bond fund to persons for 4630  
the purpose of paying allowable costs of eligible logistics and 4631  
distribution projects. 4632

(B) In determining the eligible logistics and distribution 4633  
projects to be assisted and the nature, amount, and terms of 4634  
assistance to be provided for an eligible logistics and 4635  
distribution project, the director shall consult with appropriate 4636  
governmental agencies, including the department of transportation 4637  
and the Ohio rail development commission. 4638

~~(C)(1) The director shall submit to the development financing 4639  
advisory council the terms of the proposed assistance to be 4640  
provided for an eligible logistics and distribution project and 4641  
such other relevant information as the council may request. 4642~~

~~(2) The council, on the basis of such information, shall make 4643  
recommendations as to the appropriateness of the assistance to be 4644  
provided. The recommendations may be revised to reflect any 4645  
changes in the proposed assistance the director may submit to the 4646~~

~~council.~~ 4647

~~(3) The director shall submit the terms of the proposed 4648  
assistance to be provided, along with the recommendations, as 4649  
amended, of the council as to the appropriateness of the proposed 4650  
assistance, to the controlling board.~~ 4651

~~(D)~~ Any loan made pursuant to this section shall be evidenced 4652  
by a loan agreement, which shall contain such terms as the 4653  
director determines necessary or appropriate, including 4654  
performance measures and reporting requirements. The director may 4655  
take actions necessary or appropriate to collect or otherwise deal 4656  
with any loan made under this section, including requiring a loan 4657  
recipient to repay the amount of the loan plus interest at a rate 4658  
of three per cent above the federal short term interest rate or 4659  
any other rate determined by the director. 4660

**Sec. 166.30.** (A) The Ohio air quality development authority, 4661  
with the approval of the controlling board and subject to sections 4662  
3706.25 to 3706.30 of the Revised Code, may provide grants from 4663  
money in the advanced energy research and development fund and may 4664  
lend money in the advanced energy research and development taxable 4665  
fund to persons for the purposes of paying allowable costs of 4666  
eligible advanced energy projects. 4667

(B) In determining the eligible advanced energy projects to 4668  
be assisted and the nature, amount, and terms of assistance to be 4669  
provided for an eligible advanced energy project, the authority 4670  
shall consult with appropriate governmental agencies. 4671

~~(C)(1) The authority shall submit to the development 4672  
financing advisory council the terms of the proposed assistance to 4673  
be provided for an eligible advanced energy project and such other 4674  
relevant information as the council may request.~~ 4675

~~(2) The council, on the basis of such information, shall make 4676~~

~~recommendations as to the appropriateness of the assistance to be  
provided. The recommendations may be revised to reflect any  
changes in the proposed assistance the authority may submit to the  
council.~~

~~(3) The authority shall submit the terms of the proposed  
assistance to be provided, along with the recommendations, as  
amended, of the council as to the appropriateness of the proposed  
assistance, to the controlling board.~~

~~(D) Any grant or loan made pursuant to this section shall be  
evidenced by an agreement, which shall contain such terms as the  
authority determines necessary or appropriate, including  
performance measures and reporting requirements. The authority may  
take actions necessary or appropriate to collect or otherwise deal  
with any assistance provided under this section, including  
requiring a loan or grant recipient to repay the amount of the  
loan or grant plus interest at a rate of three per cent above the  
federal short term interest rate or any other rate determined by  
the authority.~~

**Sec. 174.01.** As used in this chapter:

(A) "Financial assistance" means grants, loans, loan  
guarantees, an equity position in a project, or loan subsidies.

(B) "Grant" means funding the ~~department of~~ development  
services agency or the Ohio housing finance agency provides for  
which the ~~department or the~~ relevant agency does not require  
repayment.

(C) "Housing" means housing for owner-occupancy and  
multifamily rental housing.

(D) "Housing for owner-occupancy" means housing that is  
intended for occupancy by an owner as a principal residence.  
"Housing for owner-occupancy" may be any type of structure and may



be owned in any type of ownership. 4707

(E) "Housing trust fund" means the low- and moderate-income 4708  
housing trust fund created and administered pursuant to Chapter 4709  
174. of the Revised Code. 4710

(F) "Lending institution" means any financial institution 4711  
qualified to conduct business in this state, a subsidiary 4712  
corporation that is wholly owned by a financial institution 4713  
qualified to conduct business in this state, and a mortgage lender 4714  
whose regular business is originating, servicing, or brokering 4715  
real estate loans and who is qualified to do business in this 4716  
state. 4717

(G) "Loan" means any extension of credit or other form of 4718  
financing or indebtedness directly or indirectly to a borrower 4719  
with the expectation that it will be repaid in accordance with the 4720  
terms of the underlying loan agreement or other pertinent 4721  
document. "Loan" includes financing extended to lending 4722  
institutions and indebtedness purchased from lending institutions. 4723

(H) "Loan guarantee" means any agreement in favor of a 4724  
lending institution or other lender in which the credit and 4725  
resources of the housing trust fund are pledged to secure the 4726  
payment or collection of financing extended to a borrower for the 4727  
acquisition, construction, improvement, rehabilitation or 4728  
preservation of housing, or to refinance any financing previously 4729  
extended for those purposes by any lender. 4730

(I) "Loan subsidy" means any deposit of funds into a lending 4731  
institution with the authorization or direction that the income or 4732  
revenues the deposit earns, or could have earned at competitive 4733  
rates, be applied directly or indirectly to the benefit of housing 4734  
assistance or financial assistance. 4735

(J) "Low\_ and moderate\_income persons" means individuals and 4736  
families who qualify as low- and moderate-income persons pursuant 4737

to guidelines the ~~department of~~ development services agency 4738  
establishes. 4739

(K) "Multifamily rental housing" means multiple unit housing 4740  
intended for rental occupancy. 4741

(L) "Nonprofit organization" means a nonprofit organization 4742  
in good standing and qualified to conduct business in this state 4743  
including any corporation whose members are members of a 4744  
metropolitan housing authority. 4745

(M) "Department of development" means the development 4746  
services agency and "director of development" means the director 4747  
of development services. 4748

**Sec. 184.01.** (A) There is hereby created the third frontier 4749  
commission in the ~~department of~~ development services agency. The 4750  
purpose of the commission is to coordinate and administer science 4751  
and technology programs to promote the welfare of the people of 4752  
the state and to maximize the economic growth of the state through 4753  
expansion of both of the following: 4754

(1) The state's high technology research and development 4755  
capabilities; 4756

(2) The state's product and process innovation and 4757  
commercialization. 4758

(B)(1) The commission shall consist of ~~nine~~ eleven members: 4759  
the director of development services, the chancellor of the Ohio 4760  
board of regents, the governor's science and technology advisor, 4761  
the chief investment officer of the nonprofit corporation formed 4762  
under section 187.01 of the Revised Code, and ~~six~~ seven persons 4763  
appointed by the governor with the advice and consent of the 4764  
senate. 4765

(2) Of the ~~six~~ seven persons appointed by the governor, one 4766  
shall represent the central region, which is composed of the 4767

counties of Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, 4768  
Licking, Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, 4769  
and Union; one shall represent the west central region, which is 4770  
composed of the counties of Champaign, Clark, Darke, Greene, 4771  
Miami, Montgomery, Preble, and Shelby; one shall represent the 4772  
northeast region, which is composed of the counties of Ashland, 4773  
Ashtabula, Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, 4774  
Holmes, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, 4775  
Stark, Summit, Trumbull, Tuscarawas, and Wayne; one shall 4776  
represent the northwest region, which is composed of the counties 4777  
of Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, 4778  
Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van 4779  
Wert, Williams, Wood, and Wyandot; one shall represent the 4780  
southeast region, which shall represent the counties of Adams, 4781  
Athens, Belmont, Coshocton, Gallia, Guernsey, Harrison, Jackson, 4782  
Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, 4783  
Pike, Scioto, Vinton, and Washington; ~~and~~ one shall represent the 4784  
southwest region, which is composed of the counties of Butler, 4785  
Brown, Clermont, Clinton, Hamilton, Highland, and Warren; and one 4786  
shall represent the public at large. Of the initial appointments, 4787  
two shall be for one year, two shall be for two years, and two 4788  
shall be for three years as assigned by the governor. Thereafter, 4789  
appointments shall be for three-year terms. Members may be 4790  
reappointed and vacancies shall be filled in the same manner as 4791  
appointments. A person must have a background in business or 4792  
research in order to be eligible for appointment to the 4793  
commission. 4794

(3) The governor shall select a chairperson from among the 4795  
members, who shall serve in that role at the pleasure of the 4796  
governor. Sections 101.82 to 101.87 of the Revised Code do not 4797  
apply to the commission. 4798

(C) The commission shall meet at least once during each 4799

quarter of the calendar year or at the call of the chairperson. A 4800  
majority of all members of the commission constitutes a quorum, 4801  
and no action shall be taken without the concurrence of a majority 4802  
of the members. 4803

(D) The commission shall administer any money that may be 4804  
appropriated to it by the general assembly. The commission may use 4805  
such money for research and commercialization and for any other 4806  
purposes that may be designated by the commission. 4807

(E) The ~~department of development~~ services agency shall 4808  
provide office space and facilities for the commission. 4809  
Administrative costs associated with the operation of the 4810  
commission or with any program or activity administered by the 4811  
commission shall be paid from amounts appropriated to the 4812  
commission or to the ~~department of development~~ agency for such 4813  
purposes. 4814

(F) The attorney general shall serve as the legal 4815  
representative for the commission and may appoint other counsel as 4816  
necessary for that purpose in accordance with section 109.07 of 4817  
the Revised Code. 4818

(G) Members of the commission shall serve without 4819  
compensation, but shall receive their reasonable and necessary 4820  
expenses incurred in the conduct of commission business. 4821

(H) Members of the commission shall file financial disclosure 4822  
statements described in division (B) of section 102.02 of the 4823  
Revised Code. 4824

Sec. 184.011. As used in this chapter, "department of 4825  
development" means the development services agency and "director 4826  
of development" means the director of development services. 4827

Sec. 184.02. (A) In addition to the powers and duties under 4828  
sections 121.22, 122.15 to 122.154, 122.28, 122.30 to 122.36, 4829

184.10 to 184.20 and 184.37 of the Revised Code, the third 4830  
frontier commission may perform any act to ensure the performance 4831  
of any function necessary or appropriate to carry out the purposes 4832  
of, and exercise the powers granted under, sections 184.01 and 4833  
184.02 of the Revised Code. In addition, the commission may do any 4834  
of the following: 4835

(1) Adopt, amend, and rescind rules under section 111.15 of 4836  
the Revised Code for the administration of any aspect of its 4837  
operations; 4838

(2) Adopt bylaws governing its operations, including bylaws 4839  
that establish procedures and set policies as may be necessary to 4840  
assist with the furtherance of its purposes; 4841

(3) Appoint and set the compensation of employees needed to 4842  
carry out its duties; 4843

(4) Contract with, retain the services of, or designate, and 4844  
fix the compensation of, such financial consultants, accountants, 4845  
other consultants and advisors, and other independent contractors 4846  
as may be necessary or desirable to carry out its duties; 4847

(5) Solicit input and comments from the third frontier 4848  
advisory board, and specialized industry, professional, and other 4849  
relevant interest groups concerning its purposes; 4850

(6) Facilitate alignment of the state's science and 4851  
technology programs and activities; 4852

(7) Make grants and loans to individuals, public agencies, 4853  
private companies or organizations, or joint ventures for any of 4854  
the broad range of activities related to its purposes. 4855

(B) In addition to the powers and duties under sections 4856  
184.10 to 184.20 and 184.37 of the Revised Code, the commission 4857  
shall do all of the following: 4858

(1) Establish a competitive process for the award of grants 4859

and loans that is designed to fund the most meritorious proposals 4860  
and, when appropriate, provide for peer review of proposals; 4861

(2) Within ninety days after the end of each fiscal year, 4862  
submit to the governor and the general assembly a report of the 4863  
activities of the commission during the preceding fiscal year; 4864

(3) With specific application to the biomedical research and 4865  
technology transfer trust fund, periodically make strategic 4866  
assessments of the types of state investments in biomedical 4867  
research and biotechnology in the state that would likely create 4868  
jobs and business opportunities in the state and produce the most 4869  
beneficial long-term improvements to the public health of Ohioans, 4870  
including, but not limited to, biomedical research and 4871  
biotechnology initiatives that address tobacco-related illnesses 4872  
as may be outlined in any master agreement. The commission shall 4873  
award grants and loans from the fund pursuant to a process 4874  
established under division (B)(1) of this section. 4875

**Sec. 187.01.** As used in this chapter, "JobsOhio" means the 4876  
nonprofit corporation formed under this section, and includes any 4877  
subsidiary of that corporation. In any section of law that refers 4878  
to the nonprofit corporation formed under this section, reference 4879  
to the corporation includes reference to any such subsidiary 4880  
unless otherwise specified or clearly appearing from the context. 4881

The governor is hereby authorized to form a nonprofit 4882  
corporation, to be named "JobsOhio," with the purposes of 4883  
promoting economic development, job creation, job retention, job 4884  
training, and the recruitment of business to this state. Except as 4885  
otherwise provided in this chapter, the corporation shall be 4886  
organized and operated in accordance with Chapter 1702. of the 4887  
Revised Code. The governor shall sign and file articles of 4888  
incorporation for the corporation with the secretary of state. The 4889  
legal existence of the corporation shall begin upon the filing of 4890

the articles. 4891

In addition to meeting the requirements for articles of 4892  
incorporation in Chapter 1702. of the Revised Code, the articles 4893  
of incorporation for the nonprofit corporation shall set forth the 4894  
following: 4895

(A) The designation of the name of the corporation as 4896  
JobsOhio; 4897

(B) The creation of a board of directors consisting of nine 4898  
directors, to be appointed by the governor, who satisfy the 4899  
qualifications prescribed by section 187.02 of the Revised Code; 4900

(C) A requirement that the governor make initial appointments 4901  
to the board within sixty days after the filing of the articles of 4902  
incorporation. Of the initial appointments made to the board, two 4903  
shall be for a term ending one year after the date the articles 4904  
were filed, two shall be for a term ending two years after the 4905  
date the articles were filed, and five shall be for a term ending 4906  
four years after the date the articles were filed. The articles 4907  
shall state that, following the initial appointments, the governor 4908  
shall appoint directors to terms of office of four years, with 4909  
each term of office ending on the same day of the same month as 4910  
did the term that it succeeds. If any director dies, resigns, or 4911  
the director's status changes such that any of the requirements of 4912  
division (C) of section 187.02 of the Revised Code are no longer 4913  
met, that director's seat on the board shall become immediately 4914  
vacant. The governor shall forthwith fill the vacancy by 4915  
appointment for the remainder of the term of office of the vacated 4916  
seat. 4917

(D) A requirement that the governor appoint one director to 4918  
be chairperson of the board and procedures for electing directors 4919  
to serve as officers of the corporation and members of an 4920  
executive committee; 4921

(E) A provision for the appointment of a chief investment officer of the corporation by the recommendation of the board and approval of the governor. The chief investment officer shall serve at the pleasure of the board and shall have the power to execute contracts, spend corporation funds, and hire employees on behalf of the corporation. If the position of chief investment officer becomes vacant for any reason, the vacancy shall be filled in the same manner as provided in this division.

(F) Provisions requiring the board to do all of the following:

(1) Adopt one or more resolutions providing for compensation of the chief investment officer;

(2) Approve an employee compensation plan recommended by the chief investment officer;

(3) Approve a contract with the director of development services for the corporation to assist the director and the ~~department of development~~ services agency with providing services or otherwise carrying out the functions or duties of the ~~department~~ agency, including the operation and management of programs, offices, divisions, or boards, as may be determined by the director of development services in consultation with the governor;

(4) Approve all major contracts for services recommended by the chief investment officer;

(5) Establish an annual strategic plan and standards of measure to be used in evaluating the corporation's success in executing the plan;

(6) Establish a conflicts of interest policy that, at a minimum, complies with section 187.06 of the Revised Code;

(7) Hold a minimum of four board of directors meetings per



year at which a quorum of the board is physically present, and 4952  
such other meetings, at which directors' physical presence is not 4953  
required, as may be necessary. Meetings at which a quorum of the 4954  
board is required to be physically present are subject to 4955  
divisions (C), (D), and (E) of section 187.03 of the Revised Code. 4956

(8) Establish a records retention policy and present the 4957  
policy, and any subsequent changes to the policy, at a meeting of 4958  
the board of directors at which a quorum of the board is required 4959  
to be physically present pursuant to division (F)(7) of this 4960  
section; 4961

(9) Adopt standards of conduct for the directors. 4962

(G) A statement that directors shall not receive any 4963  
compensation from the corporation, except that directors may be 4964  
reimbursed for actual and necessary expenses incurred in 4965  
connection with services performed for the corporation; 4966

(H) A provision authorizing the board to amend provisions of 4967  
the corporation's articles of incorporation or regulations, except 4968  
provisions required by this chapter; 4969

(I) Procedures by which the corporation would be dissolved 4970  
and by which all corporation rights and assets would be 4971  
distributed to the state or to another corporation organized under 4972  
this chapter. These procedures shall incorporate any separate 4973  
procedures subsequently set forth in this chapter for the 4974  
dissolution of the corporation. The articles shall state that no 4975  
dissolution shall take effect until the corporation has made 4976  
adequate provision for the payment of any outstanding bonds, 4977  
notes, or other obligations. 4978

(J) A provision establishing an audit committee to be 4979  
comprised of directors. The articles shall require that the audit 4980  
committee hire an independent certified public accountant to 4981  
perform a financial audit of the corporation at least once every 4982

year. 4983

(K) A provision authorizing a majority of the disinterested 4984  
directors to remove a director for misconduct, as that term may be 4985  
defined in the articles or regulations of the corporation. The 4986  
removal of a director under this division creates a vacancy on the 4987  
board that the governor shall fill by appointment for the 4988  
remainder of the term of office of the vacated seat. 4989

**Sec. 187.03.** (A) JobsOhio may perform such functions as 4990  
permitted and shall perform such duties as prescribed by law and 4991  
as set forth in any contract entered into under section 187.04 of 4992  
the Revised Code, but shall not be considered a state or public 4993  
department, agency, office, body, institution, or instrumentality 4994  
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 4995  
of the Revised Code. JobsOhio and its board of directors are not 4996  
subject to the following sections of Chapter 1702. of the Revised 4997  
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 4998  
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 4999  
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 5000  
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 5001  
division shall be construed to impair the powers and duties of the 5002  
Ohio ethics commission described in section 102.06 of the Revised 5003  
Code to investigate and enforce section 102.02 of the Revised Code 5004  
with regard to individuals required to file statements under 5005  
division (B)(2) of this section. 5006

(B)(1) Directors and employees of JobsOhio are not employees 5007  
or officials of the state and, except as provided in division 5008  
(B)(2) of this section, are not subject to Chapter 102., 124., 5009  
145., or 4117. of the Revised Code. 5010

(2) The chief investment officer, any other officer or 5011  
employee with significant administrative, supervisory, 5012  
contracting, or investment authority, and any director of JobsOhio 5013

shall file, with the Ohio ethics commission, a financial 5014  
disclosure statement pursuant to section 102.02 of the Revised 5015  
Code that includes, in place of the information required by 5016  
divisions (A)(2), (7), (8), and (9) of that section, the 5017  
information required by divisions (A) and (B) of section 102.022 5018  
of the Revised Code. The governor shall comply with all applicable 5019  
requirements of section 102.02 of the Revised Code. 5020

(3) Actual or in-kind expenditures for the travel, meals, or 5021  
lodging of the governor or of any public official or employee 5022  
designated by the governor for the purpose of this division shall 5023  
not be considered a violation of section 102.03 of the Revised 5024  
Code if the expenditures are made by the corporation, or on behalf 5025  
of the corporation by any person, in connection with the 5026  
governor's performance of official duties related to JobsOhio. The 5027  
governor may designate any person, including a person who is a 5028  
public official or employee as defined in section 102.01 of the 5029  
Revised Code, for the purpose of this division if such 5030  
expenditures are made on behalf of the person in connection with 5031  
the governor's performance of official duties related to JobsOhio. 5032  
A public official or employee so designated by the governor shall 5033  
comply with all applicable requirements of section 102.02 of the 5034  
Revised Code. 5035

At the times and frequency agreed to under division (B)(2)(b) 5036  
of section 187.04 of the Revised Code, beginning in 2012, the 5037  
corporation shall file with the ~~department of~~ development services 5038  
agency a written report of all such expenditures paid or incurred 5039  
during the preceding calendar year. The report shall state the 5040  
dollar value and purpose of each expenditure, the date of each 5041  
expenditure, the name of the person that paid or incurred each 5042  
expenditure, and the location, if any, where services or benefits 5043  
of an expenditure were received, provided that any such 5044  
information that may disclose proprietary information as defined 5045

in division (C) of this section shall not be included in the 5046  
report. 5047

(4) The prohibition applicable to former public officials or 5048  
employees in division (A)(1) of section 102.03 of the Revised Code 5049  
does not apply to any person appointed to be a director or hired 5050  
as an employee of JobsOhio. 5051

(5) Notwithstanding division (A)(2) of section 145.01 of the 5052  
Revised Code, any person who is a former state employee shall no 5053  
longer be considered a public employee for purposes of Chapter 5054  
145. of the Revised Code upon commencement of employment with 5055  
JobsOhio. 5056

(6) Any director, officer, or employee of JobsOhio may 5057  
request an advisory opinion from the Ohio ethics commission with 5058  
regard to questions concerning the provisions of sections 102.02 5059  
and 102.022 of the Revised Code to which the person is subject. 5060

(C) Meetings of the board of directors at which a quorum of 5061  
the board is required to be physically present pursuant to 5062  
division (F) of section 187.01 of the Revised Code shall be open 5063  
to the public except, by a majority vote of the directors present 5064  
at the meeting, such a meeting may be closed to the public only 5065  
for one or more of the following purposes: 5066

(1) To consider business strategy of the corporation; 5067

(2) To consider proprietary information belonging to 5068  
potential applicants or potential recipients of business 5069  
recruitment, retention, or creation incentives. For the purposes 5070  
of this division, "proprietary information" means marketing plans, 5071  
specific business strategy, production techniques and trade 5072  
secrets, financial projections, or personal financial statements 5073  
of applicants or members of the applicants' immediate family, 5074  
including, but not limited to, tax records or other similar 5075  
information not open to the public inspection. 5076

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;	5077 5078
(4) To consider personnel matters related to an individual employee of the corporation.	5079 5080
(D) The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings described in division (C) of this section. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.	5081 5082 5083 5084 5085 5086
(E) The board of directors shall promptly prepare, file, and maintain minutes of all public meetings described in division (C) of this section.	5087 5088 5089
(F) Not later than March 1, 2012, and the first day of March of each year thereafter, the chief investment officer of JobsOhio shall prepare and submit a report of the corporation's activities for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:	5090 5091 5092 5093 5094 5095 5096
(1) An analysis of the state's economy;	5097
(2) A description of the structure, operation, and financial status of the corporation;	5098 5099
(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate its progress;	5100 5101 5102
(4) An evaluation of the performance of current strategies and major initiatives;	5103 5104
(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job	5105 5106

growth in the state identified by JobsOhio during the preceding 5107  
year. 5108

**Sec. 187.04.** (A) The As used in this chapter, "public money" 5109  
means all moneys in the treasury of the state or moneys lawfully 5110  
due and payable to the possession or custody of the treasurer of 5111  
state. 5112

The director of development services, as soon as practical 5113  
after the effective date of this section February 18, 2011, shall 5114  
execute a contract with JobsOhio for the corporation to assist the 5115  
director and the ~~department of~~ development services agency with 5116  
providing services or otherwise carrying out the functions or 5117  
duties of the ~~department~~ agency, including the operation and 5118  
management of programs, offices, divisions, or boards, as may be 5119  
determined by the director in consultation with the governor. The 5120  
approval or disapproval of awards involving public money shall 5121  
remain functions of the ~~department~~ agency. All contracts for 5122  
grants, loans, and tax incentives involving public money shall be 5123  
between the ~~department~~ agency and the recipient and shall be 5124  
enforced by the ~~department~~ agency. JobsOhio may not execute 5125  
contracts obligating the ~~department~~ agency for loans, grants, tax 5126  
credits, or incentive awards recommended by JobsOhio to the 5127  
~~department~~ agency. Prior to execution, all contracts between the 5128  
director and JobsOhio entered into under this section that 5129  
obligate the agency to pay JobsOhio for services rendered are 5130  
subject to controlling board approval. 5131

The term of a an initial contract entered into under this 5132  
section shall not extend beyond June 30, 2013. Thereafter, the 5133  
director and JobsOhio may renew the contract for subsequent fiscal 5134  
biennia, but at no time shall a particular contract be effective 5135  
for longer than a fiscal biennium of the general assembly, ~~but may~~ 5136  
~~be renewed or amended by the parties.~~ 5137

JobsOhio's provision of services to the agency as described 5138  
in this section shall be pursuant to a contract entered into under 5139  
this section. If at any time the director determines that the 5140  
contract with JobsOhio may not be renewed for the subsequent 5141  
fiscal biennium, the director shall notify JobsOhio of the 5142  
director's decision not later than one hundred twenty days prior 5143  
to the end of the current fiscal biennium. If the director does 5144  
not provide such written notice to JobsOhio prior to one hundred 5145  
days before the end of the current fiscal biennium, the contract 5146  
shall be renewed upon such terms as the parties may agree, subject 5147  
to the requirements of this section. 5148

(B) A contract entered into under this section shall include 5149  
all of the following: 5150

(1) Terms assigning to the corporation the duties of advising 5151  
and assisting the director ~~of development~~ in the director's 5152  
evaluation of the ~~department~~ agency and the formulation of 5153  
recommendations under section 187.05 of the Revised Code; 5154

(2) Terms designating records created or received by JobsOhio 5155  
that shall be made available to the public under the same 5156  
conditions as are public records under section 149.43 of the 5157  
Revised Code. Documents designated to be made available to the 5158  
public pursuant to the contract shall be kept on file with the 5159  
~~department of development~~ agency. 5160

Among records to be designated under this division shall be 5161  
the following: 5162

(a) The corporation's federal income tax returns; 5163

(b) The report of expenditures described in division (B)(3) 5164  
of section 187.03 of the Revised Code. The records shall be filed 5165  
with the ~~department~~ agency at such times and frequency as agreed 5166  
to by the corporation and the ~~department~~ agency, which shall not 5167  
be less frequently than quarterly. 5168

(c) The annual total compensation paid to each officer and employee of the corporation;	5169 5170
(d) A copy of the audit report for each financial audit of the corporation performed by an independent certified public accountant pursuant to division (J) of section 187.01 of the Revised Code.	5171 5172 5173 5174
(e) Records of any fully executed incentive proposals, to be filed annually;	5175 5176
(f) Records pertaining to the monitoring of commitments made by incentive recipients, to be filed annually;	5177 5178
(g) A copy of the minutes of all public meetings described in division (C) of section 187.03 of the Revised Code not otherwise closed to the public.	5179 5180 5181
(3) The following statement acknowledging that JobsOhio is not acting as an agent of the state:	5182 5183
"JobsOhio shall have no power or authority to bind the state or to assume or create an obligation or responsibility, expressed or implied, on behalf of the state or in its name, nor shall JobsOhio represent to any person that it has any such power or authority, except as expressly provided in this contract."	5184 5185 5186 5187 5188
(C) Records created or received by JobsOhio are not public records for the purposes of section 149.43 of the Revised Code, regardless of who may have custody of the records, unless the record is designated to be available to the public by the contract under division (B)(2) of this section.	5189 5190 5191 5192 5193
(D) Any contract executed under authority of this section shall not negate, impair, or otherwise adversely affect the obligation of this state to pay debt charges on securities executed by the director <del>of development</del> or issued by the treasurer of state, Ohio public facilities commission, or any other issuing	5194 5195 5196 5197 5198



authority under Chapter 122., 151., 165., or 166. of the Revised Code to fund economic development programs of the state, or to abide by any pledge or covenant relating to the payment of those debt charges made in any related proceedings. As used in this division, "debt charges," "proceedings," and "securities" have the same meanings as in section 133.01 of the Revised Code.

(E) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the ~~department~~ agency from contracting with JobsOhio to perform any of the following functions:

(1) Promoting and advocating for the state;

(2) Making recommendations to the ~~department~~ agency;

(3) Performing research for the ~~department~~ agency;

(4) Establishing and managing programs or offices on behalf of the ~~department~~ agency, by contract;

(5) Negotiating on behalf of the state.

(F) Nothing in this section, other than the requirement of controlling board approval, shall prohibit the ~~department~~ agency from compensating JobsOhio from funds currently appropriated to the ~~department~~ agency to perform the functions described in division (E) of this section.

**Sec. 187.05.** The director of development services, as soon as practical after ~~the effective date of this section~~ February 18, 2011, shall, in consultation with the governor, evaluate all powers, functions, and duties of the ~~department~~ development services agency. Within six months after ~~that effective date~~ February 18, 2011, the director shall submit a report to the general assembly recommending statutory changes necessary to improve the functioning and efficiency of the ~~department~~ agency and to transfer specified powers, functions, and duties of the

~~department~~ agency to other existing agencies of the state or to 5229  
JobsOhio, or eliminate specified powers, functions, or duties. The 5230  
recommendations shall be submitted in writing to the speaker and 5231  
minority leader of the house of representatives and the president 5232  
and minority leader of the senate. 5233

After submitting the report, the director, in consultation 5234  
with the governor, shall continue to evaluate the ~~department~~ 5235  
agency and make additional recommendations on such matters to the 5236  
general assembly. 5237

**Sec. 929.03.** (A)(1) No public entity with authority to levy 5238  
special assessments on real property shall collect an assessment 5239  
for purposes of sewer, water, or electrical service on real 5240  
property that is within an agricultural district as described in 5241  
division (A)(2) of this section without the permission of the 5242  
owner, except that any assessment may be collected on a lot 5243  
surrounding a dwelling or other structure not used in agricultural 5244  
production that does not exceed one acre or the minimum area 5245  
required by local zoning or subdivision rules, whichever is the 5246  
greater area. 5247

(2) For purposes of division (A)(1) of this section, an 5248  
agricultural district is such a district that is established: 5249

(a) In the case of counties, prior to the adoption of a 5250  
resolution of necessity by a board of county commissioners, 5251  
pursuant to section 6103.05 or 6117.06 of the Revised Code; 5252

(b) In the case of municipal corporations, prior to whichever 5253  
of the following occurs first: 5254

(i) The adoption of the resolution of necessity by the 5255  
municipal legislative authority, pursuant to section 727.12 or 5256  
729.02 of the Revised Code; 5257

(ii) The service of notice on all or some of the owners to be 5258

assessed pursuant to section 729.06 of the Revised Code; 5259

(iii) The adoption of the resolution or ordinance by the 5260  
municipal legislative authority declaring the necessity for the 5261  
improvement, the costs of which are to be assessed under 5262  
procedures authorized by a municipal charter adopted pursuant to 5263  
Section 7 of Article XVIII, Ohio Constitution, or, if no such 5264  
ordinance or resolution is required under the charter, the service 5265  
of the first notice on all or some of the owners of lands to be 5266  
assessed, or the adoption of the first ordinance or resolution by 5267  
the municipal legislative authority pertaining to the assessment 5268  
proceedings under the charter. 5269

(c) In the case of a regional water and sewer district 5270  
established pursuant to Chapter 6119. of the Revised Code, prior 5271  
to the adoption of a resolution of necessity by the board of 5272  
trustees of the district under section 6119.25 of the Revised 5273  
Code. 5274

(B) For each special assessment levied by a public entity on 5275  
real property within an agricultural district for purposes of 5276  
sewer, water, or electrical service, the county auditor shall make 5277  
and maintain a list showing: 5278

(1) The name of the owner of each lot, tract, or parcel of 5279  
land that is exempt from the collection of the special assessment 5280  
under this section; 5281

(2) A description of the exempt land; 5282

(3) The purpose of the special assessment; 5283

(4) The amount of the uncollected assessment on the exempt 5284  
land. 5285

In the case of a county project constructed under Chapter 5286  
6103. or 6117. of the Revised Code, the county auditor may use a 5287  
list provided for in those chapters in lieu of the list required 5288

by division (B) of this section. The auditor shall also record in 5289  
the water works record required by section 6103.16 of the Revised 5290  
Code or the sewer improvement record required by section 6117.33 5291  
of the Revised Code those assessments not collected under this 5292  
section. The recording of the assessments does not permit the 5293  
collection of the assessments until such time as exempt lands are 5294  
withdrawn from agricultural districts or converted to 5295  
nonagricultural use. 5296

(C) If at any time any of the owner's exempt land, other than 5297  
a lot sold or transferred to a son, daughter, brother, sister, 5298  
mother, or father for the purpose of constructing a dwelling in 5299  
which the relative will reside for at least three years, is 5300  
withdrawn from an agricultural district or if the owner of the 5301  
exempt land uses on that land the service for which the special 5302  
assessment was assessed, the public entity may collect the entire 5303  
uncollected assessment, except as otherwise provided in this 5304  
division, in addition to an amount equal to the rate of interest 5305  
that any bonds or notes issued for the project for which the 5306  
assessment was made did bear for the number of years the land was 5307  
exempted, not to exceed twenty-five or the number of years for 5308  
which the bonds or notes were issued, whichever is the lesser 5309  
number. The owner shall notify the county auditor of any 5310  
withdrawal from a district or use of the service within ninety 5311  
days following the withdrawal or use of the service. The charge 5312  
shall constitute a lien of the public entity upon the land and 5313  
shall continue until discharged. All liens shall be recorded in 5314  
the appropriate county recorder's office. Moneys collected as a 5315  
result of the charge shall be deposited in the appropriate fund of 5316  
the public entity that levied the special assessment. 5317

If the owner of exempt land sells or transfers a lot to ~~his~~ 5318  
the owner's son, daughter, brother, sister, mother, or father for 5319  
the purpose of constructing a dwelling in which the relative will 5320

reside for at least three years, and if the owner or the buyer of 5321  
the lot uses the service for which the special assessment was 5322  
assessed only to provide service to that lot, the owner of the lot 5323  
shall pay only that portion of the uncollected assessment and 5324  
interest that applies to the lot. 5325

If at any time any part of an owner's exempt land is 5326  
appropriated, the owner shall pay only that portion of the 5327  
uncollected assessment and interest that applies to the 5328  
appropriated parcel of land. 5329

In lieu of immediate payment of the uncollected assessment 5330  
and interest, the board of county commissioners, legislative 5331  
authority of a municipal corporation, or other governing board of 5332  
any other public entity may, upon the request of the owner, 5333  
establish an extended repayment schedule for the owner. If the 5334  
board, legislative authority, or other governing board establishes 5335  
such a schedule, it shall notify the county auditor of the 5336  
schedule. 5337

~~(D) A board of county commissioners, legislative authority of 5338  
a municipal corporation, or other governing board of any other 5339  
public entity may apply to the water and sewer commission, created 5340  
by division (C) of section 1525.11 of the Revised Code, for an 5341  
advance of moneys from the water and sewer fund, created by 5342  
division (A) of section 1525.11 of the Revised Code, in an amount 5343  
equal to that portion of the costs of a water or sewer improvement 5344  
authorized by law that is to be financed by assessments whose 5345  
collection is prohibited under division (A) of this section. The 5346  
application for such an advance of moneys shall be made in the 5347  
manner prescribed by rules of the commission. Upon collection of 5348  
any assessment whose collection was prohibited under division (A) 5349  
of this section, the board of county commissioners, legislative 5350  
authority, or other governing board shall repay the commission the 5351  
amount of any moneys advanced by it in regard to the assessments. 5352~~

Sec. 1551.01. As used in this chapter: 5353

(A) "Governmental agency" means the United States government 5354  
or any department, agency, or instrumentality thereof; any 5355  
department, agency, or instrumentality of a state government; any 5356  
municipal corporation, county, township, board of education, or 5357  
other political subdivision or any other body corporate and 5358  
politic of a state; or any agency, commission, or authority 5359  
established under an interstate compact or agreement. 5360

(B) "Energy resource development facility" means any energy 5361  
resource development, research, or conservation facility, 5362  
including pilot as well as demonstration facilities, and including 5363  
undivided or other interests therein, acquired or to be acquired, 5364  
or constructed or to be constructed under this chapter or Chapter 5365  
6121. or 6123. of the Revised Code, or acquired or to be acquired, 5366  
or constructed or to be constructed by a governmental agency or 5367  
person with all or a part of the cost thereof being paid from a 5368  
loan or grant under such chapters, including all buildings and 5369  
facilities that the director of development services determines 5370  
necessary for the operation of the facility, together with all 5371  
property, rights, easements, and interests that may be required 5372  
for the operation of the facility, which facilities may include: 5373

(1) Any building, testing facility, testing device, or 5374  
support facilities which would provide experimental, 5375  
demonstration, or testing capabilities or services not otherwise 5376  
available in this state and which are necessary for the 5377  
accomplishment of the purposes of this chapter; 5378

(2) Any method, process, structure, or equipment that is used 5379  
to store coal, oil, natural gas, fuel for nuclear reactors, or any 5380  
other form of energy; 5381

(3) Any method, process, structure, or equipment that is used 5382  
to recover or convert coal, oil, natural gas, steam, or other form 5383

of energy from property located within the state for the purpose 5384  
of supplying energy for utilization; 5385

(4) Any method, process, structure, or equipment that is 5386  
designed to result in more efficient recovery, conversion, or 5387  
utilization of energy resources within the state, including any 5388  
scrap tire recovery facility for which a registration certificate 5389  
or permit has been issued under section 3734.78 of the Revised 5390  
Code; 5391

(5) Any improvement that is designed to improve the thermal 5392  
efficiency of a building or structure or reduce the fuel or power 5393  
needed to heat, cool, light, ventilate, or provide hot water in a 5394  
building or structure; 5395

(6) Any improvement designed to enable the substitution of 5396  
coal or alternate fuel, other than natural gas, for natural gas or 5397  
a petroleum fuel, or the conversion of coal to other fuels; 5398

(7) Any improvement designed to enable the combustion of high 5399  
sulfur coal in compliance with air or water pollution control or 5400  
solid waste disposal laws, including, but not limited to, any 5401  
facility for processing coal to remove sulfur before combustion of 5402  
the coal, for fluidized bed combustion, or for removal of the 5403  
sulfur before the products of combustion are emitted or 5404  
discharged. 5405

(C) "Cost" as applied to an energy resource development 5406  
facility means the cost of acquisition and construction, the cost 5407  
of acquisition of all land, rights-of-way, property rights, 5408  
easements, franchise rights, and interests required for such 5409  
acquisition and construction, the cost of demolishing or removing 5410  
any buildings or structures on land so acquired, including the 5411  
cost of acquiring any lands to which such buildings or structures 5412  
may be moved, the cost of acquiring or constructing and equipping 5413  
a principal office and sub-offices of the department of 5414

development, the cost of diverting highways, interchange of 5415  
highways, access roads to private property, including the cost of 5416  
land or easements for such access roads, the cost of public 5417  
utility and common carrier relocation or duplication, the cost of 5418  
all machinery, furnishings, and equipment, financing charges, 5419  
interest prior to and during construction and for no more than 5420  
eighteen months after completion of construction, engineering, 5421  
expenses of research and development with respect to the facility, 5422  
legal expenses, plans, specifications, surveys, studies, estimates 5423  
of cost and revenues, working capital, other expenses necessary or 5424  
incident to determining the feasibility or practicability of 5425  
acquiring or constructing such facility, administrative expense, 5426  
and such other expense as may be necessary or incident to the 5427  
acquisition or construction of the facility, the financing of such 5428  
acquisition or construction, including the amount authorized in 5429  
the resolution of the Ohio water development authority providing 5430  
for the issuance of energy resource development revenue bonds to 5431  
be paid into any special funds from the proceeds of such bonds, 5432  
and the financing of the placing of such facility in operation. 5433  
Any obligation, cost, or expense incurred after August 26, 1975, 5434  
by any governmental agency or person for surveys, borings, 5435  
preparation of plans and specifications, and other engineering 5436  
services, or any other cost described above, in connection with 5437  
the acquisition or construction of a facility may be regarded as a 5438  
part of the cost of such facility and may be reimbursed out of the 5439  
proceeds of energy resource development revenue bonds. 5440

(D) "Revenues" means all rentals and other charges received 5441  
by the Ohio water development authority for the use or services of 5442  
any energy resource development facility, any contract, gift, or 5443  
grant received with respect to any energy resource development 5444  
facility, and moneys received with respect to the lease, sublease, 5445  
sale, including installment sale or conditional sale, or other 5446  
disposition of an energy resource development facility, moneys 5447



received in repayment of and for interest on any loans made by the 5448  
authority to a person or governmental agency, whether from the 5449  
United States or any department, administration, or agency 5450  
thereof, or otherwise, proceeds of energy resource development 5451  
revenue bonds to the extent that the use thereof for payment of 5452  
principal of, premium, if any, or interest on the bonds is 5453  
authorized by the authority, proceeds from any insurance, 5454  
condemnation, or guaranty pertaining to a facility or property 5455  
mortgaged to secure bonds or pertaining to the financing of a 5456  
facility, and income and profit from the investment of the 5457  
proceeds of energy resource development revenue bonds or of any 5458  
revenues. 5459

(E) "Construction," unless the context indicates a different 5460  
meaning or intent, includes construction, reconstruction, 5461  
enlargement, improvement, or providing furnishings or equipment. 5462

(F) "Energy resource development revenue bonds," unless the 5463  
context indicates a different meaning or intent, includes energy 5464  
resource development revenue bonds, energy resource development 5465  
revenue notes, and energy resource development revenue refunding 5466  
bonds. 5467

(G) "Energy" means work or heat that is, or can be, produced 5468  
from any fuel or source whatsoever. 5469

(H) "Energy audit" means any process by which energy usage or 5470  
costs of heating, cooling, lighting, and climate control in a 5471  
building or structure are determined. 5472

(I) "Energy conservation" means preservation of energy 5473  
resources by efficient utilization, and reduction of waste. 5474

(J) "Energy conservation measure" means any modification of a 5475  
building, structure, machine, appliance, vehicle, improvement, or 5476  
process in order to improve its efficiency of energy use or energy 5477  
costs. 5478

(K) "Fuel" means petroleum, crude oil, petroleum product, 5479  
coal, natural gas, synthetic natural or artificial gas, nuclear, 5480  
or other substance used primarily for its energy content. 5481

(L) "Net energy analysis" means the determination of the 5482  
amount of energy remaining after all energy outputs have been 5483  
subtracted from the energy inputs of a given system. 5484

(M) "Department of development" means the development 5485  
services agency and "director of development" means the director 5486  
of development services. 5487

Sec. 3735.01. As used in this chapter, "department of 5488  
development" means the development services agency and "director 5489  
of development" means the director of development services. 5490

**Sec. 3735.672.** (A) On or before the thirty-first day of March 5491  
each year, a legislative authority that has entered into an 5492  
agreement with a party under section 3735.671 of the Revised Code 5493  
shall submit to the director of development services and the board 5494  
of education of each school district of which a municipal 5495  
corporation or township to which such an agreement applies is a 5496  
part a report on all such agreements in effect during the 5497  
preceding calendar year. The report shall include the following 5498  
information: 5499

(1) The designation, assigned by the director of development 5500  
services, of each community reinvestment area within the municipal 5501  
corporation or county, and the total population of each area 5502  
according to the most recent data available; 5503

(2) The number of agreements and the number of full-time 5504  
employees subject to those agreements within each area, each 5505  
according to the most recent data available and identified and 5506  
categorized by the appropriate standard industrial code, and the 5507  
rate of unemployment in the municipal corporation or county in 5508

which the area is located for each year since the area was 5509  
certified; 5510

(3) The number of agreements approved and executed during the 5511  
calendar year for which the report is submitted, the total number 5512  
of agreements in effect on the thirty-first day of December of the 5513  
preceding calendar year, the number of agreements that expired 5514  
during the calendar year for which the report is submitted, and 5515  
the number of agreements scheduled to expire during the calendar 5516  
year in which the report is submitted. For each agreement that 5517  
expired during the calendar year for which the report is 5518  
submitted, the legislative authority shall include the amount of 5519  
taxes exempted under the agreement. 5520

(4) The number of agreements receiving compliance reviews by 5521  
the tax incentive review council in the municipal corporation or 5522  
county during the calendar year for which the report is submitted, 5523  
including all of the following information: 5524

(a) The number of agreements the terms of which the party has 5525  
complied with, indicating separately for each such agreement the 5526  
value of the real property exempted pursuant to the agreement and 5527  
a comparison of the stipulated and actual schedules for hiring new 5528  
employees, for retaining existing employees, and for the amount of 5529  
payroll of the party attributable to these employees; 5530

(b) The number of agreements the terms of which a party has 5531  
failed to comply with, indicating separately for each such 5532  
agreement the value of the real and personal property exempted 5533  
pursuant to the agreement and a comparison of the stipulated and 5534  
actual schedules for hiring new employees, for retaining existing 5535  
employees, and for the amount of payroll of the enterprise 5536  
attributable to these employees; 5537

(c) The number of agreements about which the tax incentive 5538  
review council made recommendations to the legislative authority, 5539

and the number of such recommendations that have not been 5540  
followed; 5541

(d) The number of agreements rescinded during the calendar 5542  
year for which the report is submitted. 5543

(5) The number of parties subject to agreements that expanded 5544  
within each area, including the number of new employees hired and 5545  
existing employees retained by that party, and the number of new 5546  
parties subject to agreements that established within each area, 5547  
including the number of new employees hired by each party; 5548

(6) For each agreement in effect during any part of the 5549  
preceding year, the number of employees employed by the party at 5550  
the property that is the subject of the agreement immediately 5551  
prior to formal approval of the agreement, the number of employees 5552  
employed by the party at that property on the thirty-first day of 5553  
December of the preceding year, the payroll of the party for the 5554  
preceding year, the amount of taxes paid on real property that was 5555  
exempted under the agreement, and the amount of such taxes that 5556  
were not paid because of the exemption. 5557

(B) Upon the failure of a municipal corporation or county to 5558  
comply with division (A) of this section: 5559

(1) Beginning on the first day of April of the calendar year 5560  
in which the municipal corporation or county fails to comply with 5561  
that division, the municipal corporation or county shall not enter 5562  
into any agreements under section 3735.671 of the Revised Code 5563  
until the municipal corporation or county has complied with 5564  
division (A) of this section. 5565

(2) On the first day of each ensuing calendar month until the 5566  
municipal corporation or county complies with that division, the 5567  
director of development services shall either order the proper 5568  
county auditor to deduct from the next succeeding payment of taxes 5569  
to the municipal corporation or county under section 321.31, 5570

321.32, 321.33, or 321.34 of the Revised Code an amount equal to 5571  
five hundred dollars for each calendar month the municipal 5572  
corporation or county fails to comply with that division, or order 5573  
the county auditor to deduct such an amount from the next 5574  
succeeding payment to the municipal corporation or county from the 5575  
undivided local government fund under section 5747.51 of the 5576  
Revised Code. At the time such a payment is made, the county 5577  
auditor shall comply with the director's order by issuing a 5578  
warrant, drawn on the fund from which such money would have been 5579  
paid, to the director of development services, who shall deposit 5580  
the warrant into the state community reinvestment area program 5581  
administration fund created in division (C) of this section. 5582

(C) The director, by rule, shall establish the state's 5583  
application fee for applications submitted to a municipal 5584  
corporation or county to enter into an agreement under section 5585  
3735.671 of the Revised Code. In establishing the amount of the 5586  
fee, the director shall consider the state's cost of administering 5587  
the community reinvestment area program, including the cost of 5588  
reviewing the reports required under division (A) of this section. 5589  
The director may change the amount of the fee at such times and in 5590  
such increments as the director considers necessary. Any municipal 5591  
corporation or county that receives an application shall collect 5592  
the application fee and remit the fee for deposit in the state 5593  
treasury to the credit of the ~~tax incentive programs operating~~ 5594  
business assistance fund created in section 122.174 of the Revised 5595  
Code. 5596

**Sec. 3746.35.** (A) Not later than September 1, 1996, and not 5597  
later than the first day of September of each subsequent year, the 5598  
director of environmental protection shall prepare and submit to 5599  
the chairpersons of the respective standing committees of the 5600  
senate and house of representatives primarily responsible for 5601  
considering environmental and taxation matters a report regarding 5602

the voluntary action program established under this chapter and 5603  
rules adopted under it and the tax abatements granted pursuant to 5604  
sections 5709.87 and 5709.88 of the Revised Code for properties 5605  
where voluntary actions were conducted. Each annual report shall 5606  
include, without limitation, all of the following: 5607

(1) Both of the following for each property for which a 5608  
covenant not to sue was issued under section 3746.12 of the 5609  
Revised Code during the preceding calendar year: 5610

(a) The address of the property and name of the person who 5611  
undertook the voluntary action at the property; 5612

(b) Whether the applicable standards governing the voluntary 5613  
action were the interim standards established in section 3746.07 5614  
of the Revised Code or the generic numerical clean-up standards 5615  
established in rules adopted under division (B)(1) of section 5616  
3746.04 of the Revised Code, were established through the 5617  
performance of a risk assessment pursuant to rules adopted under 5618  
division (B)(2) of section 3746.04 of the Revised Code, or were 5619  
set forth in a variance issued under section 3746.09 of the 5620  
Revised Code. 5621

(2) All of the following for each property for which a 5622  
variance was issued under section 3746.09 of the Revised Code 5623  
during the preceding calendar year: 5624

(a) The address of the property and the name of the person to 5625  
whom the variance was issued; 5626

(b) A summary of the alternative standards and terms and 5627  
conditions of the variance and brief description of the 5628  
improvement in environmental conditions at the property that is 5629  
anticipated to result from compliance with the alternative 5630  
standards and terms and conditions set forth in the variance; 5631

(c) A brief description of the economic benefits to the 5632  
person to whom the variance was issued and the community in which 5633

the property is located that are anticipated to result from the 5634  
undertaking of the voluntary action in compliance with the 5635  
alternative standards and terms and conditions set forth in the 5636  
variance. 5637

(3) The number of audits performed under section 3746.17 of 5638  
the Revised Code during the preceding calendar year and, in 5639  
connection with each of them, at least the following information: 5640

(a) The address of the property in connection with which the 5641  
audit was performed and the name of the person who undertook the 5642  
voluntary action at the property; 5643

(b) An indication as to whether the audit was a random audit 5644  
or was conducted in accordance with the priorities established in 5645  
rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 5646  
of the Revised Code and, if the audit was conducted in accordance 5647  
with those priorities, an indication as to which of them resulted 5648  
in the selection of the voluntary action for an audit; 5649

(c) A brief summary of the findings of the audit and any 5650  
action taken by the environmental protection agency as a result of 5651  
those findings. 5652

(4) The number of covenants not to sue revoked during the 5653  
preceding calendar year through the operation of divisions 5654  
(A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 5655  
3746.18, and division (B) of section 3746.19 of the Revised Code 5656  
and for each property for which a covenant was revoked, at least 5657  
both of the following: 5658

(a) The address of the property affected by the revocation 5659  
and name of the person who undertook the voluntary action at the 5660  
property; 5661

(b) The reason for the revocation. 5662

(5) The amount of money credited to the voluntary action 5663

administration fund created in section 3746.16 of the Revised Code 5664  
during the preceding fiscal year from the fees established in 5665  
divisions (D) and (H) of section 3746.07 and division (C) of 5666  
section 3746.13 of the Revised Code and from civil penalties 5667  
imposed under section 3746.22 of the Revised Code. The report 5668  
shall indicate the amount of money that arose from each of the 5669  
fees and from the civil penalties. The report also shall include 5670  
the amount of money expended from the fund during the preceding 5671  
fiscal year by program category, including, without limitation, 5672  
the amount expended for conducting audits under section 3746.17 of 5673  
the Revised Code during the preceding fiscal year. 5674

(6) For each property that is receiving a tax abatement under 5675  
section 5709.87 of the Revised Code for the preceding tax year, 5676  
the amount of the valuation exempted from real property taxation 5677  
for that tax year under that section. In order to comply with 5678  
division (A)(6) of this section, the director shall include in the 5679  
annual report the report required ~~to be provided to the director~~ 5680  
~~by the director of development~~ under division (B)(2) of this 5681  
section. ~~The sole responsibility of the director of environmental~~ 5682  
~~protection regarding the report provided to the director under~~ 5683  
~~that division is to include it in the annual report prepared under~~ 5684  
~~division (A) of this section.~~ 5685

(7) For each property that is receiving a tax abatement 5686  
pursuant to an agreement with a municipal corporation or county 5687  
entered into under section 5709.88 of the Revised Code, the amount 5688  
of the valuation exempted from real or personal property taxation. 5689  
In order to comply with division (A)(7) of this section, the 5690  
director shall include in the annual report the report required ~~to~~ 5691  
~~be provided to the director by the director of development~~ under 5692  
division (C) of this section. ~~The sole responsibility of the~~ 5693  
~~director of environmental protection regarding the report provided~~ 5694  
~~to the director under that division is to include it in the annual~~ 5695



~~report prepared under division (A) of this section.~~ 5696

(B)(1) Not later than March 31, 1996, the county auditor of 5697  
each county in which is located any property that is receiving a 5698  
tax abatement under section 5709.87 of the Revised Code shall 5699  
report to the director of ~~development~~ environmental protection for 5700  
each such property both of the following as applicable to tax year 5701  
1995: 5702

(a) The address of the property and the name of the owner as 5703  
stated in the records of the county auditor of the county in which 5704  
the property is located; 5705

(b) The amount of the valuation of the property that was 5706  
exempted from real property taxation under that section. 5707

Not later than the thirty-first day of March of each 5708  
subsequent year, each such county auditor shall report the 5709  
information described in those divisions to the director of 5710  
~~development~~ environmental protection for each property within the 5711  
county that is receiving a tax abatement under that section for 5712  
the preceding tax year. 5713

(2) Not later than July 1, 1996, and not later than the first 5714  
day of July of each subsequent year, the director of ~~development~~ 5715  
environmental protection shall compile the information provided to 5716  
the director under division (B)(1) of this section applicable to 5717  
the preceding tax year into a report covering all of the counties 5718  
in the state in which are located properties receiving a tax 5719  
abatement under section 5709.87 of the Revised Code for the 5720  
preceding tax year ~~and shall forward the report to the director of~~ 5721  
~~environmental protection. The sole responsibility of the director~~ 5722  
~~of development in preparing the report is to compile the~~ 5723  
~~information submitted to the director by the county auditors under~~ 5724  
~~division (B)(1) of this section.~~ 5725

(C) Not later than July 1, 1996, and not later than the first 5726

day of July of each subsequent year, the director of ~~development~~ 5727  
environmental protection shall compile the information provided to 5728  
the director by municipal corporations and counties under division 5729  
(A) of section 5709.882 of the Revised Code applicable to the 5730  
preceding calendar year into a report covering, by county, all of 5731  
the municipal corporations and counties in this state in which are 5732  
located properties receiving a tax abatement pursuant to an 5733  
agreement entered into under section 5709.88 of the Revised Code 5734  
~~and shall forward the report to the director of environmental~~ 5735  
~~protection. The sole responsibility of the director of development~~ 5736  
~~in preparing the report is to compile the information submitted to~~ 5737  
~~him by municipal corporations and counties under division (A) of~~ 5738  
~~section 5709.882 of the Revised Code.~~ 5739

**Sec. 5117.22.** All petroleum violation escrow funds received 5740  
by this state from the federal government shall be deposited in 5741  
the state treasury to the credit of the energy oil overcharge 5742  
fund, which is hereby created. The fund shall be used by the 5743  
~~department of development~~ services agency for energy conservation 5744  
and assistance programs approved by the United States department 5745  
of energy. All investment earnings of the fund shall be credited 5746  
to the fund. 5747

**Sec. 5701.15.** As used in Title LVII of the Revised Code, 5748  
"department of development" means the development services agency 5749  
and "director of development" means the director of development 5750  
services. 5751

**Sec. 5709.68.** (A) On or before the thirty-first day of March 5752  
each year, a municipal corporation or county that has entered into 5753  
an agreement with an enterprise under section 5709.62, 5709.63, or 5754  
5709.632 of the Revised Code shall submit to the director of 5755  
development services and the board of education of each school 5756

district of which a municipal corporation or township to which 5757  
such an agreement applies is a part a report on all of those 5758  
agreements in effect during the preceding calendar year. The 5759  
report shall include all of the following information: 5760

(1) The designation, assigned by the director of development 5761  
services, of each urban jobs and enterprise zone within the 5762  
municipal corporation or county, the date each zone was certified, 5763  
the name of each municipal corporation or township within each 5764  
zone, and the total population of each zone according to the most 5765  
recent data available; 5766

(2) The number of enterprises that are subject to those 5767  
agreements and the number of full-time employees subject to those 5768  
agreements within each zone, each according to the most recent 5769  
data available and identified and categorized by the appropriate 5770  
standard industrial code, and the rate of unemployment in the 5771  
municipal corporation or county in which the zone is located for 5772  
each year since each zone was certified; 5773

(3) The number of agreements approved and executed during the 5774  
calendar year for which the report is submitted, the total number 5775  
of agreements in effect on the thirty-first day of December of the 5776  
preceding calendar year, the number of agreements that expired 5777  
during the calendar year for which the report is submitted, and 5778  
the number of agreements scheduled to expire during the calendar 5779  
year in which the report is submitted. For each agreement that 5780  
expired during the calendar year for which the report is 5781  
submitted, the municipal corporation or county shall include the 5782  
amount of taxes exempted and the estimated dollar value of any 5783  
other incentives provided under the agreement. 5784

(4) The number of agreements receiving compliance reviews by 5785  
the tax incentive review council in the municipal corporation or 5786  
county during the calendar year for which the report is submitted, 5787  
including all of the following information: 5788

(a) The number of agreements the terms of which an enterprise 5789  
has complied with, indicating separately for each agreement the 5790  
value of the real and personal property exempted pursuant to the 5791  
agreement and a comparison of the stipulated and actual schedules 5792  
for hiring new employees, for retaining existing employees, for 5793  
the amount of payroll of the enterprise attributable to these 5794  
employees, and for investing in establishing, expanding, 5795  
renovating, or occupying a facility; 5796

(b) The number of agreements the terms of which an enterprise 5797  
has failed to comply with, indicating separately for each 5798  
agreement the value of the real and personal property exempted 5799  
pursuant to the agreement and a comparison of the stipulated and 5800  
actual schedules for hiring new employees, for retaining existing 5801  
employees, for the amount of payroll of the enterprise 5802  
attributable to these employees, and for investing in 5803  
establishing, expanding, renovating, or occupying a facility; 5804

(c) The number of agreements about which the tax incentive 5805  
review council made recommendations to the legislative authority 5806  
of the municipal corporation or county, and the number of those 5807  
recommendations that have not been followed; 5808

(d) The number of agreements rescinded during the calendar 5809  
year for which the report is submitted. 5810

(5) The number of enterprises that are subject to agreements 5811  
that expanded within each zone, including the number of new 5812  
employees hired and existing employees retained by each 5813  
enterprise, and the number of new enterprises that are subject to 5814  
agreements and that established within each zone, including the 5815  
number of new employees hired by each enterprise; 5816

(6)(a) The number of enterprises that are subject to 5817  
agreements and that closed or reduced employment at any place of 5818  
business within the state for the primary purpose of establishing, 5819

expanding, renovating, or occupying a facility, indicating 5820  
separately for each enterprise the political subdivision in which 5821  
the enterprise closed or reduced employment at a place of business 5822  
and the number of full-time employees transferred and retained by 5823  
each such place of business; 5824

(b) The number of enterprises that are subject to agreements 5825  
and that closed or reduced employment at any place of business 5826  
outside the state for the primary purpose of establishing, 5827  
expanding, renovating, or occupying a facility. 5828

(7) For each agreement in effect during any part of the 5829  
preceding year, the number of employees employed by the enterprise 5830  
at the project site immediately prior to formal approval of the 5831  
agreement, the number of employees employed by the enterprise at 5832  
the project site on the thirty-first day of December of the 5833  
preceding year, the payroll of the enterprise for the preceding 5834  
year, the amount of taxes paid on tangible personal property 5835  
situated at the project site and the amount of those taxes that 5836  
were not paid because of the exemption granted under the 5837  
agreement, and the amount of taxes paid on real property 5838  
constituting the project site and the amount of those taxes that 5839  
were not paid because of the exemption granted under the 5840  
agreement. If an agreement was entered into under section 5709.632 5841  
of the Revised Code with an enterprise described in division 5842  
(B)(2) of that section, the report shall include the number of 5843  
employee positions at all of the enterprise's locations in this 5844  
state. If an agreement is conditioned on a waiver issued under 5845  
division (B) of section 5709.633 of the Revised Code on the basis 5846  
of the circumstance described in division (B)(3)(a) or (b) of that 5847  
section, the report shall include the number of employees at the 5848  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 5849  
section, respectively. 5850

(B) Upon the failure of a municipal corporation or county to 5851

comply with division (A) of this section: 5852

(1) Beginning on the first day of April of the calendar year 5853  
in which the municipal corporation or county fails to comply with 5854  
that division, the municipal corporation or county shall not enter 5855  
into any agreements with an enterprise under section 5709.62, 5856  
5709.63, or 5709.632 of the Revised Code until the municipal 5857  
corporation or county has complied with division (A) of this 5858  
section. 5859

(2) On the first day of each ensuing calendar month until the 5860  
municipal corporation or county complies with division (A) of this 5861  
section, the director of development services shall either order 5862  
the proper county auditor to deduct from the next succeeding 5863  
payment of taxes to the municipal corporation or county under 5864  
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 5865  
amount equal to one thousand dollars for each calendar month the 5866  
municipal corporation or county fails to comply with that 5867  
division, or order the county auditor to deduct that amount from 5868  
the next succeeding payment to the municipal corporation or county 5869  
from the undivided local government fund under section 5747.51 of 5870  
the Revised Code. At the time such a payment is made, the county 5871  
auditor shall comply with the director's order by issuing a 5872  
warrant, drawn on the fund from which the money would have been 5873  
paid, to the director of development services, who shall deposit 5874  
the warrant into the state enterprise zone program administration 5875  
fund created in division (C) of this section. 5876

(C) The director, by rule, shall establish the state's 5877  
application fee for applications submitted to a municipal 5878  
corporation or county to enter into an agreement under section 5879  
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 5880  
the amount of the fee, the director shall consider the state's 5881  
cost of administering the enterprise zone program, including the 5882  
cost of reviewing the reports required under division (A) of this 5883

section. The director may change the amount of the fee at the 5884  
times and in the increments the director considers necessary. Any 5885  
municipal corporation or county that receives an application shall 5886  
collect the application fee and remit the fee for deposit in the 5887  
state treasury to the credit of the ~~tax incentive programs~~ 5888  
~~operating~~ business assistance fund created in section 122.174 of 5889  
the Revised Code. 5890

(D) On or before the thirtieth day of June each year, the 5891  
director of development services shall certify to the tax 5892  
commissioner the information described under division (A)(7) of 5893  
this section, derived from the reports submitted to the director 5894  
under this section. 5895

On the basis of the information certified under this 5896  
division, the tax commissioner annually shall submit a report to 5897  
the governor, the speaker of the house of representatives, the 5898  
president of the senate, and the chairpersons of the ways and 5899  
means committees of the respective houses of the general assembly, 5900  
indicating for each enterprise zone the amount of state and local 5901  
taxes that were not required to be paid because of exemptions 5902  
granted under agreements entered into under section 5709.62, 5903  
5709.63, or 5709.632 of the Revised Code and the amount of 5904  
additional taxes paid from the payroll of new employees. 5905

**Sec. 6103.052.** (A) ~~A board of county commissioners may apply 5906  
to the water and sewer commission, created by division (C) of 5907  
section 1525.11 of the Revised Code, for an advance of moneys from 5908  
the water and sewer fund, created by division (A) of section 5909  
1525.11 of the Revised Code, in an amount equal to that portion of 5910  
the costs of an improvement authorized under sections 6103.02 to 5911  
6103.30 of the Revised Code which is to be financed by assessments 5912  
whose collection is deferred pursuant to division (B) of this 5913  
section. The application for such an advance of moneys shall be 5914~~

~~made in the manner prescribed by rules of the commission.~~ 5915

(B) At any time prior to the expiration of the five-day 5916  
period provided by section 6103.05 of the Revised Code for the 5917  
filing of written objections, any owner of property which is 5918  
classified on the general tax list of the county auditor as 5919  
agricultural land and has been assessed for the extension of a 5920  
main water line over or along such property under sections 6103.02 5921  
to 6103.30 of the Revised Code may file with the board of county 5922  
commissioners a request in writing for deferment of the collection 5923  
of ~~his~~ the owner's assessment if the main water line ~~serves a~~ 5924  
~~purpose set forth in section 1525.13 of the Revised Code for which~~ 5925  
~~the water and sewer fund may be used~~ provides water facilities to 5926  
aid in the establishment of new industrial plants, the expansion 5927  
of existing industrial plants, or such other industrial 5928  
development, or provides water facilities to aid in the 5929  
establishment of commercial and residential developments. Such 5930  
request shall identify the property in connection with which the 5931  
request for deferment is made, shall describe its present use and 5932  
present classification on the general tax list of the county 5933  
auditor, shall state its estimated market value, showing 5934  
separately the value of the land and the value of the buildings 5935  
thereon, shall state the reasons, if any, why a portion of the 5936  
benefit of the improvement will not be realized until the use of 5937  
the land is changed, and shall state the amount to be deferred. 5938  
The board shall promptly consider such request and may order the 5939  
deferment of the collection of that portion of the assessment 5940  
representing a benefit from the improvement that will not be 5941  
realized until the use of the land is changed. The board may, upon 5942  
request of an owner whose property has been assessed for the 5943  
extension of a main water line over or along such property under 5944  
sections 6103.02 to 6103.31 of the Revised Code, defer all or any 5945  
part of the assessment on property which is classified on the 5946  
general tax list of the county auditor as agricultural land, by 5947



attributing the amount of such assessment or part thereof as 5948  
tap-in charges, if the main water line serves a purpose set forth 5949  
~~in section 1525.13 of the Revised Code for which the water and~~ 5950  
~~sewer fund may be used. A deferment under this section may be~~ 5951  
~~conditioned upon the approval of the advance of moneys applied for~~ 5952  
~~pursuant to division (A) of this section, and a maximum length of~~ 5953  
~~the deferment may be fixed to coincide with the maximum time~~ 5954  
~~within which the advance must be repaid. The decision on the~~ 5955  
~~request for deferment of collection of assessments shall be made~~ 5956  
~~pursuant to standards established by rules of the commission~~ 5957  
provides water facilities to aid in the establishment of new 5958  
industrial plants, the expansion of existing industrial plants, or 5959  
such other industrial development, or provides water facilities to 5960  
aid in the establishment of commercial and residential 5961  
developments. Upon determination and approval of final 5962  
assessments, the board of county commissioners shall certify all 5963  
deferred assessments and a fee equal to ~~any fee paid by the board~~ 5964  
~~to the commission pursuant to division (C) of section 1525.12 of~~ 5965  
~~the Revised Code attributable to the~~ two per cent of the amount of 5966  
the deferred assessments to the county auditor. For purposes of 5967  
this section, "assessment," "deferred assessment," or "assessment 5968  
deferred under this section" mean the fee and the deferred 5969  
assessment certified to the county auditor. The county auditor 5970  
shall record an assessment deferred under this section in the 5971  
water works record. Such record shall be kept until such time as 5972  
the assessments are paid in full or certified for collection in 5973  
installments as provided in this section. During the time when the 5974  
assessment is deferred there shall be a lien on the property 5975  
assessed, which lien shall arise at the time of recordation by the 5976  
county auditor and shall be in force until the assessments are 5977  
paid in full or certified for collection in installments. 5978

~~(C)~~(B) The board of county commissioners shall defer the 5979  
collection of an assessment, except the amount of such assessment 5980

or part thereof attributable as tap-in charges, which has been 5981  
deferred pursuant to division ~~(B)~~(A) of this section on or before 5982  
January 1, 1987, beyond the expiration of the maximum time for the 5983  
original deferment if the property owner requests in writing, no 5984  
later than six months prior to the expiration of the original 5985  
deferment, that the assessment be further deferred and as long as 5986  
the property owner's land could qualify for placement in an 5987  
agricultural district pursuant to section 929.02 of the Revised 5988  
Code. 5989

The board shall regularly review the use and ownership of the 5990  
property for which the collection of assessments has been deferred 5991  
pursuant to this division, and upon finding that the land could no 5992  
longer qualify for placement in an agricultural district pursuant 5993  
to section 929.02 of the Revised Code, the board shall immediately 5994  
collect, without interest, the full amount of the assessment 5995  
~~deferred and repay the commission the amount of any moneys~~ 5996  
~~advanced by it in regard to such assessment. The board shall pay~~ 5997  
~~all such amounts to the commission in one annual payment or longer~~ 5998  
~~period as approved by the commission. The board shall pay, from~~ 5999  
~~the general funds of the county, interest annually at the interest~~ 6000  
~~rate per annum equal to that rate of interest published as the~~ 6001  
~~20-bond index rate in "The Bond Buyer" minus four per cent per~~ 6002  
~~annum or at five per cent per annum, whichever is greater, for any~~ 6003  
~~moneys not repaid to the commission pursuant to this division~~ 6004  
~~within one year of the date of the disqualification of the~~ 6005  
~~property for the continual deferment which requires such~~ 6006  
~~repayment. The interest rate for any moneys not repaid to the~~ 6007  
~~commission shall be calculated one year from the date of the~~ 6008  
~~disqualification of the property for the continual deferment which~~ 6009  
~~requires such repayment, and annually thereafter.~~ 6010

~~(D)~~(C) The board of county commissioners shall send a notice 6011  
by regular or certified mail to all owners of property on which 6012

assessments have been deferred pursuant to division ~~(B)~~(A) of this 6013  
section, which lists the expiration of the deferment, not later 6014  
than two hundred ten days prior to the expiration of the deferment 6015  
of those assessments. 6016

~~(E)~~(D) The board shall collect the assessments, without 6017  
interest, which have been deferred pursuant to division ~~(B)~~(A) of 6018  
this section upon expiration of the maximum time for which 6019  
deferments were made ~~and repay the commission the amount of any~~ 6020  
~~moneys advanced by it in regard to such assessments;~~ provided, 6021  
that for a property owner who requests in writing, no later than 6022  
six months prior to the expiration of the deferment period, that 6023  
payment of ~~his~~ the owner's deferred assessments be in 6024  
installments, the board of county commissioners upon expiration of 6025  
the deferment period may by resolution further certify for 6026  
collection pursuant to section 6103.16 of the Revised Code, such 6027  
deferred assessments in installments over not more than twenty 6028  
years, as determined by the board, together with interest thereon 6029  
each year on the unpaid balance at the same rate borne by bonds of 6030  
the county which shall be issued in anticipation thereof as 6031  
provided in Chapter 133. of the Revised Code, ~~and the proceeds of~~ 6032  
~~the bond issue used to repay such deferred assessments to the~~ 6033  
~~commission.~~ 6034

Assessments which have been deferred by attribution as tap-in 6035  
charges under division ~~(B)~~(A) of this section shall be collected 6036  
as deferred assessments at that time. ~~As the board collects tap-in~~ 6037  
~~charges which are deferred assessments under division (B) of this~~ 6038  
~~section, it shall repay the commission the amount thereof which~~ 6039  
~~was advanced by it in regard to such assessments.~~ An owner of 6040  
property for which assessments have been deferred under division 6041  
~~(B)~~(A) of this section, in requesting a tap-in may, subject to the 6042  
approval of the board, designate a part of an entire assessed 6043  
tract as the part which the tap-in is to serve, and the board 6044

shall collect the deferred assessment on that tract in the 6045  
proportion that the part bears to the entire tract, on a front 6046  
foot or other basis approved by the commission, but if in the 6047  
judgment of the board the tap-in is reasonably intended to serve 6048  
the entire tract or substantially all of the tract, it shall 6049  
collect the deferred assessment for the entire tract. 6050

Prior to the expiration of the maximum time of deferment, the 6051  
board shall regularly review the use of the property for which the 6052  
collection of assessments has been deferred and upon finding, 6053  
~~pursuant to the rules of the commission,~~ that the use of the land 6054  
has changed from the use at the time of the deferment so that the 6055  
benefit of the improvement can then be realized, the board shall 6056  
immediately collect the full amount of the assessment for the 6057  
portion of the property for which the use has so changed, without 6058  
interest, ~~and repay the commission the amount of any moneys~~ 6059  
~~advanced by it in regard to such assessment. The board shall pay~~ 6060  
~~all such amounts to the commission in one annual payment or longer~~ 6061  
~~period as approved by the commission. The board of county~~ 6062  
~~commissioners shall pay, from the general funds of the county,~~ 6063  
~~interest annually at the interest rate per annum equal to that~~ 6064  
~~rate of interest published as the 20 bond index rate in "The Bond~~ 6065  
~~Buyer" minus four per cent per annum or at five per cent per~~ 6066  
~~annum, whichever is greater, for any moneys not repaid to the~~ 6067  
~~commission pursuant to this division within one year of the date~~ 6068  
~~of the change in the use of property requiring such repayment, or~~ 6069  
~~of the date upon which payment of a tap in charge is required by~~ 6070  
~~law to be made, whichever date is applicable. The interest rate~~ 6071  
~~for any moneys not repaid to the commission shall be calculated~~ 6072  
~~one year from the date of the change in the use of property~~ 6073  
~~requiring such repayment or from the date upon which payment of a~~ 6074  
~~tap in charge is required by law to be made, whichever date is~~ 6075  
~~applicable, and annually thereafter.~~ 6076

~~Sec. 6117.062. (A) A board of county commissioners may apply to the water and sewer commission, created by division (C) of section 1525.11 of the Revised Code, for an advance of moneys from the water and sewer fund, created by division (A) of section 1525.11 of the Revised Code, in an amount equal to that portion of the costs of an improvement authorized under sections 6117.01 to 6117.45 of the Revised Code which is to be financed by assessments whose collection is deferred pursuant to division (B) of this section. The application for such an advance of moneys shall be made in the manner prescribed by rules of the commission.~~

~~(B) At any time prior to the expiration of the five-day period provided by section 6117.06 of the Revised Code for the filing of written objections, any owner of property which is classified on the general tax list of the county auditor as agricultural land and has been assessed for the extension of a trunk sewer line over or along such property under sections 6117.01 to 6117.45 of the Revised Code may file with the board of county commissioners a request in writing for deferment of the collection of ~~his~~ the assessment if the trunk sewer line ~~serves a purpose, as set forth in section 1525.13 of the Revised Code, for which the fund may be used~~ provides sewer facilities to aid in the establishment of new industrial plants, the expansion of existing industrial plants, or such other industrial development, or provides sewer facilities to aid in the establishment of commercial and residential developments. Such request shall identify the property in connection with which the request for deferment is made, shall describe its present use and present classification on the general tax list of the county auditor, shall state its estimated market value, showing separately the value of the land and the value of the buildings thereon, shall state the reasons, if any, why a portion of the benefit of the improvement will not be realized until the use of the land is~~

changed, and shall state the amount to be deferred. The board 6109  
shall promptly consider such request and may order the deferment 6110  
of the collection of that portion of the assessment representing a 6111  
benefit from the improvement which will not be realized until the 6112  
use of the land is changed. The board may, upon request of an 6113  
owner whose property has been assessed for the extension of a 6114  
trunk sewer line over or along such property under sections 6115  
6117.01 to 6117.45 of the Revised Code, defer all or any part of 6116  
the assessment on property which is classified on the general tax 6117  
list as agricultural land, by attributing the amount of such 6118  
assessment or part thereof as tap-in charges, if the trunk sewer 6119  
line ~~serves a purpose set forth in section 1525.13 of the Revised~~ 6120  
~~Code for which the fund may be used. A deferment under this~~ 6121  
~~section may be conditioned upon the approval of the advance of~~ 6122  
~~moneys applied for pursuant to division (A) of this section, and a~~ 6123  
~~maximum length of the deferment may be fixed to coincide with the~~ 6124  
~~maximum time within which the advance must be repaid. The decision~~ 6125  
~~on the request for deferment of collection of assessments shall be~~ 6126  
~~made pursuant to standards established by rules of the commission~~ 6127  
provides sewer facilities to aid in the establishment of new 6128  
industrial plants, the expansion of existing industrial plants, or 6129  
such other industrial development, or provides sewer facilities to 6130  
aid in the establishment of commercial and residential 6131  
developments. Upon determination and approval of final 6132  
assessments, the board of county commissioners shall certify all 6133  
deferred assessments and a fee equal to ~~any fee paid by the board~~ 6134  
~~to the commission pursuant to division (C) of section 1525.12 of~~ 6135  
~~the Revised Code attributable to the deferred payments~~ two per 6136  
cent of the amount of the deferred assessments to the county 6137  
auditor. For purposes of this section, "assessment," "deferred 6138  
assessment," or "assessment deferred under this section" mean the 6139  
fee and the deferred assessment certified to the county auditor. 6140  
The county auditor shall record an assessment deferred under this 6141

section in the sewer improvement record. Such record shall be kept 6142  
until such time as the assessments are paid in full or certified 6143  
for collection in installments as provided in this section. During 6144  
the time when the assessment is deferred there shall be a lien on 6145  
the property assessed, which lien shall arise at the time of 6146  
recordation by the county auditor and which shall be in force 6147  
until the assessments are paid in full or certified for collection 6148  
in installments. 6149

~~(C)~~(B) The board of county commissioners shall defer the 6150  
collection of an assessment, except the amount of such assessment 6151  
or part thereof attributable as tap-in charges, which has been 6152  
deferred pursuant to division ~~(B)~~(A) of this section on or before 6153  
January 1, 1987, beyond the expiration of the maximum time for the 6154  
original deferment if the property owner requests in writing, no 6155  
later than six months prior to the expiration of the original 6156  
deferment, that the assessment be further deferred and as long as 6157  
the property owner's land could qualify for placement in an 6158  
agricultural district pursuant to section 929.02 of the Revised 6159  
Code. 6160

The board shall regularly review the use and ownership of the 6161  
property for which the collection of assessments has been deferred 6162  
pursuant to this division, and upon finding that the land could no 6163  
longer qualify for placement in an agricultural district pursuant 6164  
to section 929.02 of the Revised Code, the board shall immediately 6165  
collect, without interest, the full amount of the assessment 6166  
~~deferred and repay the commission the amount of any moneys~~ 6167  
~~advanced by it in regard to such assessment. The board shall pay~~ 6168  
~~all such amounts to the commission in one annual payment or longer~~ 6169  
~~period as approved by the commission. The board shall pay, from~~ 6170  
~~the general funds of the county, interest annually at the interest~~ 6171  
~~rate per annum equal to that rate of interest published as the~~ 6172  
~~20 bond index rate in "The Bond Buyer" minus four per cent per~~ 6173

~~annum or at five per cent per annum, whichever rate is greater, 6174  
for any moneys not repaid to the commission pursuant to this 6175  
division within one year of the date of the disqualification of 6176  
the property for the continual deferment which requires such 6177  
repayment. The interest rate for any moneys not repaid to the 6178  
commission shall be calculated one year from the date of the 6179  
disqualification of the property for the continual deferment which 6180  
requires such repayment, and annually thereafter. 6181~~

~~(D)~~(C) The board of county commissioners shall send a notice 6182  
by regular or certified mail to all owners of property on which 6183  
assessments have been deferred pursuant to division ~~(B)~~(A) of this 6184  
section, which lists the expiration of the deferment, not later 6185  
than two hundred ten days prior to the expiration of the deferment 6186  
of those assessments. 6187

~~(E)~~(D) The board shall collect assessments, without interest, 6188  
which have been deferred pursuant to division ~~(B)~~(A) of this 6189  
section upon expiration of the maximum time for which deferments 6190  
were made ~~and repay the commission the amount of any moneys 6191  
advanced by it in regard to such assessments;~~ provided that for a 6192  
property owner who requests in writing, no later than six months 6193  
prior to the expiration of the deferment period, that payment of 6194  
~~his~~ the deferred assessments be in installments, the board of 6195  
county commissioners upon expiration of the deferment period may 6196  
by resolution further certify for collection pursuant to section 6197  
6117.33 of the Revised Code, such deferred assessments in 6198  
installments over not more than twenty years, as determined by the 6199  
board, together with interest thereon each year on the unpaid 6200  
balance at the same rate borne by bonds of the county which shall 6201  
be issued in anticipation thereof as provided in Chapter 133. of 6202  
the Revised Code, ~~and the proceeds of the bond issue used to repay 6203  
such deferred assessments to the commission.~~ Prior to the 6204  
expiration of the maximum time of deferment, the board shall 6205



regularly review the use of the property for which the collection 6206  
of assessments has been deferred and upon finding, ~~pursuant to the~~ 6207  
~~rules of the commission,~~ that the use of the land has changed from 6208  
the use at the time of the deferment so that the benefit of the 6209  
improvement can then be realized, the board shall immediately 6210  
collect the full amount of the assessment for the portion of the 6211  
property for which the use has so changed, without interest, ~~and~~ 6212  
~~repay the commission the amount of any moneys advanced by it in~~ 6213  
~~regard to such assessment. The board shall pay all such amounts to~~ 6214  
~~the commission in one annual payment or longer period as approved~~ 6215  
~~by the commission. The board shall pay, from the general funds of~~ 6216  
~~the county, interest annually at the interest rate per annum equal~~ 6217  
~~to that rate of interest published as the 20 bond index rate in~~ 6218  
~~"The Bond Buyer" minus four per cent per annum or at five per cent~~ 6219  
~~per annum, whichever is greater, for any moneys not repaid to the~~ 6220  
~~commission pursuant to this division within one year of the date~~ 6221  
~~of the change in the use of property requiring such repayment, or~~ 6222  
~~of the date upon which payment of a tap in charge is required by~~ 6223  
~~law to be made, whichever date is applicable. The interest rate~~ 6224  
~~for any moneys not repaid to the commission shall be calculated~~ 6225  
~~one year from the date of the change in the use of property~~ 6226  
~~requiring such repayment or from the date upon which payment of a~~ 6227  
~~tap in charge is required by law to be made, whichever date is~~ 6228  
~~applicable, and annually thereafter.~~ 6229

**Section 2.** That existing sections 9.981, 102.03, 121.02, 6230  
121.03, 121.22, 122.01, 122.011, 122.07, 122.071, 122.17, 122.171, 6231  
122.174, 122.175, 122.39, 122.41, 122.42, 122.43, 122.44, 122.48, 6232  
122.49, 122.50, 122.51, 122.52, 122.53, 122.561, 122.57, 122.60, 6233  
122.601, 122.602, 122.603, 122.61, 122.62, 122.64, 122.76, 122.80, 6234  
122.86, 149.43, 164.05, 164.06, 164.08, 166.01, 166.04, 166.05, 6235  
166.13, 166.14, 166.18, 166.19, 166.25, 166.30, 174.01, 184.01, 6236  
184.02, 187.01, 187.03, 187.04, 187.05, 929.03, 1551.01, 3735.672, 6237

3746.35, 5117.22, 5709.68, 6103.052, and 6117.062 and sections 6238  
1525.11, 1525.12, 1525.13, and 6111.034 of the Revised Code are 6239  
hereby repealed. 6240

**Section 3.** Section 122.40 of the Revised Code is hereby 6241  
repealed, effective July 1, 2012. 6242

**Section 4.** In enacting this act, it is the intent of the 6243  
General Assembly that changing the name of the "Department of 6244  
Development" to the Development Services Agency and the name of 6245  
the "Director of Development" to the Director of Development 6246  
Services does not do either of the following: 6247

(A) Make substantive changes in statutory law; 6248

(B) Cause unnecessary expense. The letterhead, forms, printed 6249  
materials, and signage displaying the former name of the 6250  
Department may be used until they are replaced. 6251

**Section 5.** Upon the effective date of this act, all 6252  
references to the Department of Development or Director of 6253  
Development in other uncodified sections of law in Am. Sub. H.B. 6254  
153 of the 129th General Assembly and Am. Sub. H.B. 114 of the 6255  
129th General Assembly, shall be deemed to refer to the 6256  
Development Services Agency or the Director of Development 6257  
Services, respectively. 6258

**Section 6.** (A) There is hereby established a five-year pilot 6259  
program to test a new funding mechanism for the state's travel and 6260  
tourism marketing. The funding mechanism shall begin operation in 6261  
fiscal year 2014 and be calculated as follows: 6262

(1)(a) Not later than the twentieth day of October of each 6263  
year, starting in 2013 and ending in 2017, the Tax Commissioner 6264  
shall calculate the growth in fiscal year sales tax revenue from 6265

certain defined categories that are related to tourism and certify 6266  
that amount to the Director of Budget and Management. 6267

(b) Not later than the twentieth day of October of each year, 6268  
starting in 2013 and ending in 2017, the Commissioner shall 6269  
calculate and certify to the Director the difference, if greater 6270  
than zero, between the revenue collected from the tax imposed 6271  
under section 5739.02 of the Revised Code during the twelve-month 6272  
period ending on the last day of the preceding June and the 6273  
revenue collected during the same twelve-month period one year 6274  
earlier, for all vendors classified under the industry codes 6275  
identified in division (A)(2) of this section. On or before the 6276  
last day of October of each year, starting in 2013 and ending in 6277  
2017, the Director of Budget and Management shall transfer from 6278  
the General Revenue Fund to the Tourism Fund created in section 6279  
122.072 of the Revised Code the amount certified by the 6280  
Commissioner under this division, except that the transfer shall 6281  
not exceed ten million dollars for any fiscal year. 6282

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 6283  
Commissioner shall adjust the ten million annual dollar limit on 6284  
transfers to the Tourism Fund. The adjustment shall be made by 6285  
adding to the annual limit the product of multiplying the limit 6286  
for the preceding fiscal year by the sum of one plus the 6287  
percentage increase in the Consumer Price Index for all urban 6288  
consumers for the Midwest region, as determined by the United 6289  
States Bureau of Labor Statistics, for the twelve-month period 6290  
corresponding to the preceding fiscal year. The result shall be 6291  
rounded to the nearest one thousand dollars. The calculation of 6292  
the percentage increase in the Consumer Price Index shall be done 6293  
by taking the average index value over the twelve months of the 6294  
last completed fiscal year and comparing that to the average index 6295  
value over the twelve months of the immediately preceding fiscal 6296  
year. 6297

(2) The following industries included in the industrial classification system used by the Tax Commissioner shall be used in the computations under division (A)(1) of this section: air transportation; water transportation; interurban and rural bus transportation; taxi service; limousine service; other transit and ground passenger transportation; scenic and sightseeing transportation; support activities for air transportation; automotive equipment rental and leasing; travel arrangement and reservation services; performing arts companies; spectator sports; independent artists, writers, and performers; museums, historical sites, and similar institutions; amusement parks and arcades; gambling industries; hotels and motels; casino hotels; bed-and-breakfast inns; other travel accommodations; recreational vehicle parks and recreational camps; full-service restaurants; limited-service eating places; drinking places (alcoholic beverages).

(B) The pilot program shall terminate when the last transfer of funds made in accordance with division (A)(1)(b) of this section occurs in fiscal year 2018, specifically in October 2017. At that time, the Director of Development Services, the Director of Budget and Management, and the Tax Commissioner shall jointly review the pilot program and make recommendations to the Governor and the General Assembly on whether to make the funding mechanism permanent and, if so, whether any changes should be made to it. If the recommendation is to make the funding mechanism permanent, the Director of Development Services, the Director of Budget and Management, and the Tax Commissioner shall also study and make recommendations to the Governor and the General Assembly as to whether the Office of TourismOhio and its functions should be removed from the Development Services Agency and established as a private nonprofit corporation or a subsidiary corporation of JobsOhio.

**Section 7.** (A) As used in this section, "federal act" means 6330  
the "Small Business Liability Relief and Brownfields 6331  
Revitalization Act," 115 Stat. 2356 (2002), 42 U.S.C. 9601 and 6332  
9604. 6333

(B) There is hereby created in the state treasury the 6334  
Brownfields Revolving Loan Fund. The Fund shall consist of all 6335  
moneys received by the state from the United States Department of 6336  
Environmental Protection under the federal act. The Fund shall be 6337  
used to make grants and loans by the Director of Development 6338  
Services. 6339

(C) The Director shall administer moneys received into the 6340  
Fund and comply with all requirements imposed by the federal act 6341  
in its application for, and administration of, the funds as grants 6342  
and loans. 6343

(D) The Director shall establish a schedule of fees and 6344  
charges payable by grant and loan recipients to the Director for 6345  
the administration of this section. 6346

**Section 8.** That Sections 261.10.40, 261.10.70, 261.20.40, 6347  
261.20.50, 261.20.60, 261.20.80, 261.20.90, 261.30.10, 261.30.20, 6348  
261.30.30, 261.30.40, 261.30.60, 261.30.70, 261.30.80, 261.30.90, 6349  
and 261.40.10 of Am. Sub. H.B. 153 of the 129th General Assembly 6350  
be amended to read as follows: 6351

**Sec. 261.10.40.** ~~STRATEGIC BUSINESS INVESTMENT DIVISION AND~~ 6352  
~~REGIONAL OFFICES DEVELOPMENT SERVICES~~ 6353

The foregoing appropriation item 195415, ~~Strategic Business~~ 6354  
~~Investment Division and Regional Offices Development Services,~~ 6355  
shall be used for the operating expenses of the ~~Strategic Business~~ 6356  
~~Investment Services~~ Division and the regional economic development 6357  
offices and for grants for cooperative economic development 6358

ventures. 6359

**Sec. 261.10.70. CLEAN OHIO IMPLEMENTATION** 6360

The foregoing appropriation item 195426, Clean Ohio 6361  
Implementation, shall be used to fund the costs of administering 6362  
the Clean Ohio Revitalization program and other urban 6363  
revitalization programs that may be implemented by the ~~Department~~ 6364  
~~of Development~~ Services Agency. 6365

**Sec. 261.20.40. SUPPORTIVE DEVELOPMENT SERVICES OPERATIONS** 6366

The Director of Development Services may assess ~~divisions~~ 6367  
offices of the ~~department~~ agency for the cost of central service 6368  
operations. An assessment shall contain the characteristics of 6369  
administrative ease and uniform application. A division's payments 6370  
shall be credited to the Supportive Services Fund (Fund 1350) 6371  
using an intrastate transfer voucher. 6372

~~ECONOMIC DEVELOPMENT CONTINGENCY~~ 6373

~~The foregoing appropriation item 195677, Economic Development~~ 6374  
~~Contingency, may be used to award funds directly to either (1)~~ 6375  
~~business entities considering Ohio for expansion or new site~~ 6376  
~~location opportunities or (2) political subdivisions to assist~~ 6377  
~~with necessary costs involved in attracting a business entity. In~~ 6378  
~~addition, the Director of Development may award funds for~~ 6379  
~~alternative purposes when appropriate to satisfy an economic~~ 6380  
~~development opportunity or need deemed extraordinary in nature by~~ 6381  
~~the Director.~~ 6382

~~DIRECT COST RECOVERY DEVELOPMENT SERVICES REIMBURSABLE~~ 6383  
~~EXPENDITURES~~ 6384

The foregoing appropriation item 195636, ~~Direct Cost Recovery~~ 6385  
Development Services Reimbursable Expenditures, shall be used for 6386  
reimbursable costs incurred by the agency. Revenues to the General 6387

Reimbursement Fund (Fund 6850) shall consist of moneys charged for 6388  
administrative costs that are not central service costs. 6389

**Sec. 261.20.50. HEAP WEATHERIZATION 6390**

Up to fifteen per cent of the federal funds deposited to the 6391  
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 6392  
may be expended from appropriation item 195614, HEAP 6393  
Weatherization, to provide home weatherization services in the 6394  
state as determined by the Director of Development Services. Any 6395  
transfers or increases in appropriation for the foregoing 6396  
appropriation items 195614, HEAP Weatherization, or 195611, Home 6397  
Energy Assistance Block Grant, shall be subject to approval by the 6398  
Controlling Board. 6399

**Sec. 261.20.60. STATE SPECIAL PROJECTS 6400**

The State Special Projects Fund (Fund 4F20), may be used for 6401  
the deposit of private-sector funds from utility companies and for 6402  
the deposit of other miscellaneous state funds. State moneys so 6403  
deposited ~~shall~~ may also be used to match federal housing grants 6404  
for the homeless ~~and to market economic development opportunities~~ 6405  
~~in the state~~. Private-sector moneys shall be deposited for use in 6406  
appropriation item 195699, Utility ~~Provided Funds~~ Community 6407  
Assistance, and shall be used to (1) pay the expenses of verifying 6408  
the income-eligibility of HEAP applicants, (2) leverage additional 6409  
federal funds, (3) fund special projects to assist ~~homeless~~ 6410  
~~individuals~~ income-eligible veterans and families with services 6411  
and energy assistance programs, (4) fund special projects to 6412  
assist with the energy efficiency of households eligible to 6413  
participate in the Percentage of Income Payment Plan, and (5) 6414  
assist with training programs for agencies that administer 6415  
low-income customer assistance programs. 6416

**Sec. 261.20.80. MINORITY BUSINESS ENTERPRISE LOAN 6417**

All repayments from the Minority Development Financing 6418  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 6419  
Program shall be deposited in the State Treasury to the credit of 6420  
the Minority Business Enterprise Loan Fund (Fund 4W10). Operating 6421  
costs of administering the Minority Business Enterprise Loan Fund 6422  
may be paid from the Minority Business Enterprise Loan Fund (Fund 6423  
4W10). 6424

MINORITY BUSINESS BONDING FUND 6425

Notwithstanding Chapters 122., 169., and 175. of the Revised 6426  
Code, the Director of Development Services may, upon the 6427  
recommendation of the Minority Development Financing Advisory 6428  
Board, pledge up to \$10,000,000 in the fiscal year 2012-fiscal 6429  
year 2013 biennium of unclaimed funds administered by the Director 6430  
of Commerce and allocated to the Minority Business Bonding Program 6431  
under section 169.05 of the Revised Code. The transfer of any cash 6432  
by the Director of Budget and Management from the ~~Department of~~ 6433  
~~Commerce's~~ Unclaimed Funds Fund (Fund 5430) used by the Department 6434  
of Commerce to the ~~Department of Development's~~ Minority Business 6435  
Bonding Fund (Fund 4490) used by the Development Services Agency 6436  
shall occur, if requested by the Director of Development Services, 6437  
only if such funds are needed for payment of losses arising from 6438  
the Minority Business Bonding Program, and only after proceeds of 6439  
the initial transfer of \$2,700,000 by the Controlling Board to the 6440  
Minority Business Bonding Program has been used for that purpose. 6441  
Moneys transferred by the Director of Budget and Management from 6442  
the Department of Commerce for this purpose may be moneys in 6443  
custodial funds held by the Treasurer of State. If expenditures 6444  
are required for payment of losses arising from the Minority 6445  
Business Bonding Program, such expenditures shall be made from 6446  
appropriation item 195623, Minority Business Bonding Contingency 6447  
in the Minority Business Bonding Fund, and such amounts are hereby 6448  
appropriated. 6449



**Sec. 261.20.90. ~~OHIO~~ INCUMBENT WORKFORCE TRAINING VOUCHERS** 6450

(A) On July 1, 2011, or as soon as possible thereafter, the 6451  
Director of Budget and Management shall transfer up to \$20,000,000 6452  
cash from the Economic Development Programs Fund (Fund 5JC0) used 6453  
by the Board of Regents to the Ohio Incumbent Workforce Job 6454  
Training Fund (Fund 5HR0) used by the ~~Department of~~ Development 6455  
Services Agency. 6456

On July 1, 2012, or as soon as possible thereafter, the 6457  
Director of Budget and Management shall transfer up to \$30,000,000 6458  
cash from the Economic Development Programs Fund (Fund 5JC0) used 6459  
by the Board of Regents to the Ohio Incumbent Workforce Job 6460  
Training Fund (Fund 5HR0) used by the ~~Department of~~ Development 6461  
Services Agency. 6462

(B) Of the foregoing appropriation item 195526, ~~Ohio~~ 6463  
Incumbent Workforce Job Training Vouchers, up to \$20,000,000 in 6464  
fiscal year 2012 and up to \$30,000,000 in fiscal year 2013 shall 6465  
be used to support the Ohio Incumbent Workforce Training Voucher 6466  
Program. The Director of Development Services and the Chief 6467  
Investment Officer of JobsOhio may enter into an agreement to 6468  
operate the program pursuant to the contract between the 6469  
~~Department of~~ Development Services Agency and JobsOhio under 6470  
section 187.04 of the Revised Code. The agreement may include a 6471  
provision for granting, loaning, or transferring funds from 6472  
appropriation item 195526, ~~Ohio~~ Incumbent Workforce ~~Job~~ Training 6473  
Vouchers, to JobsOhio to provide training for incumbent workers. 6474

(C) Regardless of any agreement between the Director and the 6475  
Chief Investment Officer under division (B) of this section, the 6476  
Ohio Incumbent Workforce Training Voucher Program shall conform to 6477  
guidelines for the operation of the program, including, but not 6478  
limited to, the following: 6479

(1) A requirement that a training voucher under the program 6480

shall not exceed \$6,000 per worker per year; 6481

(2) A provision for an employer of an eligible employee to 6482  
apply for a voucher on behalf of the eligible employee; 6483

(3) A provision for an eligible employee to apply directly 6484  
for a training voucher with the pre-approval of the employee's 6485  
employer; and 6486

(4) A requirement that an employee participating in the 6487  
program, or the employee's employer, shall pay for not less than 6488  
thirty-three per cent of the training costs under the program. 6489

DEFENSE DEVELOPMENT ASSISTANCE 6490

On July 1 of each fiscal year, or as soon as possible 6491  
thereafter, the Director of Budget and Management shall transfer 6492  
\$5,000,000 in cash from the Economic Development Projects Fund 6493  
(Fund 5JC0) used by the Board of Regents to the Ohio Incumbent 6494  
Workforce Job Training Fund (Fund 5HR0) used by the ~~Department of~~ 6495  
Development Services Agency. The transferred funds are hereby 6496  
appropriated in appropriation item 195622, Defense Development 6497  
Assistance. 6498

The foregoing appropriation item 195622, Defense Development 6499  
Assistance, shall be used for economic development programs and 6500  
the creation of new jobs to leverage and support mission gains at 6501  
Department of Defense facilities in Ohio by working with future 6502  
base realignment and closure activities and ongoing Department of 6503  
Defense efficiency initiatives, assisting efforts to secure 6504  
Department of Defense support contracts for Ohio companies, 6505  
assessing and supporting regional job training and workforce 6506  
development needs generated by the Department of Defense and the 6507  
Ohio aerospace industry, and for expanding job training and 6508  
economic development programs in human performance related 6509  
initiatives. These funds shall be matched by private industry 6510  
partners or the Department of Defense in an aggregate amount of 6511

\$6,000,000 over the FY 2012-FY 2013 biennium. 6512

**Sec. 261.30.10. ADVANCED ENERGY ~~FUND~~ LOAN PROGRAMS** 6513

The foregoing appropriation item 195660, Advanced Energy Loan 6514  
Programs, shall be used to provide financial assistance to 6515  
customers for eligible advanced energy projects for residential, 6516  
commercial, and industrial business, local government, educational 6517  
institution, nonprofit, and agriculture customers, and to pay for 6518  
the program's administrative costs as provided in sections 4928.61 6519  
to 4928.63 of the Revised Code and rules adopted by the Director 6520  
of Development Services. 6521

On July 1 of each fiscal year, or as soon as possible 6522  
thereafter, the Director of Budget and Management shall transfer 6523  
\$750,000 in cash from the Advanced Energy Fund (Fund 5M50) to the 6524  
Alternative Fuel Transportation Grant Fund (Fund 5CG0). 6525

**VOLUME CAP ADMINISTRATION** 6526

The foregoing appropriation item 195654, Volume Cap 6527  
Administration, shall be used for expenses related to the 6528  
administration of the Volume Cap Program. Revenues received by the 6529  
Volume Cap Administration Fund (Fund 6170) shall consist of 6530  
application fees, forfeited deposits, and interest earned from the 6531  
custodial account held by the Treasurer of State. 6532

**Sec. 261.30.20. INNOVATION OHIO LOAN FUND** 6533

The foregoing appropriation item 195664, Innovation Ohio, 6534  
shall be used to provide for innovation Ohio purposes, including 6535  
loan guarantees and loans under Chapter 166. and particularly 6536  
sections 166.12 to 166.16 of the Revised Code. 6537

**RESEARCH AND DEVELOPMENT** 6538

The foregoing appropriation item 195665, Research and 6539  
Development, shall be used to provide for research and development 6540

purposes, including loans, under Chapter 166. and particularly 6541  
sections 166.17 to 166.21 of the Revised Code. 6542

LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 6543

Appropriation item 195698, Logistics and Distribution 6544  
Infrastructure, shall be used for eligible logistics and 6545  
distribution infrastructure projects as defined in section 166.01 6546  
of the Revised Code. Any unexpended and unencumbered portion of 6547  
the appropriation item at the end of fiscal year 2011 is hereby 6548  
reappropriated for the same purpose in fiscal year 2012, and any 6549  
unexpended and unencumbered portion of the appropriation item at 6550  
the end of fiscal year 2012 is hereby reappropriated for the same 6551  
purpose in fiscal year 2013. 6552

After all encumbrances have been paid, the Director of Budget 6553  
and Management shall transfer the remaining cash balance in the 6554  
Logistics and Distribution Infrastructure Fund (Fund 7008) to the 6555  
Facilities Establishment Fund (Fund 7037). 6556

FACILITIES ESTABLISHMENT ~~FUND~~ 6557

The foregoing appropriation item 195615, Facilities 6558  
Establishment (Fund 7037), shall be used for the purposes of the 6559  
Facilities Establishment Fund under Chapter 166. of the Revised 6560  
Code. 6561

Notwithstanding Chapter 166. of the Revised Code, an amount 6562  
not to exceed \$1,000,000 in cash in fiscal year 2012 may be 6563  
transferred from the Facilities Establishment Fund (Fund 7037) to 6564  
the ~~Economic Development Financing Operating~~ Business Assistance 6565  
Fund (Fund 4510). The transfer is subject to Controlling Board 6566  
approval under division (B) of section 166.03 of the Revised Code. 6567

Notwithstanding Chapter 166. of the Revised Code, the 6568  
Director of Budget and Management may transfer an amount not to 6569  
exceed \$2,500,000 in cash in each fiscal year from the Facilities 6570  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 6571

Loan Fund (Fund 4W10). 6572

On July 1, ~~2011~~ 2012, or as soon as possible thereafter, the 6573  
Director of Budget and Management shall transfer the unexpended 6574  
and unencumbered cash balance in the Urban Development Loans Fund 6575  
(Fund 5D20) to the Facilities Establishment Fund (Fund 7037). 6576

On July 1, ~~2011~~ 2012, or as soon as possible thereafter, the 6577  
Director of Budget and Management shall transfer the unexpended 6578  
and unencumbered cash balance in the Rural Industrial Park Loan 6579  
Fund (Fund 4Z60) to the Facilities Establishment Fund (Fund 7037). 6580

CAPITAL ACCESS LOAN PROGRAM 6581

The foregoing appropriation item 195628, Capital Access Loan 6582  
Program, shall be used for operating, program, and administrative 6583  
expenses of the program. Funds of the Capital Access Loan Program 6584  
shall be used to assist participating financial institutions in 6585  
making program loans to eligible businesses that face barriers in 6586  
accessing working capital and obtaining fixed-asset financing. 6587

**Sec. 261.30.30. CLEAN OHIO OPERATING EXPENSES** 6588

The foregoing appropriation item 195663, Clean Ohio ~~Operating~~ 6589  
Program, shall be used by the ~~Department of~~ Development Services 6590  
Agency in administering Clean Ohio Revitalization Fund (Fund 7003) 6591  
projects pursuant to sections 122.65 to 122.658 of the Revised 6592  
Code. 6593

**Sec. 261.30.40. THIRD FRONTIER OPERATING** 6594

The foregoing appropriation items 195686, Third Frontier 6595  
Operating, and 195620, Third Frontier Operating - Tax, shall be 6596  
used for operating expenses incurred by the ~~Department of~~ 6597  
Development Services Agency in administering projects pursuant to 6598  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 6599  
paid from item 195686 shall be limited to the administration of 6600

projects funded from the Third Frontier Research & Development 6601  
Fund (Fund 7011) and operating expenses paid from item 195620 6602  
shall be limited to the administration of projects funded from the 6603  
Third Frontier Research & Development Taxable Bond Project Fund 6604  
(Fund 7014). 6605

**Sec. 261.30.60. JOB READY SITE ~~OPERATING~~ PROGRAM** 6606

The foregoing appropriation item 195688, Job Ready Site 6607  
~~Operating Program~~, shall be used for operating expenses incurred 6608  
by the ~~Department of~~ Development Services Agency in administering 6609  
Job Ready Site Development Fund (Fund 7012) projects pursuant to 6610  
sections 122.085 to 122.0820 of the Revised Code. Operating 6611  
expenses include, but are not limited to, certain qualified 6612  
expenses of the District Public Works Integrating Committees, as 6613  
applicable, engineering review of submitted applications by the 6614  
State Architect or a third-party engineering firm, audit and 6615  
accountability activities, and costs associated with formal 6616  
certifications verifying that site infrastructure is in place and 6617  
is functional. 6618

**Sec. 261.30.70. OHIO COAL DEVELOPMENT OFFICE** 6619

On July 1, 2011, or as soon as possible thereafter, the 6620  
Director of Budget and Management shall transfer any unexpended 6621  
and unencumbered portion of appropriation item 898604, Coal 6622  
Research and Development Fund, used by the Ohio Air Quality 6623  
Development Authority, to a new capital appropriation item in the 6624  
~~Department of~~ Development Services Agency, to be determined by the 6625  
Director. The Director also shall cancel all outstanding 6626  
encumbrances against appropriation item 898604, Coal Research and 6627  
Development Fund, and reestablish them against the foregoing new 6628  
capital appropriation item. The amounts of the transfer and the 6629  
reestablished encumbrances, plus \$2,283,264, are hereby 6630

appropriated for fiscal year 2012 in the foregoing new 6631  
appropriation item and shall be used to provide funding for coal 6632  
research and development purposes. 6633

**Sec. 261.30.80. THIRD FRONTIER BIOMEDICAL RESEARCH AND 6634**  
COMMERCIALIZATION SUPPORT 6635

The General Assembly and the Governor recognize the role that 6636  
the biomedical industry has in job creation, innovation, and 6637  
economic development throughout Ohio. It is the intent of the 6638  
General Assembly, the Governor, the Director of Development 6639  
Services, and the Director of Budget and Management to work 6640  
together in continuing to provide comprehensive state support for 6641  
the biomedical industry. 6642

**Sec. 261.30.90. UNCLAIMED FUNDS TRANSFER 6643**

(A) Notwithstanding division (A) of section 169.05 of the 6644  
Revised Code, upon the request of the Director of Budget and 6645  
Management, the Director of Commerce, before June 30, 2012, shall 6646  
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 6647  
amount not to exceed \$25,000,000 in cash of the unclaimed funds 6648  
that have been reported by the holders of unclaimed funds under 6649  
section 169.05 of the Revised Code, regardless of the allocation 6650  
of the unclaimed funds described under that section. 6651

Notwithstanding division (A) of section 169.05 of the Revised 6652  
Code, upon the request of the Director of Budget and Management, 6653  
the Director of Commerce, before June 30, 2013, shall transfer to 6654  
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 6655  
exceed ~~\$15,000,000~~ 18,600,000 in cash of the unclaimed funds that 6656  
have been reported by the holders of unclaimed funds under section 6657  
169.05 of the Revised Code, regardless of the allocation of the 6658  
unclaimed funds described under that section. 6659

(B) Notwithstanding division (A) of section 169.05 of the 6660

Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, before June 30, 2012, shall transfer to the State Special Projects Fund (Fund 4F20) an amount not to exceed \$5,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

**Sec. 261.40.10. WORKFORCE DEVELOPMENT**

The Director of Development Services and the Director of Job and Family Services may enter into one or more interagency agreements between the two departments and take other actions the directors consider appropriate to further integrate workforce development into a larger economic development strategy, to implement the recommendations of the Workforce Policy Board, and to complete activities related to the transition of the administration of employment programs identified by the board. Subject to the approval of the Director of Budget and Management, the ~~Department of Development~~ Services Agency and the Department of Job and Family Services may expend moneys to support the recommendations of the Workforce Policy Board in the area of integration of employment functions as described in this paragraph and to complete implementation and transition activities from the appropriations to those departments.

**Section 9.** That existing Sections 261.10.40, 261.10.70, 261.20.40, 261.20.50, 261.20.60, 261.20.80, 261.20.90, 261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.60, 261.30.70, 261.30.80, 261.30.90, and 261.40.10 of Am. Sub. H.B. 153 of the 129th General Assembly are hereby repealed.

**Section 10.** That Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Sub. H.B.



371 of the 129th General Assembly, be amended to read as follows: 6691

**Sec. 261.10.** ~~DEV DEPARTMENT OF~~ DEVELOPMENT SERVICES AGENCY 6692

General Revenue Fund 6693

GRF 195401 Thomas Edison Program \$ 14,820,354 \$ 0 6694

GRF 195402 Coal Development \$ 260,983 \$ 261,205 6695

~~Office~~ Research

Operating

GRF 195404 Small Business \$ 1,565,770 \$ 0 6696

Development

GRF 195405 Minority Business \$ 1,118,528 \$ 0 6697

Enterprise Division

GRF 195407 Travel and Tourism \$ 5,000,000 \$ ~~0~~ 5,000,000 6698

GRF 195412 Rapid Outreach Grants \$ 9,000,000 \$ 0 6699

GRF 195415 ~~Strategic~~ Business \$ 4,500,000 \$ ~~0~~ 2,413,387 6700

~~Investment Division~~

~~and Regional Offices~~

Development Services

GRF 195416 Governor's Office of \$ 3,700,000 \$ ~~3,700,000~~ 0 6701

Appalachia

GRF 195422 Technology Action \$ 547,341 \$ 0 6702

GRF 195426 Clean Ohio \$ 468,365 \$ ~~0~~ 468,365 6703

Implementation

GRF 195432 Global Markets \$ 3,500,000 \$ 0 6704

GRF 195434 Industrial Training \$ 10,000,000 \$ 0 6705

Grants

GRF 195497 CDBG Operating Match \$ 1,015,000 \$ ~~0~~ 1,015,000 6706

GRF 195501 Appalachian Local \$ 391,482 \$ ~~391,482~~ 0 6707

Development Districts

GRF 195502 Appalachian Regional \$ 195,000 \$ ~~195,000~~ 0 6708

Commission Dues

GRF ~~195528~~ ~~Economic Development~~ \$ ~~0~~ \$ ~~26,943,518~~ 6709

		<u>Projects</u>				
GRF	<u>195532</u>	<u>Technology Programs</u>	\$	0	\$	<u>13,547,341</u>
		<u>and Grants</u>				6710
GRF	<u>195533</u>	<u>Business Assistance</u>	\$	0	\$	<u>5,899,465</u>
GRF	<u>195535</u>	<u>Appalachia Assistance</u>	\$	0	\$	<u>4,286,482</u>
GRF	195901	Coal Research & Development General Obligation Debt Service	\$	7,861,100	\$	5,577,700
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	29,323,300	\$	63,640,300
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	9,859,200	\$	15,680,500
TOTAL GRF	General Revenue Fund		\$	103,126,423	\$	<del>116,389,705</del> <u>117,789,745</u>
		General Services Fund Group				6717
1350	195684	<del>Supportive</del> <u>Development Services</u> <u>Operations</u>	\$	11,700,000	\$	11,700,000
4W10	195646	Minority Business Enterprise Loan	\$	2,500,000	\$	2,500,000
5AD0	195633	Legacy Projects	\$	15,000,000	\$	<del>15,000,000</del> <u>18,600,000</u>
5AD0	195677	Economic Development Contingency	\$	10,000,000	\$	0
5W50	195690	Travel and Tourism Cooperative Projects	\$	50,000	\$	50,000
6850	195636	<del>Direct Cost Recovery</del>	\$	750,000	\$	750,000

<u>Development Services</u>			
<u>Reimbursable</u>			
Expenditures			
TOTAL GSF General Services Fund			6724
Group	\$ 40,000,000	\$ <del>30,000,000</del> <u>33,600,000</u>	6725
Federal Special Revenue Fund Group			6726
3080 195602 Appalachian Regional Commission	\$ 475,000	\$ 475,000	6727
3080 195603 Housing <del>and Urban</del> <u>Development</u>	\$ 6,000,000	\$ 6,000,000	6728
<u>Assistance Programs</u>			
3080 195605 Federal Projects	\$ 85,028,606	\$ <del>85,470,106</del> <u>0</u>	6729
3080 195609 Small Business Administration Grants	\$ 6,438,143	\$ 5,511,381	6730
3080 195618 Energy <del>Federal</del> Grants	\$ 38,000,000	\$ 3,400,000	6731
<u>3080 195670 Home Weatherization Program</u>	\$ <u>0</u>	\$ <u>72,670,106</u>	6732
<u>3080 195671 Brownfield Redevelopment</u>	\$ <u>0</u>	\$ <u>6,800,000</u>	6733
<u>3080 195672 Manufacturing Extension Partnership</u>	\$ <u>0</u>	\$ <u>6,000,000</u>	6734
3350 195610 Energy Conservation <del>and Emerging</del> <u>Technology Programs</u>	\$ 1,100,000	\$ 1,100,000	6735
3AE0 195643 Workforce Development Initiatives	\$ 16,300,000	\$ 16,300,000	6736
3DB0 195642 Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$ 3,000,000	\$ 42,485	6737
3EG0 195608 <del>Federal</del> Energy <u>Sector</u> Training Grants	\$ 5,000,000	\$ 1,344,056	6738

3K80	195613	Community Development Block Grant	\$ 76,795,818	\$ 65,210,000	6739
3K90	195611	Home Energy Assistance Block Grant	\$ 115,743,608	\$ 115,743,608	6740
3K90	195614	HEAP Weatherization	\$ 22,000,000	\$ 22,000,000	6741
3L00	195612	Community Services Block Grant	\$ 27,240,217	\$ 27,240,217	6742
3V10	195601	HOME Program	\$ 40,000,000	\$ 40,000,000	6743
TOTAL FED Federal Special Revenue					6744
Fund Group			\$ 443,121,392	\$ 389,836,853	6745
State Special Revenue Fund Group					6746
4500	195624	Minority Business Bonding Program Administration	\$ 160,110	\$ 159,069	6747
4510	195625	Economic Development Financing Operating	\$ 3,000,000	\$ <del>3,000,000</del> 0	6748
<u>4510</u>	<u>195649</u>	<u>Business Assistance</u> <u>Programs</u>	\$ 0	\$ <u>3,700,800</u>	6749
4F20	195639	State Special Projects	\$ 180,437	\$ 180,436	6750
4F20	195676	Marketing Initiatives	\$ 5,000,000	\$ 0	6751
4F20	195699	Utility <del>Provided Funds</del> <u>Community Assistance</u>	\$ 500,000	\$ 500,000	6752
4S00	195630	Tax Incentive Programs	\$ 650,800	\$ <del>650,800</del> 0	6753
5CG0	195679	Alternative Fuel Transportation	\$ 750,000	\$ 750,000	6754
5HJ0	195604	Motion Picture Tax Credit Program	\$ 50,000	\$ <del>50,000</del> 0	6755
5HR0	195526	<del>Ohio Incumbent</del> Workforce <del>Job</del> Training <u>Vouchers</u>	\$ 20,000,000	\$ 30,000,000	6756
5HR0	195622	Defense Development Assistance	\$ 5,000,000	\$ 5,000,000	6757

5JR0	195635	Redevelopment Program Support	\$	0	\$	100,000	6758
5JR0	195656	New Market Tax Credit Program	\$	50,000	\$	<del>50,000</del> 0	6759
5KD0	195621	Brownfield Stormwater Loan	\$	50,000	\$	<del>50,000</del> 0	6760
5KN0	195640	Local Government Innovation	\$	175,000	\$	44,825,000	6761
5LK0	195655	Workforce Development Programs	\$	0	\$	10,000,000	6762
5M40	195659	Low Income Energy Assistance (USF)	\$	245,000,000	\$	245,000,000	6763
5M50	195660	Advanced Energy Loan Programs	\$	8,000,000	\$	0	6764
5W60	195691	International Trade Cooperative Projects	\$	160,000	\$	160,000	6765
6170	195654	Volume Cap Administration	\$	94,397	\$	92,768	6766
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	6767
TOTAL SSR State Special Revenue							6768
Fund Group			\$	341,820,744	\$	<del>383,468,073</del> 393,468,073	6769
Facilities Establishment Fund Group							6770
5S90	195628	Capital Access Loan Program	\$	1,500,000	\$	1,500,000	6771
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	6772
7010	195665	Research and Development	\$	22,000,000	\$	22,000,000	6773
7037	195615	Facilities Establishment	\$	50,000,000	\$	50,000,000	6774
TOTAL 037 Facilities							6775

Establishment Fund Group	\$	88,500,000	\$	88,500,000	6776
Clean Ohio Revitalization Fund					6777
7003 195663 Clean Ohio <del>Operating</del> <u>Program</u>	\$	950,000	\$	950,000	6778
TOTAL 7003 Clean Ohio Revitalization Fund	\$	950,000	\$	950,000	6779
Third Frontier Research & Development Fund Group					6780
7011 195686 Third Frontier Operating	\$	1,149,750	\$	1,149,750	6781
7011 195687 Third Frontier Research & Development Projects	\$	183,850,250	\$	133,850,250	6782
7014 195620 Third Frontier Operating - Tax	\$	1,700,000	\$	1,700,000	6783
7014 195692 Research & Development Taxable Bond Projects	\$	38,300,000	\$	38,300,000	6784
TOTAL 011 Third Frontier Research & Development Fund Group	\$	225,000,000	\$	175,000,000	6785
Job Ready Site Development Fund Group					6786
7012 195688 Job Ready Site <del>Operating Program</del>	\$	800,000	\$	800,000	6787
TOTAL 012 Job Ready Site Development Fund Group	\$	800,000	\$	800,000	6788
Tobacco Master Settlement Agreement Fund Group					6789
M087 195435 Biomedical Research and Technology Transfer	\$	1,999,224	\$	1,999,224	6790
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	1,999,224	\$	1,999,224	6791
TOTAL ALL BUDGET FUND GROUPS	\$	1,245,317,783	\$	<del>1,186,943,855</del> <u>1,201,943,895</u>	6792

**Sec. 261.20.93.** LOCAL GOVERNMENT INNOVATION FUND 6794

The foregoing appropriation item 195640, Local Government 6795  
Innovation, shall be used for the purposes of making loans and 6796  
grants to political subdivisions under the Local Government 6797  
Innovation Program in accordance with sections 189.01 to 189.10 of 6798  
the Revised Code. Of the foregoing appropriation item 195640, 6799  
Local Government Innovation, up to \$175,000 in fiscal year 2012 6800  
and \$175,000 in fiscal year 2013 shall be used for administrative 6801  
costs incurred by the ~~Department of Development~~ Services Agency. 6802

On the effective date of this amendment, or as soon as 6803  
possible thereafter, the Director of Budget and Management shall 6804  
transfer \$175,000 in cash from the General Revenue Fund to the 6805  
Local Government Innovation Fund (Fund 5KN0). On July 1, 2012, or 6806  
as soon as possible thereafter, the Director of Budget and 6807  
Management shall transfer \$44,825,000 in cash from the General 6808  
Revenue Fund to the Local Government Innovation Fund (Fund 5KN0). 6809

**Section 11.** That existing Sections 261.10 and 261.20.93 of 6810  
Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 6811  
Sub. H.B. 371 of the 129th General Assembly, are hereby repealed. 6812

**Section 12.** TRAVEL AND TOURISM 6813

The foregoing appropriation item 195407, Travel and Tourism, 6814  
shall be used for marketing the state of Ohio as a tourism 6815  
destination and to support administrative expenses and contracts 6816  
necessary to market Ohio. 6817

**Section 13.** CDBG OPERATING MATCH 6818

The foregoing appropriation item 195497, CDBG Operating 6819  
Match, shall be used as matching funds for grants from the United 6820  
States Department of Housing and Urban Development pursuant to the 6821

Housing and Community Development Act of 1974 and regulations and 6822  
policy guidelines for the programs pursuant thereto. 6823

**Section 14. TECHNOLOGY PROGRAMS AND GRANTS** 6824

The foregoing appropriation item 195532, Technology Programs 6825  
and Grants, shall be used for the same purposes as funding 6826  
previously appropriated for appropriation items 195401, Thomas 6827  
Edison Program, and 195422, Technology Action. Of the foregoing 6828  
appropriation item 195532, Technology Programs and Grants, up to 6829  
\$547,341 in fiscal year 2013 shall be used for operating expenses 6830  
incurred in administering the Ohio Third Frontier pursuant to 6831  
sections 184.10 to 184.20 of the Revised Code; and up to 6832  
\$13,000,000 in fiscal year 2013 shall be used for the Thomas 6833  
Edison Program pursuant to sections 122.28 to 122.38 of the 6834  
Revised Code, of which not more than ten per cent shall be used 6835  
for operating expenses incurred in administering the program. 6836

**Section 15. BUSINESS ASSISTANCE** 6837

The foregoing appropriation item 195533, Business Assistance, 6838  
shall be used as matching funds for grants from the United States 6839  
Small Business Administration and other federal agencies, pursuant 6840  
to Public Law No. 96-302 as amended by Public Law No. 98-395, and 6841  
regulations and policy guidelines for the programs pursuant 6842  
thereto. This appropriation item also may be used to provide 6843  
grants to local organizations to support economic development 6844  
activities that promote minority business development, small 6845  
business development, entrepreneurship, and exports of Ohio's 6846  
goods and services. 6847

**Section 16. APPALACHIA ASSISTANCE** 6848

The foregoing appropriation item 195535, Appalachia 6849  
Assistance, may be used for the administrative costs of planning 6850



and liaison activities for the Governor's Office of Appalachia, to 6851  
provide financial assistance to projects in Ohio's Appalachian 6852  
counties, to pay dues for the Appalachian Regional Commission, and 6853  
to match federal funds from the Appalachian Regional Commission. 6854

Of the foregoing appropriation item 195535, Appalachia 6855  
Assistance, up to \$440,000 in fiscal year 2013 shall be used to 6856  
support four local development districts. Of that amount, up to 6857  
\$135,000 shall be allocated to the Ohio Valley Regional 6858  
Development Commission, up to \$135,000 shall be allocated to the 6859  
Ohio Mid-Eastern Government Association, up to \$135,000 shall be 6860  
allocated to the Buckeye Hills-Hocking Valley Regional Development 6861  
District, and up to \$35,000 shall be allocated to the Eastgate 6862  
Regional Council of Governments. Local development districts 6863  
receiving funding under this section shall use the funds for the 6864  
implementation and administration of programs and duties under 6865  
section 107.21 of the Revised Code. 6866

**Section 17. LEGACY PROJECTS** 6867

The foregoing appropriation item 195633, Legacy Projects, 6868  
shall be used to support existing grant commitments to companies 6869  
incurred prior to fiscal year 2013. A portion of the appropriation 6870  
item may also be used to support administrative expenses and other 6871  
costs associated with these projects. 6872

**Section 18. BUSINESS ASSISTANCE PROGRAMS** 6873

The foregoing appropriation item 195649, Business Assistance 6874  
Programs, shall be used for administrative expenses associated 6875  
with the operation of tax credit programs, loan servicing, the 6876  
Ohio Film Office, and the Office of Strategic Business 6877  
Investments, and for payments to the JobsOhio corporation 6878  
established in Chapter 187. of the Revised Code for services 6879  
provided for the administration of the 166 Direct Loan Program, 6880

Ohio Enterprise Bond Fund, Research and Development Loan Program, 6881  
and Innovation Ohio Loan Program. 6882

**Section 19. WORKFORCE DEVELOPMENT PROGRAMS** 6883

The foregoing appropriation item 195655, Workforce 6884  
Development Programs, may be used for the Ohio Workforce Guarantee 6885  
Program to promote training through grants to businesses and, in 6886  
the case of a business consortium, to the consortium for training 6887  
and education providers for the reimbursement of eligible training 6888  
expenses. Not more than ten per cent of appropriation item 195655, 6889  
Workforce Development Programs, shall be used for administrative 6890  
expenses related to the Ohio Workforce Guarantee Program. 6891

**Section 20. ASSORTED TRANSFERS FOR RESTRUCTURING** 6892

On July 1, 2012, or as soon as possible thereafter, the 6893  
Director of Budget and Management shall transfer the unexpended 6894  
and unencumbered cash balance in the Water and Sewer Fund (Fund 6895  
4440) to the General Reimbursement Fund (Fund 6850). 6896

On July 1, 2012, or as soon as possible thereafter, the 6897  
Director of Budget and Management shall transfer the unexpended 6898  
and unencumbered cash balance in the Water and Sewer 6899  
Administration Fund (Fund 6110) to the General Reimbursement Fund 6900  
(Fund 6850). 6901

On July 1, 2012, or as soon as possible thereafter, the 6902  
Director of Budget and Management shall transfer the unexpended 6903  
and unencumbered cash balance in the Tax Incentive Programs 6904  
Operating Fund (Fund 4S00) to the Business Assistance Fund (Fund 6905  
4510). 6906

On July 1, 2012, or as soon as possible thereafter, the 6907  
Director of Budget and Management shall transfer the unexpended 6908  
and unencumbered cash balance in the Brownfield Stormwater Loan 6909  
Fund (Fund 5KD0) to the New Market Tax Credit Program Fund (Fund 6910

5JR0). 6911

**Section 21.** That Sections 261.10.10, 261.10.20, 261.10.30, 6912  
261.10.50, 261.10.60, 261.10.80, 261.10.90, 261.20.10, 261.20.20, 6913  
261.20.70, and 261.30.50 of Am. Sub. H.B. 153 of the 129th General 6914  
Assembly are hereby repealed. 6915

**Section 22.** The amendments by this act to sections 9.981, 6916  
121.22, 122.39, 122.41, 122.42, 122.43, 122.44, 122.48, 122.49, 6917  
122.50, 122.51, 122.52, 122.53, 122.561, 122.57, 122.61, 122.62, 6918  
122.64, 166.04, 166.05, 166.13, 166.14, 166.18, 166.19, 166.25, 6919  
166.30, and 184.02 of the Revised Code take effect July 1, 2012. 6920

**Section 23.** Sections 9 to 21 of this act are not subject to 6921  
the referendum under Ohio Constitution, Article II, Section 1d, 6922  
and section 1.471 of the Revised Code, and therefore those 6923  
sections take effect immediately when this act becomes law. 6924

**Section 24.** Section 122.42 of the Revised Code is presented 6925  
in this act as a composite of the section as amended by both Am. 6926  
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 6927  
The General Assembly, applying the principle stated in division 6928  
(B) of section 1.52 of the Revised Code that amendments are to be 6929  
harmonized if reasonably capable of simultaneous operation, finds 6930  
that the composite is the resulting version of the section in 6931  
effect prior to the effective date of the section as presented in 6932  
this act. 6933

**Section 25.** Section 149.43 of the Revised Code is presented 6934  
in this act as a composite of the section as amended by both Sub. 6935  
H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly. The 6936  
General Assembly, applying the principle stated in division (B) of 6937  
section 1.52 of the Revised Code that amendments are to be 6938  
harmonized if reasonably capable of simultaneous operation, finds 6939

that the composite is the resulting version of the section in	6940
effect prior to the effective date of the section as presented in	6941
this act.	6942