

# AN ACT

To amend sections 117.11, 133.20, 145.297, 717.02, 733.40, 1901.024, 1901.07, 1901.08, 1901.31, 1907.20, 2949.111, 3301.0715, 3302.04, 3302.10, 3313.97, 3314.03, 3326.17, 3333.375, 3375.49, 3375.50, 4513.35, 5111.89, 5111.891, 5111.894, 5709.75, and 5739.02; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3375.50 (307.515); to enact sections 107.41, 113.41, 125.112, 125.901, 125.902, 307.51, 307.511, 307.512, 307.513, 307.514, 307.516, 1333.851, 3302.041, and 3375.481; to repeal sections 3375.48, 3375.51, 3375.52, 3375.53, 3375.54, 3375.55, and 3375.56; to repeal on December 31, 2009, section 3375.49 of the Revised Code, as amended by this act; to amend Sections 309.30.50 and 309.30.53 of Am. Sub. H.B. 119 of the 127th General Assembly, to amend Sections 201.60.20, 201.60.30, 301.40.10, and 301.60.50 of H.B. 496 of the 127th General Assembly, and to amend Sections 227.10, 231.10.20, 231.20.30, 233.30.40, 233.40.10, 233.50.20, and 233.50.80 of Am. Sub. H.B. 562 of the 127th General Assembly; and to amend Section 525.10 of Am. Sub. H.B. 699 of the 126th General Assembly, to promote transparency with respect to state spending, state real property management, and state program effectiveness by requiring certain information to be posted on-line, to create a county law library resources board in each county and a statewide consortium of such boards, to reconstitute the Task Force on Law Library Associations, to specify the

compensation of certain Senate officers, to recalculate the local share of a new classroom facilities project for certain school districts that previously received facilities assistance, to allow the Chancellor of the Board of Regents to use money in the Ohio Outstanding Scholarship and the Ohio Priority Needs Fellowship programs payment funds to provide state need-based financial aid for higher education, to permit arbitration or alternative dispute resolution provisions in a contract with the Auditor of State for attest services to apply to disputed services rendered by an independent accountant, to expand the sales tax exemption for aircraft repair services, to permanently authorize eligible townships to use tax increment financing revenue for current public safety expenses, to modify municipal authority regarding the procurement of energy conservation measures, to remove the requirement that Portage County municipal court judges be nominated only by petition, to change the status of the judge of the Hillsboro Municipal Court from part-time to full-time, to require compensation of an alcoholic beverage distributor before re-assigning the distributor's product or brand territory and to make changes to the law governing certain franchise agreements between a successor manufacturer and distributor, to authorize the conveyance of certain state-owned real estate, to specify how retirement incentive plan costs are to be treated, to require certain school districts to implement corrective actions specified in the Department of Education's Model of Differentiated Accountability, to create the Governor's Policy Information Working Group, to make an appropriation, and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

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

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

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

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

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

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

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

offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The amount of the award;

(3) Information on the award, the agency or other instrumentality of the

state that is providing the award, and the commodity code:

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

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

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

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

(F) Each agency awarding a grant to an entity in fiscal year 2008 and thereafter shall establish and maintain a separate web site listing the name of the entity receiving each grant, the grant amount, information on each grant, and any other relevant information determined by the department of administrative services. Each agency shall provide the link to such a web site to the department of administrative services within a reasonable time after the effective date of this section and shall thereafter update its web site within thirty days of awarding a new grant. Not later than one year after the effective date of this section, the department of administrative services shall establish and maintain a separate web site, accessible to the public at no cost, which contains the links to the agency web sites required by this division.

(G) The attorney general shall monitor the compliance of an entity with the terms and conditions, including performance metrics, if any, of a state award for economic development received by that entity. As necessary, the agency that makes and administers the state award for economic development shall assist the attorney general with that monitoring. The attorney general shall submit to the general assembly pursuant to section 101.68 of the Revised Code an annual report regarding the level of

compliance of such entities with the terms and conditions, including any performance metrics, of their state awards for economic development. When the attorney general determines appropriate and to the extent that an entity that receives or has received a state award for economic development does not comply with a performance metric that is specified in the terms and conditions of the award, the attorney general shall pursue against and from that entity such remedies and recoveries as are available under law. For purposes of this division, "state award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. "State award for economic development" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.

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

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

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

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

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

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

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

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

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

(7) An individual appointed by the governor from the organization that represents the state's county auditors;

(8) An individual appointed by the governor from the organization that represents the state's county commissioners;

(9) An individual appointed by the governor from the organization that

represents the state's county engineers;

(10) An individual appointed by the governor from the organization that represents the state's regional councils;

(11) Two individuals appointed by the governor from the organization that represents the state's municipal governments, one of whom shall represent a municipality with a population of fewer than one hundred thousand people and one of whom shall represent a municipality with a population of one hundred thousand or more people;

(12) An individual appointed by the governor representing the interests of the regulated utilities in this state;

(13) An individual appointed by the governor representing the interests of a public university;

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

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

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

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

(C) The plan shall include the following:

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

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

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

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

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

(6) The environmental costs associated with ownership of property, including the cost of environmental restoration and compliance activities;

(7) Changes in the amount of vacant state space;

(8) The realization of equity value in state real property assets;

(9) Opportunities for cooperative arrangements with the commercial real estate community;

(10) The enhancement of agency productivity through an improved working environment.

(D) The council shall develop and update a real property inventory. Every state agency authorized to own or acquire real property shall provide the council with information necessary to develop and update the inventory. For purposes of the inventory, each state agency shall provide to the council, and the council shall collect, information uniquely identifying each real property asset of each state agency and associated characteristics of the real property. Each agency shall make its best efforts to obtain the required information on the property it owns and shall submit updated information to the council as it becomes available.

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

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

(1) Fifty years:

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

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

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

(2) Forty years:

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

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

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

(3) Thirty-five years:

(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;

(b) Sports facilities.

(4) Thirty years:

(a) Municipal recreation, excluding recreational equipment;

(b) Urban redevelopment projects;

(c) Acquisition of real property;

(d) Street or alley lighting purposes or relocating overhead wires, cables, and appurtenant equipment underground.

(5) Twenty years: constructing, reconstructing, widening, opening, improving, grading, draining, paving, extending, or changing the line of roads, highways, expressways, freeways, streets, sidewalks, alleys, or curbs and gutters, and related bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access highways, and tunnels.

(6) Fifteen years:

(a) Resurfacing roads, highways, streets, or alleys;

(b) Alarm, telegraph, or other communications systems for police or fire departments or other emergency services;

(c) Passenger buses used for mass transportation;

(d) Energy conservation measures as authorized by section 133.06 of the Revised Code.

(7) Ten years:

(a) Water meters;

(b) Fire department apparatus and equipment;

(c) Road rollers and other road construction and servicing vehicles;

(d) Furniture, equipment, and furnishings;

(e) Landscape planting and other site improvements;

(f) Playground, athletic, and recreational equipment and apparatus;

(g) Energy conservation measures as authorized by section 505.264 ~~or 717.02~~ of the Revised Code.

(8) Five years: New motor vehicles other than those described in any other division of this section and those for which provision is made in other provisions of the Revised Code.

(C) Bonds issued for any permanent improvements not within the categories set forth in division (B) of this section shall have maximum maturities of from five to thirty years as the fiscal officer estimates is the estimated life or period of usefulness of those permanent improvements. Bonds issued under section 133.51 of the Revised Code for purposes other than permanent improvements shall have the maturities, not to exceed forty years, that the taxing authority shall specify. Bonds issued for energy conservation measures under section 307.041 of the Revised Code shall have maximum maturities not exceeding the lesser of the average life of the energy conservation measures as detailed in the energy conservation report prepared under that section or thirty years.

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

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

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

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

(2) With respect to state employees, any entity of the state including any

department, agency, institution of higher education, board, bureau, commission, council, office, or administrative body or any part of such entity that is designated by the entity as an employing unit.

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

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

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

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

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

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

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

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

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

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

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

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

(a) An elected official;

(b) A member of a board or commission;

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

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

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

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

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

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

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

(1) Five years of service credit;

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

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

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

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

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

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

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

Sec. 307.51. (A) As used in this section, "county office" means any

officer, department, board, commission, or agency of a county.

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

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

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

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

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

(c) Fees for services;

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

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

(3) Fees for services do not include fees for access to the law library. The board shall not charge a fee for access to the law library.

(4) The county law librarian or the librarian's designee shall deposit all fees collected pursuant to this section by any employee of the county law library resources board into the county law library resources fund established pursuant to section 307.514 of the Revised Code.

(E) There is hereby established a transition advisory council that shall consist of those individuals serving as members of the board of trustees of the law library association of the county that, as of the effective date of this section, received fines, penalties, and moneys arising from forfeited bail under sections 3375.50 to 3375.53 of the Revised Code, as amended and repealed by this act. The transition advisory council shall exist from July 1, 2009 to December 31, 2010. After December 31, 2010, the board may create

an advisory council that is comprised of persons engaged in the private practice of law and with expertise in the operation and funding of law libraries.

(F) Subject to the approval of the board of county commissioners of the county, the county law library resources board may contract with other county law library resources boards, the statewide consortium of law library resources boards, private entities, or public agencies for the provision of any services that the county law library resources board considers necessary.

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

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

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

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

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

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

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

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

(C) During the period of July 1, 2009, through December 31, 2010, the county law library resources board shall consist of seven members and shall

include members appointed pursuant to division (A) of this section and two members who are residents of the county appointed for this period by the board of trustees of the law library association within the county that, prior to the effective date of this section, receives fines, penalties, and moneys arising from forfeited bail pursuant to sections 3375.50 to 3375.53 of the Revised Code, as amended and repealed by this act.

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

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

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

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

Sec. 307.513. (A) The county law library resources board shall prepare an annual estimate of the revenue and expenditures of the board for the calendar year commencing January 1, 2010, and for each year thereafter, and shall submit that estimate to the board of county commissioners as provided in section 5705.28 of the Revised Code. The estimate of expenses shall be sufficient to provide for the operation of the county law library

resources board. The estimate of revenue shall clearly specify the source of the revenue and shall include a specific request for monies to be appropriated to the county law library resources fund established pursuant to section 307.514 of the Revised Code from the county general fund for the ensuing fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4301. and 4303. of the Revised Code, and when that amount has been deposited in that fund in accordance with this section, then no further deposits shall be required under this section in that calendar year from those treasurers.

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

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

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

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

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

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

(4) Designate the expenditure of funds from the county law library resources fund of each member county;

(5) Address amendments to the contract.

(C) The contract shall be for a period of not less than three calendar years and not more than five calendar years.

Sec. 717.02. (A) As used in this section, "energy:

(1) "Energy conservation measure" means ~~an~~ the construction of, installation or modification of an installation in, or remodeling of, ~~an~~ a new or existing building or infrastructure, to reduce energy consumption. It includes:

(1)(a) Insulation of the building structure and of systems within the building;

(2)(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door

systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

~~(3)~~(c) Automatic energy control systems;

~~(4)~~(d) Heating, ventilating, or air conditioning system modifications or replacements;

~~(5)~~(e) Caulking and weatherstripping;

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

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

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

~~(9)~~(i) Acquiring, constructing, furnishing, equipping, improving the site of, or otherwise improving a central utility plant to provide heating and cooling services to a building or building infrastructure together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building or building infrastructure;

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

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

~~(2) "Infrastructure" includes, but is not limited to, a water, gas, or electric utility, renewable energy system or technology, traffic control signal, or any other asset owned, operated, or maintained by a municipal corporation.~~

~~(B) The~~ For the purpose of evaluating buildings owned by a municipal corporation for energy conservation measures, a legislative authority of a municipal corporation may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report. The report shall include all of the following:

(1) Analyses of the energy needs of the buildings owned by that municipal corporation and recommendations for building installations, modifications of existing installations, or building remodeling that would

significantly reduce energy consumption in the buildings:

(2) Estimates of all costs of the recommended installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repair;

(3) Estimates of the amounts by which energy consumption could be reduced;

(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed by the municipal corporation;

(5) The average system life of the energy conservation measures;

(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measures, including the methods used to estimate the savings;

(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.

(C)(1) A municipal corporation desiring to implement energy conservation measures may proceed under any of the following methods:

(a) Procure the energy conservation measures in any manner authorized by the municipal corporation's charter, ordinances, or any other existing authority;

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

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

Prior to sending any vendor a copy of any request for proposals, the legislative authority shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the municipal corporation once a week for two consecutive weeks. The notice shall state that the legislative authority intends to request proposals for the installation of energy conservation measures, indicate the date on which the request for proposals will be mailed to vendors, which shall be at least ten days after the second publication in the newspaper, and state that any vendor interested in receiving the request for proposals shall submit written notice to the legislative authority not later than noon of the

day on which the request for proposals is to be mailed.

(2)(a) Upon receiving bids under division (C)(1)(b) of this section, the legislative authority shall analyze them and select the lowest and best bid or bids most likely to result in the greatest energy savings considering the cost of the project and the legislative authority's ability to pay for the improvements with current revenues or by financing the improvements.

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

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

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

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

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

(E) The legislative authority of a municipal corporation may issue the

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

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

Sec. 733.40. Except as otherwise provided in section 4511.193 of the Revised Code, all fines, forfeitures, and costs in ordinance cases and all fees that are collected by the mayor, that in any manner come into the mayor's hands, or that are due the mayor or a marshal, chief of police, or other officer of the municipal corporation, any other fees and expenses that have been advanced out of the treasury of the municipal corporation, and all money received by the mayor for the use of the municipal corporation shall be paid by the mayor into the treasury of the municipal corporation on the first Monday of each month. At the first regular meeting of the legislative authority each month, the mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by ~~sections 3375.50 to 3375.52~~ section 307.515 or 4511.19 of the Revised Code, all fines, and forfeitures collected by the mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the mayor to the county treasury on the first business day of each month. Except as otherwise provided by ~~sections 3375.50 to 3375.52~~ section 307.515 or 4511.19 of the Revised Code, the mayor shall pay all court costs and fees collected by the mayor in state cases into the municipal treasury on the first business day of each month.

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

provided in division (E) of section 4513.263 of the Revised Code.

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

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

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

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

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

(C) The board of county commissioners of Ottawa county shall pay all

of the costs of operation of the Ottawa county municipal court. Subject to sections ~~3375.50, 3375.53~~ 307.515, 4511.19, 4511.193, and 5503.04 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court, the county shall receive all of the costs, fees, and other moneys, except fines collected for violations of municipal ordinances and for violations of township resolutions adopted pursuant to Chapter 504. of the Revised Code, that are received by the Ottawa county municipal court and shall receive fifty per cent of all of the fines for violations of municipal ordinances and for violations of township resolutions adopted pursuant to Chapter 504. of the Revised Code that are received by the court.

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

Sec. 1901.07. (A) All municipal court judges shall be elected on the nonpartisan ballot for terms of six years. In a municipal court in which only one judge is to be elected in any one year, that judge's term commences on the first day of January after the election. In a municipal court in which two or more judges are to be elected in any one year, their terms commence on successive days beginning the first day of January, following the election, unless otherwise provided by section 1901.08 of the Revised Code.

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

If the jurisdiction of a municipal court extends beyond the corporate limits of the municipal corporation in which it is located or if the jurisdiction

of the court does not extend beyond the corporate limits of the municipal corporation in which it is located and no charter provisions apply, all candidates for party nomination to the office of municipal court judge shall file a declaration of candidacy and petition not later than four p.m. of the seventy-fifth day before the day of the primary election, or if the primary election is a presidential primary election, not later than four p.m. of the sixtieth day before the day of the presidential primary election, in the form prescribed by section 3513.07 of the Revised Code. The petition shall conform to the requirements provided for those petitions of candidacy contained in section 3513.05 of the Revised Code, except that the petition shall be signed by at least fifty electors of the territory of the court. If no valid declaration of candidacy is filed for nomination as a candidate of a political party for election to the office of municipal court judge, or if the number of persons filing the declarations of candidacy for nominations as candidates of one political party for election to the office does not exceed the number of candidates that that party is entitled to nominate as its candidates for election to the office, no primary election shall be held for the purpose of nominating candidates of that party for election to the office, and the candidates shall be issued certificates of nomination in the manner set forth in section 3513.02 of the Revised Code.

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

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

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

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

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

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

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

(5) In the Franklin county municipal court, the judges shall be nominated only by petition. The petition shall be signed by at least fifty

electors of the territory of the court. The petition shall be in the statutory form and shall be filed in the manner and within the time prescribed by the charter of the city of Columbus for filing petitions of candidates for municipal offices. The judges shall be elected by the electors of the territory of the court in the manner provided by law for the election of judges of the court of common pleas.

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

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

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

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

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

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

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

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

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

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

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

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

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

In the Bellefontaine municipal court, one full-time judge shall be elected

in 1993.

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

In the Berea municipal court, one full-time judge shall be elected in 2005.

In the Bowling Green municipal court, one full-time judge shall be elected in 1983.

In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county county court that existed prior to that date whose term commenced on January 2, 2001, shall serve as the full-time judge of the Brown county municipal court until December 31, 2005.

In the Bryan municipal court, one full-time judge shall be elected in 1965.

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

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

In the Canton municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1969, and two full-time judges shall be elected in 1977.

In the Carroll county municipal court, one full-time judge shall be elected in 2009. Beginning January 1, 2007, the judge elected in 2006 to the part-time judgeship of the Carroll county county court that existed prior to that date shall serve as the full-time judge of the Carroll county municipal court until December 31, 2009.

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

In the Champaign county municipal court, one full-time judge shall be elected in 2001.

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

In the Chillicothe municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1977.

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

In the Clark county municipal court, one full-time judge shall be elected in 1989, and two full-time judges shall be elected in 1991. The full-time judges of the Springfield municipal court who were elected in 1983 and 1985 shall serve as the judges of the Clark county municipal court from

January 1, 1988, until the end of their respective terms.

In the Clermont county municipal court, two full-time judges shall be elected in 1991, and one full-time judge shall be elected in 1999.

In the Cleveland municipal court, six full-time judges shall be elected in 1975, three full-time judges shall be elected in 1953, and four full-time judges shall be elected in 1955.

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

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

In the Columbiana county municipal court, two full-time judges shall be elected in 2001.

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

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

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

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

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

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

In the Defiance municipal court, one full-time judge shall be elected in

1957.

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

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

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

In the Eaton municipal court, one full-time judge shall be elected in 1973.

In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.

In the Erie county municipal court, one full-time judge shall be elected in 2007.

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

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

In the Fairfield county municipal court, one full-time judge shall be elected in 2003, and one full-time judge shall be elected in 2005.

In the Fairfield municipal court, one full-time judge shall be elected in 1989.

In the Findlay municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1993.

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

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

In the Franklin county municipal court, two full-time judges shall be elected in 1969, three full-time judges shall be elected in 1971, seven full-time judges shall be elected in 1967, one full-time judge shall be elected in 1975, one full-time judge shall be elected in 1991, and one full-time judge shall be elected in 1997.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the Lancaster municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1979. Beginning January 2,

2000, the full-time judges of the Lancaster municipal court who were elected in 1997 and 1999 shall serve as judges of the Fairfield county municipal court until the end of those judges' terms.

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

In the Lebanon municipal court, one part-time judge shall be elected in 1955.

In the Licking county municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971.

In the Lima municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1967.

In the Lorain municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1973.

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

In the Madison county municipal court, one full-time judge shall be elected in 1981.

In the Mansfield municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1969.

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

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

In the Marysville municipal court, one full-time judge shall be elected in 2011. On and after January 18, 2007, the part-time judge of the Marysville municipal court who was elected in 2005 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2011.

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

In the Massillon municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1971.

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

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

In the Mentor municipal court, one full-time judge shall be elected in 1971.

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

In the Miamisburg municipal court, one part-time judge shall be elected

in 1951.

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

In the Morrow county municipal court, one full-time judge shall be elected in 2005. Beginning January 1, 2003, the part-time judge of the Morrow county county court that existed prior to that date shall serve as the full-time judge of the Morrow county municipal court until December 31, 2005.

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

In the Napoleon municipal court, one full-time judge shall be elected in 2005.

In the New Philadelphia municipal court, one full-time judge shall be elected in 1975.

In the Newton Falls municipal court, one full-time judge shall be elected in 1963.

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

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

In the Oakwood municipal court, one part-time judge shall be elected in 1953.

In the Oberlin municipal court, one full-time judge shall be elected in 1989.

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

In the Ottawa county municipal court, one full-time judge shall be elected in 1995, and the full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.

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

In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971.

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

In the Portage county municipal court, two full-time judges shall be elected in 1979, and one full-time judge shall be elected in 1971.

In the Port Clinton municipal court, one full-time judge shall be elected

in 1953. The full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.

In the Portsmouth municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1985.

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

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

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

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

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

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

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

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

In the Stow municipal court, one full-time judge shall be elected in 2009, and one full-time judge shall be elected in 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2008, shall serve as a full-time judge of the Stow municipal court until December 31, 2013. Beginning January 1, 2009, the judge of the Cuyahoga Falls municipal court that existed prior to that date whose term commenced on January 1, 2004, shall serve as a full-time judge of the Stow municipal court until December 31, 2009.

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

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

In the Tiffin municipal court, one full-time judge shall be elected in

1953.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

follows:

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

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton county, Portage county, and Wayne county municipal courts and through December 31, 2008, the Cuyahoga Falls municipal court, if the population of the territory equals or exceeds one hundred thousand at the regular municipal election immediately preceding the expiration of the term of the present clerk, the clerk shall be nominated and elected by the qualified electors of the territory in the manner that is provided for the nomination and election of judges in section 1901.07 of the Revised Code.

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

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

(c) In the Portage county and Wayne county municipal courts, the clerks of courts of Portage county and Wayne county shall be the clerks, respectively, of the Portage county and Wayne county municipal courts and may appoint a chief deputy clerk for each branch that is established pursuant to section 1901.311 of the Revised Code and assistant clerks as the judges of the municipal court determine are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Portage county and Wayne county, acting as the clerks of the Portage county and Wayne county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the

population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

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

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

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

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

(e) Except as otherwise provided in division (A)(1)(e) of this section, in

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

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

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

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

(f)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(f)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified

in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty qualified electors of the territory of the court.

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

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

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

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

(g) Except as otherwise provided in division (A)(1)(g) of this section, in the Toledo municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Toledo for the nomination of municipal officers. Notwithstanding any contrary provision of

section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Toledo municipal court shall be signed by at least fifty qualified electors of the territory of the court.

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

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

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

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

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

(A)(1)(a) of this section.

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

(d) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

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

(B) Except in the Hamilton county, Portage county, and Wayne county municipal courts, if a vacancy occurs in the office of the clerk of the Alliance, Lorain, Massillon, or Youngstown municipal court or occurs in the office of the clerk of a municipal court for which the population of the territory equals or exceeds one hundred thousand because the clerk ceases to hold the office before the end of the clerk's term or because a clerk-elect

fails to take office, the vacancy shall be filled, until a successor is elected and qualified, by a person chosen by the residents of the territory of the court who are members of the county central committee of the political party by which the last occupant of that office or the clerk-elect was nominated. Not less than five nor more than fifteen days after a vacancy occurs, those members of that county central committee shall meet to make an appointment to fill the vacancy. At least four days before the date of the meeting, the chairperson or a secretary of the county central committee shall notify each such member of that county central committee by first class mail of the date, time, and place of the meeting and its purpose. A majority of all such members of that county central committee constitutes a quorum, and a majority of the quorum is required to make the appointment. If the office so vacated was occupied or was to be occupied by a person not nominated at a primary election, or if the appointment was not made by the committee members in accordance with this division, the court shall make an appointment to fill the vacancy. A successor shall be elected to fill the office for the unexpired term at the first municipal election that is held more than one hundred twenty days after the vacancy occurred.

(C)(1) In a municipal court, other than the Auglaize county, the Brown county, the Columbiana county, the Holmes county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand, the clerk of the municipal court shall receive the annual compensation that the presiding judge of the court prescribes, if the revenue of the court for the preceding calendar year, as certified by the auditor or chief fiscal officer of the municipal corporation in which the court is located or, in the case of a county-operated municipal court, the county auditor, is equal to or greater than the expenditures, including any debt charges, for the operation of the court payable under this chapter from the city treasury or, in the case of a county-operated municipal court, the county treasury for that calendar year, as also certified by the auditor or chief fiscal officer. If the revenue of a municipal court, other than the Auglaize county, the Brown county, the Columbiana county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand for the preceding calendar year as so certified is not equal to or greater than those expenditures for the operation of the court for that calendar year as so certified, the clerk of a municipal court shall receive the annual compensation that the legislative authority prescribes. As used in this division, "revenue" means the total of all costs and fees that are collected and paid to the city treasury or, in a county-operated municipal court, the county treasury by the clerk of the municipal court under division (F) of this

section and all interest received and paid to the city treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

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

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

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

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

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an

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

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall each month disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections ~~3375.50~~ 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution of which was violated. Subject to sections 1901.024 and 4511.193 of the Revised Code, in the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay fifty per cent of the fines received for violation of municipal ordinances and fifty per cent of the fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the county. Subject to sections ~~3375.50, 3375.53~~ 307.515, 4511.19, and 5503.04 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court, the clerk shall pay all fines collected for the violation of state laws into the county treasury. Except in a county-operated municipal court, the clerk shall pay all costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the city treasury. The clerk of a county-operated municipal court shall pay the costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the county treasury. Moneys deposited as security for costs shall be retained pending the litigation. The clerk shall keep a separate account of all receipts and disbursements in civil and criminal cases, which shall be a permanent public record of the office. On the expiration of the term of the clerk, the clerk shall deliver the records to the clerk's successor. The clerk shall have other powers and duties as are prescribed by rule or order of the court.

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

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

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

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

thousand.

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

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

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

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

The clerk shall prepare and maintain a general index, a docket as prescribed by the court, which shall be furnished by the board of county commissioners, and such other records as the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall

enter at times of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and pleadings subsequent thereto. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which may be taxed as costs in the case or may be required to be prepaid by the party demanding the extended record, upon order of the court.

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

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

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

(D) All moneys paid into a county court shall be noted on the record of the case in which they are paid and shall be deposited in a state or national bank selected by the clerk. On the first Monday in January of each year, the clerk shall make a list of the titles of all cases in the county court that were finally determined more than one year past in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security of costs not consumed by the costs in the case. The clerk shall give notice of the moneys to the parties entitled to them or to their attorneys of record. All the moneys remaining unclaimed on the first day of April of

each year shall be paid by the clerk to the county treasurer. Any part of the moneys shall be paid by the county treasurer at any time to the person having the right to them, upon proper certification of the clerk.

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

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

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

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

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

(2) A clerk of courts acting as clerk of the county court may establish one or more branch offices for the clerk's duties as clerk of the county court and, with the concurrence of the county court judges, may appoint a special

deputy clerk to administer each branch office. Each special deputy clerk shall take an oath of office before entering upon the deputy clerk's duties and, when so qualified, may perform any of the duties pertaining to the office of clerk, as the clerk of courts prescribes. The clerk of courts may require any of the special deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

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

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

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

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

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

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

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

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

manner:

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

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

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

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

(5) If the court ordered the offender to pay any reimbursement and if all of the court costs, state fines or costs, restitution, and fines that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursements until they have been entirely paid.

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

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

(1) Each student enrolled in a building ~~subject to division (E) of section 3302.04 of the Revised Code~~ that has failed to make adequate yearly

progress for two or more consecutive school years;

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

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

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

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

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

(D) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

(E) Any district that made adequate yearly progress, ~~as defined in section 3302.01 of the Revised Code,~~ in the immediately preceding school year may assess student progress in grades one through three using a

diagnostic assessment other than the diagnostic assessment required by division (A) of this section.

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

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

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

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

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

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

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

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

(4) A description of any progress that the district or building made in the

preceding year toward improving its academic achievement;

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

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

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

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

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

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

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

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

(a) Determining whether teachers are assigned to subject areas for

which they are licensed or certified;

(b) Determining pupil-teacher ratios;

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

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

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

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

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

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

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to

6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

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

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

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

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

receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

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

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

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

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

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

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

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

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

(f) Reorganize the administrative structure of the building.

(4) For any school building that fails to make adequate yearly progress

for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:

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

(b) Replace personnel;

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

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

(e) Other significant restructuring of the building's governance.

(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section.

(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.

(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.

(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;

(b) Direct the district to replace key district personnel;

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

(d) Establish alternative forms of governance for individual school buildings within the district;

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.

(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.

(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.

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

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

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

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

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

Sec. 3302.10. (A) Beginning July 1, 2007, the superintendent of public instruction shall establish an academic distress commission for each school district that has been declared to be in a state of academic emergency pursuant to section 3302.03 of the Revised Code and has failed to make adequate yearly progress for four or more consecutive school years. Each commission shall assist the district for which it was established in improving the district's academic performance.

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

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

Members of the commission shall serve at the pleasure of their appointing authority during the life of the commission. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of a member, the appointing authority shall appoint a successor within fifteen days after the vacancy occurs. Members shall serve without compensation, but shall be

paid by the commission their necessary and actual expenses incurred while engaged in the business of the commission.

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

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

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

(D) Each academic distress commission may adopt and alter bylaws and rules, which shall not be subject to section 111.15 or Chapter 119. of the Revised Code, for the conduct of its affairs and for the manner, subject to this section, in which its powers and functions shall be exercised and embodied.

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

(F) The members of an academic distress commission, the superintendent of public instruction, and any person authorized to act on

behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the commission, superintendent of public instruction, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section.

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

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

(I)(1) Within one hundred twenty days after the first meeting of an academic distress commission, the commission shall adopt an academic recovery plan to improve academic performance in the school district. The plan shall address academic problems at both the district and school levels. The plan shall include the following:

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

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

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

(d) Procedures for monitoring and evaluating improvement efforts;

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

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

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

(4) County, state, and school district officers and employees shall assist the commission diligently and promptly in the implementation of the academic recovery plan.

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

The commission may do any of the following:

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

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

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

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

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

Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, if the board of education has entered into a collective bargaining agreement after September 29, 2005, that contains stipulations relinquishing one or more of the rights or responsibilities listed in division (C) of section 4117.08 of the Revised Code, those stipulations are not enforceable and the district board shall resume holding those rights or responsibilities as if it had not relinquished them in that agreement until such time as both the academic distress commission ceases to exist and the district board agrees to relinquish those rights or responsibilities in a new collective bargaining agreement. The provisions of this paragraph apply to a collective bargaining agreement entered into after September 29, 2005, and those provisions are deemed to be part of that agreement regardless of whether the district satisfied the conditions prescribed in division (A) of this section at the time the district entered into that agreement.

(L) An academic distress commission shall cease to exist when the district for which it was established receives a performance rating under section 3302.03 of the Revised Code of in need of continuous improvement

or better for two of the three prior school years; however, the superintendent of public instruction may dissolve the commission earlier if the superintendent determines that the district can perform adequately without the supervision of the commission. Upon termination of the commission, the department of education shall compile a final report of the commission's activities to assist other academic distress commissions in the conduct of their functions.

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

(A) As used in this section:

(1) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(2) "Alternative school" means a school building other than the one to which a student is assigned by the district superintendent.

(3) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following:

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.

(2) The establishment of district capacity limits by grade level, school building, and education program;

(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

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

the student's IEP are available;

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

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

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

(2) A district board shall provide transportation to any student ~~enrolled in an alternative school pursuant~~ described in 20 U.S.C. 6316(b)(1)(F) to the extent required by division (E) of section 3302.04 of the Revised Code ~~to the extent required by that division~~, except that no district board shall be required to provide transportation to any such student ~~enrolled in an alternative school pursuant to division (E) of section 3302.04 of the Revised Code~~ after ~~the date~~ the school in which the student was enrolled immediately prior to enrolling in the alternative school ~~ceases to be subject to that division~~ makes adequate yearly progress, as defined in section 3302.01 of the Revised Code, for two consecutive school years.

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

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

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

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

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

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

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

(2) The education program of the school, including the school's mission,

the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

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

(4) Performance standards by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013,

3313.6014, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, adopted by the state board of education under division (J) of section 3313.603 of the Revised Code.

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

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

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

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has

been renewed pursuant to division (E) of this section.

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

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.

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

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

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

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

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of

education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;

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

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

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

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

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

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing

authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

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

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

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

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

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

(2) The payment funds shall consist solely of all moneys returned to the

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

(3) ~~The~~ Except as provided in division (E) of this section, the payment funds shall be used solely for scholarship and fellowships awarded under sections 3333.37 to 3333.375 of the Revised Code by the chancellor of the Ohio board of regents and for any necessary administrative expenses incurred by the chancellor in administering the scholarship and fellowship programs.

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

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

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

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

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

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

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

(B) The statewide consortium board shall consist of five voting members, one of whom shall be the librarian of the supreme court of Ohio.

or, if the librarian of the supreme court is unavailable, the chief justice's designee, and the other four members shall be appointed as follows:

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

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

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

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

Each member appointed pursuant to division (B) of this section shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Vacancies shall be filled within sixty days after the vacancy occurs and shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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

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

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

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

(4) Provide consultation and assistance to county law library resources

boards:

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

(E)(1) There is hereby created in the state treasury the statewide consortium of county law library resources boards fund. Commencing in calendar year 2011, each county treasurer shall deposit on or before the fifteenth day of February of each calendar year two per cent of the funds deposited pursuant to section 307.515 of the Revised Code into the county law library resources fund of the treasurer's county, established under section 307.514 of the Revised Code, from the immediately preceding calendar year into the statewide consortium of county law library resources boards fund. The statewide consortium board may recommend in writing and submit to each county law library resources board an increase or decrease in the percentage of funds that must be deposited into the statewide consortium fund by county treasurers pursuant to the division. Upon the receipt of written approval of the recommendation from a majority of the county law library resources boards, the recommendation shall become effective on January 1 of the succeeding year. The statewide consortium board of the county law library resources boards shall make any recommendations not later than the first day of April for the proceeding fiscal year, and any action by a county law library resources board on the recommendation shall be certified to the statewide consortium board not later than the first day of June of that year.

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

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

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

(H) The statewide consortium board shall elect a chairperson from its membership. The statewide consortium board shall meet at least four times per year and shall keep a record of its proceedings. The record of its proceedings shall be open to the public for inspection. The chairperson or the chairperson's designee shall send a written notice of the time and place of each meeting to each member. A majority of the members of the statewide consortium board shall constitute a quorum.

Sec. 3375.49. (A) ~~Subject to divisions (B) and (D) of this section, for~~

For the use of the law library referred to in section 3375.48 of the Revised Code as repealed by this act, the board of county commissioners shall provide space in the county courthouse or in any other building located in the county seat, and utilities for that space.

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

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

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

~~(ii) In calendar year 2008, the board of county commissioners shall pay sixty per cent, and the board of trustees shall pay forty per cent.~~

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

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

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

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

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

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

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

~~(3)(a) Beginning in calendar year 2011 and thereafter, the board of~~

~~trustees shall be responsible for paying the compensation of the librarian and all assistant librarians appointed under section 3375.48 of the Revised Code.~~

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

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

~~(D)(1) Except as otherwise provided in division (D)(2) of this section, if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code rents, leases, lease-purchases, or otherwise acquires space to expand or enlarge the law library for the use of the law library, the board of county commissioners of the county in which the association is located has no further obligation under division (A) of this section to provide space in the county courthouse or any other building located in the county seat for the use of the law library and utilities for that space, and has no further obligation under division (B) of this section to make payments for the compensation of the librarian and up to two assistant librarians of the law library appointed under section 3375.48 of the Revised Code and for the costs of space in the county courthouse or any other building for the use of the law library, the utilities for that space, and the law library's furniture and fixtures.~~

~~(2) Division (D)(1) of this section does not apply if the board of trustees of a law library association referred to in section 3375.48 of the Revised Code modifies the space used by the law library in a manner that results in no change in that space or in a reduction in that space and that results in no additional costs to the board of county commissioners for fixtures or furniture for the law library.~~

~~(E)(C) The librarian of the law library shall receive and safely keep in the law library the law reports and other books furnished by the state for use of the court and bar.~~

~~(F)(D) The books, computer communications console that is a means of~~

access to a system of computerized legal research, microform materials and equipment, videotape materials and equipment, audio or visual materials and equipment, other materials and equipment utilized in conducting legal research, furniture, and fixtures of the law library association that are owned by, and used exclusively in, the law library are exempt from taxation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility that is authorized

by a valid medicaid provider agreement to participate in the assisted living program, including both of the following:

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

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

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

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

Each month, each area agency on aging shall determine whether any individual who resides in the area that the area agency on aging serves and is on a waiting list for the assisted living program has been admitted to a nursing facility. If an area agency on aging determines that such an individual who is eligible for the medicaid program and resides in the area that the area agency on aging serves has been admitted to a nursing facility and that there is a vacancy in a residential care facility participating in the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the assisted living program is appropriate for the individual and whether the individual would rather participate in the assisted living program than continue residing in the nursing facility. If the administrator determines that the assisted living program is appropriate for the individual and the individual would rather participate in the assisted living program than continue residing in the nursing facility, the administrator shall ~~provide the individual or individual's representative information about how to apply for the assisted living program and whether there is a waiting list for the assisted living program so~~ notify the state administrative agency.

On receipt of the notice from the administrator, the state administrative agency shall approve the individual's enrollment in the assisted living program regardless of any waiting list for the assisted living program, unless the enrollment would cause the assisted living program to exceed the limit on the number of individuals who may participate in the program as set by section 5111.89 of the Revised Code. Each quarter, the state administrative agency shall certify to the director of budget and management the estimated

increase in costs of the assisted living program resulting from enrollment of individuals in the assisted living program pursuant to this section.

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

Sec. 5709.75. (A) Any township that receives service payments in lieu of taxes under section 5709.74 of the Revised Code shall establish a township public improvement tax increment equivalent fund into which those payments shall be deposited. If the board of township trustees has adopted a resolution under division (C) of section 5709.73 of the Revised Code, the township shall establish at least one account in that fund with respect to resolutions adopted under division (B) of that section, and one account with respect to each incentive district created by a resolution adopted under division (C) of that section. If a resolution adopted under division (C) of section 5709.73 of the Revised Code also authorizes the use of service payments for housing renovations within the incentive district, the township shall establish separate accounts for the service payments designated for public infrastructure improvements and for the service payments authorized for the purpose of housing renovations.

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

(C)(1)(a) A township may distribute money in such an account to any school district in which the exempt property is located in an amount not to exceed the amount of real property taxes that such school district would have received from the improvement if it were not exempt from taxation. The resolution establishing the fund shall set forth the percentage of such maximum amount that will be distributed to any affected school district.

(b) A township also may distribute money in such an account as

follows:

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

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

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

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

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

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

(A)(1) The tax shall be collected as provided in section 5739.025 of the

Revised Code. The rate of the tax shall be five and one-half per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

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

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

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

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

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from

taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

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

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds

six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

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

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

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

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

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

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

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

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

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction

contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

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

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a) or (g) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

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

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services or county humane societies;

(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;

(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and

information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

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

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

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

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

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

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

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

- (a) Motor racing vehicles;
- (b) Repair services for motor racing vehicles;

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

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

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

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

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

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, or directly in the rendition of a public utility service, except that the sales tax levied by

this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. Persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

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

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

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

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

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

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

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

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

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

5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

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

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

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

(n) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.

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

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

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

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

(46) Sales by a telecommunications service vendor of 900 service to a

subscriber. This division does not apply to information services, as defined in division (FF) of section 5739.01 of the Revised Code.

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

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

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

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

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

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

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

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of

aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

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

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

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

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

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

SECTION 201.01. That Sections 309.30.50 and 309.30.53 of Am. Sub.

H.B. 119 of the 127th General Assembly be amended to read as follows:

Sec. 309.30.50. HOME FIRST PROGRAM - PASSPORT

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

(1) Transfer the state share of the amount of the actual expenditures from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT;

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

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

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

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

Sec. 309.30.53. HOME FIRST PROGRAM - RESIDENTIAL STATE SUPPLEMENT TRANSFER

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

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

(B) The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation item 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Job and Family Services Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.

The funds that the Director of Budget and Management transfers and

increases under this division are hereby appropriated.

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

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

		Reappropriations
Sec. 201.60.20. DMH DEPARTMENT OF MENTAL HEALTH		
STATEWIDE AND CENTRAL OFFICE PROJECTS		
C58000	Hazardous Materials Abatement	\$ 254,808
C58001	Community Assistance Projects	\$ <del>5,196,466</del>
		<u>4,696,466</u>
C58002	Campus Consolidation - Automation	\$ 318,720
C58004	Demolition	\$ 661,655
C58005	Life Safety/Critical Plant Renovations	\$ 65,729
C58006	Patient Care/Environment Improvement	\$ 998,268
C58007	Infrastructure Renovations	\$ 12,635,238
C58008	Emergency Improvements	\$ 2,843,566
C58009	Patient Environment Improvement Consolidation	\$ 176,853
C58010	Campus Consolidation	\$ 8,664,798
Total Department of Mental Health		\$ <del>31,816,101</del>
		<u>31,316,101</u>

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

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

		Reappropriations
Sec. 201.60.30. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES		
STATEWIDE PROJECTS		
C59000	Asbestos Abatement	\$ 999,637
C59004	Community Assistance Projects	\$ 1,202,040
<del>C59019</del>	<del>North Olmsted Welcome House</del>	<del>\$ 400,000</del>
C59020	Kamp Dovetail Project at Rocky Fork Lake State Park	\$ 100,000
C59022	Razing of Buildings	\$ 80,595
C59024	Telecommunications Systems Improvement	\$ 774,454
C59029	Emergency Generator Replacement	\$ 1,049,606
C59034	Statewide Developmental Centers	\$ 5,479,662
C59050	Emergency Improvements	\$ 634,970

Total Statewide and Central Office Projects	\$	<del>10,420,964</del>
		<u>10,320,964</u>

**COMMUNITY ASSISTANCE PROJECTS**

The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the construction or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities are subject to the prevailing wage provisions in section 176.05 of the Revised Code.

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

**STATEWIDE DEVELOPMENTAL CENTERS  
CAMBRIDGE DEVELOPMENTAL CENTER**

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

**COLUMBUS DEVELOPMENTAL CENTER**

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

**GALLIPOLIS DEVELOPMENTAL CENTER**

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

**MONTGOMERY DEVELOPMENTAL CENTER**

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

**MOUNT VERNON DEVELOPMENTAL CENTER**

C59039	Mount Vernon Developmental Center	\$	160,353
	Total Mount Vernon Developmental Center	\$	160,353

**NORTHWEST OHIO DEVELOPMENTAL CENTER**

C59030	Replace Chiller	\$	8,535
C59040	Northwest Ohio Developmental Center	\$	11,171
	Total Northwest Ohio Developmental Center	\$	19,706

**SOUTHWEST OHIO DEVELOPMENTAL CENTER**

C59016	Residential Renovation - HVAC Upgrade	\$	23,075
C59041	Southwest Ohio Developmental Center	\$	14,566
C59048	Renovation Program and Support Services Building	\$	3,900
	Total Southwest Ohio Developmental Center	\$	41,541

## TIFFIN DEVELOPMENTAL CENTER

C59026	Roof and Exterior Renovations	\$	19,666
C59043	Tiffin Developmental Center	\$	20,696
Total Tiffin Developmental Center		\$	40,362

## WARRENSVILLE DEVELOPMENTAL CENTER

C59017	Residential Renovations - WDC	\$	5,057
C59021	Water Line Replacement - WDC	\$	16,267
C59031	ADA Compliance - WDC	\$	3,628
C59044	Warrensville Developmental Center	\$	29,860
Total Warrensville Developmental Center		\$	54,812

## YOUNGSTOWN DEVELOPMENTAL CENTER

C59045	Youngstown Developmental Center	\$	24,400
Total Youngstown Developmental Center		\$	24,400

TOTAL Department of Mental Retardation and Developmental Disabilities	\$	<u>10,892,552</u>
		<u>10,792,552</u>
TOTAL Mental Health Facilities Improvement Fund	\$	<u>43,684,415</u>
		<u>43,084,415</u>

## Reappropriations

Sec. 301.40.10. CTC CINCINNATI STATE TECHNICAL AND  
COMMUNITY COLLEGE

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

## Reappropriations

## Sec. 301.60.50. STC STARK TECHNICAL COLLEGE

C38900	Basic Renovations	\$	374,496
C38901	Instructional and Data Processing Equipment	\$	22,356
C38903	Timken Regional Campus Technology Project	\$	219,659
C38912	Health and Science Building	\$	4,814,648
Total Stark Technical College		\$	5,431,159
TOTAL Higher Education Improvement Fund	\$	<u>828,056,976</u>	
			<u>828,556,976</u>

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

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

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

		Appropriations
AFC CULTURAL FACILITIES COMMISSION		
C37118	Statewide Site Repairs	\$ 650,000
C37120	Cincinnati Museum Center	\$ 2,500,000
C37122	Akron Art Museum	\$ 700,000
C37123	Youngstown Symphony Orchestra	\$ 675,000
C37127	Cedar Bog	\$ 50,000
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000
C37140	McKinley Museum Improvements	\$ 200,000
C37142	Midland Theatre Improvements	\$ 300,000
C37148	Hayes Presidential Center	\$ 150,000
C37152	Zoar Village Building Restoration	\$ 90,000
C37153	Basic Renovations and Emergency Repairs	\$ 850,000
C37158	Rankin House Restoration and Development	\$ 242,000
C37163	Harding Home and Tomb	\$ 340,000
C37165	Ohio Historical Center Rehabilitation	\$ 514,000
C37187	Renaissance Theatre	\$ 900,000
C37188	Trumpet in the Land Facility	\$ 150,000
C371A3	Voice of America Museum Facility	\$ 500,000
C371A9	Western Reserve Historical Society	\$ 300,000
C371C7	Music Hall Facility	\$ 1,100,000
C371E5	Pro Football Hall of Fame	\$ 500,000
C371F6	Colony Theater	\$ 250,000
C371G4	Collections Storage Facility and Learning Center	\$ 1,240,000
C371G6	Lockington Locks Stabilization	\$ 462,000
C371H2	National Underground Railroad Freedom Center	\$ 850,000
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$ 1,000,000
C371H7	COSI - Columbus	\$ 500,000
C371H8	Columbus Museum of Art	\$ 1,500,000
C371J3	Davis-Shai Historical Facility	\$ 725,000
C371J4	Massillon Museum Improvements	\$ 150,000
C371J6	Peggy McConnell Arts Center - Worthington	\$ 475,000
C371J9	Stambaugh Auditorium	\$ 675,000
C371K3	Cincinnati Ballet	\$ 250,000
C371L3	Ukrainian Museum	\$ 50,000
C371L4	Gordon Square Arts District	\$ 1,800,000
C371M8	Hale Farm and Village	\$ 200,000
C371O9	Historic Site-Signage - Phase II	\$ 50,000
C371P4	Cleveland Playhouse	\$ 150,000
C371P9	Civil War Site Improvements	\$ 475,000
C371Q0	On-Line Portal to Ohio's Heritage	\$ 427,000

C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000
C371Q2	Ballpark Village project	\$	2,000,000
C371Q5	Cincinnati Zoo	\$	1,500,000
C371Q6	Cincinnati Art Museum	\$	1,500,000
C371R0	King Arts Complex	\$	861,000
C371R3	Loudonville Opera House	\$	600,000
C371R4	Eagles Palace Theater	\$	410,000
C371R6	Historic McCook House	\$	500,000
C371R7	Jeffrey Mansion in Bexley	\$	475,000
C371R8	Columbus Zoo and Aquarium	\$	500,000
C371S0	Towpath Trail	\$	500,000
C371S1	Museum of Contemporary Art Cleveland	\$	450,000
C371S2	Arts in Stark Cultural Center	\$	150,000
C371S3	Ohio Genealogical Society	\$	350,000
C371S5	The Fine Arts Association	\$	300,000
C371S7	Maltz Museum of Jewish Heritage	\$	300,000
C371S8	Allen County Historical Society Museum Renovation	\$	280,000
C371S9	Portsmouth Mural	\$	250,000
<del>C371T0</del>	<del>Mt. Vernon - Nazarene University Arts Center</del>	<del>\$</del>	<del>300,000</del>
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000
C371T3	Boonshoft Museum of Discovery	\$	250,000
C371T5	Cliffton Cultural Arts Center	\$	250,000
C371T6	Baltimore Theatre	\$	50,000
C371T7	Rock Mill Park Improvements	\$	150,000
C371T9	Cozad-Bates House Historic Project	\$	100,000
C371U3	Lake Erie Nature & Science Center	\$	200,000
C371U4	Great Lakes Science Center	\$	300,000
C371U5	Cleveland Zoological Society	\$	150,000
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000
C371V0	Chesterhill Union Hall Theatre	\$	25,000
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000
C371V2	Hallsville Historical Society	\$	100,000
C371V3	Fayette County Historical Society	\$	150,000
C371V4	Covedale Theatre	\$	100,000
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000
C371V6	Madeira Historical Society/Miller House	\$	60,000
C371V7	Sylvania Historic Village restoration	\$	200,000
C371V9	Henry County Historical Society museum	\$	59,000
C371W0	Antwerp Railroad Depot historic building	\$	106,000
C371W1	Village of Edinburg Veterans Memorial	\$	35,000
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000
C371W3	North Ridgeville Historic Community Theater	\$	175,000
C371W4	Redbrick Center for the Arts	\$	200,000
C371W5	Irene Lawrence Fuller Historic House	\$	250,000
C371W6	Preble County Historical Society Amphitheater	\$	250,000
C371W7	BalletTech	\$	200,000
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000
C371W9	Rickenbacker Boyhood Home	\$	139,000
C371X0	Rivers Edge Amphitheater project	\$	100,000
C371X1	Variety Theater	\$	85,000
C371X2	Morgan Township Historical Society	\$	80,000
C371X3	Salem Community Theater	\$	53,000
C371X4	Our House State Memorial	\$	50,000
C371X5	Belle's Opera House Improvements	\$	50,000

C371X6	Warren Veterans memorial	\$	50,000
C371X7	Huntington Playhouse	\$	40,000
C371X8	Cambridge Performing Arts Center	\$	37,500
C371X9	Old Harvey Historic School Restoration	\$	25,000
C371Y0	Dalton Community Historical Society	\$	10,000
C371Y1	Mohawk Veterans' Memorial	\$	15,000
C371Y2	Cleveland Museum of Natural History	\$	150,000
C371Y3	Fire Museum	\$	83,334
C371Y4	New Town Indian Artifact Museum	\$	300,000
C371Y5	City of Perrysburg Fort Meigs	\$	200,000
C371Y6	Historic League Park Restoration	\$	150,000
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000
C371Z1	Great Lakes Historical Museum	\$	200,000
C371Z3	Port of Lorain Foundation - Lorain Lighthouse Restoration	\$	190,000
Total Cultural Facilities Commission		\$	<del>43,059,834</del> <u>42,759,834</u>
TOTAL Cultural and Sports Facilities Building Fund		\$	<del>43,059,834</del> <u>42,759,834</u>

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

Appropriations

Sec. 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH

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

COMMUNITY ASSISTANCE PROJECTS

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

Appropriations

Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

**STATEWIDE AND CENTRAL OFFICE PROJECTS**

C59004	Community Assistance Projects	\$	<del>13,301,537</del> <u>13,551,537</u>
C59022	Razing of Buildings	\$	200,000
C59024	Telecommunications	\$	400,000
C59029	Generator Replacement	\$	1,000,000
C59034	Statewide Developmental Centers	\$	4,294,237
C59050	Emergency Improvements	\$	500,000
C59051	Energy Conservation	\$	500,000
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000
<del>C59053</del>	<del>Magnolia Clubhouse</del>	\$	<del>250,000</del>
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000
C59055	Camp McKinley Improvements	\$	30,000
C59056	The Hope Learning Center	\$	250,000
<del>C59057</del>	<del>North Olmsted Welcome House</del>	\$	<del>150,000</del>
	Total Statewide and Central Office Projects	\$	<u>21,300,774</u> <u>21,150,774</u>
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	<u>21,300,774</u> <u>21,150,774</u>
	TOTAL Mental Health Facilities Improvement Fund	\$	<u>127,330,774</u> <u>127,630,774</u>

**COMMUNITY ASSISTANCE PROJECTS**

The foregoing appropriation item C59004, Community Assistance Projects, may be used to provide community assistance funds for the development, purchase, construction, or renovation of facilities for day programs or residential programs that provide services to persons eligible for services from the Department of Mental Retardation and Developmental Disabilities or county boards of mental retardation and developmental disabilities. Any funds provided to nonprofit agencies for the construction or renovation of facilities for persons eligible for services from the Department of Mental Retardation and Developmental Disabilities and county boards of mental retardation and developmental disabilities shall be governed by the prevailing wage provisions in section 176.05 of the Revised Code.

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

Appropriations

Sec. 233.30.40. UCN UNIVERSITY OF CINCINNATI

C26500	Basic Renovations	\$	10,720,621
C26501	Basic Renovations - Clermont	\$	326,112
C26502	Raymond Walters Renovations	\$	501,195
C26530	Medical Science Building Renovation & Expansion	\$	26,412,509
C26607	Consolidated Communication Project of Clermont County	\$	475,000
C26612	Clermont Renovations	\$	751,132

C26613	New Building	\$	1,582,233
C26614	Barrett Cancer Center	\$	1,500,000
C26615	Beech Acres	\$	125,000
C26616	Forest Park Homeland Security Facility	\$	50,000
C26617	Health Care Connection - Lincoln Heights	\$	150,000
C26618	People Working Cooperatively	\$	120,000
C26619	Sharonville Convention Center	\$	950,000
C26620	Society for the Prevention of Cruelty to Animals - Facility	\$	100,000
<del>C26621</del>	<del>Mayerson Center</del>	\$	<del>200,000</del>
Total University of Cincinnati		\$	<u>43,963,802</u>
			<u>43,763,802</u>

## Appropriations

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

## Appropriations

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

## Appropriations

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

SECTION 205.02. That existing Sections 227.10, 231.10.20, 231.20.30, 233.30.40, 233.40.10, 233.50.20, and 233.50.80 of Am. Sub. H.B. 562 of

the 127th General Assembly are hereby repealed.

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

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

Ashtabula Township, Ashtabula County, State of Ohio

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

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

~~Being a parcel of land lying on the left side of the centerline of survey for State Route 46, Section 27.06, Ashtabula County, Ohio, made by the Ohio State Department of Highways, and bounded and described as follows:~~

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

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

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

Course 1: thence NORTH 00°28'38" EAST along the centerline of State Road, 280.47 feet to the southwest corner of the Advance Land &

Development Plat, as recorded in Plat Book 7, Page 50 of the Ashtabula County Record of Plats;

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

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

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

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

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

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

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

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

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

Prior Deed Reference: 46-5630

Howey Road Armory

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

Said parcel being a part of 80.202 acres acquired from the Columbus and Southern Ohio Electric Company, December 7, 1951, and being recorded in Franklin County, Volume 1704, Page 153. Beginning at an iron pin located at the intersection of the east right-of-way of Hiawatha Park Place and the north property line of the Ohio State Fairgrounds and the east right-of-way of the North Freeway, thence north 86 degrees 43'17" east 737.59 feet along the north property line of the Ohio State Fairgrounds to a point, thence south 3 degrees 12'14" west 50 feet to a point, thence south 86 degrees 43'17" east 50 feet to a point, thence north 3 degrees 12'14" east 50 feet to a point in the north property line of the Ohio State Fairgrounds, thence south 86 degrees 43'17" east 17.46 feet to the northeast corner of the Ohio State Fairgrounds, thence south 3 degrees 12'14" west 1145.00 feet along the east property line of the Ohio State Fairgrounds to a point at the intersection of the east right-of-way of the north freeway, thence south 25 degrees 55'03" east 695.94 feet along the east right-of-way of the North Freeway to a point. Thence south 37 degrees 46'42" east 712.00 feet to the point of beginning containing 9.42 acres, more ~~of~~ or less.

Mount Vernon

Situated in the ~~state~~ State of Ohio, ~~county~~ County of Knox, City of Mount

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

Springfield

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

Being part of the northwest quarter of Section 3. Township 5, Range 9, and part of the northeast quarter of Section 9, Township 5, Range 9, between the Miami Rivers Survey. Beginning at a point in the center line of the Laybourne Road, north 85 degrees 27' west 370.0 feet from the intersection of said centerline with the center line of State Route 70 (Springfield and Washington C.H. Road); thence with the center line of the Laybourne Road, north 85 degrees 57" west, 650.0 feet; thence north 29 degrees 46' east, 248.63 feet to a pipe; thence south 80 degrees 33' east 423.24 feet to the place of beginning, containing 3.20 acres.

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

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

Urbana

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

Being part of the Southwest Quarter of Section 19, Town 5, Range 12, in Salem Township and bonded and described as follows: Beginning at a point in the East line of the Southwest Quarter of said Section 19. said point being 1044.46 feet, North 7 degrees 5 minutes East, from the Southeast corner of the said Southwest Quarter of Section 19, Town 5, Range 12; thence North 84 degrees 56 minutes West, 875 feet to a stake; thence South 7 degrees 5 minutes West 225 feet to a stake; thence North 84 degrees 56 minutes West, 425.10 feet to a stake; thence North 67 degrees 5 minutes East, 245 feet to a stake; thence South 84 degrees 56 minutes East, 1300.1 feet to a point in the

East line of the said Southwest Quarter of Section 19; thence South 7 degrees 5 minutes West, along the East line of the said Southwest Quarter of Section 19, 20 feet to the place of beginning, a total area of 2.791 acres. Subject to the rights of the Department of Highways of the State of Ohio for highway purposes in and to 120.53 feet taken by parallel lines off the entire East end of the above described tract and subject also to the rights of the City of Urbana for highway purposes in and to approximately 79.47 feet off the West end of 200 feet taken by parallel lines off the entire East end of the above described tract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Within one year after the date the Controlling Board approved the project described in division (A)(1) of this section, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.

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

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

SECTION 303. Notwithstanding sections 101.02 and 101.27 of the Revised Code, during calendar years 2009 and 2010, the members of the Senate elected president, president pro tempore, majority floor leader, majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip shall receive salary payments equal to the amounts paid under section 101.27 of the Revised Code to the members of the House of Representatives elected speaker, speaker pro tempore, majority floor

leader, assistant majority floor leader, minority leader, assistant minority leader, minority whip, and assistant minority whip, respectively.

SECTION 305. HOME FIRST PROGRAM - ASSISTED LIVING

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

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

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

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

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

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

(B) The Task Force shall help educate the county law library resources boards with regards to the new structure and organization of county law libraries, facilitate the establishment of the county law library resources boards, including the transition of the management of county law libraries from the law library associations to the county law library resources boards, and monitor the necessary and proper expenditure of the county law library resources fund, as provided for in section 307.514 of the Revised Code.

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

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

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

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

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

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

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

(A) For the librarian and assistant librarians who received compensation pursuant to section 3375.49 of the Revised Code, as amended and repealed by this act, and were paid upon warrant of the county auditor, the county law library resources board shall do all of the following:

(1) Credit to the employee accrued but unused sick leave acquired during service with the law library association as if the employee were transferring from one public agency to another public agency pursuant to section 124.38 of the Revised Code;

(2) Consider all of the employee's prior service with the law library association as service with the county for purposes of determining years of service pursuant to section 325.19 of the Revised Code;

(3) One of the following:

(a) Compensate the employee for accrued but unused vacation leave acquired during service with the law library association at the employee's final rate of pay while employed by the association, except that this compensation of vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under section 325.19 of the Revised Code;

(b) Credit to the employee accrued but unused vacation leave acquired during service with the law library association, except that this credited vacation leave shall not exceed the vacation leave a county employee is permitted to earn and accumulate under section 325.19 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

- (6) The Director of Commerce, or the Director's designee;
- (7) The Director of Development, or the Director's designee;
- (8) The Director of Environmental Protection, or the Director's designee;
- (9) The Director of Health, or the Director's designee;
- (10) The Director of Job and Family Services, or the Director's designee;
- (11) The Director of Mental Health, or the Director's designee;
- (12) The Director of Public Safety, or the Director's designee;
- (13) The Director of Rehabilitation and Correction, or the Director's designee;
- (14) The Tax Commissioner, or the Tax Commissioner's designee;
- (15) The Director of Transportation, or the Director's designee;
- (16) The Governor, or the Governor's designee.

(C) The Working Group may appoint additional members as deemed necessary and useful by the Working Group.

(D) The Working Group shall convene for its inaugural meeting within sixty days of the effective date of this section as summoned by the Governor. The Director of Budget and Management and the Tax Commissioner, or their designees, shall serve as co-chairpersons of the Working Group. Commencing with fiscal year 2010, the Working Group shall meet not less than four times per fiscal year.

(E) Not later than December 1, 2009, the Working Group shall deliver an interim report of its activities, findings, and recommendations to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor. In addition, the Working Group shall deliver, on the first day of August in 2010 and 2011, an annual report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor. The annual report shall summarize the activities, findings, and recommendations of the Working Group for the previous fiscal year, except that the August 2010 annual report shall incorporate the portion of the interim report addressing fiscal year 2010. The Working Group shall cease to exist after making its report in 2011.

SECTION 401. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Williamsburg Local School District, Clermont County, State of Ohio, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

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

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

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

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

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

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

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

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

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

thence, South 57 deg. 04 min. 46 sec. East, 838.80 feet to an iron pipe;

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

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

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

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

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

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

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

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

thence, with a curve to the right, said curve having a radius of 2824.79 feet, a chord bearing South 74 deg. 09 min. 55 sec. West, 126.92 feet, and

an arc length of 126.94 feet to the beginning, CONTAINING 39.274 acres of land;

subject to all legal highways and easements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior Deed Reference: Deed Volume 3744, Page 352.

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

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

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

(E) Upon payment of the purchase price, the Auditor of State, with the

assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to Res-Care Ohio, Inc. Res-Care Ohio, Inc., shall present the deed for recording in the Office of the Franklin County Recorder.

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

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

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

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

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

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

SECTION 405. (A) The Governor is hereby authorized to execute a deed in the name of the State conveying to a buyer or buyers to be determined in the manner provided in division (B) of this section, all of the state's right, title, and interest in the following described real estate that the Director of Administrative Services has determined is no longer required for State of Ohio purposes:

Situated in the State of Ohio, County of Gallia, Township of Addison, being in Section 13, Town 4 N, Range 14 W, Ohio Company Purchase. Being part of that parcel of land described in Volume 180 Page 825, conveyed to the State of Ohio, and being more particularly described as follows:

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

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

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

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

- 1) N 02° 37' 33" E a distance of 14.43 feet to an iron pin set;
- 2) N 82° 15' 08" W a distance of 52.52 feet to an iron pin set;
- 3) N 64° 14' 07"W a distance of 103.83 feet to an iron pin set;
- 4) N 75° 59' 40" W a distance of 108.67 feet to an iron pin set;
- 5) N 83° 14' 38" W a distance of 109.48 feet to an iron pin set;
- 6) N 88° 17' 52" W a distance of 105.23 feet to an iron pin set;
- 7) S 88° 24' 56" W a distance of 100.13 feet to an iron pin set;
- 8) N 89° 31' 31" W a distance of 271.48 feet to an iron pin set;
- 9) S 86° 28' 30" W a distance of 170.51 feet to an iron pin set on the

Grantors westerly property line;

thence along the Grantors westerly property line N 19° 29' 41 " E a distance of 378.98 feet to an iron pin found;

thence along the Grantors northerly property line S 87° 20' 08" E (passing an iron pin found at 670.77 feet and an iron pin set at 1603.75 feet) a total distance of 1702.02 feet to centerline station 937+47.45, 156.21 feet left, said point also being on the existing right of way line of State Route 735;

thence along said existing right of way line, also being the Grantors easterly property line S 60° 58' 53" W a distance of 12.57 feet to centerline station 937+36.19, 157.62 feet left;

thence along said existing right of way line S 46° 19' 04" W (passing an iron pin set at 203.63 feet) a total distance of 421.16 feet to an iron pin set;

thence along said existing right of way line S 46° 19' 02'1 W a distance of 141.03 to the Place of Beginning. The above described area of 13.240 acres, including the present road which occupies 0.00 acres is contained with Auditor's Parcel No. 002-355-192-00 which contains 14.860 acres more or less. Subject to all legal easements and rights of way. All iron pins set are 5/8" x 30" with an attached plastic identification cap. (ODOT District

10). Grantor claims title by instrument(s) recorded in Volume 180, Page 825, in the Gallia County Recorder's Office. The bearings are based on the State Plane Coordinate System Ohio South, NAD 83 (NSRS2007).

(B) The Director of Administrative Services shall offer the real estate, improvements, and chattels located on the parcel described in division (A) of this section for sale, "as is," in its present condition according to the following process:

(1) The real estate described in division (A) of this section shall be sold as an entire parcel and not subdivided.

(2) The Ohio Department of Mental Retardation and Developmental Disabilities, with the assistance of the Ohio Department of Administrative Services, shall have the parcel described in division (A) of this section appraised by one or more disinterested persons for a fee to be determined by and paid by the Department of Mental Retardation and Developmental Disabilities. The Director of Administrative Services shall then offer the real estate at the appraised value to the Board of County Commissioners of Gallia County.

(3) If, after thirty days, the Board of County Commissioners of Gallia County has declined the offer to purchase the real estate at the appraised value, or if the Board of County Commissioners of Gallia County has accepted the offer (by executing a document entitled an "Offer to Purchase Real Estate" with the Director of Administrative Services which shall establish the terms of the conveyance) but has failed to complete the purchase, the Director of Administrative Services shall offer the real estate at the appraised value to the Board of Trustees of Addison Township.

(4) If, after thirty days, the Addison Township Trustees have declined the offer to purchase the real estate at the appraised value, or if the East Union Township Trustees has accepted the offer (by executing a document entitled an "Offer to Purchase Real Estate" with the Director of Administrative Services which shall establish the terms of the conveyance) but has failed to complete the purchase, the Director of Administrative Services shall conduct a public auction and the real estate shall be sold to the highest bidder at a price acceptable to both the Director of Administrative Services and the Director of Mental Retardation and Developmental Disabilities.

The Director of Administrative Services shall advertise the public auction in a newspaper of general circulation within Gallia County once a week for three consecutive weeks prior to the date of the auction. The Director of Administrative Services may reject any and all bids from the public auction. The terms of sale shall be ten per cent of the purchase price

in cash, bank draft, or certified check on the date of sale, with the balance payable within sixty days after the date of sale. A purchaser who does not complete the conditions of the sale as prescribed in this division shall forfeit the ten per cent of the purchase price presented at the time of sale to the state as liquidated damages. Should a purchaser not complete the conditions of sale as described herein, the Director of Administrative Services is authorized to accept the next highest bid by collecting ten per cent of the revised purchase price from that bidder and proceed to close the sale, providing the secondary bid meets all other criteria provided for in this section.

(5) Advertising costs, appraisal fees, and other costs incident to the sale of real estate described in division (A) of this section shall be paid by the Department of Mental Retardation and Developmental Disabilities.

(6) Upon notice from the Director of Administrative Services that the parcel of real estate described in division (A) of this section has been sold, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate to the purchaser identified by the Director of Administrative Services. The deed shall be executed by the Governor, countersigned by the Secretary of State, presented in the Office of the Auditor of State for recording, and delivered to the grantee at closing and upon the grantee's payment of the balance of the purchase price. The grantee shall present the deed for recording in the Gallia County Recorder's Office.

(7) The net proceeds of the sale of the parcel described in division (A) of this section shall be deposited in the state treasury to the credit of Fund 1520, Miscellaneous Revenue.

(C) This section expires three years after its effective date.

SECTION 407. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Gallipolis, Gallia County, Ohio, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in Range 14, Township 3, Sections 23 and 29, Gallipolis City Township, Gallia County, State of Ohio

Beginning at the intersection of the centerline of Mill Creek Road and the centerline of Ohio Avenue and being the true point of beginning for the following described real estate,

Thence leaving the said intersection and following the centerline of Mill Creek Road, SOUTH 22° 15' 26" WEST; 48.40 feet to a point,

Thence leaving the said centerline of Mill Creek Road and following the common property line of now or formerly The State of Ohio volume 60

page 542 and now or formerly The City of Gallipolis volume 242 page 511 the next eight (8) bearings and distances,

Thence NORTH 49° 53' 49" WEST; 521.68 feet to an iron pin SET,

Thence along a curve to the left having a radius of 300.00 feet, an arc length of 359.93 feet, and a chord bearing of SOUTH 41°48'28" WEST; for 338.73 feet to a point,

Thence SOUTH 07°26' 13" WEST; 77.52 feet to a point,

Thence along a curve to the right having a radius of 285.00 feet, an arc length of 501.60 feet, and a chord bearing of SOUTH 57°11' 19" WEST; for 439.32 feet to an iron pin SET,

Thence NORTH 74°40'10" WEST; 79.56 feet to an iron pin SET,

Thence along a curve to the left having a radius of 300.00 feet, an arc length of 92.86 feet, and a chord bearing of NORTH 80° 14' 18" WEST; for 92.49 feet to an iron pin SET,

Thence along a curve to the left having a radius of 300.00 feet, an arc length of 202.85 feet, and a chord bearing of SOUTH 71°31'26" WEST; for 199.01 feet to a point,

Thence SOUTH 50°04' 11" WEST; 15.00 feet to an iron pin SET on the common property line of said now or formerly City of Gallipolis volume 242 page 511 and now or formerly First Baptist Church volume 300 page 577,

Thence continuing along the said common property line of now or formerly The State of Ohio volume 60 page 542 and now or formerly The City of Gallipolis volume 242 page 511 and following common property line of now or formerly The State of Ohio volume 60 page 542 and now or formerly First Baptist Church volume 300 page 577, NORTH 39°55'49" WEST; 50.00 feet to a point in the centerline of Ohio Avenue.

Thence leaving the said common property line of now or formerly The State of Ohio volume 60 page 542 and now or formerly First Baptist Church volume 300 page 577 and following the centerline of Ohio Avenue the following two (2) bearings and distances,

Thence SOUTH 50°05'10" WEST; 1149.71 feet to a point,

Thence SOUTH 42°09' 15" EAST; 390.11 feet to a point,

Thence leaving the said centerline of Ohio Avenue, SOUTH 47°50'45" WEST; 12.67 feet to the most Southeasterly corner of Lot #4 of the Colonial Subdivision,

Thence along the Southwest right of way line of Ohio Avenue, NORTH 42°09' 15" WEST; 420.94 feet to a point,

Thence leaving the said Southwest right of way line of Ohio Avenue and following the Northwest right of way line of Ohio Avenue the next two

(2) bearings and distances,

Thence NORTH  $49^{\circ}11'13''$  EAST; 437.47 feet to a point on the Southeast corner of Lot #1 of the Colonial Subdivision Number 2,

Thence SOUTH  $39^{\circ}47'33''$  EAST; 27.23 feet to a point,

Thence leaving the Northwest right of way line of Ohio Avenue and following a line that is generally parallel to and a minimum of 0.50 feet outside the existing edge of pavement of said Ohio Avenue the following eleven (11) bearings and distances,

Thence NORTH  $49^{\circ}49'51''$  EAST; 602.71 feet to an iron in SET,

Thence NORTH  $52^{\circ}13'57''$  EAST; 165.73 feet to an iron pin SET,

Thence along a curve to the right having a radius of 286.00 feet, an arc length of 264.73 feet, and a chord bearing of NORTH  $78^{\circ}45'01''$  EAST; for 255.38 feet to an iron pin SET,

Thence SOUTH  $74^{\circ}43'55''$  EAST; 112.44 feet to an iron pin SET,

Thence along a curve to the left having a radius of 384.46 feet, an arc length of 126.50 feet, and a chord bearing of SOUTH  $84^{\circ}09'28''$  EAST; for 125.93 feet to an iron pin SET at a point of compound curvature,

Thence along a curve to the left having a radius of 166.45 feet, an arc length of 171.93 feet, and a chord bearing of NORTH  $56^{\circ}49'32''$  EAST; for 164.39 feet to an iron pin SET at a point of compound curvature,

Thence along a curve to the left having a radius of 379.09 feet, an arc length of 147.44 feet, and a chord bearing of NORTH  $16^{\circ}05'33''$  EAST; for 146.52 feet to an iron pin SET at a point of reverse curvature,

Thence along a curve to the right having a radius of 409.23 feet, an arc length of 730.64 feet, and a chord bearing of NORTH  $56^{\circ}05'56''$  EAST; for 637.39 feet to an iron pin SET at a point of compound curvature,

Thence along a curve to the right having a radius of 250.44 feet, an arc length of 246.87 feet, and a chord bearing of SOUTH  $44^{\circ}30'47''$  EAST; for 237.00 feet to an iron pin SET,

Thence SOUTH  $16^{\circ}16'25''$  EAST; 174.13 feet to a point in the centerline of Mill Creek Road,

Thence leaving the proposed Northeast right of way line of Ohio Avenue and following the centerline of Mill Creek Road, SOUTH  $37^{\circ}22'55''$  WEST; 19.66 feet to the true point of beginning,

Containing 4.540 acres total more or less, being a part of the real estate described in The State of Ohio in volume 60 page 542, ALONG WITH part being out of 8 acre lot # 1196, Section 23 being 1.670 acres more or less, ALONG WITH part being out of Subdivided Lot #4, Section 29 being 0.810 acres more or less, ALONG WITH part being out of Subdivided Lot #3, Section 29 being 0.720 acres more or less, ALONG WITH part being out of

Subdivided Lot #2, Section 29 being 0.700 acres more or less, ALONG WITH part being out of Ministerial lot #5, Section 29 being 0.600 acres more or less, ALONG WITH part being out of Ministerial lot #6, Section 29 being 0.040 acres more or less.

Subject to all legal easements, leases, and rights of way of record. Iron pin set are 1/2"x30" rebar with plastic caps I.D. caps labeled PMR 6196, all other monuments are as noted. Survey performed on 10/26/2006 by Philip M. Roberts, Ohio registered Surveyor No. 6196.

(B) This section is curative in nature and is intended to redraw boundary lines and correct title encroachment issues between the State of Ohio property and the City of Gallipolis property near the Gallipolis Developmental Center under the jurisdiction of the Ohio Department of Mental Retardation and Developmental Disabilities.

In exchange for the conveyance of the real estate described in division (A) of this section by the state, the City of Gallipolis shall convey to the state real property owned by the City and identified in such conveyance as the city's portion of the aforementioned encroachment issue.

(C) Consideration for the conveyance of the real estate described in division (A) of this section shall be the mutual benefit derived by both the state and the City of Gallipolis through correcting the aforementioned title encroachments.

(D) The real estate described in division (A) of this section shall be exchanged as an entire tract and not in parcels.

(E) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration as mutual benefit. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Gallipolis. The City of Gallipolis shall present the deed for recording in the Office of the Gallia County Recorder.

(F) The City of Gallipolis shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the Governor's Deed.

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

SECTION 409. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Tawawa Community Development Corporation, its successors and assigns, all of the state's right, title, and interest in the following described real estate:

SITUATED in Xenia Township, Greene County, Ohio, and being part of Military Survey 929 and part of a 131.27-acre tract conveyed to Central State College by deed recorded in Book 85, Page 216 of deed records of said county, and being a 0.277-acre tract more particularly described as follows:

BEGINNING at a PK nail set on the centerline intersection of Brush Row Road and State Route 42;

THENCE from said point of beginning, SOUTH 53° 30' 00" WEST with the centerline of State Route 42 a distance of 172.54 feet to a PK nail set at a corner of a 3.14-acre tract conveyed to JLR Real Estate Investment Co., Inc., by deed recorded in Volume 376, Page 110 of the official records of said county;

THENCE NORTH 8° 00' 00" EAST with the southeasterly line of said 3.14-acre tract a distance of 196.35 feet (passing 5/8" iron pins set at 42.06 feet and at 172.89 feet) to a PK nail set on the centerline of Brush Row Road;

THENCE on a new division line SOUTH 50° 30' 00" EAST with said centerline a distance of 144.33 feet to the point of beginning containing 0.277 acres, more or less, subject, however, to all legal highways, easements, and restrictions of record.

The above described parcel is now known as part of the dedicated right-of-way of Brush Row Road and State Route 42 and Part Lot 6A of Lauman & Rust Addition Replat of Lot 6 and 0.277 acres as recorded in Plat Cabinet 36, Pages 313B & 314A of the plat records of said county.

Prior Deed: Deed Book 85, Page 216.

Basis of Bearing: Centerline of State Route 42 per Plat Cabinet 31/17B, SOUTH 53° 30' 00" WEST.

The above described parcel is to be combined with the adjacent parcel (Tract B) and is not to be considered a separate building lot until it complies with all applicable zoning and subdivision regulations.

The above description is the result of a field survey prepared by Raymond B. Mefford, Ohio Registered Surveyor No. 7367, and Judge Engineering Company, dated March 23, 2007.

(B) Consideration for conveyance of the real estate is the mutual benefit accruing to the state and Tawawa Community Development Corporation for a student and community convenience center.

(C) Tawawa Community Development Corporation shall pay the costs of the conveyance.

(D) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall be executed by the Governor in the name of the

state, countersigned by the Secretary of State, sealed with the Great Seal of the state, and presented for recording in the Office of the Auditor of State. Tawawa Community Development Corporation shall present the deed for recording in the office of the Greene County Recorder.

(E) This act expires one year after the effective date of this section.

SECTION 411. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Board of Trustees of Cambridge Township, Guernsey County, Ohio all of the state's right, title, and interest in the following described real estate that the Director of Administrative Services has determined is no longer required for the use and benefit of the state of Ohio:

Situated in the Township of Cambridge, the County of Guernsey, and the State of Ohio.

Being located in the Northwest Quarter of Section 3 and the Northeast Quarter of Section 4 of Township 2, Range 3 of the United States Military Lands and being part of the residue of a 256.55 acre tract -A.P.# 02-03838.000 heretofore conveyed to the State of Ohio by Deed Volume 215 at Page 522 of the Guernsey County Deed and Official Records with the tract to be conveyed being more fully described as follows:

Commencing at a mag nail (found) at the Southwest corner of the Northwest Quarter of Section 3 and the Southeast corner of the Northeast Quarter of Section 4 being also the **TRUE PLACE OF BEGINNING** of the herein described road right of way;

Thence through the bounds of the aforesaid parent tract seven (7) courses:

- (1) Thence North 88 deg. 38 min. 07 sec. West, 40.00 feet to a point;
- (2) Thence North 1 deg. 53 min. 49 sec. East, 1219.32 feet to a point;
- (3) Thence with a curve to the right having a radius of 102.78 feet, a central angle of 89 deg. 28 min. 41 sec., an arc length of 160.50 feet, and a chord which bears North 46 deg. 38 min. 10 sec. East for a distance of 144.68 feet to a point;
- (4) Thence South 88 deg. 37 min. 29 sec. East, 1751.60 feet to a point;
- (5) Thence with a curve to the left having a radius of 341.02 feet, a central angle of 51 deg. 40 min. 47 sec., an arc length of 307.59 feet and a chord which bears North 65 deg. 32 min. 07 sec., East for a distance of 297.27 feet to a point;
- (6) Thence North 39 deg. 41 min. 44 sec. East, 149.74 feet to a point;
- (7) Thence with a curve to the right having a radius of 374.65 feet, a central angle of 35 deg. 30 min. 21 sec., an arc length of 232.17 feet and a

chord which bears North 57 deg. 26 min. 52 sec. East for a distance of 228.47 feet to a point on the south line of a 60 acre tract heretofore conveyed to Mary M. Doench, Martha M. Ruppert, Majorie E. Braden and James R. Mason (O.R. 308, Pg. 233);

Thence with said line South 88 deg. 08 min. 23 sec. East, 354.16 feet to a point in County Road 35- Former U.S. Route 21 and passing on line a 1" iron pin (found) at 325.90 feet;

Thence with said road and through the bounds of the aforesaid parent tract the following two (2) courses:

(1) Thence South 2 deg. 01 min. 12 sec. West, 24.97 feet to a point reference by a railroad spike (set) at North 87 deg. 58 min. 48 sec. West, 25.00 feet;

(2) Thence South 2 deg. 01 min. 12 sec. West, 40.00 feet to a point;

Thence leaving said road and continuing through the bounds of the aforesaid parent the following nine (9) courses:

(1) Thence North 87 deg. 58 min. 48 sec. West, 245.76 feet to a point;

(2) Thence with a curve to the left having a radius of 294.65 feet, a central angle of 52 deg. 19 min. 28 sec., an arc length of 269.08 feet and a chord which bears South 65 deg. 51 min. 28 sec. West for a distance of 259.83 feet to a point;

(3) Thence South 39 deg. 41 min. 44 sec. West, 149.74 feet to a point;

(4) Thence with a curve to the right having a radius of 421.02 feet, a central angle of 38 deg. 11 min. 22 sec., an arc length of 280.62 feet and a chord which bears South 58 deg. 47 min. 23 sec. West for a distance of 275.46 feet;

(5) Thence South 1 deg. 20 min. 57 sec. West, 634.46 feet to a point;

(6) Thence with a curve to the right having a radius of 431.30 feet, a central angle of 13 deg. 21 min. 20 sec., an arc length of 100.53 feet and a chord which bears South 8 deg. 01 min. 3 sec. West for a distance of 100.31 feet to a point;

(7) Thence South 14 deg. 42 min. 16 sec. West, 121.33 feet to a point;

(8) Thence with a curve to the left having a radius of 137.51 feet, a central angle of 52 deg. 51 min. 50 sec., an arc length of 126.87 feet and a chord which bears South 11 deg. 43 min. 3 sec. East for a distance of 122.42 feet to a point;

(9) Thence South 38 deg. 09 min. 37 sec East, 18.56 feet to a point on the north line of a 1.934 acre tract heretofore conveyed to the Trustees of Cambridge Township, Guernsey County, Ohio (O.R. 350, Pg.65);

Thence with said line North 88 deg. 38 min. 33 sec. West, 51.13 feet to a point referenced by an iron pin (set) at North 38 deg. 09 min. 37 sec. West,

88.24 feet;

Thence continuing with said line North 88 deg. 38 min. 33 sec. West, 46.81 feet to a point on the north line of the residue of a 62.554 acre tract heretofore conveyed to Cambridge Township, City of Cambridge, Guernsey County, Guernsey County Port Authority and the Cambridge -Guernsey County Improvement Corporation (O.R. 335, Pg. 116), referenced by a mag nail (found) at North 88 deg. 38 min. 33 sec. West, 16.34 feet;

Thence leaving said line and through the aforesaid parent tract the following nine (9) courses:

(1) Thence with a curve to the right having a radius of 217.51 feet a central angle of 41 deg. 15 min. 31 sec., an arc length of 156.63 feet and a chord which bears North 5 deg. 55 min. 2 sec. West for a distance of 153.27 feet to a point;

(2) Thence North 14 deg. 42 min. 16 sec. East, 121.33 feet to a point;

(3) Thence with a curve to the left having a radius of 351.30 feet, a central angle of 13 deg. 21 min. 20 sec., an arc length of 81.89 feet and a chord which bears North 8 deg. 01 min. 37 sec. East for a distance of 81.70 feet to a point;

(4) Thence North 1 deg. 20 min. 57 sec. East, 623.27 feet to a point;

(5) Thence with a curve to the right having a radius of 421.02 feet, a central angle of 2 deg. 28 min. 49 sec., an arc length of 18.23 feet and a chord which bears North 89 deg. 51 min. 29 sec. West for a distance of 18.22 feet to a point;

(6) Thence North 88 deg. 37 min. 29 sec. West, 1751.60 feet to a point;

(7) Thence with a curve to the left having a radius of 22.78 feet, a central angle of 89 deg. 28 min. 41 sec., an arc length of 35.57 feet, and a chord which bears South 46 deg. 38 min. 10 sec West for a distance of 32.06 feet to a point;

(8) Thence South 1 deg. 53 min. 49 sec. West, 1178.57 feet to a point;

(9) Thence South 88 deg. 38 min. 07 sec. East, 1148.69 feet to a point on a bound of the aforesaid residue of a 62.554 acre tract;

Thence with said bound South 1 deg. 28 min. 54 sec. West, 40.00 feet to a mag nail (found) on the north line of a 15.842 acre tract heretofore conveyed to Cambridge Township (O.R 335, Pg. 120) a on the south line of the Northwest Quarter of Section 3;

Thence with said line North 88 deg. 38 min. 07 sec. West, 1188.98 feet to the TRUE PLACE OF BEGINNING containing 10.315 acres more or less but subject to all legal highways, rights-of-way, easements, leases and restrictions of record or otherwise legally established.

Bearings herein are oriented to north as determined by GPS observation,

All iron pins set are 5/8"x30" re- bars with yellow plastic caps stamped "WARD 7356",

The above described tract consists of 1.254 acres in Section 4 and 9.061 in Section 3.

(B) The General Assembly finds that the mutual benefit and exchange of services accruing to the State of Ohio from the conveyance of the real estate under this section is in the best interests of the State of Ohio and specifically beneficial to the Ohio Department of Mental Retardation and Developmental Disabilities. The Board of Trustees of Cambridge Township in Guernsey County, Ohio, agrees to accept the deed and assume responsibility for all maintenance and upkeep of the roadways thereon, following transfer from the state. Once title to the the roadways are transferred pursuant to this section of the act, the Board of Trustees of Cambridge Township agree to perpetually dedicate the roadways herein to the public's use.

(C) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration as mutual benefit and exchange of services. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the office of the Auditor of State for recording, and delivered to the Board of Trustees of Cambridge Township in Guernsey County, Ohio, who shall present the deed for recording in the office of the Guernsey County Recorder.

(D) The Board of Trustees of Cambridge Township shall pay the costs of the conveyance of the real estate described in this section of this act.

(E) This section expires two years after its effective date.

SECTION 413. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Cambridge Real Estate Holdings, LLC., hereafter the grantee, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

**Parcel One:** Beginning for reference at a pk nail found at the Southwest Corner of the Northwest Quarter of Section 3, also being in the centerline of two private roads (Oldham and Lalakus);

thence along the south line of said Northwest Quarter of Section 3, also being the south line of the lands now owned by State of Ohio (D.V. 215, Pg. 522) and the north line of the lands now owned by Cambridge Township (OR 335, Pg. 120), and the centerline of a private road (Oldham), South 89 degrees 12 minutes 53 seconds East 248.68 feet to a pk nail set;

thence leaving said centerline and through the lands now owned by the State of Ohio (D.V. 215, Pg. 522), North 00 degrees 32 minutes 51 seconds East 40.00 feet to an iron pin set also being the true point of beginning;

thence continuing through the said lands now owned by the State of Ohio (D.V. 215, Pg. 522), North 00 degrees 32 minutes 51 seconds East 896.44 feet to an iron pin set adjacent to the west side of an existing concrete sidewalk;

thence along the west side of said existing sidewalk, North 00 degrees 32 minutes 51 seconds East 100.97 feet to an iron pin set adjacent to the south side of an existing concrete sidewalk;

thence along the south side of said existing sidewalk, South 89 degrees 27 minutes 08 seconds East 172.75 feet to a pk nail set;

thence through and along the east side of an existing concrete sidewalk, South 00 degrees 13 minutes 51 seconds East 238.38 feet to a pk nail set; thence approximately eight feet north of and parallel to the centerline of a private road (unnamed), South 89 degrees 09 minutes 24 seconds East 994.03 feet to an iron pin set adjacent to the north side of an existing concrete drive;

thence along said north line of an existing concrete drive, North 88 degrees 42 minutes 07 seconds East 20.38 feet to an iron pin set;

thence with a curve to the left having an arc length of 31.77 feet, a radius of 22.51 feet, with a chord bearing of North 47 degrees 36 minutes 43 seconds East for a distance of 29.20 feet to an iron pin set adjacent to the east side of an existing concrete drive;

thence along said east side of an existing concrete drive, North 00 degrees 46 seconds 22 minutes East 140.27 feet to an iron pin set;

thence leaving said east side of an existing concrete drive, South 89 degrees 56 minutes 11 seconds East 17.06 feet to a point on the north line of an existing concrete sidewalk; thence along the north line of said existing concrete sidewalk the following ten courses:

- 1) South 70 degrees 32 minutes 48 seconds East a distance of 7.52 feet to a point;
- 2) South 62 degrees 55 minutes 21 seconds East a distance of 16.75 feet to a point;
- 3) South 59 degrees 01 minutes 31 seconds East a distance of 25.04 feet to a point;
- 4) South 55 degrees 07 minutes 32 seconds East a distance of 21.39 feet to a point;
- 5) South 59 degrees 19 minutes 35 seconds East a distance of 32.98 feet to a point;

6) South 65 degrees 44 minutes 51 seconds East a distance of 713 feet to a point;

7) South 77 degrees 52 minutes 46 seconds East a distance of 2.97 feet to a point;

8) North 61 degrees 31 minutes 04 seconds East a distance of 10.16 feet to a point;

9) North 83 degrees 16 minutes 35 seconds East a distance of 51.52 feet to a point;

10) South 89 degrees 28 minutes 00 seconds East a distance of 9.98 feet to a point being a common corner of said north side of existing concrete sidewalk and the west side of an existing concrete drive;

thence along said west side of an existing concrete drive, North 00 degrees 31 minutes 02 seconds West a distance of 21.56 feet to an iron pin set;

thence leaving said west side of an existing concrete drive and continuing along the north side of an existing concrete sidewalk the following five courses:

1) South 89 degrees 09 minutes 21 seconds East a distance of 47.98 feet to a point;

2) South 61 degrees 54 minutes 41 seconds East a distance of 49.48 feet to a point;

3) North 88 degrees 36 minutes 50 seconds East a distance of 50.28 feet to a point;

4) South 61 degrees 16 minutes 33 seconds East a distance of 10.06 feet to a point;

5) North 88 degrees 56 minutes 31 seconds East a distance of 49.91 feet to an iron pin set;

thence leaving said north line of existing concrete sidewalk and forty feet west of and parallel to the centerline of a private road (Gibson) the following three courses:

1) South 00 degrees 46 minutes 11 seconds West 338.29 feet to an iron pin set;

2) South 14 degrees 07 minutes 30 seconds West 162.46 feet to an iron pin set;

3) With a curve to the left having an arc length of 156.62 feet, a radius of 217.51 feet, with a chord bearing of South 06 degrees 30 minutes 12 seconds East for a distance of 153.25 feet to a point in the centerline of a private road (Fletcher);

thence following the south line of lands now owned by said State of Ohio (D.V. 215, Pg. 522), North 89 degrees 13 minutes 28 seconds West

636.54 feet to a pk nail found in the intersection of two private roads (Fletcher and unnamed), passing a pk nail found in the centerline of a private road (Fletcher) at 16.37 feet;

thence following the centerline of a private road (unnamed) South 00 degrees 54 minutes 08 seconds West 226.57 feet to a pk nail found in the centerline of said private road and private road (unnamed) and also being forty feet north of a pk nail found in the intersection of said private road and private road (Oldham);

thence forty feet north of and parallel to the centerline of a private road (Oldham) North 89 degrees 12 minutes 53 seconds West 940.30 feet to the true point of beginning; containing 26.32 acres, more or less, subject to all legal road right of ways and applicable easements, written or implied.

Part of Parcel No. 02-03838.000 ( $\pm$  26.32 acres)

**Parcel Two:** Beginning for reference at a pk nail found at the Southeast Corner of the Northwest Quarter of Section 3, also being in the intersection of C.R. 35 (Old U.S. Rt. 21) and C.R. 633;

thence along the centerline of said C.R. 35 North 01 degrees 32 minutes 37 seconds East 266.78 feet to a point in the centerline of said C.R. 35 also being the southeast corner of the lands now owned by State of Ohio (D.V. 215, Pg. 522) and also being the true point of beginning;

thence leaving said centerline of C.R. 35 and following the south line of said lands now owned by State of Ohio (D.V. 215, Pg. 522), North 89 degrees 13 minutes 28 seconds West 605.52 feet to an iron pin found, passing iron pins found at 49.98 feet and 418.50 feet;

thence continuing along said line North 89 degrees 13 minutes 19 seconds West 185.67 feet to a point being 40 feet east of and parallel to the centerline of a private road (Gibson);

thence crossing said lands now owned by State of Ohio and continuing 40 feet east of and parallel to said centerline the following four courses:

- 1) North 38 degrees 44 minutes 21 seconds West 18.55 feet to a point;
- 2) with a curve to the right having an arc length of 126.87 feet, a radius of 137.51 feet, with a chord bearing of North 06 degrees 30 minutes 12 seconds West for a distance of 122.42 feet to an iron pin set;
- 3) North 14 degrees 07 minutes 30 seconds East 171.82 feet to an iron pin set;
- 4) North 00 degrees 46 minutes 11 seconds East 351.22 feet to a pk nail set in an asphalt parking lot;

thence North 87 degrees 48 minutes 25 seconds East 339.69 feet to an iron pin set;

thence South 84 degrees 26 minutes 02 seconds East 629.16 feet to a

point in the centerline of C.R. 35, passing an iron pin set for reference at 529.16 feet;

thence following said centerline of C.R. 35 the following four courses:

- 1) South 39 degrees 18 minutes 52 seconds West a distance of 171.23 feet to a point;
- 2) South 28 degrees 09 minutes 52 seconds West a distance of 138.5 feet to a point;
- 3) South 01 degrees 32 minutes 55 seconds West a distance of 292.31 feet to a point;
- 4) South 01 degrees 25 minutes 35 seconds West a distance of 67.85 feet to the true point of beginning;

containing 12.60 acres, more or less, subject to all legal road right of ways and applicable easements, written or implied.

Part of Parcel No. 02-03838.000 ( $\pm$  12.60 acres)

(B) Consideration for conveyance of the real estate described in division (A) of this section is the purchase price of three million two hundred thousand dollars. The payment of the final purchase price of three million two hundred thousand dollars shall be less the aggregate amount of monthly rental payments paid from October 1, 2008, through the date of closing and less one-half of the cost of surveying the Premises.

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

(D) The deed shall contain a deed restriction that the grantee shall grant the state a permanent access easement across Road 4, the access drive that runs south of Keller, in form and content acceptable to the state.

(E) The deed shall contain a deed restriction that the grantee agrees that it shall not use, develop, or sell the premises such that it will interfere with the quiet enjoyment of the neighboring state-owned land.

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Guernsey County Recorder.

(G) The grantee shall pay all costs associated with the purchase and conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.

(H) After payment of the remaining capital debt of the property, the net

proceeds of the sale of the real estate described in division (A) of this section shall be deposited in the State Treasury to the credit of the Department of Mental Health Trust Fund pursuant to Section 5119.18 of the Revised Code.

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

SECTION 415. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the City of Norwalk, its successors and assigns, all of the state's right, title, and interest in the following described real estate:

SITUATED in the City of Norwalk, County of Huron, and State of Ohio and known as part of Lot No. 1234, said part being bounded as follows:

BEGINNING at a point on the north line of Monroe Street, fifteen feet east of the Gilger Theater, thence easterly along the north line of said Monroe Street, sixty-five feet, thence northerly parallel with the east line of said Lot No. 1234, one hundred and fifty feet, thence westerly, parallel with the north line of said Monroe Street, sixty-five feet, thence southerly, parallel with the east line of said Lot No. 1234, one hundred fifty feet to the place of beginning.

And being the same premises heretofore conveyed by F.B. Case and Elsie Hume Case, by deed of general warranty, to the State of Ohio, dated the first of June, 1910, and recorded in Deed Book No. 77, pages 518-519, of the County of Huron, Ohio Record of Deeds.

Parcel Number: 33-0200-01-031-0000

(B) Consideration for the conveyance of the real estate described in division (A) of this section shall be fifty-five thousand dollars and paid to the state according to the following schedule as derived by mutual agreement reached between the state and the City of Norwalk through an executed offer to purchase:

(1) Twenty thousand dollars at closing and transfer of title in accordance with this section.

(2) Twenty-five thousand dollars credited at closing for tenant improvements the City of Norwalk has made to the real estate described in division (A) of this section.

(3) Ten thousand dollars due and payable on the initial anniversary of the closing date.

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

(D) Prior to the execution of the deed described in division (E) of this section, possession of the real estate described in division (A) of this section

shall be governed by an existing interim lease between the Ohio Department of Administrative Services and the City of Norwalk.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and shall be executed by the Governor in the name of the state, be countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the City of Norwalk. The City shall present the deed for recording in the Office of the Huron County Recorder.

(F) The deed shall contain the following deed restriction:

This conveyance is subject to the qualifications and conditions set forth in the deed of F.B. and Elsie Hume Case to the State of Ohio, bearing date June 1, 1910, recorded in the deed records of Huron County, Volume 77, Pages 518 and 519, which deed states that "[i]f at any time said premises shall cease to be used as a site for an Armory or other Public Building, then said premises shall revert to the said F.B. Case, the grantor, his heirs or assigns, be the same more or less, but subject to all legal highways.

(G) The City of Norwalk shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recording costs of the deed.

(H) The net proceeds of the sales of the parcel described in division (A) of this section shall be deposited in the state treasury to the credit of the Armory Improvements Fund created pursuant to section 5911.10 of the Revised Code.

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

SECTION 417. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to The University of Toledo Foundation ("Grantee"), an Ohio 501(C)(3), not-for-profit corporation, all of the state's right, title and interest in the following described real estate:

A parcel of land in the southwest quarter of Fractional Section 32, Town 9 South, Range 7 East, City of Toledo, Lucas County, Ohio, comprising part of Joseph Brothers Addition recorded in Plat Book 59, Page 26, Lucas County Recorder's Office, part of the W.A. Hodge Addition, recorded in Plat Book 28, Page 21, Lucas County Recorder's Office, and parts of vacated roads within the W.A. Hodge Subdivision, further bounded and described as follows:

Commencing at the intersection of the centerlines of Dorr Street, as it now exists, and Secor Road, as it now exists, said intersection being marked

with an empty monument box, (point established using reference nails);

thence North 01 degrees 28 minutes 54 seconds West a distance of 214.07 feet (214.20 feet record) along said centerline of Secor Rd., to the northerly line of a parcel of land conveyed to JMB Investments, LLC in Instrument Number 200612290087115, Lucas County Recorder's Office;

thence North 89 degrees 57 minutes 51 seconds East a distance of 50.01 feet along the northerly line of said JMB Investment parcel, to the easterly existing right of way line of Secor Rd., (Railroad Spike found 0.04 feet North, 0.01 feet East), said point being the TRUE POINT OF BEGINNING;

thence North 01 degrees 28 minutes 54 seconds West a distance of 1055.10 feet along said easterly existing right of way line of Secor Rd., same being the westerly line of said Joseph Brothers Addition and the westerly property line of the Grantor, to a capped iron rod set on the northerly line of said Joseph Brothers Addition;

thence South 75 degrees 26 minutes 34 seconds East a distance of 541.38 feet along said northerly line of said Joseph Brothers Addition, same formally being the southerly right of way line of the Toledo-Angola and Western Railroad, to a capped iron rod set;

thence South 00 degrees 03 minutes 32 seconds West a distance of 162.81 feet along a line that is 5.00 feet westerly of and parallel with a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence North 89 degrees 56 minutes 28 seconds West a distance of 9.60 feet along a line that is 5.00 feet westerly of and perpendicular to a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence South 00 degrees 03 minutes 32 seconds West a distance of 30.28 feet along a line that is 5.00 feet westerly of and parallel with a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence North 89 degrees 56 minutes 28 seconds West a distance of 34.30 feet along a line that is 5.00 feet westerly of and perpendicular to a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence South 00 degrees 03 minutes 32 seconds West a distance of 116.56 feet along a line that is 5.00 feet westerly of and parallel with a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence North 89 degrees 56 minutes 28 seconds West a distance of 14.10 feet along a line that is 5.00 feet westerly of and perpendicular to a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence South 00 degrees 03 minutes 32 seconds West a distance of 227.18 feet along a line that is 5.00 feet westerly of and parallel with a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence South 89 degrees 56 minutes 28 seconds East a distance of 13.49

feet along a line that is 5.00 feet westerly of and perpendicular to a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence South 00 degrees 03 minutes 32 seconds West a distance of 77.47 feet along a line that is 5.00 feet westerly of and parallel with a westerly face of Rocket Hall as it now exists, to a capped iron rod set;

thence South 89 degrees 56 minutes 28 seconds East a distance of 394.66 feet along a line that is 5.00 feet southerly of and parallel with a southerly face of Rocket Hall as it now exists, to a "MAG" nail set on the approximate centerline of West Campus Road, a private road on the campus of the University of Toledo;

thence South 00 degrees 01 minutes 03 seconds East a distance of 207.74 feet along the approximate centerline of said West Campus Rd., to a "MAG" nail set at a point of curvature in said approximate centerline;

thence in a southeasterly direction along the approximate centerline of said West Campus Rd., along an arc of curve to the left an arc distance of 233.19 feet to a "MAG" nail set at the point of tangency, said arc of arc curve to the left having a radius of 148.50 feet, a central angle of 89 degrees 58 minutes 25 seconds, a chord distance of 209.96 feet and a chord bearing of South 45 degrees 00 minutes 15 seconds East;

thence South 89 degrees 59 minutes 28 seconds East a distance of 575.63 feet along the approximate centerline of said West Campus Rd., to a "MAG" nail set at a point of curvature in said approximate centerline;

thence in a northeasterly direction along an arc that is approximately 15 feet northwesterly of the southerly face of curb line of said West Campus Rd., along an arc of curve to the left an arc distance of 179.70 feet to a "MAG" nail set at a point of tangency, said arc of curve to the left having a radius of 250.50 feet, a central angle of 41 degrees 06 minutes 10 seconds, a chord distance of 175.87 feet and a chord bearing of North 69 degrees 27 minutes 27 seconds East:

thence North 48 degrees 54 minutes 22 seconds East a distance of 135.26 feet along a line that is approximately 15 feet northwesterly of the southerly face of curb line of said West Campus Rd., to a "MAG" nail set at a point of curvature;

thence in an easterly direction, along an arc that is approximately 15 feet northerly of the southerly face of curb line of said West Campus Rd., along an arc of curve to the right an arc distance of 140.67 feet to a "MAG" nail set an a point of compound curvature, said arc of curve to the right having a radius of 166.50 feet, a central angle of 48 degrees 24 minutes 27 seconds, a chord distance of 136.52 feet and a chord bearing of North 73 degrees 06 minutes 35 seconds East;

thence in a southeasterly easterly direction along an arc that is approximately 15 feet northeasterly of the westerly face of curb line of said West Campus Rd., along an arc of curve to the right an arc distance of 69.61 feet to a "MAG" nail set at a point of tangency, said arc of curve to the right having a radius of 49.00 feet, a central angle of 81 degrees 24 minutes 02 seconds, a chord distance of 63.91 feet and a chord bearing of South 41 degrees 59 minutes 10 seconds East;

thence South 01 degrees 17 minutes 09 seconds East a distance of 42.68 feet along a line that is approximately 15 feet easterly of the westerly face of curb line of said West Campus Rd to a "MAG" nail;

thence South 00 degrees 04 minutes 25 seconds East a distance of 206.93 feet along a line that is approximately 15 feet easterly of the westerly face of curb line of said West Campus Rd to a "MAG" nail set on the northerly existing right of way line of said Dorr St.;

thence North 90 degrees 00 minutes 00 seconds West a distance of 536.86 feet along said northerly existing right of way line of Dorr St., said line being 54 feet northerly of and parallel with the centerline of said Dorr St. and also being the southerly property line of the Grantor, to an capped iron rod set;

thence South 89 degrees 57 minutes 51 seconds West a distance of 779.02 feet continuing along said northerly existing right of way line of Dorr St., said line being 54.00 feet northerly of and parallel with the centerline of said Dorr St. and also being the southerly property line of the Grantor, to an capped iron rod set on the easterly line of said Joseph Brothers Addition;

thence South 00 degrees 04 minutes 11 seconds West a distance of 4.00 feet continuing along said northerly existing right of way line of said Dorr St., same being the easterly line of said Joseph Brothers Addition and a westerly property line of the Grantor, to a capped iron rod set;

thence South 89 degrees 57 minutes 51 seconds West a distance of 560.29 feet continuing along said northerly existing right of way line of said Dorr St., same being the southerly line of said Joseph Brothers Addition and the southerly property line of the Grantor to a point on the easterly line of a parcel of land conveyed to JMB Investments, LLC in Instrument Number 200612290087115, Lucas County Recorder's Office, (D.G. Bohning capped iron rod found 0.08 feet North, 0.00 feet East);

thence North 00 degrees 02 minutes 09 seconds West a distance of 164 feet along said easterly line of a parcel of land conveyed to JMB Investments, LLC, to a point, ("MAG" nail found 0.00 feet North, 0.06 feet East);

thence South 89 degrees 57 minutes 51 seconds West a distance of 135.39 feet along said northerly line of a parcel of land conveyed to JMB Investments, LLC to the TRUE POINT OF BEGINNING enclosing an area of 20.140 acres, more or less, contained within Lucas County Auditor's parcel numbers 20-83900 (1.004 acres), 20-83911 (1.467 acres), 20-83920 (0.560 acres), 20-83931 (0.390 acres), 20-83941 (1.659 acres), 20-83960 (9.101 acres) and 20-83964 (0.348 acres) within said Joseph Brothers Addition and Lucas County Auditor's parcel number 20-83720 (5.611 acres) within said W.A. Hodge Addition, subject to any and all leases, easements and restrictions of record.

The basis of bearings shown are relative an assumed meridian and are shown to denote angular measurement only.

This description was prepared by Teresa L. Tucker and reviewed by Kenneth E. Ducat, Registered Surveyor Number 6783, DGL CONSULTING ENGINEERS, LLC, on September 4, 2008. This description is based on a field survey made in January of 2008 by DGL CONSULTING ENGINEERS, LLC under the direction and supervision of Kenneth E. Ducat, Registered Surveyor No. 6783.

(B) Consideration for the conveyance of the real estate described in division (A) of this section shall be the mutual benefit accruing to the state and the Grantee for a new parking structure. The following conditions apply to the transaction:

(1) Grantee will facilitate a development on the real estate described in division (A) of this section pursuant to a request for proposal issued by Grantee;

(2) Grantee shall construct a parking structure built upon the real estate described in division (A) of this section in the initial phase of the development. The University of Toledo shall have use of the parking structure for its students, faculty, and staff. The University of Toledo shall not be financially responsible for construction of or any current or future maintenance to the parking structure.

(3) The value derived by The University of Toledo from the Grantee is determined to be \$15,000 per parking space calculated to guarantee a minimum total tangible value of \$7,500,000 over a term of forty years, commencing on the date The University of Toledo begins use of the proposed parking spaces.

(4) A condition precedent to the delivery of the deed shall be approval by the Ohio Attorney General's Office of a lease agreement between The University of Toledo and the Grantee affecting the proposed parking structure.

The real estate closing for delivery of the deed and the closing of construction financing by the Grantee or Grantee's developer for the first phase of construction shall be simultaneous.

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

(D) Prior to the execution of the deed described in division (E) of this section, possession of the real estate described in division (A) of this section shall be governed by an existing interim lease between the Ohio Department of Administrative Services and the Grantee.

(E) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the deed for recording in the office of the Lucas County Recorder.

(F) The Grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.

(G) This section expires two years after its effective date.

SECTION 419. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to Mr. Charles Knapke as the Grantee, and his successors and assigns, all of the state's right, title, and interest in the following described real estate:

**DESCRIPTION FOR 1.353 ACRE PARCEL**

Situated in the State of Ohio, County of Mercer, Township of Liberty, being part of the Northeast Quarter of Section 28, Township 5 South, Range 1 East, and being 1.353 acres out of that 3.789 acre tract as conveyed to State of Ohio in Official Record Book 153, Page 48, all references being to those of record in the Recorder's Office, Mercer County, Ohio, said 1.353 acre parcel being more particularly bounded and described as follows:

**Commencing** at a mag nail found at the southeast corner of the northeast quarter of Section 28, and at intersection of Skeels Road (60 foot in width) and Wabash Road (40 foot in width);

Thence along the centerline of said Skeels Road and the half section line of Section 28, North 88°07'29" West, 818.74 feet to a railroad spike found at the southwesterly corner of that 2.995 acre tract as conveyed to Charles G. Knapke and Martin R. Knapke in Deed Volume 322, Page 542, said railroad

spike being the Point of Beginning of the 1.353 acre parcel herein described;

Thence continuing along the said centerline and the said half section line, North 88°07'29" West, 177.97 feet to a point;

Thence across said 3.789 acre tract, North 01°09'03" East, passing an iron pin set in the northerly line of said Skeels Road at 30.00 feet, a total distance of 312.83 feet to an iron pin set on the southerly property line of that 143.225 acre tract as conveyed to Hope E. Rock in Deed Volume 260, Page 340;

Thence along the southerly line of said Hope E. Rock tract, South 87°34'57" East, 200.00 feet to an iron pin found;

Thence along the westerly line of the said Charles G. Knapke and Martin R. Knapke tract, South 05°12'03" West, passing an iron pin found in the northerly line of said Skeels Road at 281.45 feet, a total distance of 311.44 feet to the Point of Beginning and containing 1.353 total acres (0.123 acres in Right-of-Way, leaving a residual of 1.230 acres), more or less according to a survey conducted by Jobes Henderson & Associates, Inc. in May of 2007.

Said 1.353 acre tract to be added to the tract to the East, 2.995 acre tract as conveyed to Charles G. Knapke and Martin R. Knapke in Deed Volume 322, Page 542.

The above described 1.353 acre parcel is contained within Mercer County Auditor Parcel Number 04-28-200-002, Tax Number 28-009350.0000.

The bearings in the above description are based on the Ohio State Plane Coordinate System, Ohio North Zone, NAD83.

All iron pins set are 5/8" rebar by 30 inches in length with red surveyors identification caps marked "J&H, PS 8283".

**DESCRIPTION FOR 2.414 ACRE PARCEL**

Situated in the State of Ohio, County of Mercer, Township of Liberty, being part of the Northeast Quarter of Section 28, Township 5 South, Range 1 East, and being 2.414 acres out of that 3.789 acre tract as conveyed to State of Ohio in Official Record Book 153, Page 48, all references being to those of record in the Recorder's Office, Mercer County, Ohio, said 2.414 acre parcel being more particularly bounded and described as follows:

**Commencing** at a mag nail found at the southeast corner of the northeast quarter of Section 28, and at intersection of Skeels Road (60 foot in width) and Wabash Road (40 foot in width);

Thence along the centerline of said Skeels Road and the half section line of Section 28, North 88°07'29" West, passing a railroad spike found at the southwesterly corner of that 2.995 acre tract as conveyed to Charles G.

Knapke and Martin R. Knapke in Deed Volume 322, Page 542 at 818.74 feet, a total distance of 996.71 feet, said point being the **Point of Beginning** of the 2.414 acre parcel herein described;

Thence continuing along the said centerline and the said half section line, North 88°07'29" West, 334.53 feet to a mag nail found at the southeasterly corner of that 143.225 acre tract as conveyed to Hope E. Rock in Deed Volume 260, Page 340;

Thence along the easterly line of said Hope E. Rock tract, North 01°09'03" East, passing an iron pin found in the northerly line of said Skeels Road at 30.00 feet, a total distance of 316.00 feet to an iron pin set;

Thence along the southerly line of said Hope E. Rock tract, South 87°34'57" East, 334.59 feet to an iron pin set;

Thence across said 3.789 acre tract, South 01°09'03" West, passing an iron pin set in the northerly line of said Skeels Road at 282.83 feet, a total distance of 312.83 feet to the Point of Beginning and containing 2.414 acres (0.230 acres in Right-of-Way, leaving a residual of 2.184 acres), more, more or less according to a survey conducted by Jobes Henderson & Associates, Inc. in May of 2007.

The above described 2.414 acre parcel is contained within Mercer County Auditor Parcel Number 04-28-200-002, Tax Number 28-009350.0000.

The bearings in the above description are based on the Ohio State Plane Coordinate System, Ohio North Zone, NAD83.

All iron pins set are 5/8" rebar by 30 inches in length with red surveyors identification caps marked "J&H, PS 8283".

**Subject to all valid and existing easements, restrictions and conditions of record.**

(B) Consideration for the conveyance of the real estate described in division (A) of this section is the purchase price of twenty thousand seven hundred eighteen dollars and fifty cents.

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

(D) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the deed for recording in the Office of the Mercer County Recorder.

(E) The Grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.

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

(G) This sale shall not occur until the MARCS Celina Tower in Mercer County is fully functioning.

(H) This section shall expire two years after its effective date.

SECTION 421. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Scioto Township Board of Trustees, hereafter the grantee, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the Township of Scioto, County of Pickaway, the State of Ohio and a part of V.M.S 931 being more particularly bounded and described as follows:

Being a part of a 1,324.473 acre tract as shown on Plat of Survey recorded in Plat Book 7, Page 201 in the Pickaway County Recorder's Office also reference Deed Book 71, Pages 185-186 in the Pickaway County Recorder's Office;

Beginning at a point in the centerline of State Route 762 being N83°29'25"W 1482.99 feet distant from the point of intersection of said centerline with the centerline of Morgan Road;

Thence with the centerline of State Route 762 N83°30'09"W 484.00 feet to a point;

Thence leaving said centerline and going with three new lines through said 1,324.473 acre tract the following calls;

N06°29'51"E 450.00 feet (passing an iron pin set at 35.00 feet) to an iron pin set;

Thence S83°30'09"E 484.00 feet to an iron pin set;

Thence S06°29'51"W 450.00 feet (passing an iron pin set at 415.00 feet) to the POINT OF BEGINNING:

Containing 5.000 Acres, more or less.

Subject to all existing valid rights-of-way and easements of record.

Bearing reference for this survey is the North line of the above referenced 1,324.473 acre tract as described in Plat Book 7, page 201 being S79°55'28"E.

All iron pins are set 5/8" diameter X30" long rebar with a yellow plastic identification cap stamped "M.E. CLARK ASSOC."

(B) Consideration for conveyance of the real estate described in division (A) of this section is the purchase price of five thousand dollars.

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

(D) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and restrictions and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Pickaway County Recorder.

(E) The deed shall contain a deed restriction that the grantee shall use the real estate described in division (A) of this section solely for fire station, emergency medical services and its employee training, law enforcement and other criminal justice purposes, or governmental functions and offices of the Villages of Orient. Such uses shall not in any way adversely affect the use and operation of the Multi-Agency Radio Communication System located adjacent to the real estate described in division (A) of this section.

(F) The deed shall contain a deed restriction that requires the grantee to initiate construction within five years of the effective date of this section. In the event the grantee breaches the provision of division (F) of this section, title to the real estate described in division (A) of this section may revert to the State, at the sole discretion of the Director of Administrative Services and the Department of Rehabilitation and Correction, for the jurisdictional use of the Department of Rehabilitation and Correction and the Department of Rehabilitation and Correction shall reimburse grantee the purchase price of five thousand dollars.

(G) The grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the deed.

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

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

SECTION 423. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Preble Shawnee Local School District, Preble County, Ohio, and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

## Parcel One

SITUATED in Section 9, Gratis Township, Preble County, Ohio and being 30.474 acres, part of an original 160 acre tract as described in Deed Book 231, page 401. Preble County Deed Records, the same being under land contract as described in Deed Book 219, Page 680, P.C.D.R.; said 30.474 acre tract being bounded and described as follows:

BEGINNING at the southwesterly corner of Section 9 on the centerline of Somers-Gratis Road, the same being the southeasterly corner of Section 8;

THENCE from said point of beginning and along the westerly line of said Section 9, the same being the easterly line of Section 8 North  $0^{\circ} 03' 12''$  West 2655.10 feet to the northwesterly corner of the southwesterly corner of Section 9;

THENCE along the one-half section of said Section 9, the same being the southerly line of an original 173 acre tract (Deed Book 253, Page 652, PCDR), and also being the northerly line of the aforesaid original 160 acre tract (Deed Book 231, Page 401 and Deed Book 219, Page 680, P.C.D.R.) SOUTH  $89^{\circ} 57' 19''$  East 500.00 feet;

THENCE in said original 160 acre tract by new division line SOUTH  $0^{\circ} 03' 12''$  East 2654.71 feet to the southerly line of Section 9 on the centerline of Somers-Gratis Road;

AND THENCE along said west line 500.00 feet to the point of beginning CONTAINING 30.474 acres, according to a survey (Drawing E-7631) by Duane, Hasselbring, Kuhlman and Associates, Registered Surveyors, Middletown, Ohio, December, 1980. V. Frederic Duane, Ohio Registered Surveyor No. 4494. Subject however to all rights of way, easements and restrictions of record, heretofore granted which are applicable to and effective against said property.

Parcel Number C424309300000010000.

## Parcel Two

Situated in Section 8, Town 4, Range 3 East, Gratis Township, Preble County, Ohio, and being the original 57 acre tract (61.464 acres by new survey) as described in Deed Book 299, Page 74, Preble County Deed Records; said 61.464 acre tract being bounded and described as follows:

BEGINNING at the southwesterly corner of Section 8 on the centerline of Somers-Gratis Road, the same being the southwesterly corner of Section 9;

thence from said point of beginning and continuing along said centerline south  $89^{\circ} 56' 33''$  west 1006.05 feet to the southwesterly corner of the herein described 61.464 acre tract, the same being the southwesterly corner of the

aforesaid original 57 acre tract, and also being the southeasterly corner of a 40.324 acre tract (Deed Book 315, Page 387, P.C.D.R.);

thence along the westerly line of the herein described tract, the same being the easterly line of the aforesaid 40.324 acre tract and the easterly line of the 54.37 acre tract (Deed Book 271, Page 135, P.C.D.R.) the following courses:

(1) North 0° 06' 52" West 1020.18 feet;

(2) North 0° 02' 59" West 1592.60 feet to the northwesterly corner of the herein described tract, on the one half section line, the same being the southerly line of a 157 acre tract as described in Deed Book 271, Page 135 P.C.D.R.;

thence along the said line South 89° 37' 15" east 1007.13 to the northeasterly corner of the southeasterly one quarter of Section 8, the same being the northwesterly corner of the southwesterly one quarter of Section 9;

And thence along the easterly line of Section 8 South 0° 03' 12" East 2655.10 feet to the point of beginning, containing 61.464 acres according to a survey (drawing E-7631) by Duane, Hasselbring, Kuhlman & Associates, Registered Surveyors, Middletown, Ohio, December, 1980. V. Frederic Duane, Ohio Registered Surveyor No. 4494. Said land being subject to an easement granted to Dayton Power and Light by Deed Vol. 185, page 264, P.C.D.R.. Said land being further subject to all rights of way, easements and restrictions of record heretofore granted with are applicable to and effective against said property.

Parcel Number C424308400000020000

(B) Consideration for conveyance of the real estate described in division (A) of this section is the purchase price of ten dollars. The real estate was originally conveyed to the State of Ohio as collateral for school construction facility bonds issued. Once the construction project was completed, the state was to have conveyed title to the real estate back to the Preble Shawnee Local School District, which conveyance never occurred. This section corrects that oversight.

(C) The Preble Shawnee Local School District shall pay all costs associated with the purchase and conveyance of the real estate described in division (A) of this section, including, but not limited, to recordation costs of the deed.

(D) Possession of the premises prior to transfer shall be governed by an existing interim lease between the State of Ohio and the Preble Shawnee Local School District.

(E) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate

described in division (A) of this section. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Preble Shawnee Local School District. The School District shall present the deed for recording in the Office of the Preble County Recorder.

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

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

SECTION 425. (A) Pursuant to Section 5911.10 of the Revised Code, the Governor is hereby authorized to execute a deed in the name of the state, conveying to a buyer or buyers to be determined in the manner provided in division (C) of this section, and the buyer's or buyers' successors and assigns or heirs and assigns, all of the state's right, title and interest in the following described parcels of real estate that the Adjutant General has determined are no longer needed by the Ohio National Guard for armory or military purposes:

Parcel No. 1 Delaware Armory property

Situated in the County of Delaware, in the State of Ohio, and in the City of Delaware, and bounded and described as follows: Being in lot No. eighty-eight (88) as designated on the town plat of the said town of Delaware, excepting therefrom 43 feet from the east side thereof, being the same premises conveyed by H. E. Martin and wife to E. A. Adams by deed date July 2, 1869. Also all that part of a fractional lot lying immediately south of In-Lot 88 in the Town of Delaware, County of Delaware, and State of Ohio, sold by Lucy Martin and her husband to E. A. Adams not conveyed by quit-claim deed to one Calvin Welch, and being the same premises conveyed to B. H. Hyatt by William Brown, Sheriff of Delaware County on the 4th Day of January A.D. 1873, being the same more or less, but subject to all legal highways, and being the same premises conveyed by B. H. Hyatt and wife to Margaret A. Perry, March 16, 1878 and recorded on Volume 71, Page 363, Delaware County Record of Deeds.

Permanent Parcel No: 519-433-02-004-000

79 West William Street, Delaware, Ohio 43015

Parcel No. 2 Ashland Armory property

Situated in the City of Ashland, County of Ashland, State of Ohio. Being a part of the Northeast Quarter of Section 17, Township 22, Range 16 and bounded and described as follows:

Commencing at an iron pin on the North line of East Main Street at the Southwest corner of that parcel of land deeded by the heirs-at-law of Mary Cummings and L.Q. Cummings, deceased to Phillip A. Myers by deed dated November 25th, 1922, recorded in Volume 151, Page 12 Ashland County, Ohio, Deed Records, which iron pin is North  $70^{\circ}14'$  West a distance of four hundred and seventy-five and thirty hundredths (475.30) feet from an iron pin at the Northwest corner of East Main and Holbrook Streets, thence from said beginning point North  $17^{\circ}55'$  East a distance of three hundred eighty-nine and eight hundredths (389.08) feet to a stake on the south line of lands conveyed April 23, 1921 by the heirs of Mary Cummings and L.Q. Cummings, deceased, to Philip A. Myers, which deed is recorded in Volume 149, Page 93, of the Deed Records of Ashland County, Ohio, and to which reference is hereto made; thence with said last mentioned line North  $74^{\circ}$  and  $23'$  East and along the South line of said Myers land a distance of two hundred ten and thirty-five hundredths (210.35) feet to a stake in the creek; thence South  $17^{\circ}55''$  West and parallel to the West line of lands herein conveyed a distance of five hundred nine and seven hundredths (509.07) feet to an iron pin on the North line of East Main Street; thence North  $70^{\circ}14'$  West and along the North line of said East Main Street a distance of one hundred and seventy-five and five hundredths (175.05) feet to the place of beginning as surveyed November 16, 1922, by E. L. Berry, City Engineer.

Parcel No. 3 Mansfield Armory property

Situated in the City of Mansfield, County of Richland, and State of Ohio and bounded and described as follows:

Beginning at the intersection of the centerline of Ashland Road of Lincoln Highway and the centerline of Ritter's Run where the same crosses said Highway: thence in an easterly direction along the center line of said Ritter's Run three hundred and fifty and three tenths feet (350.3): thence east long the center of said creek following a curve of twelve degrees to the left, two hundred thirteen and nineteen hundredths (213.19) feet; thence east on a straight line along the center line of said creek six hundred a five foot (605); thence following curve of twelve degrees south and east along said center line of said creek one hundred and fifty six (156) feet; thence east one hundred feet (100) to the center line of the Rocky Fork; thence North and West along the centerline of the Rocky Fork as now constructed two hundred and fifty (250) feet; thence west fifty feet (50) to an iron pin on the west bank of said Rocky Fork; thence west and continuing on same course, parallel with the center line of said Ritter's Run and two hundred feet (200) distance therefrom a distance of four hundred and seventy seven and five tenths (477.5) feet; thence in a north westerly direction on a line at right

angle to Ashland Road a distance of one hundred and ninety five and four tenths (195.4) feet to an iron pin on the south side of Ashland Road, then continuing on the previous course thirty (30) feet to the center of Ashland Road; thence south forty nine (49) degrees west along the center line of said Ashland Road, one hundred and fifty five and nine tenths (155.9) feet to the center line of East Fourth Street; thence continuing along the center line of said Ashland Road a distance of six hundred and twenty two and nine tenths (622.9) feet to the place of beginning, containing 5.64 Acres, more or less.

Save and except the following 0.70 acre tract as shown in Official Record Volume 960, Page 134, Recorder's Office, Richland County, Ohio:

Situated in the City of Mansfield, County of Richland, and State of Ohio and being known as a part of the SE 1/4 of Section 22, Twp. 21 and Range 18 of O. R. S. in the City of Mansfield, Ohio. Beginning at a point from the center line of Mansfield-Ashland Road 228.35 feet southwesterly from the center line of East Fourth Street; thence south 41 deg. 00 min. east at a right angle with Mansfield-Ashland Road, a distance of 153.95 ft. to the center of Ritter's Run; thence in a southwesterly direction along and with the center of Ritter's Run 422.15 ft. to the center of Mansfield-Ashland Road; thence north 49 deg. 00 min. east along and with the center line of the Mansfield-Ashland Road, a distance of 394.55 ft. to the place of beginning, containing 0.70 acres more or less, subject to all legal easements of record for highways, street, stream channel and other purposes.

Permanent Parcel No. 027-05-084-17-000.

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

(C) The Adjutant General's Department shall appraise the parcels described in division (A) of this section or have them appraised by one or more disinterested persons for a fee to be determined by the Adjutant General. The Adjutant General shall offer the parcels for sale in their "as is" condition as follows:

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

(2) If, after sixty days, the municipal corporation or township has not accepted the Adjutant General's offer to sell the parcel at its appraised value or has accepted the offer but has failed to complete the purchase, the Adjutant General shall offer the parcel at its appraised value to the county in which it is located.

(3) If, after sixty days, the county has not accepted the Adjutant General's offer to sell the parcel at its appraised value or has accepted the offer but has failed to complete the purchase, the Adjutant General shall, in concert with the Department of Administrative Services, arrange a public auction, and the parcel shall be sold to the highest bidder at a price acceptable to the Adjutant General. The Adjutant General may reject any and all bids through the auctioneer.

The Adjutant General shall advertise each public auction in a newspaper of general circulation within the county in which the parcel is located, once a week for three consecutive weeks prior to the date of the auction. The terms of sale of the parcel pursuant to the public auction shall be payment of ten per cent of the purchase price in cash, bank draft, or certified check on the date of sale, with the balance payable within sixty days after the date of sale. A purchaser who does not timely complete the conditions of the sale as prescribed in this section shall forfeit to the state the ten per cent of the purchase price paid on the date of the sale as liquidated damages.

Should a purchaser not complete the conditions of sale as described herein, the Adjutant General and its auctioneer is authorized to accept the next highest bid from the auction by collecting ten per cent of the purchase price from the secondary bidder and proceed to close the sale, providing said secondary bid meets all other criteria provided for in this act.

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

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

(F) The net proceeds of the sales of the parcels described in division (A) of this section shall be deposited in the state treasury to the credit of the Armory Improvements Fund pursuant to section 5911.10 of the Revised

Code.

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

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

SECTION 500.01. Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 428 and Am. Sub. H.B. 562 of the 127th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

SECTION 501. The amendment or enactment by this act of the following sections are not subject to the referendum pursuant to Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code because the amendment or enactment relates to an appropriation for current expenses; therefore the amendment or enactment goes into immediate effect when this act becomes law:

Sections 201.01, 201.02, 303, and 305.

SECTION 503. The amendment, enactment, or repeal by this act of the following sections takes effect on the dates specified below:

The amendment of section 3375.49 of the Revised Code, on December 31, 2008;

The amendment of section 5739.02 of the Revised Code, on February 1, 2009;

The repeal of sections 3375.54 and 3375.55 of the Revised Code, on the

ninety-first day after the effective date of this act;

The repeal of section 3375.48 of the Revised Code, on December 31, 2009;

The amendment of sections 733.40, 1901.024, 1901.31, 1907.20, 2949.111, 3375.50 (307.515), and 4513.35 of the Revised Code, on January 1, 2010;

The enactment of section 3375.481 of the Revised Code, on January 1, 2010;

The repeal of sections 3375.51, 3375.52, 3375.53, and 3375.56 of the Revised Code, on January 1, 2010.

SECTION 505. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that certain changes need to be made to state and local government in order to immediately continue the effectiveness of their programs and operations. Therefore, this act shall go into immediate effect.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Am. Sub. H. B. No. 420

127th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_