

# AN ACT

To amend sections 164.02, 164.05, 164.06, 164.08, 164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 and to enact sections 126.62 and 5301.71 of the Revised Code to revise the law regarding agricultural leases and soil and water conservation districts; to modify the laws governing the Ohio Public Works Commission, district public works integrating committees, and natural resources assistance councils; to convey state-owned land in Fairfield County to the board of commissioners of Fairfield County; to create the Investing in Ohio Fund; to revise the law governing the issuance of unit operation orders under the Oil and Gas Law; to make changes to the law regarding battery-charged fences; and to make an appropriation.

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

SECTION 1. That sections 164.02, 164.05, 164.06, 164.08, 164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 be amended and sections 126.62 and 5301.71 of the Revised Code be enacted to read as follows:

Sec. 126.62. The investing in Ohio fund is hereby created in the state treasury. Moneys in the fund shall be used to promote economic development throughout the state, including infrastructure improvements.

Sec. 164.02. (A) There is hereby created the Ohio public works commission consisting of seven members who shall be appointed as follows: two persons shall be appointed by the speaker of the house of representatives; one person shall be appointed by the minority leader of the house of representatives; two persons shall be appointed by the president of the senate; one person shall be appointed by the minority leader of the senate; and one person from the private sector, who shall have ~~at least eight years~~ experience in matters of public finance, shall be appointed alternately by the speaker of the house of representatives and the president of the senate, with the speaker of the house making the first appointment. The director of transportation, the director of environmental protection, the director of development, the director of natural resources, and the chairperson of the Ohio water development authority shall be nonvoting, ex officio members of the commission. The initial appointments made to the commission by the minority leaders of the senate and house of representatives and one of the initial appointments made by the speaker of the house of representatives and the president of the senate shall be for terms ending December 31, 1989; one of the initial appointments made by the speaker of the house of representatives and the president of the senate shall be for terms ending December 31, 1990; and the initial term of the appointment to the commission that is alternately made by the speaker of the house of representatives and the president of the senate shall be for a term ending December 31, 1989. Thereafter, terms of office shall be for

three years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member is appointed. Members may be reappointed one time. Vacancies shall be filled in the same 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 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.

The commission shall elect a chairperson, vice-chairperson, and other officers as it considers advisable. Four voting members constitute a quorum. Members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(B) The Ohio public works commission shall:

(1) Review and evaluate persons who will be recommended to the governor for appointment to the position of director of the Ohio public works commission, and, when the commission considers it appropriate, recommend the removal of a director;

(2) Provide the governor with a list of names of three persons who are, in the judgment of the commission, qualified to be appointed to the position of director. The commission shall provide the list, which may include the name of the incumbent director to the governor, not later than sixty days prior to the expiration of the term of such incumbent director. A director shall serve a two-year term upon initial appointment, and four-year terms if subsequently reappointed by the governor; however, the governor may remove a director at any time following the commission's recommendation of such action. Upon the expiration of a director's term, or in the case of the resignation, death, or removal of a director, the commission shall provide such list of the names of three persons to the governor within thirty days of such expiration, resignation, death, or removal. Nothing in this section shall prevent the governor, in the governor's discretion, from rejecting all of the nominees of the commission and requiring the commission to select three additional nominees. However, when the governor has requested and received a second list of three additional names, the governor shall make the appointment from one of the names on the first list or the second list. Appointment by the governor is subject to the advice and consent of the senate.

In the case of the resignation, removal, or death of the director during the director's term of office, a successor shall be chosen for the remainder of the term in the same manner as is provided for an original appointment.

(3) Provide oversight to the director and advise in the development of policy guidelines for the implementation of this chapter, and report and make recommendations to the general assembly with respect to such implementation;

(4) Adopt bylaws to govern the conduct of the commission's business;

(5) Appoint the members of the Ohio small government capital improvements commission in accordance with division (C) of this section.

(C)(1) There is hereby created the Ohio small government capital improvements commission. The commission shall consist of ten members, including the director of transportation, the director of environmental protection, and the chairperson of the Ohio water development authority as nonvoting,

ex officio members and seven voting members appointed by the Ohio public works commission. Each such appointee shall be a member of a district public works integrating committee who was appointed to the integrating committee pursuant to the majority vote of the chief executive officers of the villages of the appointee's district or by a majority of the boards of township trustees of the appointee's district.

(2) Two of the initial appointments shall be for terms ending two years after March 29, 1988. The remaining initial appointments shall be for terms ending three years after March 29, 1988. Thereafter, terms of office shall be for two years, with each term ending on the same date of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member is appointed. Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before 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 after the expiration of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members of the commission may be reappointed. No more than two members of the commission may be members of the same district public works integrating committee.

(3) The Ohio small government capital improvements commission shall elect one of its appointed members as chairperson and another as vice-chairperson. Four voting members of the commission constitute a quorum, and the affirmative vote of four appointed members is required for any action taken by vote of the commission. No vacancy in the membership of the commission shall impair the right of a quorum by an affirmative vote of four appointed members to exercise all rights and perform all duties of the commission. Members of the commission shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(D) The Ohio small government capital improvements commission shall:

(1) Advise the general assembly on the development of policy guidelines for the implementation of this chapter, especially as it relates to the interests of small governments and the use of the portion of bond proceeds set aside for the exclusive use of townships and villages;

(2) Advise the township and village subcommittees of the various district public works integrating committees concerning the selection of projects for which the use of such proceeds will be authorized;

(3) Affirm or overrule the recommendations of its administrator made in accordance with section 164.051 of the Revised Code concerning requests from townships and villages for financial assistance for capital improvement projects.

(E) Membership on the Ohio public works commission or the Ohio small government capital improvements commission does not constitute the holding of a public office. No appointed member shall be required, by reason of section 101.26 of the Revised Code, to resign from or forfeit membership in the general assembly.

Notwithstanding any provision of law to the contrary, a county, municipal, or township public official may serve as a member of the Ohio public works commission or the Ohio small government capital improvements commission.

Members of the commissions established by this section do not have an unlawful interest in a

public contract under section 2921.42 of the Revised Code solely by virtue of the receipt of financial assistance under this chapter by the local subdivision of which they are also a public official or appointee.

~~(F) The director of the Ohio public works commission shall administer the small counties capital improvement program, which is hereby created. The program shall provide financial assistance to county governments of counties that have a population of less than eighty-five thousand according to the most recent decennial census. Under the program, the director shall review and may approve projects submitted by subcommittees of district public works integrating committees under division (E) of section 164.06 of the Revised Code. In approving projects, the director shall be guided by the provisions of division (B) of that section, while taking into consideration the special capital improvement needs of small counties.~~

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

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

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

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

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

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

(e) The portion of a district's annual allocation which the director approves in the form of loans and local debt support and credit enhancements for eligible projects is consistent with divisions (E) and (F) of this section.

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

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a deputy with the necessary qualifications to act as the director when the director is absent or temporarily unable to carry out the duties of office.

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

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

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

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

(8) Appoint the administrator of the Ohio small government capital improvements commission;

(9) Do all other acts, enter into contracts, and execute all instruments necessary or appropriate to carry out this chapter;

(10) Develop a standardized methodology for evaluating local subdivision capital improvement needs that permits a district public works integrating committee to consider, when addressing a subdivision's project application, the subdivision's existing capital improvements, the condition of those improvements, and the subdivision's projected capital improvement needs in that five-year period following the application date;

(11) Establish a program to provide local subdivisions with technical assistance in preparing project applications. The program shall be designed to assist local subdivisions that lack the financial or technical resources to prepare project applications on their own.

(B) When the director of the Ohio public works commission decides to conditionally approve or disapprove projects, the director's decisions and the reasons for which they are made shall be made in writing. These written decisions shall be conclusive for the purposes of the validity and enforceability of such determinations.

(C) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for financial assistance provided pursuant to the provisions of this chapter shall be such as the director determines to be appropriate. If any payments required by a loan agreement entered into pursuant to this chapter are not paid, the funds which would otherwise be apportioned to the local subdivision from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, at the direction of the director of the Ohio public works commission, be reduced by the amount payable. The county treasurer shall, at the direction of the director, pay the amount of such reductions to the state capital improvements revolving loan fund. The director may renegotiate a loan repayment schedule with a local subdivision whose payments from the county undivided local government fund could be reduced pursuant to this division, but such a renegotiation may occur only one time with respect to any particular loan agreement.

(D) Grants approved for the repair and replacement of existing infrastructure pursuant to this chapter shall not exceed ninety per cent of the estimated total cost of the capital improvement project. Grants approved for new or expanded infrastructure shall not exceed fifty per cent of the estimated cost of the new or expansion elements of the capital improvement project. A local subdivision share

of the estimated cost of a capital improvement may consist of any of the following:

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

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

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

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

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

(E) The following portion of a district public works integrating committee's annual allocation share pursuant to section 164.08 of the Revised Code may be awarded to subdivisions only in the form of interest-free, low-interest, market rate of interest, or blended-rate loans:

|   | 1                                  | 2                      |
|---|------------------------------------|------------------------|
| A | YEAR IN WHICH MONEYS ARE ALLOCATED | PORTION USED FOR LOANS |
| B | Year 1                             | 0%                     |
| C | Year 2                             | 0%                     |
| D | Year 3                             | 10%                    |
| E | Year 4                             | 12%                    |
| F | Year 5                             | 15%                    |
| G | Year 6                             | 20%                    |
| H | Year 7, 8, 9, and 10               | 22%                    |

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

| A | 1                                     | 2  |
|---|---------------------------------------|--|
|   | YEAR IN WHICH MONEYS ARE<br>ALLOCATED | PORTIONS USED FOR LOCAL DEBT<br>SUPPORT AND CREDIT<br>ENHANCEMENTS |
| B | Year 1                                | 0%   |
| C | Year 2                                | 0%   |
| D | Year 3                                | 3%   |
| E | Year 4                                | 5%   |
| F | Year 5                                | 5%   |
| G | Year 6                                | 7%   |
| H | Year 7                                | 7%   |
| I | Year 8                                | 8%   |
| J | Year 9                                | 8%   |
| K | Year 10                               | 8%   |

(G) For the period commencing on March 29, 1988, and ending on June 30, 1993, for the period commencing July 1, 1993, and ending June 30, 1999, and for each five-year period thereafter, the total amount of financial assistance awarded under sections 164.01 to 164.08 of the Revised Code for capital improvement projects located wholly or partially within a county shall be equal to at least thirty per cent of the amount of what the county would have been allocated from the obligations authorized to be sold under this chapter during each period, if such amounts had been allocable to each county on a per capita basis.

(H) The amount of the annual allocations made pursuant to divisions (B)(1) and ~~(5)~~(4) of section 164.08 of the Revised Code which can be used for new or expanded infrastructure is limited as follows:

| A | 1                                     | 2  |
|---|---------------------------------------|--|
|   | YEAR IN WHICH MONEYS ARE<br>ALLOCATED | PORTION WHICH MAY BE USED FOR NEW<br>OR EXPANSION INFRASTRUCTURE |

|   |                                  |     |
|---|----------------------------------|-----|
| B | Year 1                           | 5%  |
| C | Year 2                           | 5%  |
| D | Year 3                           | 10% |
| E | Year 4                           | 10% |
| F | Year 5                           | 10% |
| G | Year 6                           | 15% |
| H | Year 7                           | 15% |
| I | Year 8                           | 20% |
| J | Year 9                           | 20% |
| K | Year 10 and each year thereafter | 20% |

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

|   | 1                                     | 2   |
|---|---------------------------------------|---|
| A | YEAR IN WHICH MONEYS<br>ARE ALLOCATED | PORTIONS USED FOR LOANS OR LOCAL<br>DEBT SUPPORT AND CREDIT<br>ENHANCEMENTS |
| B | Year 32 and each year thereafter      | At least 10%  |

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

Sec. 164.06. (A) Each district public works integrating committee shall evaluate materials submitted to it by the local subdivisions located in the district concerning capital improvements for which assistance is sought from the state capital improvements fund and shall, pursuant to division (B) of this section, select the requests for financial assistance that will be formally submitted by the district to the director of the Ohio public works commission. In order to provide for the efficient use of the district's state capital improvements fund allocation each year, a district committee shall assist



its subdivisions in the preparation and coordination of project plans.

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

- (1) The infrastructure repair and replacement needs of the district;
- (2) The age and condition of the system to be repaired or replaced;
- (3) Whether the project would generate revenue in the form of user fees or assessments;
- (4) The importance of the project to the health and safety of the citizens of the district;
- (5) The cost of the project and whether it is consistent with division (G) of section 164.05 of the Revised Code and the district's allocation for grants, loans, and local debt support and credit enhancements for that year;
- (6) The effort and ability of the benefited local subdivisions to assist in financing the project;
- (7) The availability of federal or other funds for the project;
- (8) The overall economic health of the particular local subdivision;
- (9) The adequacy of the planning for the project and the readiness of the applicant to proceed should the project be approved;
- (10) Any other factors relevant to a particular project.

(C) When applying the methodology under division (A)(10) of section 164.05 of the Revised Code, a district public works integrating committee may require a subdivision to submit information on its capital infrastructure as part of an application for assistance in financing a capital improvement project under this section.

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

~~(E) The district public works integrating committee for each district that includes at least one county with a population of less than eighty-five thousand according to the most recent decennial census shall appoint a subcommittee of its members for the purposes of the small counties capital improvement program created under division (F) of section 164.02 of the Revised Code. The subcommittee shall select and submit to the director the projects that will be considered for assistance from the money allocated to the program under division (B)(3) of section 164.08 of the Revised~~

Code:

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

(B) Beginning July 1, 2016, each program year the amount of obligations authorized by the general assembly in accordance with sections 151.01 and 151.08 or section 164.09 of the Revised Code, excluding the proceeds of refunding or renewal obligations, shall be allocated by the director of the Ohio public works commission as follows:

(1) First, ten per cent of the amount of obligations authorized shall be allocated to provide financial assistance to villages and to townships with populations in the unincorporated areas of the township of less than five thousand persons, for capital improvements in accordance with section 164.051 and division (D) of section 164.06 of the Revised Code. As used in division (B)(1) of this section, "capital improvements" includes resurfacing and improving roads.

(2) Following the allocation required by division (B)(1) of this section, the director may allocate two per cent of the authorized obligations to provide financial assistance to local subdivisions for capital improvement projects which in the judgment of the director of the Ohio public works commission are necessary for the immediate preservation of the health, safety, and welfare of the citizens of the local subdivision requesting assistance. Starting July 1, 2021, the director may allocate up to six per cent of authorized obligations as provided in this division.

~~(3) For program years twelve and fourteen that obligations are authorized and available for allocation under this chapter, two million dollars each program year shall be allocated to the small county capital improvement program for use in providing financial assistance under division (F) of section 164.02 of the Revised Code.~~

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

~~(5) (4) After making the allocation required by division (B)(4) (B)(3) of this section, the director shall allocate the remaining amount to each district on a per capita basis.~~

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

(2) There may also be deposited in the state capital improvements revolving loan fund moneys obtained from federal or private grants, or from other sources, which are to be used for any of the purposes authorized by this chapter. Such moneys shall be allocated each year in accordance

with division ~~(B)(5)~~ (B)(4) of this section.

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

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

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

(a) Each district public works integrating committee shall be allocated an amount equal to the sum of all loan repayments made to the state capital improvements revolving loan fund by local subdivisions that are part of the district. Moneys not used in a program year may be used in the next program year in the same manner and for the same purpose as originally allocated.

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

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

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

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

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

(F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division (H) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure.

(G) When an allocation based on population is made by the director pursuant to division (B)

of this section, the director shall use the most recent decennial census statistics, and shall not make any reallocations based upon a change in a district's population.

Sec. 164.20. (A) Notwithstanding section 164.01 of the Revised Code, as used in sections 164.20 to 164.27 of the Revised Code, "local political subdivision" means a county, municipal corporation, township, conservancy district, soil and water conservation district, lake facilities authority, joint recreation district, park district, or other similar park authority.

(B) As used in sections 164.20 to 164.27 of the Revised Code, "nonprofit organization" means an environmental and conservation organization that is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and described in 26 U.S.C. 501(c) and ~~that has as one of its designated activities, as indicated on United States internal revenue service form 1023 "recognition of exemption," an activity that is directly related to the purposes for which grants may be issued under sections 164.20 to 164.27 of the Revised Code as described in divisions (A) and (B) of section 164.22 of the Revised Code~~ formed to protect the natural environment.

(C) For the purposes of sections 164.20 to 164.27 of the Revised Code, the definition of "project" in section 164.01 of the Revised Code does not apply.

Sec. 164.22. Natural resources assistance councils shall review and approve or disapprove applications in accordance with sections 164.20 to 164.27 of the Revised Code for grants for projects that propose to do any of the following:

(A) Provide for open space acquisition, including the acquisition of easements, or the related ~~development-improvement~~ development-improvement of open spaces acquired with a grant awarded under sections 164.20 to 164.27 of the Revised Code. Open space acquisition projects include acquisition of land or rights in land for parks, forests, wetlands, natural areas that protect an endangered plant or animal population, other natural areas, and connecting corridors for natural areas. Related ~~development-improvement~~ development-improvement projects include projects for the construction or enhancement of facilities that are necessary to make an open space area accessible and useable by the general public. Projects proposed pursuant to division (A) of this section shall emphasize the following:

(1) The support of comprehensive open space planning and incorporation of aesthetically pleasing and ecologically informed design;

(2) The enhancement of economic ~~development-improvement~~ development-improvement that relies on recreation and ecotourism in areas with relatively high unemployment and lower incomes;

(3) The protection of habitat for rare, threatened, and endangered species or the preservation of high quality, viable habitat for plant and animal species;

(4) The preservation of existing high quality wetlands or other scarce natural resources within the geographical jurisdiction of the council;

(5) The enhancement of educational opportunities and provision of physical links to schools and after-school centers;

(6) The preservation or restoration of water quality, natural stream channels, functioning floodplains, wetlands, streamside forests, and other natural features that contribute to the quality of life in this state and to the state's natural heritage. ~~Projects shall not include hydromodification projects such as dams, dredging, sedimentation, and bank clearing and shall not accelerate untreated water runoff or encourage invasive nonnative species.~~

(7) The reduction or elimination of nonnative, invasive species of plants or animals;

(8) The proper management of areas where safe fishing, hunting, and trapping may take place in a manner that will preserve a balanced natural ecosystem.

(B) Protect and enhance riparian corridors or watersheds, including the protection and enhancement of streams, rivers, lakes, and other waters of the state. Such projects may include, without limitation, the reforestation of land or the planting of vegetation for filtration purposes; the fee simple acquisition of lands for the purpose of providing access to riparian corridors or watersheds or for other purposes necessary for the protection and enhancement of riparian corridors or watersheds; and the acquisition of easements for the purpose of protecting and enhancing riparian corridors or watersheds. Projects proposed pursuant to division (B) of this section shall emphasize the following:

- (1) The increase of habitat protection;
- (2) Inclusion as part of a stream corridor-wide or watershed-wide plan;
- (3) The provision of multiple recreational, economic, and aesthetic preservation benefits;
- (4) The preservation or restoration of floodplain and streamside forest functions;
- (5) The preservation of headwater streams;
- (6) The restoration and preservation of aquatic biological communities.

~~Projects shall not initiate or perpetuate hydromodification projects such as dams, ditch development, or channelization.~~

Grant moneys may be used for preliminary costs related to projects that are eligible for funding under this section, including planning costs, design costs, engineering costs, costs of appraisals, environmental assessments, and archaeological surveys.

Sec. 164.26. (A) The director of the Ohio public works commission shall establish policies related to the need for long-term ownership, or long-term control through a lease or the purchase of an easement, of real property that is the subject of an application for a grant under sections 164.20 to 164.27 of the Revised Code and establish requirements for documentation to be submitted by grant applicants that is necessary for the proper administration of this division. The policies shall provide for proper liquidated damages and grant repayment for entities that fail to comply with the long-term ownership or control requirements established under this division.

The director also shall adopt policies delineating what constitutes administrative costs for purposes of division (F) of section 164.27 of the Revised Code.

(B) The Ohio public works commission shall administer sections 164.20 to 164.27 of the Revised Code and shall exercise any authority and use any procedures granted or established under sections 164.02 and 164.05 of the Revised Code that are necessary for that purpose.

(C) Technical assistance provided by the Ohio public works commission does not constitute approval or denial of an application submitted under section 164.23 of the Revised Code.

Sec. 940.05. (A) The board of supervisors of a soil and water conservation district shall consist of five supervisors, as provided for in section 940.04 of the Revised Code.

(B) The board shall organize annually by selecting a chairperson, a secretary, and a treasurer. It shall designate one of its members as fiscal agent. A majority of the board shall constitute a quorum. The concurrence of a majority of the board in any matter shall be required for its determination. A supervisor shall receive no compensation for the supervisor's services, except when both of the following occur:

~~(A)(1)~~ A district board of supervisors designates one or more of its supervisors to represent the district on a joint district board or if an agency or instrumentality of the United States, of this state, or of a political subdivision of this state requires or requests district board representation;

~~(B)(2)~~ Such compensation is provided for by public moneys other than moneys in the special fund of the local district created pursuant to section 940.12 of the Revised Code.

~~(C)~~ A supervisor is entitled to be reimbursed for the necessary expenses incurred in the discharge of official duties.

~~(D)~~ The board of supervisors shall furnish to the Ohio soil and water conservation commission, upon its request, copies of rules, orders, contracts, forms, and other documents it adopts or employs and other information concerning its activities as it requires in the performance of its duties under this chapter.

~~(E)~~ At least once each year, a district shall submit to the commission a report of progress and operations, including a summary of receipts and disbursements during the period covered by the report. A district shall submit additional financial reports as requested by the commission.

~~The board shall provide for the execution of surety bonds for~~ ~~(F)~~ For all employees and officers who are entrusted with funds ~~and, the board shall either:~~

~~(1) Provide for the execution of surety bonds;~~

~~(2) By resolution, adopt a policy to allow for use of an employee dishonesty and faithful performance of duty insurance policy to cover financial or property loss caused by the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law for, an officer, employee, or appointee that is otherwise required by law to give an individual surety bond before entering upon the discharge of official duties.~~

~~(G)~~ The board shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted.

~~(H)~~ Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office.

Sec. 1509.28. ~~(A)~~ ~~The~~ ~~(A)(1)~~ A person who has obtained the consent of the owners of at least sixty-five per cent of the land area overlying a pool or a part of a pool may submit an application for the operation as a unit of the entire pool or part of the pool to the chief of the division of oil and gas resources management, upon the chief's own motion or upon application by the owners of sixty-five per cent of the land area overlying the pool, shall hold a hearing to consider the need for the operation as a unit of an entire pool or part thereof. In calculating the sixty-five per cent, an owner's entire interest in each tract in the proposed unit area, including any divided, undivided, partial, fee, or other interest in the tract, shall be included to the fullest extent of that interest. ~~An application by owners~~

~~(2) The chief may make a motion, without application, for the operation as a unit of an entire pool or part of the pool.~~

~~(B) An applicant shall be accompanied by a~~ include with the application for unit operation both of the following:

~~(1) A nonrefundable fee of ten thousand dollars and by such;~~

~~(2) Any additional information as requested by the chief may request.~~

~~(C)(1) The chief shall hold a hearing regarding an application submitted under division (A)~~

(1) of this section or regarding the chief's motion made under division (A)(2) of this section. Except as otherwise provided in division (C)(2) of this section, the chief shall hold the hearing not more than sixty days after the date the chief receives the application or makes the motion, as applicable.

(2) If the chief determines that an application is materially incomplete before the required hearing date, the chief shall notify the applicant. The applicant shall respond to the chief not later than three business days from receipt of the notice to correct the application. If the applicant does not timely correct the application, the chief may reschedule the hearing date.

(3) At the hearing, the chief shall consider the need for the operation as a unit of an entire pool or part thereof.

(D) The chief shall make an order providing for the unit operation of a pool or part thereof if the chief finds that such operation is reasonably necessary to increase substantially the ultimate recovery of oil and gas, and the value of the estimated additional recovery of oil or gas exceeds the estimated additional cost incident to conducting the operation. The ~~order~~ chief shall issue the order not later than sixty days after the date of the hearing, unless the chief denies the application or motion by order within that sixty-day period.

(E) The order shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include:

(1) A description of the unitized area, termed the unit area;

(2) A statement of the nature of the operations contemplated;

(3) An allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is no such agreement, the chief shall determine the value, from the evidence introduced at the hearing, of each separately owned tract in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the value of each tract so determined bears to the value of all tracts in the unit area.

(4) A provision for the credits and charges to be made in the adjustment among the owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials, and equipment contributed to the unit operations;

(5) A provision providing how the expenses of unit operations, including capital investment, shall be determined and charged to the separately owned tracts and how the expenses shall be paid;

(6) A provision, if necessary, for carrying or otherwise financing any person who is unable to meet the person's financial obligations in connection with the unit, allowing a reasonable interest charge for such service;

(7) A provision for the supervision and conduct of the unit operations, in respect to which each person shall have a vote with a value corresponding to the percentage of the expenses of unit operations chargeable against the interest of that person;

(8) The time when the unit operations shall commence, and the manner in which, and the circumstances under which, the unit operations shall terminate;

(9) Such additional provisions as are found to be appropriate for carrying on the unit operations, and for the protection or adjustment of correlative rights.

~~(B)~~(F) No order of the chief providing for unit operations shall become effective unless and until the plan for unit operations prescribed by the chief has been approved in writing by those owners who, under the chief's order, will be required to pay at least sixty-five per cent of the costs of the unit operation, and also by the royalty or, with respect to unleased acreage, fee owners of sixty-five per cent of the acreage to be included in the unit. If the plan for unit operations has not been so approved by owners and royalty owners at the time the order providing for unit operations is made, the chief shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the owners and royalty owners, or either, owning the required percentage of interest in the unit area do not approve the plan for unit operations within a period of six months from the date on which the order providing for unit operations is made, the order shall cease to be of force and shall be revoked by the chief.

(G) An order providing for unit operations may be amended by an order made by the chief, in the same manner and subject to the same conditions as an original order providing for unit operations, provided that:

(1) If such an amendment affects only the rights and interests of the owners, the approval of the amendment by the royalty owners shall not be required.

(2) No such order of amendment shall change the percentage for allocation of oil and gas as established for any separately owned tract by the original order, except with the consent of all persons owning interest in the tract.

(H) The chief, by an order, may provide for the unit operation of a pool or a part thereof that embraces a unit area established by a previous order of the chief. Such an order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in the previously established unit area in the same proportions as those specified in the previous order.

(I) Oil and gas allocated to a separately owned tract shall be deemed, for all purposes, to have been actually produced from the tract, and all operations, including, but not limited to, the commencement, drilling, operation of, or production from a well upon any portion of the unit area shall be deemed for all purposes the conduct of such operations and production from any lease or contract for lands any portion of which is included in the unit area. The operations conducted pursuant to the order of the chief shall constitute a fulfillment of all the express or implied obligations of each lease or contract covering lands in the unit area to the extent that compliance with such obligations cannot be had because of the order of the chief.

(J) Oil and gas allocated to any tract, and the proceeds from the sale thereof, shall be the property and income of the several persons to whom, or to whose credit, the same are allocated or payable under the order providing for unit operations.

(K) No order of the chief or other contract relating to the sale or purchase of production from a separately owned tract shall be terminated by the order providing for unit operations, but shall remain in force and apply to oil and gas allocated to the tract until terminated in accordance with the provisions thereof.

(L) Notwithstanding divisions (A) to (G) of section 155.33 of the Revised Code and rules adopted under it, the chief shall issue an order for the unit operation of a pool or a part of a pool that



encompasses a unit area for which all or a portion of the mineral rights are owned by the department of transportation.

(M) Except to the extent that the parties affected so agree, no order providing for unit operations shall be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired for the account of the owners within the unit area shall be the property of such owners in the proportion that the expenses of unit operations are charged.

Sec. 3781.1011. (A) As used in this section:

(1) "Alarm system" means a device or system that transmits a signal intended to summon law enforcement to a county, township, or municipal corporation in response to an alleged violation of an offense under Chapter 2911. of the Revised Code occurring in a nonresidential zone of the applicable county, township, or municipal corporation. The term includes an alarm that emits an audible signal on the exterior of a structure. The term does not include an alarm installed on a vehicle or an alarm designed to alert only the inhabitants within the premises. The term includes an alarm system for which a permit may be issued under any applicable section of the Revised Code or Ohio Constitution.

(2) "Battery-charged fence" means a fence connected to a battery-operated energizer that is intended periodically to deliver voltage impulses to the fence, a battery charging device used exclusively to charge the battery, and any other ancillary components or equipment attached to such a system.

(3) "Permit" means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

(B) A battery-charged fence installed on private, nonresidential property within a county, township, or municipal corporation shall satisfy all of the following:

(1) Interface with a monitored alarm system;

(2) Have a battery-operated energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current, and that meets the standards set forth by the international electrotechnical commission 60335-02-76 current edition;

(3) Be completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;

(4) Be not more than the higher of ten feet in height, or two feet higher than the height of the nonelectric perimeter fence or wall; and

(5) Be marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING--ELECTRIC FENCE."

(C) Division (B) of this section does not apply to any of the following:

(1) Fences that are required to be constructed by persons or corporations owning, controlling, or managing a railroad pursuant to Chapter 4959. of the Revised Code;

(2) ~~Preferred partition~~ Partition fences under-constructed in accordance with Chapter 971. of the Revised Code;

(3) Fences constructed or installed by the state or a political subdivision, or by the federal government;

(4) Fences installed at a facility that is an accredited member of the association of zoos and

aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;

(5) Fences installed at a wildlife sanctuary;

(6) Fences constructed and used for agricultural purposes, as agriculture is defined in either section 303.01 or 519.01 of the Revised Code.

(D) Notwithstanding any other section of the Revised Code, a county, township, or municipal corporation may adopt and enforce an ordinance, order, resolution, or regulation that does any of the following:

(1) Imposes installation or operational requirements for battery-charged fences in nonresidential properties that are not in conflict with the requirements and standards set forth in division (B) of this section;

(2) Requires a permit or fee for the installation or use of a battery-charged fence to which this section applies in accordance with a permit or fee for an alarm system issued or charged by the county, township, or municipal corporation;

(3) Prohibits the installation or use of a battery-charged fence in a nonresidential zone that does not meet the requirements and standards set forth in division (B) of this section.

Sec. 5301.71. (A) As used in this section:

(1) "Agricultural lease agreement" means an agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions between a landlord and tenant concerning the use and occupancy of real property by one of the parties for agricultural purposes.

(2) "Agricultural purposes" means the use and occupancy of real property for the planting, growing, and harvesting of crops and all practices necessary for that planting, growing, and harvesting. It does not mean the use and occupancy of real property for pasture, timber, farm buildings, horticultural buildings, or leases solely for equipment.

(3) "Landlord" means the owner or lessor of real property used for agricultural purposes that is authorized to receive remuneration from a tenant under an agricultural lease agreement, and has entered into, or has actual or constructive knowledge of, an agricultural lease agreement.

(4) "Tenant" means the person entitled under an agricultural lease agreement to use real property for agricultural purposes to the exclusion of all others.

(B)(1) Notwithstanding anything in Chapter 1335. of the Revised Code, if an agricultural lease agreement does not provide for a termination date or method for notice of termination of the agricultural lease agreement, the landlord shall provide the tenant with written notice of termination. The written notice shall be delivered on or before the first day of September, in the year the termination is to be effective, by personal delivery, facsimile, or electronic mail.

(2) If notice of termination of an agricultural lease agreement is given pursuant to division (B)(1) of this section, the termination date for the agricultural lease agreement shall be the earlier of the following, unless otherwise agreed to, in writing, by the landlord and tenant:

(a) The date harvesting or removal of crops is complete;

(b) The thirty-first day of December in the year in which the notice was given.

(C) This section does not affect the requirements of section 5301.01 of the Revised Code.

SECTION 2. That existing sections 164.02, 164.05, 164.06, 164.08, 164.20, 164.22, 164.26, 940.05, 1509.28, and 3781.1011 of the Revised Code are hereby repealed.

SECTION 3. (A) The Governor may execute a Governor's Deed in the name of the State conveying to The Board of Fairfield County Commissioners ("Grantee"), and its successors and assigns, or to an alternative Grantee, and to the alternate Grantee's heirs and assigns or successors and assigns all of the State's right, title, and interest in the following described real estate:

Tract 1

Situated in the State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 16, Range 20, Refugee lands, being reserve "B" of Hunter's Run Section 1, Plat Cabinet 1, Slot 4 as recorded in the Fairfield County Recorder's Office, and subject to all rights-of-way, easements and restrictions of record.

Less and excepting the following described property:

Situated in the Township of Violet, County of Fairfield and State of Ohio, and known as being a part of Section 29, Town 16, Range 20 of Refugee Lands, and more fully bounded and described as follows:

Parcel No. 4-WV (Highway)

All right, title, and interest in fee simple, excluding limitation of access, in the following described property, including the sign thereon, in the name, and for the use of the City of Pickerington, Ohio:

Beginning, for reference, at the intersection of the centerline of State Route 256 and the centerline of Stonecreek Drive North, said point being at Station 64 plus 37.62 on the centerline of survey & construction of State Route 256 as documented in the Ohio Department of Transportation Plans FA1-256-1.06 (said plans being the basis for all bearings);

Thence, on the centerline of State Route 256, South 23° 29' 42" East, 162.38 feet to a point (Station 66 plus 00.00);

Thence, North 66° 30' 18" East, 50.00 feet to the TRUE POINT OF BEGINNING (50.00 feet left of Station 66 plus 00.00);

Thence, along the proposed right-of-way line, South 32° 55' 34" East, 153.60 feet to a point (72.00 feet left of Station 67 plus 55.01);

Thence, along the proposed right-of-way line, South 77° 45' 32" East, 90.14 feet to a point (142.00 feet left of Station 68 plus 14.01);

Thence, along the proposed right-of-way line, South 20° 57' 54" East, 126.04 feet to a point (125.09 feet left of Station 69 plus 44.02);

Thence, along the proposed right-of-way line, South 33° 32' 42" East, 114.26 feet to a point (133.00 feet left of Station 70 plus 58.01);

Thence, along the proposed right-of-way line, South 59° 46' 41" East, 65.69 feet to a point (166.05 feet left of Station 71 plus 14.78)

Thence, along the proposed right-of-way line, South 28° 07' 41" East, 22.80 feet to a point (165.48 feet left of Station 71 plus 37.58);

Thence, along Owner's property line and the existing right-of-way line, North 29° 34' 22" West, 185.97 feet to a point (50.00 feet left of Station 69 plus 22.41);

Thence, continuing on the proposed right-of-way line, along the arc of a curve to the right with a radius of 2814.79 feet, and arc length of 298.60 feet whose chord bears North 26° 32' 02" West, 298.46 feet to a point (50.00 feet left of Station 66 plus 18.51);

Thence, North 23° 29' 42" West, 18.51 feet to the True Point of Beginning, containing .719 acres, more or less.

Owners retain rights of ingress and egress to and from any residual area.

A gross take of 0.719 acres is to be taken from the Auditors Parcel No. 036-02606-00 which contains 17.649 acres.

Parcel Number: 0360260600

Prior Instrument Reference: OR 1183 PAGE 2287

Tract 2

Situated in the State of Ohio, County of Fairfield, Township of Violet, Section 29, Township 16, Range 20, Refugee Lands, being a part of Lot 3 of Hunter's Run Section 1, Plat Cabinet 1, Slot 4, also being 4.716 acres of that tract conveyed to Troon Management, Deed Book 649, Page 189, (all references refer to records in the Recorder's Office, Fairfield County, Ohio) and more fully described as follows:

Beginning at an iron pin set at the northeast corner of Brunnel Hill Development Company, Deed Book 664, Page 916, also the north corner of the Replat of Part of Hunter's Run Section 1 Lot 3, P.C. 1, Slot 188, on the south right of way line of Stonecreek Drive;

Thence South 88° 35' 49" East, a distance of 560.61 feet, along the right of way line of said Stonecreek Drive to an iron pin found at the northwest property corner of Ronald R. & Joyce E. Skeen, Deed Book 590, Page 441;

Thence South 01° 21' 41" West, a distance of 313.03 feet, along the westerly property line of said Skeen to an iron pin found;

Thence South 85° 45' 15" West, a distance of 599.21 feet, along the northerly line of Reserve "B", Hunter's Run Section 1, P.C. 1, Slot 4, to an iron pin set at the southeast corner of said replat of part of Hunter's Run Section 1 Lot 3;

Thence North 10° 30' 00" West, a distance of 175.49 feet along the easterly property line of said replat of part of Hunter's Run Section 1 Lot 3, to an iron pin set;

Thence North 27° 31' 50" East, a distance of 162.72 feet, along the easterly property line of said replat of part of Hunter's Run Section 1 Lot 3, to an iron pin set;

Thence North 01° 24' 11" East, a distance of 54.20 feet, along the easterly property line of said replat of Hunter's Run Section 1 Lot 3 to the point of beginning, containing 4.716 acres more or less according to an actual field survey made by Hockaden and Associates in November of 1998 and subject to all rights-of-way, easements and restrictions of record.

Bearings are based upon the recorded plat of Hunter's Run, Section 1 of record in Plat Cabinet 1, Slot 4, Recorder's Office, Fairfield County, Ohio.

Parcel Number: 0360260800

Prior Instrument Reference: OR 1183 PAGE 2287

The foregoing legal description may be corrected or modified by the Department of Administrative Services to a final form if such corrections or modifications are needed to facilitate recordation of the deed.

(B)(1) The conveyance includes improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, leases, and restrictions of record: all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults" condition.

(2) The deed for the conveyance of the real estate may contain restrictions, exceptions, reservations, reversionary interests, and other terms and conditions the Director of Administrative Services determines to be in the best interest of the State.

(3) Subsequent to the conveyance, any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed may be released by the State or the Board of Trustees of Ohio University without the necessity of further legislation.

(C) Consideration for the conveyance of the real estate described in division (A) of this section shall be at a price acceptable to the Director of Administrative Services and the Board of Trustees of Ohio University.

The Director of Administrative Services shall offer the real estate to the Board of Fairfield County Commissioners through a real estate purchase agreement. If the Board of Fairfield County Commissioners does not accept the offer to purchase or complete the purchase of the real estate within the time period provided in the real estate purchase agreement, the Director of Administrative Services may use any reasonable method of sale considered acceptable by the Board of Trustees of Ohio University to determine an alternate grantee willing to complete the purchase within three years after the effective date of this section. Ohio University shall pay all advertising costs, additional fees, and other costs incident to the sale of the real estate to an alternate grantee.

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

(E) Except as otherwise specified above, the Grantee shall pay all costs associated with the purchase, closing and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

The proceeds of the sale shall be deposited into university accounts determined by the Board of Trustees of Ohio University.

(F) Upon receipt of a fully executed purchase agreement as described in division (C) of this section, the Director of the Department of Administrative Services, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's 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 Department of Administrative Services for recording, and delivered to the Grantee. The Grantee shall present the Governor's deed for recording in the Office of the Fairfield County Recorder.

(G) This section shall expire three (3) years after its effective date.

SECTION 201.10. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal

year 2023. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium.

SECTION 209.10.

|   | 1                                      | 2      | 3                    | 4            | 5   |
|---|--|--------|----------------------|--------------|-----|
| A | DEV DEPARTMENT OF DEVELOPMENT          |        |                      |              |     |
| B | Dedicated Purpose Fund Group           |        |                      |              |     |
| C | 5XM0                                   | 195576 | Economic Development | \$85,000,000 | \$0 |
| D | TOTAL DPF Dedicated Purpose Fund Group |        |                      | \$85,000,000 | \$0 |
| E | TOTAL ALL BUDGET FUND GROUPS           |        |                      | \$85,000,000 | \$0 |
|   | ECONOMIC DEVELOPMENT                   |        |                      |              |     |

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$85,000,000 cash from the General Revenue Fund to the Investing in Ohio Fund (Fund 5XM0).

SECTION 228.10. REAPPROPRIATIONS

Amounts equal to the unexpended, unencumbered balances of the foregoing appropriations contained in the sections of this act prefixed with numbers in the 200s at the end of fiscal year 2022 are hereby reappropriated to the respective appropriation items in fiscal year 2023 for the same purposes.

SECTION 229.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in H.B. 110 of the 134th General Assembly. The operating appropriations made in this act are subject to all provisions of H.B. 110 of the 134th General Assembly that are generally applicable to such appropriations.

SECTION 806.10. SEVERABILITY

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item or application.

SECTION 812.10. LAWS AND REFERENDUM

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section of law is subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

SECTION 812.20. Sections of this act prefixed with numbers in the 200s are exempt from the referendum under Ohio Constitution, Article II, Section 1d and therefore take effect immediately when this act becomes law.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

---

*Governor.*



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 \_\_\_\_\_