



# Ohio Legislative Service Commission

## Bill Analysis

Daniel M. DeSantis

### Sub. H.B. 238\*

131st General Assembly

(As Reported by H. Government Accountability and Oversight)

Reps. Sears, McColley

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## Bill SUMMARY

- Authorizes 16 conveyances of state-owned real estate to various persons, by various methods, including by direct sale, sealed bid auction, or public auction.
- Authorizes the execution of a perpetual water line easement to the city of Piqua.

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\* This analysis was prepared before the report of the House Government Accountability and Oversight Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

## CONTENT AND OPERATION

### Real estate conveyances

The act authorizes the following public land conveyances:

Grantee	Property reference	Location of property	Consideration
<b>A grantee, and to the grantee's heirs and assigns or successors and assigns</b> ( <i>Section 1</i> )	See legal description in bill	Athens County, Athens Township	Director of Administrative Services to conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director and Ohio University.
<b>A grantee, and to the grantee's heirs and assigns or successors and assigns</b> ( <i>Sections 2, 3, 4, 14, and 15</i> )	See legal description in bill	Athens County, city of Athens	Director of Administrative Services to conduct a sale of the real estate described in Sections 2, 3, 4, 14, and 15 by five separate auctions, sealed bid or public, and the real estate described in each section must be sold to the highest bidder at a price acceptable to the Director and Ohio University.
<b>A grantee, and the grantee's heirs and assigns or successors and assigns</b> ( <i>Section 5</i> )	See legal description in bill	Franklin County, Montgomery Township, city of Columbus	The Director of Administrative Services must conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Job and Family Services. The Director of Administrative Services is prohibited from accepting an offer that is lower than an amount that is 15% below the value determined by an external appraisal.
<b>A grantee, and the grantee's heirs and assigns or successors and assigns</b> ( <i>Section 6</i> )	Ohio Company purchase	Athens County	The Director of Administrative Services must conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director of Administrative Services and Ohio University.



Grantee	Property reference	Location of property	Consideration
<b>The Board of County Commissioners of Ottawa County, Ohio, and its successors and assigns</b> ( <i>Section 7</i> )	See legal description in bill	Ottawa County, Erie Township	\$1 under a real estate purchase contract executed by the Board of County Commissioners of Ottawa County, Ohio, and the Director of Administrative Services.
<b>The city of Columbus and its successors and assigns</b> ( <i>Section 8</i> )	See legal description in bill	Franklin County, city of Columbus	In-kind benefit of 130 exclusive parking spaces within a parking garage to be constructed by the grantee on the site being conveyed.
<b>The city of Massillon and its successors and assigns</b> ( <i>Section 9</i> )	See legal description in bill	Stark County, Perry Township, city of Massillon	A price acceptable to the Director of Administrative Services and the Director of Mental Health and Addiction Services, and pursuant to a real estate purchase agreement as prepared by the Department of Administrative Services.
<b>The city of Dublin and to its successors and assigns</b> ( <i>Section 10</i> )	See legal description in bill	Union County, city of Dublin, Franklin County, Township of Washington	\$1 under a real estate purchase contract prepared and approved by the Director of Administrative Services.
<b>The Board of Trustees of the Ohio State University, and to its successors and assigns</b> ( <i>Section 11</i> )	Ohio State University Airport	Franklin County, city of Columbus	As consideration for the conveyance of 9.009 acres of the real estate, the grantee must simultaneously convey at closing to grantor, fee simple title by fiduciary deed to three parcels of land with an aggregate total of 9.009 acres, the legal descriptions for which are to be agreed upon by grantor and grantee.
<b>The city of Toledo and to its successors and assigns</b> ( <i>Section 12</i> )	Railroad property	Lucas County, city of Toledo	\$34,500.



Grantee	Property reference	Location of property	Consideration
<b>GT Technologies, Inc., a Delaware corporation, and to its successors and assigns</b> (Section 13)	United States Twelve Mile Square Reservation	Lucas County, city of Toledo	\$42,000 under a real estate purchase contract executed by the grantee and the Director of Administrative Services.
<b>City of Piqua and its successors and assigns</b> (Section 16)	Perpetual water line easement in Piqua	Miami County	\$610.
<b>Quest Recovery and Prevention Services, its successors and assigns</b> (Section 17)	State Department of Mental Health and Addiction Services	Stark County, city of Massillon	\$150,000, under a real estate purchase agreement as prepared by the Department of Administrative Services, to be deposited into the state treasury to the credit of the Department of Mental Health and Addiction Services Trust Fund.

The legal descriptions of the parcels of land are in the act.<sup>1</sup> The legal descriptions may be adjusted to accommodate any corrections necessary to facilitate recordation of the deeds.

To convey a parcel of land under the act, the Auditor of State, with the assistance of the Attorney General, prepares each deed. Deeds are 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, who must present the deed for recording at the office of the county recorder.

Each conveyance must include improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, 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 must be conveyed in "as-is, where-is, with all faults" condition.

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<sup>1</sup> Sections 1 through 17.

Under the bill, each deed 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.

### **Expiration date for the conveyances**

The authorization for all the land conveyances in the bill expires three years after the effective date of the bill.

### **Athens Township property (Section 1 of the bill)**

Under the bill, 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 Ohio University without the necessity of further legislation.

The bill requires the Director of Administrative Services to conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director and Ohio University. The Director must advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Athens County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director must notify the successful bidder in writing, and may reject any or all bids.

The bill requires that the purchaser pay a deposit of 10% of the purchase price to the Director of Administrative Services not later than five business days after receiving notice that the purchaser's bid has been accepted, and enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing, which must occur not later than 60 days after execution of the purchase agreement. Payment must be made in cash or by certified check made payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale as prescribed in this section or the terms and conditions of the purchase agreement must forfeit as liquidated damages the 10% deposit paid to the state. If a purchaser fails to complete the purchase, the Director may accept the next highest bid, subject to the foregoing conditions. If the Director rejects all bids, the Director may repeat the sealed bid auction or public auction, or may use an alternative sale process that is acceptable to Ohio University.

The bill requires that Ohio University pay advertising and other costs incident to the sale of the real estate.

The bill requires that the grantee pay all costs associated with the purchase, closing, and conveyance of the real property, 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 bill requires that the net proceeds of the sale of the real estate be paid to Ohio University and deposited into the appropriate university accounts for the benefit of Ohio University.

### **Property in the city of Athens (Sections 2, 3, 4, 14, and 15 of the bill)**

The bill contains five separate land conveyances for real estate that is located in the city of Athens. Sections 2, 3, 4, 14, and 15 of the bill each contain legal descriptions of property. The real estate listed in each section must be sold as an entire tract and not in parcels. Under the bill, the following conditions and requirements apply to each of these three authorized land conveyances:

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 Ohio University without the necessity of further legislation.

The Director of Administrative Services is to conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director and Ohio University. The Director must advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Athens County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director must notify the successful bidder in writing, and the Director may reject any or all bids.

The purchaser must pay a deposit of 10% of the purchase price to the Director of Administrative Services not later than five business days after receiving notice that the purchaser's bid has been accepted, and must enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing, which must occur not later than 60 days after execution of the purchase agreement. Payment must be made in cash or by certified check made payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale or the terms and conditions of the purchase agreement must forfeit as liquidated damages the 10% deposit paid to the state. If a purchaser fails to complete the purchase, the Director may accept the next highest bid, subject to the foregoing conditions. If the Director rejects all bids, the Director may repeat the sealed bid auction or public auction, or may use an alternative sale process that is acceptable to Ohio University.

Ohio University must pay advertising and other costs incident to the sale of the real estate.



The grantee must pay all costs associated with the purchase, closing, and conveyance of the real property, 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 net proceeds of the sale of the real estate must be paid to Ohio University and deposited into the appropriate university accounts for the benefit of Ohio University.

### **Property in the city of Columbus (Section 5 of the bill)**

The bill requires that the real estate be sold as an entire tract and not in parcels.

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 Department of Job and Family Services without the necessity of further legislation.

Under the bill, the deed may contain restrictions prohibiting the grantee or grantees from occupying, using, or developing, or from selling, the real estate such that the use or alienation will interfere with the quiet enjoyment of neighboring state owned land.

The bill authorizes the Director of Administrative Services to offer the real estate for sale through a sealed bid auction or public auction. The method of sale and disposition of the real estate must be determined by the Director of Administrative Services and the Director of Job and Family Services.

The bill authorizes the Director of Administrative Services to conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Job and Family Services. The Director of Administrative Services must advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Franklin County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director of Administrative Services must notify the successful bidder in writing, and may reject any or all bids.

Under the bill, the Director of Administrative Services may not accept an offer that is lower than an amount that is 15% below the value determined by an external appraisal.

The bill requires that the purchaser pay a deposit of 10% of the purchase price to the Director of Administrative Services not later than five business days after receiving



notice that the purchaser's bid has been accepted, and must enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing, which must occur not later than 60 days after execution of the purchase agreement. Payment must be made in cash or by certified check made payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale or the terms and conditions of the purchase agreement must forfeit as liquidated damages the 10% deposit paid to the state. If a purchaser fails to complete the purchase, the Director may accept the next highest bid, subject to the foregoing conditions. If the Director rejects all bids, the Director may repeat the sealed bid auction or public auction, or may use the sale process described above.

Under the bill, the Department of Job and Family Services must pay advertising and other costs incident to the sale of the real estate.

The bill requires that the purchaser pay all costs associated with the purchase, closing, and conveyance of the subject real property, 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 net proceeds of the sale must be deposited into the state treasury to the credit of the Unemployment Compensation Special Administrative Fund.

### **Ohio Company purchase property Athens County (Section 6 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels. 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 Ohio University without the necessity of further legislation.

The bill requires that the Director of Administrative Services conduct a sale of the real estate by sealed bid auction or public auction, and the real estate must be sold to the highest bidder at a price acceptable to the Director of Administrative Services and Ohio University. The Director must advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Athens County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director must notify the successful bidder in writing, and may reject any or all bids.

The bill requires that the purchaser pay a deposit of 10% of the purchase price to the Director of Administrative Services not later than five business days after receiving a notice that the purchaser's bid has been accepted, and must enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing, which



must occur not later than 60 days after execution of the purchase agreement. Payment must be made in cash or by certified check made payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale or the terms and conditions of the purchase agreement must forfeit as liquidated damages the 10% deposit paid to the state. If a purchaser fails to complete the purchase, the Director may accept the next highest bid, subject to the foregoing conditions. If the Director rejects all bids, the Director may repeat the sealed bid auction or public auction, or may use an alternative sale process that is acceptable to Ohio University.

The bill requires that Ohio University pay advertising and other costs incident to the sale of the real estate. And the bill requires that the grantee must pay all costs associated with the purchase, closing, and conveyance of the real property, 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 bill requires that the net proceeds of the sale of the real estate must be paid to Ohio University and deposited into the appropriate university accounts for the benefit of Ohio University.

### **Property in Erie Township, Ottawa County (Section 7 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.

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 Ohio Adjutant General's Department without the necessity of further legislation.

The bill requires the grantee to 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 bill requires the net proceeds of the sale to be deposited into the state treasury to the credit of the Armory Improvements Fund.

### **Property in the city of Columbus (Section 8 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.

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 Bureau of Workers' Compensation without the necessity of further legislation.

The bill requires the grantee to pay all costs associated with the purchase, closing, and conveyance, including closing costs, 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 on the conveyance.

### **Perry Township property (Section 9 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.

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 Department of Mental Health and Addiction Services without the necessity of further legislation.

The bill requires the grantee to pay all costs associated with the purchase, closing, and conveyance of the real property, including the appraisal, 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 bill requires that the net proceeds of the sale be deposited into the state treasury to the credit of the Department of Mental Health and Addiction Services Trust Fund.

### **City of Dublin and Township of Washington property (Section 10 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.

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 Ohio University without the necessity of further legislation.

The bill requires the grantee to pay all costs associated with the purchase, closing, and conveyance, including the cost of surveys, title examination, title insurance, transfer fees, and recording fees.

The bill requires that the net proceeds of the sale be deposited into the state treasury to the credit of the General Revenue Fund.

### **City of Columbus property for Ohio State University (Section 11 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.



The real estate must be conveyed subject to all easements, covenants, conditions, 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 and the following reservations and restrictions:

(1) There is reserved to the grantor, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the real estate. This public right of flight includes the right to cause in the airspace any noise inherent in the operation of any aircraft used for navigation or flight through the airspace or landing at, taking off from, or operation on the Ohio State University Airport.

(2) The grantor reserves unto itself, its successors and assigns, for the use and benefit of the public, a right of entry onto the real estate to cut, remove, or lower any building, structure, poles, trees, or other object, whether natural or otherwise, of a height in excess of Federal Aviation Regulation (FAR) Part 77 (surfaces relating to the Ohio State University Airport). This public right must include the right to mark or light as obstructions to air navigation, any and all buildings, structures, poles, trees, or other objects that may at any time project or extend above the surfaces.

(3) The grantee expressly agrees for itself, its successors and assigns, to restrict the height of structures, objects of natural growth, and other requirements set forth in Part 77 of the Federal Aviation Administration (FAA) Regulations, as amended, or any similar regulations which may be enacted relating to the Ohio State University Airport.

(4) The grantee expressly agrees for itself, its successors and assigns, to file a notice consistent with requirements of FAR Part 77 (FAA Form 7460-1) prior to constructing any facility, structure, or other item on the real estate.

(5) The grantee expressly agrees for itself, its successors and assigns, to not hereafter use, nor permit, nor suffer use of the real estate in such a manner as to create electrical interference with radio communication between the installation upon the Ohio State University Airport and aircraft or as to make it difficult for fliers to distinguish between airport lights and others, or as to impair visibility in the vicinity of the airport, or as otherwise to endanger the landing, taking off, or maneuvering of aircraft.

(6) The grantee expressly agrees for itself, its successors and assigns, to not hereafter use, permit, nor suffer use of the real estate in such a manner as to create a potential for attracting birds and other wildlife which may pose a hazard to aircraft.

The foregoing covenants and agreements must run with the land, as described in the bill, for the benefit of the grantor and its successors and assigns in the ownership and operation of the Ohio State University Airport.

The bill requires the grantee to pay all fees and costs associated with the exchange and conveyance of the real estate, as well as all costs associated with the exchange and conveyance of the real estate, including: surveying costs; title costs; preparation of metes and bounds property descriptions; appraisals; environmental studies, assessments, and remediation; and recordation costs of the deeds.

### **Existing railroad property (Section 12 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.

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 University of Toledo without the necessity of further legislation.

The bill requires the grantee pay all costs associated with the purchase, closing, and conveyance, including the cost of surveys, title examination, title insurance, transfer fees, and recording fees.

The bill requires the grantee to 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 bill requires the net proceeds of the sale to be deposited into the state treasury to the credit of the General Revenue Fund.

### **United States Twelve Mile Square Reservation (Section 13 of the bill)**

Under the bill, the real estate must be sold as an entire tract and not in parcels.

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 University of Toledo without the necessity of further legislation.

The bill requires the grantee to pay all costs associated with the purchase, closing, and conveyance, including the cost of surveys, title examination, title insurance, transfer fees, and recording fees.



The bill requires the grantee to 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 bill requires the net proceeds of the sale to be deposited into the state treasury to the credit of the General Revenue Fund.

### **City of Piqua water line easement (Section 16 of the bill)**

The bill states that the Director of Administrative Services has determined that the granting of a perpetual easement affecting an existing water supply line on property near the Johnston Farm and Indian Reservation to the city of Piqua, would be in the best interest of the state of Ohio.

Accordingly, the bill requires the Director of Administrative Services to prepare and execute the perpetual water line easement document affecting the real estate.

The bill requires the city of Piqua, at its sole expense, to present the fully executed easement document for recording in the office of the Miami County Recorder.

### **Property in the city of Massillon (Section 17 of the bill)**

Under the bill, this conveyance must include improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, 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 must be conveyed in an "as-is, where-is, with all faults" condition.

Also, the deed must contain a use restriction limiting use of the real estate for behavioral health or addiction services purposes only, and prohibiting the use of the real estate as a locked incarcerate facility, and the deed may contain additional 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.

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 Department of Mental Health and Addiction Services.

The bill specifies that if Quest Recovery and Prevention Services, Inc., does not complete the purchase of the real estate and close 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 Department of Mental Health and Addiction Services to locate an alternate grantee willing to purchase the real estate. In that event, the Department of Mental Health and Addiction Services must pay all advertising costs, additional fees, and other costs incident to the sale of the real estate.

Under the bill, the grantee must pay all costs associated with the purchase, closing, and conveyance of the subject real property, including the appraisal, 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.

Prior to the closing and sale of the subject real estate, the grantee's use and possession of the subject real estate is to be governed by an existing interim lease between the Department of Administrative Services and the grantee. (Section 4 of the bill.)

Under the bill, this conveyance must include improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, 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 must be conveyed in an "as-is, where-is, with all faults" condition.

Also, the deed must contain a use restriction limiting use of the real estate for behavioral health or addiction services purposes only, and prohibiting the use of the real estate as a locked incarcerate facility, and the deed may contain additional 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.

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 Department of Mental Health and Addiction Services.

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## HISTORY

ACTION	DATE
Introduced	06-01-15
Reported, H. Gov't Accountability & Oversight	---

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